

**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, August 27, 2012**

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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.

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**CITY COUNCIL AGENDA  
Monday, August 27, 2012**

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## 2:00 P.M. CITY ATTORNEY'S EVALUATION CH-14

## 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. Airport FY2012 Annual Report and Future Development

**Resources:** Jerry Orr, Aviation  
Drew Riolo, Airport Advisory Committee, Past Chair

**Time:** 20 minutes

#### **Synopsis**

- The Airport Advisory Committee is required by its charter to report annually on the Airport's accomplishments and challenges. A video presentation will detail the Airport's FY2012 statistics and accomplishments.
- The video will be followed by a brief PowerPoint presentation featuring key initiatives of the Airport's forthcoming development plan.

### 3. High Growth Entrepreneur Strategy

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

**Time:** 20 minutes

#### **Synopsis**

- In May 2011, City Council directed staff to develop a strategy that helps grow the local economy through support of high growth enterprises and referred the item to the Economic Development Committee (Committee).
- High growth enterprises are defined as those small businesses that account for a disproportionately high share of job creation in a local economy.
- Since that time, staff has worked with the Committee and leaders in the community to define the appropriate role for the City that best accomplished the following goals:
  - Attracting and keeping high growth entrepreneurs in Charlotte
  - Increasing the amount of venture capital investment into Charlotte-based enterprises

- Increasing the amount of federal research dollars awarded to our local colleges and universities
- On July 19, 2012, the Committee asked staff to share the proposed strategy with the City Council, prior to recommending its adoption at a future business meeting.
- The proposed strategy includes the following activities:
  - Develop a communications plan for the Mayor and City Council that promotes Charlotte’s history and spirit of entrepreneurship, and seeks opportunities to raise the profile of the City on the topic statewide and nationally
  - Evaluate the merits of City financial participation in a new non-profit fund to be used for development, awareness and capacity building for local entrepreneurial organizations, events, and programs
  - Encourage City departments, where feasible, to seek solutions from local start-ups with innovative products and services
  - Support the development of inexpensive, collaborative work space for start-ups in the business corridors, or if opportunities arise, underutilized City-owned facilities
  - Partner with the Charlotte Research Institute at UNC-Charlotte and other local universities to accelerate the Charlotte’s growth as a major research center
- The Committee will discuss the proposed strategy again at their September 27<sup>th</sup> meeting.

## 5:15 P.M. DINNER BREAK

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

**Resource:** Julie Burch, City Manager’s Office

**Time:** 10 minutes

**Synopsis**

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

### 5. Closed Session

**Action:**

**A. Adopt a motion pursuant to NCGS 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, and**

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

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

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

**6. Women's Equality Day**

**Action:** Mayor Foxx will read the Women's Equality Day Proclamation in recognition of the 92<sup>nd</sup> anniversary of U.S. women winning the right to vote.

**7. Charlotte B-Cycle Program**

**Action:** Mayor Foxx will recognize Ellison Clary of Blue Cross Blue Shield of North Carolina, Michael Smith of the Charlotte Center City Partners, and Dianna Ward of the Charlotte B-Cycle Program for the development and implementation of Charlotte's bike sharing system.

**8. Dilworth Home Tour**

**Action:** Mayor Foxx will recognize Cindy Schwartz from the Dilworth Community Development Association for the scheduled Dilworth Home Tour to be held on September 21-22.

**CONSENT**

**9. Consent agenda items 18 through 52 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## PUBLIC HEARING

### 10. Public Hearings on Voluntary Annexations

- Action:**
- A. Hold public hearings for voluntary annexations 1 – 11:**
1. County-owned Winget Park
  2. County-owned portion of the Coffey Creek Greenway I
  3. City-owned portion of the Coffey Creek Greenway I
  4. County-owned portion of the Coffey Creek Greenway II
  5. City-owned portion of the Coffey Creek Greenway II
  6. City-owned Steele Creek/Byrum,
  7. City-owned West/Byrum I
  8. City-owned West/Byrum II
  9. City-owned West/Byrum III
  10. County-owned McIntyre Creek Greenway
  11. City-owned Airport property currently outside the City limits
- B. Adopt ordinances with an effective date of August 27, 2012 to extend the corporate limits to include these properties and assign each to the adjacent Council district, and**
- C. Adopt a resolution assigning Parcel 105-311-09 to City Council district 4.**

**Staff Resource:** Jonathan Wells, Planning

**Policy:**

City Annexation Policy and State Annexation Statutes

**Explanation**

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Voluntary annexation petitions were developed for County-owned parcels (currently vacant) immediately adjacent to the current City boundaries, consisting of:
  - Winget Park (40.86 acres) on Winget Road in Steele Creek area
  - Portions of Coffey Creek Greenway I and II (31.51 acres) off Shopton Road in Steele Creek area
  - McIntyre Creek Greenway (16.55 acres) off Miranda Road in the Oakdale area
- In addition, it is proposed to annex the following vacant City properties:
  - Portions of Coffey Creek Greenway I and II (213.85 acres) off Shopton Road in Steele Creek area
  - Steele Creek/Byrum area (10.27 acres) near the southeast corner of Steele Creek Road and Byrum Road in Steele Creek area
  - West Byrum I, II, and III (97.94 acres) at the Steele Creek Road/ Byrum Road intersection in Steele Creek area
  - Western portion of the airport between the current City limits and Interstate 485

- Annexation ordinances establish effective annexation date of August 27, 2012 for these properties.
- Ordinances also assign the annexed areas to the City Council districts to which they adjoin.
- Action item C would assign 5.99-acres of common space in the Brantley Oaks community that was voluntarily annexed on December 31, 2010. This property, which immediately abuts District 4, was inadvertently left out of the data base used for the 2011 redistricting process and, therefore, was not assigned to a Council district. As common area, no voters live on this property.

**Consistent with City Council Policies**

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

**Attachment 1**

Annexation Ordinances  
Resolution  
Maps

## POLICY

### 11. City Manager's Report

### 12. First Ward Redevelopment Project Economic Development Grant and Reimbursement Agreement Amendment



**Action:** Approve the Economic Development Committee recommendation for an Amendment to the Economic Development Grant and Reimbursement Agreement (Agreement) between the City of Charlotte, Mecklenburg County, and Levine Properties Inc. for the First Ward Redevelopment Project that allows for:

- A new location for one of two parking decks
- A reduction of the maximum deck grant amount from \$29,750,000 to \$23,705,792

**Committee Chair:** James Mitchell

**Staff Resources:** Peter Zeiler, Neighborhood & Business Services  
Robert Hagemann, City Attorney's Office

#### Background

- In July 2009, City Council authorized the Agreement between the City of Charlotte, Mecklenburg County and Levine Properties, Inc. to facilitate the First Ward Redevelopment Project, which is expected to generate \$700,000,000 of new construction over a 10-year period.
- The original project included:
  - A mixed-use redevelopment of eight city blocks in First Ward
  - A new 3.2 acre park between 7<sup>th</sup> Street, 9<sup>th</sup> Street, Brevard Street and the light rail line
  - Improvements to 8<sup>th</sup> and Brevard Streets
  - 1,335 public parking spaces, including 1,030 spaces for the general public and 305 spaces serving the University of North Carolina – Charlotte (UNCC) Uptown campus to be provided in two parking decks:
    - o Approximately 465 spaces in a below-grade deck under the park and adjacent to UNCC
    - o Approximately 870 spaces in an above-grade deck east of Brevard Street and between 8<sup>th</sup> and 9<sup>th</sup> Streets
  - 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).
- The Agreement included a 10-year, 45% tax increment grant to help fund the public parking with a maximum deck grant amount of \$29,750,000.

**Explanation**

- In September 2011, Levine Properties requested a modification to the parking portion of the Agreement due to the lack of available financing for the project and the construction cost of the proposed below-grade parking deck.
- From October 2011 to April 2012, Levine Properties, UNCC, the City, and the County jointly evaluated options for replacing the below-grade deck with an alternate deck.
- In May 2012, Levine Properties presented staff with a final proposal for Council consideration.
- This proposal contemplates two phases of construction. Phase One includes deletion of the original below-grade deck and substitution with two above-grade decks.
  - One deck is to be adjacent to UNCC and will have 300 general public spaces (Park Deck).
  - The other deck is to be adjacent to the proposed 10<sup>th</sup> Street extension and will have 730 general public spaces and 305 UNCC spaces (10<sup>th</sup> Street Deck).
- Phase One delivers the agreed upon 1,030 general public parking spaces and 305 UNCC spaces simultaneously instead of in two phases as originally contemplated.
- The tax increment grant in the amended Agreement would apply only to the Park Deck and 10<sup>th</sup> Street Deck.
- The second phase will construct a third above-grade parking deck on the block bounded by 7<sup>th</sup> Street, 8<sup>th</sup> Street, Brevard Street, and Caldwell Street (Brevard Deck).
- Upon completion of the Brevard Deck, 300 general public spaces would be relocated from the 10<sup>th</sup> Street Deck to the Brevard Deck, bringing them adjacent to the proposed park.
- Staff recommends these modifications for the following reasons:
  - The project can secure funding and break ground before expiration of Agreement in December 2012.
  - The City/County Economic Development Grant Agreement obligation will be reduced by \$6,044,208 (20%).
  - Both parking decks will be constructed simultaneously in Phase One, with all public and UNCC parking delivered earlier than previously projected.
  - All workforce housing obligations will be delivered in Phase One adjacent to the 10<sup>th</sup> Street deck.
  - UNCC parking needs will be satisfied in Phase One.

**Committee Discussion**

- On July 21, 2012 the Economic Development Committee received a presentation on the proposed modification and voted unanimously (Cooksey, Howard, Mayfield) to approve the recommendation.

**Attachment 2**

Maps

## BUSINESS

### 13. Amendment to the Elizabeth Avenue Development Agreement

**Action:** Approve an amendment to the Elizabeth Avenue Development Agreement with Providence Road Land Partners, Grubb Properties, Novant Health, and East Park LLC (collectively, the Developer), extending the parking financing commitment date for up to 1,000 public parking spaces from September 15, 2014 to September 15, 2020.

**Staff Resource:** Peter Zeiler, Neighborhood & Business Services

#### Explanation

- In 2004, City Council and the Board of County Commissioners approved the Agreement with the Developer for the revitalization of the Elizabeth Avenue District, a six block area bounded by East 4<sup>th</sup> Street, Charlottetowne Avenue, Park Drive/East 5<sup>th</sup> Street, and Hawthorne Lane.
- On May 23, 2011, the Developer requested an extension of six years to September 15, 2020 by which the parking financing must be in place, citing delays to their project schedule due to:
  - Economic recession and credit crisis which further limited new development opportunities
  - Construction and rehabilitation of public and private utility infrastructure and the construction of a new streetscape on Elizabeth Avenue in the project area
- After meeting with the Developer on several occasions to better understand the project timeline, staff recommends approval of the extension for the following reasons:
  - Since 2004, the Developer has made progress on the redevelopment by providing 52,048 square feet of retail and 32,329 square feet of office space. The Developer has also demolished over a dozen abandoned or obsolete structures, and completed 85% of planned land assemblage.
  - No other element of the Agreement will change, and all financing conditions approved by the City and County will remain.
- The Board of County Commissioners will consider this request on September 18, 2012.

#### Background

- The Agreement called for the Developer's parking financing to be in place within 10 years of the approval, or by September 15, 2014.
- The estimated \$220 million plan includes:
  - 250,000 square feet of retail
  - 340,000 square feet of office
  - 810 residential units
  - 150 hotel rooms
  - 3,000 structured parking spaces
- Under the terms of the Agreement, the Developer would provide up to 1,000 parking spaces to be designated for public use, which the City would purchase in installments contingent upon the Developer meeting the following thresholds for commercial and residential development:

- For 250 or more public parking spaces, the Developer will provide at least 100,000 square feet of commercial development (of which at least 25% must be retail) and at least 100 multi-family residential units.
- For 500 or more public parking spaces, the Developer will provide at least 200,000 square feet of commercial development (of which at least 40% must be retail) and at least 250 multi-family units (of which at least 125 units must be rental and at least six of such units must be affordable for households earning 60% or less of the Area Median Income (AMI)).
- For 750 or more parking spaces, the Developer will provide at least 450,000 square feet of commercial development (of which at least 50% must be retail) and at least 600 multi-family units (of which at least 300 units must be rental and at least 15 of such units must be affordable for households earning 60% or less of AMI).
- In addition, the City will not purchase any public parking spaces unless a minimum of \$25 million in new property tax base is generated in the project area, and the new tax revenue to the City and County is at least 110% of the debt service payments for the spaces.

#### **Small/Minority/Women Business Opportunity**

In this joint City/County development agreement, the Developer has agreed to an aggregate MWSBE goal of 16% for the project, and includes an MBE goal of 11%, a WBE goal of 5%, and an SBE goal of 5% (Note: some subcontractors may qualify as both an SBE and MWBE).

#### **Funding**

Synthetic Tax Increment Grant

## **14. Business Investment Grant for Genpak LLC**

**Action:** Approve the City's share of a Business Investment Grant to Genpak LLC for a total estimated amount of \$147,723 over three years (total City and County grants estimated at \$423,767).

**Staff Resource:** Peter Zeiler, Neighborhood & Business Services

#### **Policy:**

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

#### **Explanation**

- Genpak is a privately held company producing food service packaging products such as take-out containers, plate, bowls, and trays.
- Genpak is headquartered in Glen Falls, NY and has two facilities in southwest Charlotte with approximately 120 employees.
- Genpak will open a new third manufacturing facility to produce paper bags, a new product line for the company. The company announced their project on June 25, 2012.
- The State is offering a Community College Training Assistance grant in the amount of \$104,000. This grant is designed to assist businesses maintain their competitive edge in attracting and training skilled workers to new and expanding companies.

- With the project, Genpak expects to invest \$15 million in new taxable property or improvements to buildings, create 80 new full-time jobs with an average annual wage of \$38,381 (115% of regional average production salary).

**Business Investment Grant**

- This project meets all of the Council-approved criteria for a three-year Business Investment Grant based on 90% of the net new property taxes.
- City Council indicated its intent to approve the project on October 10, 2011.
- The Board of County Commissioners indicated its intent to approve the project on October 18, 2011.
- The Board of County Commissioners approved the proposal on August 14, 2012.
- General terms and conditions of the grant include:
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office
  - All property taxes due from the company must be paid prior to a grant payment being processed
  - The City’s share of this grant is estimated to be \$147,723 over three years; total City/County grant estimated to be \$423,767.
- If approved, the following is a schedule of the estimated Investment Grant payments to Genpak:

<b>Year</b>	<b>City</b>	<b>County</b>	<b>Totals</b>
1	\$ 53,803	\$100,540	\$154,343
2	\$ 49,084	\$ 91,721	\$140,805
3	\$ 44,836	\$ 83,783	\$128,619
<b>Total</b>	<b>\$147,723</b>	<b>\$276,044</b>	<b>\$423,767</b>

**Funding**

Business Investment Grant

## 15. Police Laboratory and Property Information Management System



- Action:**
- A. Approve a five-year contract with Porter Lee Corporation, in the estimated amount of \$320,000, for the implementation, maintenance and support of a Laboratory and Property Information Management System, and**
  - B. Authorize the City Manager to approve up to two, one-year renewal options for continuing maintenance and support, in the estimated annual amount of \$17,000 as authorized by the contract, and contingent upon the company's satisfactory performance.**

**Staff Resources:** Ruth Story, Police  
Rick Williams, Police  
Brian Russell, Police

### Explanation

- On August 24, 2009, City Council accepted the American Recovery and Reinvestment Act grant of \$4,453,144.
- The Laboratory and Property Information Management System (LIMS/PIMS) is the system with which the Charlotte-Mecklenburg Police Department (CMPD) manages impounded property evidence and Crime Laboratory requests and results and makes that evidence available to the District Attorney and U.S. Attorney.
- LIMS/PIMS forms a vital link between law enforcement, which gathers and analyzes physical evidence, and the District Attorney's and U.S Attorney's offices which use that evidence to prosecute alleged perpetrators.
- Police currently has two disparate, custom built in-house LIMS/PIMS systems. Challenges presented by these systems include the following:
  - The systems interface very little with one another and with other City systems.
  - Inefficiencies caused by the existing system structure require significant manual data entry, resulting in considerable time expended by both officers and non-sworn employees to collect, document, catalogue, receive and store impounded items and to manage laboratory requests, testing, approvals and reporting.
- The selected Laboratory and Property Information Management System is a fully integrated, scalable and flexible solution that will meet Police's immediate goals and allow for expansion in the future. Features of the selected system include:
  - Information sharing and updating by and among other City systems
  - Automation of the property impound, inventory and disposition processes
  - Simplified user interface and process management tools unique to property control and laboratory environments with full chain of custody control
  - Extensive property and laboratory reporting and asset management
  - Increased efficiency in making information available to the District Attorney and U.S. Attorney

**Selection Process**

- The City issued a Request for Proposal (RFP) for a Laboratory and Property Information Management System on January 26, 2012.
- In response to the RFP, the City received six proposals from interested service providers.
- The Project Team, consisting of staff from Shared Services' Procurement Services Division and Charlotte-Mecklenburg Police Department's Property and Evidence Management Division, Crime Lab Division, and Computer Technology Solutions Division, evaluated the proposals and selected three service providers for further evaluation and demonstrations.
- The Project Team recommends awarding the contract to Porter Lee Corporation as the service provider best meeting the City's needs in terms of qualifications, experience, and cost effectiveness.

**Small Business Opportunity**

No SBO 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**

Technology Capital Investments (\$100,000), 2009 American Recovery and Reinvestment Act Justice Assistance Grant (\$141,000), Assets Forfeiture (\$79,000), and Police Operating Budget (\$17,000)

**Attachment 3**

SBO Policy Reference

**16. Conclusion of Consent Agenda**

<b>Action:</b> <b>Approve consent items that Council members pulled for discussion or additional information.</b>
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**17. 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."

## 18. Airport Taxiway D South Extension

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$5,235,053 for the construction of the Taxiway D South Extension,**
  - B. Award the low bid contract of \$6,742,052 to Triangle Grading and Paving, Inc. for the construction of the Taxiway D South Extension,**
  - C. Approve a contract with On-Spec Testing, Inc. in the amount of \$149,985 for quality assurance testing services,**
  - D. Approve a contract with Talbert, Bright, and Ellington, Inc. in the amount of \$88,034 for construction administration services, and**
  - E. Adopt a budget ordinance appropriating \$5,235,053 in FAA grant funds and \$1,745,018 in Airport Discretionary Funds.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In November 2009, City Council approved a contract with Talbert, Bright and Ellington, Inc. to design the Taxiway D Extension.
- The taxiway extension will increase airfield capacity by providing direct access to the east side of Runway 18L for aircraft using the Air National Guard and corporate facilities, as well as providing a bypass for air carrier aircraft departing on that runway at peak times.
- The FAA provides Discretionary Airport Improvement Program (AIP) grant funding annually for which airports nationwide compete based on specific criteria including safety and capacity enhancement for the national airspace system.
- The FAA has offered the City an AIP discretionary grant in the amount of \$5,235,053 for construction of the taxiway extension. The grant will cover 75% of the construction costs.
- The remaining costs for construction (25%) will be funded by future General Airport Revenue Bond proceeds, the debt service of which will be paid for with Passenger Facility Charge (PFC) revenues.
- The work will be complete in first quarter of 2013.

### Disadvantaged Business Opportunity

Triangle Grading and Paving, Inc.

Established DBE Goal: 15%

Committed DBE Goal: 15.00%

Triangle Grading and Paving met the established goal and committed 15.00% (\$1,011,308) of the total bid amount to the following DBE firm(s): Bullington Construction, Inc. (fence), Carolina Environmental Contracting, Inc. (silt fence erosion control), Martin Landscaping Co, Inc. (landscaping), and Cruz Brothers Concrete, Inc. (concrete).

On-Spec Testing, Inc.

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Talbert, Bright, and Ellington, Inc.

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

**Funding**

Aviation Capital Investment Plan

**Attachment 4**

Resolution

Budget Ordinance

**19. Airport Parking Deck Construction Change Order**

**Action:**

**A. Approve change order #2 with Archer Western Contractors, LTD. in the amount of \$580,180 for construction changes related to the rental car fuel system, and**

**B. Adopt a budget ordinance in the amount of \$580,180 from the Contract Facility Charge (CFC) Fund Balance.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In July 2009, Council awarded contracts for the design of a new parking deck accommodating 4,000 hourly parking spaces and three floors for rental car facilities.
- In November 2011, Council awarded a contract to 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 existing 2,713 space hourly decks located in front of the Terminal.
- Change order #1 was a no cost change order that revised the construction schedule of the deck, moving the substantial completion of the deck from March 2015 to November 2014, which gives the Airport the opportunity to increase parking revenue in FY2015.
- Change order #2 accommodates changes needed to improve fire protection and allows the ability to store fuel adjacent to the deck in lieu of pumping from fuel farm on Old Dowd Rd, which saves \$2 million in overall project cost.
- The new contract total is \$121,580,180.
- Funding for this change order comes from proceeds of CFC revenues.

**Small Business Opportunity**

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

**Funding**

Aviation Capital Investment Plan

**Attachment 3**

SBO Policy Reference

**Attachment 5**

Budget Ordinance

**20. Airport Contract for Architectural Services**

**Action: Approve a contract with Roy Johnson, AIA in an amount up to \$249,600 to provide planning and architectural services at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- This contract is for the professional services of Roy Johnson, Architect, to assist airport staff in planning and implementing improvements to and construction of structures at the airport, including the main passenger terminal.
- Mr. Johnson has been involved with airport terminal development for over 30 years. For the past 12 years, he has worked under contract for the airport.
- The scope of his services includes developing design concepts, negotiating contracts, reviewing plans, value engineering and master planning.
- During the next three years, the airport will be developing:
  - Terminal and gate expansions
  - Wilson Air Center Renovations
  - Adding new airport parking decks
  - New roads and access systems
- Mr. Johnson will be working on a part-time basis at the hourly rate of \$150 per hour for hours worked.

**Disadvantaged Business Opportunity**

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

**Funding**

Aviation Capital Investment Plan

## 21. Airport Grant Acceptance

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$4,628,482 for the rehabilitation of Runway 18C/36C,**
  - B. Adopt a resolution accepting a North Carolina Department of Transportation (NCDOT) grant in the amount of \$450,000 for the rehabilitation of Runway 18C/36C,**
  - C. Adopt a budget ordinance appropriating \$4,628,482 in FAA grant funds and \$450,000 in NCDOT grant funds, and**
  - D. Adopt a budget ordinance transferring \$5,075,000 of 2010 Series 'C' General Airport Revenue Bonds to the Debt Service Fund (bond debt is called in increments of \$5,000).**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In August 2011, the Airport closed Runway 18C/36C for 70 days to complete a \$26 million rehabilitation of the concrete pavement.
- The project was funded with variable-rate callable General Airport Revenue Bonds (GARBS) in anticipation of future grant funding to cover 75% of the project cost.
- Each year the FAA provides Airport Improvement Program (AIP) entitlement grant funding based on the Airport's operations and boarded passengers. The total amount of AIP entitlement funding for CLT this year was \$12,128,482.
- In June 2012 City Council adopted a resolution accepting an AIP entitlement grant in the amount of \$20.5 million to fund a portion of the new runway under the Letter of Intent (LOI) signed by FAA in 2006. Part of that grant included \$7.5 million of the Airport's entitlement grant funding for this fiscal year, which was required to fund the new runway project as stipulated in the LOI.
- The remaining entitlement grant funds for this year is \$4,628,482, which is 18% of the eligible project cost for the Runway 18C/36C Rehabilitation project. The Airport anticipates additional grant funding to be available over the next few fiscal years to complete the eligible funding for the project.
- Additionally, the NCDOT provides funding for airports on an annual basis. The big three airports (Charlotte, Raleigh, and Greensboro) each receive the same amount of funding. This year that grant amount is \$450,000.
- The NCDOT grant will also provide funding for the Runway 18C/36C Rehabilitation project. It will cover a portion of the local share of the project, which is 25% of the total construction cost. The grant will fund 7% of that local share.
- Upon receiving the grant funds, the City will call \$5,075,000 in variable-rate GARBS, thereby reducing the bond debt for the project.
- The budget ordinance for the grants is \$3,482 less than the budget ordinance transferring revenue bonds to debt service because bond debt is called in increments of \$5,000.

### Funding

Aviation Capital Investment Plan

**Attachment 6**  
Resolutions  
Budget Ordinance

## 22. Utilities Street Main Extensions, Contracts 1 & 2

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

- R. H. Price, Inc., \$1,343,017.70
- Davis Grading, \$1,375,438.05

**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.
- 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%

#### R. H. Price Inc.

Committed SBE Goal for Contract 1: 5.21%

R.H. Price, Inc. exceeded the SBE goal for this project and has committed 5.21% (\$70,000) to the following SBE firms: C & D Utilities (pipe installation services); and Jaamco Drain Cleaning, Inc. (CCTV inspection).

#### Davis Grading Inc.

Committed SBE Goal for Contract 2: 5.00%

Davis Grading, Inc. met the SBE goal for this project and has committed 5.00% (\$68,800) to the following SBE firms: Boyle Consulting( soil testing services); MTC Consultants (back flow testing); and Union Paving (asphalt paving).

### Funding

Utilities Capital Investment Plan

## 23. Utilities Pre & Post Blast Surveys Professional Services

**Action:** Approve a contract for pre and post blast surveying services during construction of the McAlpine Creek Relief Sewer Phase 3 and Irvins Creek Relief Sewer to ECS Carolinas, LLP in the amount of \$473,640.25.

**Staff Resource:** Barry Shearin, Utilities

### Background

- The construction contract for the McAlpine Creek Relief Sewer Phase 3 and Irvins Creek Relief Sewer Project was awarded by Council on May 29, 2012.
- McAlpine Creek Relief Sewer Phase 3, which is approximately 30,880 linear feet, will be constructed between Colony Road and Independence Boulevard.
- Irvins Creek Relief Sewer, which is approximately 5,590 linear feet, will be constructed along Irvins Creek between McAlpine Creek Relief Sewer Phase 3 and Independence Boulevard.
- Construction is scheduled to begin in September 2012 and completed by the end of the calendar year 2015 at a total cost of \$22,497,720.30.

### Explanation

- It is anticipated that some rock will be encountered during the construction of the project and blasting will be required to remove the rock.
- The services of seismologists are needed to ensure that the construction blasting specifications are strictly adhered to, in order to help avoid damage to nearby structures.
- The pre- and post-blast surveys are used to document the condition of structures within a 500-foot radius of the blasting area prior to and after blasting activities. There are a total of 1,265 structures within the affected area.
- ECS is required to make three attempts to contact property owners prior to any blasting, giving them the opportunity to have a pre-blast survey of their property. Nearby structures, such as roads and bridges, will be surveyed to document pre-existing conditions.
- There is no cost to property owners for these surveys.
- At the request of property owners or CMUD, post-blast surveys will be conducted to determine if any damage was a result of blasting.
- The contractor is liable for any property damage resulting from their blasting operations.
- This firm was selected using the Council approved qualifications-based selection process.

### 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

Utilities Capital Investment Plan

### Attachment 3

SBO Policy Reference

## 24. Utilities Waste Container Rental, Hauling, and Disposal

- Action:**
- A. Approve a contract with Republic Services, Inc. for the rental of solid waste containers, and hauling and disposal services for three years up to \$1,500,000, and**
  - B. Authorize the City Manager to renew the contract for one additional two-year term with possible price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- Paper, plastics and other inorganic debris are removed and collected at the beginning of the wastewater treatment process.
- Republic Services owns the landfill located near Charlotte Motor Speedway, which is the only landfill in the Mecklenburg County area permitted to accept this type of debris.
- Most of the containers required for the wastewater treatment plants have been specially designed and built to fit into the locations where the debris is collected.
- These containers are very expensive to purchase and require frequent repairs due to the hazardous environment. Therefore, it is in the City's best interest to rent these containers, holding Republic responsible for their maintenance and upkeep. We are currently renting the containers at five wastewater plants.
- The fee schedule for this contract is comprised of four elements; container rental, hauling fees, disposal of debris (per ton), and fuel.
  - Rental and hauling fees are set as flat monthly charges. Under the terms and conditions of this contract CMUD will receive both for less than currently being charged.
  - Disposal of debris is a set per ton fee. These fees constitute the largest portion of the cost associated with this contract. The fee schedule set up in this contract will decrease this expense to CMUD by at least 7% annually.
  - Fuel fees are a set percentage of the other three expenses combined. The terms of the contract will decrease and hold firm this charge at 10%.
- Republic will replace numerous containers at no extra charge to CMUD per the terms of this contract.

### 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

Utilities Operating Budget

### Attachment 3

SBO Policy Reference

## 25. Davidson Water Main Engineering Design Contract

**Action:** Approve a contract for design of the Davidson water main project, in the amount of \$246,716 to Willis Engineers.

**Staff Resource:** Barry Shearin, Utilities

### Explanation

- In 2009 Utilities completed a Master Plan of the water system throughout Mecklenburg County.
- The Plan resulted in a list of water system improvements throughout the county over that time period that were or would be needed to improve existing or projected water service.
- The plan recommended a new 24-inch water main from existing larger mains in Cornelius to Davidson to improve water service to the area, alleviate low pressures during peak demand periods, and augment fire flows to the area.
- The water main project is included in the Utilities Capital Improvement Plan.
- Utilities issued an RFQ for planning and design services for this water line in accordance with City Council selection policy. Willis Engineers was selected for the project based on their previous experience in the design of large diameter water mains.
- This contract provides for the following tasks:
  - Water line route evaluation
  - Surveying and easement mapping
  - Detailed design
  - Permitting
- It is anticipated a future contract will be negotiated with Willis Engineers for construction administration services in conjunction with the construction project.
- Construction is scheduled to begin in September 2014, at an estimated cost of \$2.5 million.

### Small Business Opportunity

Committed SBE Goal: 14.14%

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, Willis Engineers committed 14.14% (\$34,895) of the total contract amount to the following SBE firms: Survey & Mapping Control, Inc. (surveying and mapping services), and On-Target Locate Services, Inc. (utility locating services). Willis Engineers is also a City of Charlotte certified SBE firm.

### Funding

Utilities Capital Investment Plan

### Attachment 3

SBO Policy Reference

## 26. Traffic Signal Malfunction Management Units

- Action:**
- A. Award the low bid unit price contract of \$67,000 to RAI Products, Inc. for traffic signal malfunction management units for one year, and
  - B. Authorize the City Manager to extend up to two additional one-year terms with possible price adjustments as authorized by the contract.

**Staff Resource:** Charles Abel, Transportation

### Explanation

- Traffic signal malfunction management units (MMUs) are critical equipment in keeping traffic signals running safely.
- MMUs monitor the individual signal display indications placing all signals at the intersection in flashing mode when a conflict is detected.
- Equipment will be used for new traffic signal installations, to replace MMU's that have failed, and to upgrade existing MMU's. CDOT replaces approximately 100 MMUs each year.
- RAI Products, Inc. was low bidder of six bids received.

### Small Business Opportunity

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

### Funding

Transportation Capital Investment Plan

### Attachment 3

SBO Policy Reference

## 27. Metropolitan Planning Program Grant Municipal Agreement

- Action:** Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) to support transit-planning activities for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO).

**Staff Resources:** Jayne Peterson, Transportation  
Phil Reiger, Transportation

### Explanation:

- The Federal Transit Administration (FTA) awarded the FY2013 Metropolitan Planning Grant to the City of Charlotte in July 2012.

- The total FTA planning budget for the City of Charlotte is \$432,120, of which \$345,696 (80%) consists of federal funds, \$43,212 (10%) of state funds, and \$43,212 (10%) of local funds.
- In 2007, NCDOT began requiring grant recipients to enter into a new Municipal Agreement to receive the annual allocation.
- The City of Charlotte has received this grant for many years as the lead planning agency for MUMPO and as the major fixed route transit operator for the urban area. The Charlotte Department of Transportation (CDOT) and the Charlotte Area Transit System are responsible for the deliverables associated with this grant.
- The City must use the funds to support transit-planning activities. CDOT will use these funds for travel demand modeling and other activities related to transit.
- This funding was included in the Council's adopted FY2013 budget. This Municipal Agreement is necessary to receive the federal and state reimbursement.

### **Funding**

Federal and State Transportation Assistance Planning Grant

### **Attachment 7**

Resolution

## **28. Private Developer Funds for Traffic Signals**

**Action: Adopt a budget ordinance appropriating \$142,500 in Private Developer Funds for Traffic Signal Improvements.**

**Staff Resource:** Scott Putnam, Transportation

### **Explanation**

- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
  - Walmart Stores, Inc. contributed \$45,000 for traffic signal modifications at the intersection of E. Independence Boulevard and Village Lake Drive.
  - The Bissell Companies, Inc. contributed \$35,500 for traffic signal modifications at the intersection of Ballantyne Commons Parkway and North Community House Road.
  - DG Retail Ventures, LLC, contributed \$24,000 for signal modification at the intersection of Ardrey Kell Road and Rea Road.
  - Long Animal Hospital, contributed \$28,000 for signal modification at the intersection of Ideal Way and South Boulevard.
  - Charlotte Center City Partners, contributed \$5,000 to assist in the cost of a new signal at the intersection of West 6<sup>th</sup> Street and North Pine Street.
  - Friends of 4<sup>th</sup> Ward, contributed \$5,000 to assist in the cost of a new signal at the intersection of West 6<sup>th</sup> Street and North Pine Street.
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- The \$142,500 in private developer funding is restricted to these projects. Any funding that is unused will be refunded after project completion.

### **Funding**

Developer Contributions

**Attachment 8**  
Budget Ordinance

## 29. LED Traffic Signal Modules

**Action:**

**A. Approve the purchase of LED (light emitting diodes) signal modules as authorized by the State contract exception of G.S. 143-129 (e) (9), and**

**B. Approve contracts with Dialight Corporation, Leotek Electronics USA Corporation, and Excellence Opto Inc. for the purchase of LED vehicle and pedestrian traffic signal modules per State Contract #550A in the aggregate amount of up to \$500,000 for one year.**

**Staff Resources:** Ronnie Ashburner, Transportation  
Amy Ashe, Transportation

### State Contract Exception

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

### Explanation

- LED traffic signal modules are used by the Charlotte Department of Transportation for all traffic and pedestrian signal indications.
- There are an estimated 25,000 traffic and pedestrian signals in the City. This contract will provide approximately 7,500 replacement LED modules. LEDs have a five year warranty and life expectancy of five to seven years.
- LEDs are more energy efficient than incandescent bulbs, using one-third less energy with very little heat.
- The North Carolina State Purchase & Contract competitively bid these items following a public, formal bid process in compliance with the North Carolina State statutes.
- Purchasing off of State contracts allows the City to take advantage of favorable terms and conditions that ensure the provision of LED traffic signal modules in a timely manner for the same or better pricing than the City is able to contract on its own.
- The City of Charlotte will participate with the State in the bid process once this contract expires in 2013.

### Small Business Opportunity

Contracts purchased off of an existing State contract are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

### Funding

Transportation Operating Budget

**Attachment 3**  
SBO Policy Reference

### 30. Plant Mix Asphalt

- Action:**
- A. Approve the purchase of bituminous plant mix asphalt as authorized by the State contract exception of G.S. 143-129 (e) (9),**
  - B. Approve the unit price contracts with the following three vendors, who have agreed to extend to the City the same low bid unit prices offered to the North Carolina Department of Transportation (NCDOT) for plant mix asphalt, in the aggregate amount of up to \$5.7 million for one year:**
    - Ferebee Asphalt Corporation
    - Blythe Construction, Inc.
    - Rea Contracting
  - C. Authorize the City Manager to extend these contracts for one, one-year optional renewal period with possible price adjustments as authorized by the contracts.**

**Staff Resource:** Charles Jones, Transportation

#### State Contract Exception

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

#### Explanation

- Bituminous plant mix asphalt is used by City crews conducting maintenance and repair activities on roadway surfaces. These activities include the patching of potholes, repair of utility cuts, as well as limited paving activities.
- The amount of asphalt to be purchased will vary between vendors based on the proximity of maintenance activities related to the vendor's plant location.
- The unit price contracts guarantee a purchase price equal to the same unit price as NCDOT will pay to these companies for asphalt during FY2013.
- The NCDOT statewide contracts were competitively bid following a public, formal bid process in compliance with State statutes. The effective date of these NCDOT contracts with the above vendors is July 1, 2012.
- The City's three unit price contracts offer the City flexibility to procure asphalt from numerous qualified vendors with asphalt plants in close proximity to the street projects, thus decreasing response time and delivery costs.
- Purchasing off of State contracts enables the City to take advantage of favorable terms and conditions that ensure the provision of asphalt in a timely manner, the

same or better pricing than the City is able to contract for, and greater administrative ease in managing all asphalt contracts.

- Plant mix asphalt is used primarily for maintenance activities performed by City crews such as pothole patching, utility repairs, and dig-out of damaged roadway and is not related to resurfacing contract activities.

#### **Small Business Opportunity**

Contracts purchased off of an existing State contract are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

#### **Funding**

Street Maintenance Powell Bill Fund

#### **Attachment 3**

SBO Policy Reference

### **31. 2012 Justice Assistance Grant**

**Action:**

**A. Accept the 2012 Justice Assistance Grant (JAG), in the amount of \$529,135, from the U.S. Department of Justice, and**

**B. Adopt a budget ordinance appropriating \$529,135 in funds from the U.S. Department of Justice.**

**Staff Resources:** Katrina Graue, Police  
Darrellyn Kiser, Police

#### **Explanation**

- The City of Charlotte has received the 2012 Justice Assistance Grant. The grant is awarded annually to qualifying municipalities to be used for law enforcement purposes.
- The award amount is determined by the City's reported UCR 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
- The City will receive \$396,851 which is 75% of the funds. The County will receive \$132,284 which is 25% of the funds.
- Police will use the City funds for two purposes:
  - \$286,121 will be used for overtime funds to address emerging crime trends and conduct neighborhood based problem solving projects
  - \$110,730 will be used to fund the salaries for 11 Police Cadet positions. The cadets are college students who work at CMPD 20 hours per week in a variety of assignments including projects in patrol divisions and assistance with special events. Police use the Cadet Program as a recruiting tool.
- The grant period is from October 1, 2012 to September 30, 2015.

#### **Funding**

Justice Assistance Grant

**Attachment 9**  
Budget Ordinance

### 32. Pawtuckett Neighborhood Improvement Project

**Action:** Award the low bid contract of \$1,487,882.83 to Ferebee Corporation for the Pawtuckett Neighborhood Improvement Project.

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

**Explanation**

- This project will include the construction of curb and gutter, sidewalks, storm drainage, water line adjustments/upgrades, planting strips and utility relocations.
- This project is bounded by Robert L. Smith District Park to the south, Little Rock Road to the east, Moores Chapel Road to the north and Pawtuckett Road and Sullins Road to the west.
- Construction is expected to be complete fourth quarter 2013.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.06%

Ferebee Corporation exceeded the established SBE goal and committed 7.06% (\$105,039.40) of the total contract amount to the following SBE firms: Carolina Wetland Services (stakes & tubing), P&TL Inc. (erosion control), On Time Construction (masonry) and D's Trucking Service (hauling service).

**Funding**

Neighborhood Capital Investment Plan

### 33. Prosperity Village Northwest Thoroughfare Extension Project

**Action:** Approve a contract amendment in the amount of \$180,000 to HDR Engineering, Inc. of the Carolinas for additional planning on the Prosperity Village NW Thoroughfare Extension Project.

**Staff Resource:** Leon Howe, Engineering & Property Management

**Explanation**

- The Prosperity Village Northwest Thoroughfare Extension is a crucial link in the Prosperity Village/I-485 Interchange plan. This link must be completed before the opening of I-485 for the interchange to function properly.
- The total project cost is estimated to be approximately \$11 million. The project has been allocated \$4.8 million in Federal Surface Transportation – Direct Attributable funds.
- Planning and design (\$1.2 million) was approved as part of the 2010 bonds.

- City funding of \$5 million for right-of-way acquisition and construction was proposed in the City Manager's FY2013-2017 Recommended General CIP, but was not approved.
- Staff recommends proceeding with the additional planning work while a source of funding for right-of-way acquisition and construction is determined.
- The planning work includes an Environmental Assessment that must be done in accordance with NCDOT and Federal Highway Administration (FHWA) guidelines.
- The additional work is required by NCDOT and FHWA due to the existence of an area categorized as an Environmental Justice community within the project limits. A community that is determined to be low income and/or non-English speaking meets Environmental Justice criteria and requires additional outreach and documentation of social impacts.
- HDR Engineering, Inc. of the Carolinas was selected using the Council-approved qualifications-based selection process in accordance with North Carolina General Statutes.
- The original contract in the amount of \$600,000 was approved by City Council on July 25, 2011.
- The contract amendment will be funded with existing, appropriated project funds.

#### **Small Business Opportunity**

All additional work involved in this amendment will be performed by HDR Engineering, Inc. of the Carolinas and their existing subconsultants (Part D: Section 6 of the SBO Policy) (see attachment).

#### **Funding**

Transportation Capital Investment Plan

#### **Attachment 3**

SBO Policy Reference

### **34. Poindexter Extension Rail Crossing Train Control**

**Action:** Authorize the City Manager to negotiate and execute a contract up to \$350,000 with Ansaldo STS USA, Inc. for design, fabrication, and installation services to the LYNX light rail train control and communication system.

**Staff Resources:** Jim Keenan, Engineering & Property Management  
Carl Nelson, Transit  
Tina Votaw, Transit

#### **Explanation**

- The Council-adopted New Bern Station Area Plan recommends the extension of Poindexter Drive from South Boulevard to Youngblood Street, which requires construction of a new at-grade vehicular crossing of the LYNX light rail line.
- On August 22, 2011, City Council authorized staff to enter into a cost-sharing agreement between the City and WF Silos, LLC (the developer adjacent to the crossing) to design and construct the new at-grade rail crossing.
- The City will fund two-thirds and the developer will fund one-third of the project's costs. The total estimated cost of the crossing is \$1,200,000 and the City's maximum contribution is \$800,000. The cost sharing agreement is

structured so that necessary contracts will be awarded by the City with the developer reimbursing their share as each contract is executed.

- The current action is the second of two necessary design contracts. The first was awarded by Council on March 26, 2012, to Gannett Fleming, Inc. for \$200,000 for engineering design services for the roadway tie-in, track crossing panels and modifications to the overhead electric system to accommodate this new crossing.

#### **Train Control Contract**

- Installation of the proposed rail crossing at Poindexter Drive requires specialized "train control" design/programming services to modify the computerized train control and communication system. This system controls, coordinates and monitors movement of the light rail vehicles throughout the system. All of the roadway crossings are tied into CATS' train control system at the Rail Operations Control Center (ROCC) located on South Boulevard.
- Ansaldo STS USA, Inc. (previously known as Union Switch & Signal, Inc.) designed and installed the LYNX train control and communication system and currently provides maintenance and consulting services to CATS in support of this system. The new crossing at Poindexter must be integrated into the LYNX system and the control of the new gates and signals at Poindexter must be synchronized with the crossings both up-station and down-station of Poindexter (i.e. the crossings at Remount and at New Bern).
- This contract with Ansaldo STS USA, Inc. will provide design, proprietary software modifications, required hardware, specification of system components and system testing services to ensure safe integration of the new rail crossing on the LYNX line. The train control and communications changes that are necessary to add this new rail crossing into the existing system includes considerable technical risk and proprietary software; therefore, Ansaldo is needed to provide the required work described above.
- Funding for this contract is available in the South Corridor Infrastructure Program and this cost is included in the project budget estimate of \$1,200,000.
- Council will be asked to approve one or more construction contracts in the next few months with construction expected to be completed in early 2014.

#### **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**

Transportation Capital Investment Plan

#### **Attachment 3**

SBO Policy Reference

### 35. Resurfacing FY2012-A Change Order #1

**Action:**   **A. Adopt a budget ordinance appropriating \$800,000 from Powell Bill fund balance to Powell Bill operating budget, and**

**B. Approve a change order in the amount of \$1,200,000 to Blythe Construction, Inc. for Resurfacing FY2012-A Change Order #1, which will be funded with \$400,000 from existing appropriations in the Powell Bill Operating Budget and \$800,000 appropriated from the Powell Bill Fund Balance.**

**Staff Resources:**   Charles Jones, Transportation  
                               Bryan Tarlton, Engineering & Property Management

#### **Explanation**

- The bids for the FY2012 Resurfacing Contracts A and B were significantly below the budgeted amounts.
- This change order will provide the opportunity to pave approximately eight miles of additional streets, using the current favorable pricing from Blythe Construction. The total mileage anticipated to be paved under the original contract inclusive of the change order is 27 miles.
- The additional paving will assist in improving the City's overall pavement condition rating.
- Due to the asphalt inflation adjustment clause in the contract, the estimated mileage can increase or decrease over the life of the contract based upon the price of liquid asphalt, which is related to crude oil prices.
- The Powell Bill (Street Maintenance) Fund Balance will be sufficiently funded after this allocation to cover any unexpected winter weather or similar emergency events.

#### **Contract History**

- Council approved a contract for the 2012-A Resurfacing with Blythe Construction on January 23, 2012 in the amount of \$4,204,466.47.
- The total contract amount including this change order is \$5,404,466.67 and is available within the project budget.

#### **Small Business Opportunity**

Supplemental SBE Goal: 7%

Committed SBE goal: 18.72%

For this change order, the City established a supplemental SBE goal (Part D: Section 6.2 of the SBO Policy) (see attachment). Blythe Construction, Inc. exceeded the SBE Goal and committed 18.72% (\$224,596.02) of this change order to the following SBE firms: All Points Trucking (hauling), Carolina Cajun Concrete, Inc. (structure adjustments) and Ground Effects, Inc. (pavement marking).

#### **Funding**

Powell Bill Fund Balance and Powell Bill Operating Funds

#### **Attachment 3**

SBO Policy Reference

**Attachment 10**

List of streets to be resurfaced  
Budget Ordinance

**36. Sweden Road Equipment Maintenance Facility Expansion**

**Action:** Award the low bid contract of \$1,717,308 to G. W. Liles Construction Co., Inc. for the Sweden Road Equipment Maintenance Facility Expansion project.

**Staff Resources:** William Haas, Engineering & Property Management  
Charles Robinson, Shared Services

**Explanation**

- The Sweden Road Equipment Maintenance Facility is located on South Boulevard between Arrowood Road and Hebron Street and services half of the City's heavy vehicle fleet.
- The building was constructed in 1955 and acquired by the City in 1979.
- Funding for facility improvements was provided in the FY2011 and FY2012 CIP.
- This project will expand the existing metal building by adding a 7,750 square foot vehicle maintenance shop with two drive-through high bays to accommodate the City's large and heavy fire apparatus vehicles.
- In addition to the two new bays, an additional drive-through bay will be created in the existing shop by demolishing interior walls and removing an unused maintenance pit.
- Other facility improvements include a new employee break room, equipment parts room, restroom facilities, fluid tanks and pumps, mechanical equipment, sprinkler systems and energy efficient lighting.
- Site work includes grading, storm drainage, utility upgrades, asphalt paving and landscaping.
- The expansion will be constructed of a pre-engineered metal building system similar in appearance to the existing shop.
- The facility was designed in accordance with the Policy for Sustainable City Facilities adopted by City Council in September 2009.
- Construction is expected to be complete by third quarter 2013.

**Small Business Opportunity**

Established SBE Goal: 10%

Committed SBE Goal: 25.61%

G.W. Liles Construction exceeded the established SBE goal and committed 25.61% (\$439,743) of the total contract amount to the following SBE firms: MUGO Gravel & Grading (sitework), Crawford Heating & Cooling (HVAC) and COED Electrical Services (electrical).

**Funding**

General Government Facilities Capital Investment Plan

### 37. Nations Ford Road Sidewalk/Bike Lane Project

**Action:** Award the low bid contract of \$841,011.88 to OnSite Development, LLC for the Nations Ford Road Sidewalk/Bike Lane Project.

**Staff Resource:** Troy Eisenberger, Engineering & Property Management

#### Explanation

- The Nations Ford Road Sidewalk/Bike Lane Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will add sidewalk along Nations Ford Road from South Tryon Street to Tyvola Road (approximately .98 miles). Planting strip, curb and gutter, bike lanes, and minor storm drainage improvements will also be included as part of this project.
- Of the total project construction funding, \$641,011.88 is coming from the Sidewalk Program and \$200,000 is coming from the Bike Program.
- Construction is expected to be complete by third quarter 2013.

#### Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.16%

OnSite Development, LLC exceeded the established SBE goal and committed 9.16% (\$77,000) of the total contract amount to the following SBE firms:

D's Trucking Services, Inc. (hauling), Muddrunners, Inc. (hauling), Streeter Trucking (hauling) and Union Paving Contractors, Inc. (paving).

#### Funding

Transportation Capital Investment Plan

### 38. Geotechnical, Construction Material Testing and Special Inspection Services

**Action:**

- A. Approve a contract for \$210,000 with Kleinfelder Southeast, Inc. for geotechnical, construction material testing and special inspection services, and
- B. Approve a contract for \$210,000 with AMEC Environmental Infrastructure, Inc. for geotechnical, construction material testing and special inspection services.

**Staff Resource:** William Haas, Engineering & Property Management

#### Explanation

- These consultants will provide geotechnical and construction materials testing services on various building projects on an as-needed basis.
- Building projects also require special inspections in accordance with Chapter 17 of the 2012 North Carolina Building Code.

- Consultants were selected pursuant to the Council-approved qualifications based selection process in accordance with North Carolina General Statutes.

#### **Small Business Opportunity**

For services-based contracts, the City seeks to negotiate SBE goals after the proposal selection process and during the contract negotiation process (Part C: Section 2.2 of the SBO Policy) (see attachment).

Kleinfelder Southeast, Inc. projected 3.50% (\$7,350) of the total contract amount to the following SBE firms: CWI Services Inc (inspection) and Soil Drilling Services, Inc. (sub drilling).

AMEC Environmental Infrastructure, Inc. projected 3.50% (\$7,350) of the total contract amount to the following SBE firms: Capstone Civil Group, P.A. (geotechnical).

#### **Funding**

Various Capital Investment Plans

#### **Attachment 3**

SBO Policy Reference

### **39. Beatties Ford Road Business Corridor Lighting Payment**

**Action: Approve payment to Duke Energy in the amount of \$243,997.92 for the installation of pedestrian lights for the Beatties Ford Road Business Corridor Project.**

**Staff Resource:** Jim Keenan, Engineering & Property Management

#### **Explanation**

- This is a one-time, upfront payment for the installation of 48 pedestrian lights by Duke Energy.
- The monthly lighting bill will be paid by CDOT as part of the public lighting agreement between the City of Charlotte and Duke Energy. The standard monthly costs-per-light will apply for these street lights.
- The cost per light is \$5,083.29 and includes the poles, fixtures, concrete bases, connection to underground power line and installation.
- Funds are available in the project budget for these lights and installation should be complete by third quarter 2013.

#### **Background**

- City Council approved the construction contract for the Beatties Ford Road Business Corridor Project with Sealand Contractors Corporation on July 23, 2012 for \$1,248,111.15.
- The goal of this project is to improve pedestrian safety, aesthetics and all modes of transportation through a variety of urban street features such as planted medians, pedestrian crossings, six-foot sidewalks, four-foot planting strips, lighting and landscaping along Beatties Ford Road from La Salle Street to I-85. Historic West End monument markers will also be installed as part of this project.
- Construction is expected to be complete by second quarter 2013.

**Small Business Opportunity**

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

**Funding**

Business Corridor Revitalization Fund

**Attachment 3**

SBO Policy Reference

**40. Fire Investigation Facility Renovations**

**Action:** Approve a contract in the amount of \$106,400 with Pease Engineering & Architecture, PC for architectural services for the proposed new location of the Fire Investigation Facility.

**Staff Resources:** William Haas, Engineering & Property Management  
Rich Granger, Fire

**Explanation**

- This contract involves renovation, design, and construction administration services for the proposed new location at 1222 Statesville Avenue. This facility is adjacent to the new Fire Administration Headquarters currently being constructed.
- Fire Investigation Arson Task Force is currently located at 1215 South Boulevard.
- The firm was selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- The facility will be designed in accordance with the Policy for Sustainable City Facilities adopted by City Council in September 2009.

**Small Business Opportunity**

For services based contracts, the City seeks to negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy) (see attachment). Pease Engineering & Architecture, P.C. committed 5.64% (\$6,000) of the total contract amount to the following SBE firms: Richa Graphics (printing) and RM Rutherford & Associates, Inc. (cost estimating).

**Funding**

General Government Facilities Capital Investment Plan

**Attachment 3**

SBO Policy Reference

## 41. LYNX Blue Line Capacity Improvements

**Action:** Authorize the City Manager to negotiate and execute an agreement with STV/Ralph Whitehead and Associates, in the amount of \$4,400,000, to design capacity enhancements to the City's existing LYNX Blue Line.

**Staff Resources:** Carolyn Flowers, Transit  
Danny Rogers, Transit

### Explanation

- In 2005 the City received bids for the construction of the South Corridor Light Rail Stations and Platforms. Bids received exceeded the project cost estimate and the City reduced the scope of the project.
  - One of the scope reductions was to reduce platform lengths from three-car to two-car.
  - The Power Systems were also adjusted to support a two-car train operation
- Since its inception in 2007, ridership on the Light Rail has exceeded expectations and original estimates. Ridership is often standing room only especially during workday rush hour and for uptown special events.
- In response to data demonstrating a need for greater ridership capacity, the City has done the following:
  - Planned for the design and construction of three-car train operation along the Blue Line Extension.
  - Applied in October, 2011 for a grant from USDOT's TIGER-III program to address capacity issues on the existing LYNX Blue Line. The grant proposal outlined two major components.
    - Increasing power output along the LYNX Blue Line to support three-car trains
    - Retrofitting the platforms at the I-485 station plus key downtown stations (number of downtown stations to be determined during design based on budget) for three-car operation for special events; and as part of an overall plan to ultimately extend all platforms to allow regularly scheduled three-car operation as originally planned
- USDOT responded with an \$18 million grant award that is currently working through the approval process. The local match will be \$4.5 million for total project funding availability of \$22.5 million.
- The Federal government is anticipated to execute the TIGER III grant in early FY2013. The contract with STV, Inc. will be awarded following execution of the TIGER-III grant later this fiscal year.

### Solicitation

- In November 2011 the City issued a Request for Qualifications for this project. This segment of the project work was identified in the solicitation for the final design contract of the BLE.
- An evaluation team made up of employees from E&PM, CDOT, Planning and CATS selected STV/Ralph Whitehead as the best qualified firm to perform this work.

### Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 15.8%  
Committed DBE Goal: 15.8%

The proposed DBE firms are: AmeriDrill Corporation, Capstone Civil Group, Envision Consultants, ONIX Inc., SEPI Engineering & Construction, Utility Coordination Consultants Inc., and Neighboring Concepts PLLC.

### **Funding**

Transit Capital Investment Plan

## **42. South Tryon Bus Facility Solar Panel Project Racking**

**Action: Authorize the City Manager to amend the contract with National Renewable Energy Corporation (NARENCO) in the amount of \$158,900 to install racking (strut supports) for future solar panel project expansions.**

**Staff Resources:** John Muth, Transit  
David Feltman, Transit

### **Explanation**

- In FY2012, CATS was awarded \$1 million in FTA TIGGER II grant funds for installation of a solar panel energy system on the bus canopies at CATS' South Tryon maintenance facility. The City's match is \$111,110 bringing the total available project funding to \$1,111,110.
- Based on the grant amount, the original project size was reduced to include the installation of solar panels on one-half, rather than all, of the bus canopies at the South Tryon facility.
- Once complete, the reduced design is estimated to generate 362 megawatt hours of electricity per year, saving approximately \$30,000 annually in energy costs.
- On March 26, 2012, Council approved the award of a contract to National Renewable Energy Corporation (NARENCO) in a not to exceed amount of \$911,950 for project construction. The successful bid by NARENCO resulted in a surplus of available grant funds.
- To maximize the use of the remaining grant balance, CATS would like to amend the contract by an additional \$158,900 to enable the installation of racking (strut supports) to accommodate future additional solar panels. This will increase the total contract value to \$1,070,050.
- Use of the available grant funds will allow CATS to make strategic project modifications to eventually complete the original project scope.
- As future funds become available, CATS will be able to purchase and install the remaining solar panels to double the power capacity beyond the current system configuration, thus doubling energy cost savings.

### **Disadvantaged Business Enterprise Opportunity**

Established DBE Goal: 4.5%

Committed DBE: Goal: 0.477%

NARENCO was found to be compliant with the federal DBE good faith effort requirements. The original contract request was reviewed and approved by Council on March 26, 2012.

### **Funding**

Transit Capital Investment Plan

### 43. Bus Rear Axle Repair and Reconditioning Services

**Action:** A. Authorize the City Manager to negotiate and execute a one-year contract with Triple S, Inc. to provide bus rear axle repair and reconditioning services on a unit cost basis for \$128,000, and

B. Authorize the City Manager to execute up to two, one-year renewals, for a total amount of \$384,000.

**Staff Resource:** Larry Kopf, Transit

#### **Explanation**

- On June 8, 2012, CATS issued and publicly advertised a formal Request for Proposals to solicit Bus Rear Axle Repair and Reconditioning Services for the CATS bus fleet. Rear Axle reconditioning is essential for bus maintenance operations.
- Triple S, Inc. was determined by the committee to be the best qualified to perform the work and submitted the lowest prices of the two proposals received.
- This will be a one-year contract on a unit price basis, with two, one-year renewals. The pricing will be fixed throughout the entire three years of the contract.

#### **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**

Transit Operating Budget

#### **Attachment 3**

SBO Policy Reference

## 44. Fleet Management Information System Upgrade

- Action:**
- A. Approve the purchase of Faster System Upgrade, as authorized by the sole source exception of G.S. 143-129(e)(6), and**
  - B. Approve a contract with FASTER Asset Solutions for the purchase of the software upgrade and services in the estimated amount of \$400,000.**

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

### 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.
- Sole sourcing is necessary because there is only one supply source.

### Explanation

- Shared Services/Fleet Management currently uses a Faster Client Server system for tracking work orders, and inventory of all vehicles and equipment maintenance and repairs. The upgrade to a web based system will provide added features that allow Fleet Management to:
  - Track and report total fleet asset components to specific vehicles and equipment.
  - Integrate with the proposed citywide ERP solution for asset, parts, purchases, contracts, and vendor payments and share data between systems.
  - Expand capacity for customer self-service, transparency in reporting and data availability.
  - Add features to improve inventory management and costing.
- The Technology Project Evaluation Team (TPET) recommended and funded a prerequisite citywide Fleet Management System Study. This study was performed by Mercury Associates. There were four deliverables:
  - Project operating costs for different operating scenarios.
  - Re-validate/augment fleet management related system requirements.
  - Perform a fit analysis to compare fleet management system requirements and industry best practices against existing City investments.
  - Develop direction recommendations.
- The study was completed on March 29, 2012 and recommended implementing the Faster Asset Solutions system.

### Small Business Opportunity

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

### Funding

Technology Capital Investment

### Attachment 3

SBO Policy Reference

## 45. Storm Water Refunding Bonds

**Action:** Adopt a resolution that makes findings necessary for the Local Government Commission's approval of the refunding of 2002 Storm Water Revenue Bonds.

**Staff Resource:** Greg Gaskins, Finance

### Explanation

- Storm Water plans to refund \$26 million of outstanding 2002 Revenue Bonds in October
- The bonds will be refinanced at a lower rate and generate estimated savings of \$4.8 million. Savings will be used to offset future funding obligations.
- This action authorizes staff to seek Local Government Commission approval for the refunding. Council will be asked to consider a second and final action related to the financing at its September 24 business meeting.

### Funding

Storm Water Debt Service Fund

### Attachment 11

Resolution

## 46. Workers' Compensation Claim Settlement

**Action:** Approve a full and final settlement of a Workers' Compensation claim for Charlotte Mecklenburg Utility employee, Tina Thompson in the amount of \$110,000.

**Staff Resource:** Daniel Pliszka, Manager, Risk Management

### Explanation

- This payment will be a full and final settlement ending any future exposure for this injury.
- On February 15, 2007, Ms. Thompson experienced a work-related injury.
- A confidential memo was sent to City Council concerning the settlement.

### Funding

Self-Funded Loss Fund

## 47. 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 \$908,359.99, and**
  
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$42,675.77.**

**Staff Resource:** Sherry Hite, Finance

### **Attachment 12**

Resolution

List of property tax refunds

List of business privilege license refunds

## 48. In Rem Remedy

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

**Public Safety:**

- A. 424 West Avenue (Neighborhood Statistical Area 17 – Todd Park Neighborhood)
- B. 424 West Avenue (Garage) (Neighborhood Statistical Area 17 – Todd Park Neighborhood)

**Complaint:**

- C. 2358 Morton Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)

**Field Observation:**

- D. 1244 A & B Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- E. 1521 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- F. 2900-3 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)

**Public Safety:**

**A. 424 West Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 424 West Avenue (Neighborhood Statistical Area 17 – Todd Park Neighborhood).**

**Attachment 13**

**B. 424 West Avenue (Garage)**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 424 West Avenue (Garage) (Neighborhood Statistical Area 17 – Todd Park Neighborhood).**

**Attachment 14**

**Complaint:**

**C. 2358 Morton Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2358 Morton Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)**

**Attachment 15**

**Field Observation:**

**D. 1244 A & B Pegram Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1244 A & B Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 16**

**E. 1521 Seigle Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1521 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 17**

**F. 2900-3 Seymour Drive**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-3 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

**Attachment 18**

**49. Wireless Antenna**

**Action:** Adopt resolutions approving leases with New Cingular Wireless PCS, LLC for antenna and equipment space at the Harvey B. Gantt Center and Bechtler Museum of Modern Art and authorize the City Manager to execute the lease documents.

**Staff Resources:** Robert Drayton, Engineering & Property Management  
Catherine Cooper, City Attorney's Office

**Explanation**

- The City of Charlotte owns the Harvey B. Gantt Center for African American Arts and Culture at 551 S. Tryon Street and the Bechtler Museum of Modern Art at 420 S. Tryon Street.
- New Cingular Wireless is proposing to lease space at both buildings for installation of rooftop and communications equipment to improve wireless internet service in the surrounding area. Management at both museums support this proposal.
- Antennas have been designed to blend in with both buildings.
- Telecommunications leases are a revenue source for the City. The FY2013 revenue from telecommunications leases is approximately \$761,000, not including revenue from these leases.
- Terms of the Agreement are:
  - A five-year initial term with one, five-year renewal option
  - Base rent of \$1,200 per month per facility commencing September 1, 2012
  - Rent increases 10% for the five-year renewal term

**Attachment 19**  
Resolutions

## 50. Lease Renewal for CharMeck 311 Office

**Action:** Authorize the City Manager to approve an amendment to the existing lease between the City of Charlotte and Mainstreet, LLC for office space for the CharMeck 311 Call Center office located at 10101 Claude Freeman Drive.

**Staff Resources:** Robert Drayton, Engineering & Property Management  
Sarah Richards, City Manager's Office

### Explanation

- The consolidated Charlotte-Mecklenburg 311 Call Center has been operating in the location since July 1, 2005 and the lease extension will allow 311 staff to remain in the current location.
- This facility was selected because it previously housed a call center and the intense technology needs of a call center were already in place, significantly reducing the upfit cost.
- CharMeck 311 agents assist citizens, seven days/week, with a variety of topics ranging from property and vehicle tax bills to code enforcement, water service and recycling. More than 1.4 million service calls were taken in FY2012.
- This lease agreement is for 25,191 square feet of office space in the Cambridge Corporate Center located at 10101 Claude Freeman Drive.

### Terms of the Lease Agreement

- 25,191 square feet of office space.
- The existing lease expires December 31, 2013.
- The City is renewing the existing term for seven years with the ability to terminate any time after the fifth year of the renewal term with a nine-month notice.
- The extended term commences January 1, 2014 and ends December 31, 2020.
- The current rental rate is \$20.06 per square foot.
- As an incentive for the City to renew the lease, the landlord agreed to reduce the rental rate to \$18.00 per square foot for the last year of the current term beginning January 1, 2013 with a 2% rent increase effective July 1 each year.
- This is a full-service lease and includes utilities, janitorial, property taxes and property insurance.
- The landlord will make improvements including replacement of worn carpeting, renovate the restrooms, paint the walls as needed and renovate the entrance on the second floor.
- Total lease payments not to exceed \$3,480,000 for the full seven-year extended term.

### Funding

CharMeck 311 Operating Budget

## PROPERTY ITEMS

### 51. Property Transactions

**Action: Approve the following property transaction(s) (A-L) and adopt the condemnation resolution(s) (M-T).**

For property transactions A-B and M-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 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:** Blue Line Extension, Parcel # 1361  
**Owner(s):** Hosam Banawan and Soad Banawan  
**Property Address:** 5608 Old Concord Road  
**Property to be acquired:** 13,451 sq. ft. (.309 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Office/Warehouse  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 097-111-07  
**Total Parcel Tax Value:** \$114,900  
**Purchase Price:** \$130,000

- B.**     **Project:** Blue Line Extension, Parcel # 2199  
**Owner(s):** Convenience Retailers, LLC  
**Property Address:** 6501 North Tryon Street  
**Property to be acquired:** 21,573 sq. ft. (.495 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 089-172-40  
**Total Parcel Tax Value:** \$407,700  
**Purchase Price:** \$288,200
- C.**     **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 18  
**Owner(s):** Cynthia R. Clementi and Spouse, William H. Clementi  
**Property Address:** 925 Colville Road  
**Property to be acquired:** 4,006 sq. ft. (.092 ac.) in Storm Drainage Easement, plus 959 sq. ft. (.022 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-123-35  
**Total Parcel Tax Value:** \$941,100  
**Purchase Price:** \$87,775
- D.**     **Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 26  
**Owner(s):** Carolina Premier Bank  
**Property Address:** 720 Cherokee Road  
**Property to be acquired:** 1,517 sq. ft. (.035 ac.) in Storm Drainage Easement, plus 6,004 sq. ft. (.138 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 155-101-17  
**Total Parcel Tax Value:** \$456,000  
**Purchase Price:** \$139,950
- E.**     **Project:** City Boulevard Extension- Phase III, Parcel # 56  
**Owner(s):** Pulte Home Corporation  
**Property Address:** Neal Road  
**Property to be acquired:** 8,808 sq. ft. (.202 ac.) in Fee Simple, plus 9,583 sq. ft. (.220 ac.) in Slope Easement, plus 8,278 sq. ft. (.190 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-6

**Use:** Single Family Residential  
**Tax Code:** 047-072-97  
**Total Parcel Tax Value:** \$39,100  
**Purchase Price:** \$12,555

- F. Project:** Little Rock Road Realignment, Parcel # 528, # 545 and # 546  
**Owner(s):** Mary Marshall Williams f/k/a Mary Marshall McCall and Spouse, Samuel W. Williams  
**Property Address:** Little Rock Road and 515 Little Rock Road  
**Property to be acquired:** 610 sq. ft. (.014 ac.) in Fee Simple, plus 21,691 sq. ft. (.498 ac.) in Storm Drainage Easement, plus 39,500 sq. ft. (.907 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 059-231-24, 059-231-28 and 059-231-22  
**Total Parcel Tax Value:** \$201,000  
**Purchase Price:** \$20,125
- G. Project:** Little Rock Road Realignment, Parcel # 529 and #530  
**Owner(s):** Mary Marshall Williams f/k/a Mary Marshall McCall and Spouse, Samuel W. Williams  
**Property Address:** Little Rock Road and 707 Little Rock Road  
**Property to be acquired:** 689 sq. ft. (.016 ac.) in Fee Simple, plus 6,816 sq. ft. (.156 ac.) in Storm Drainage Easement, plus 1 sq. ft. in Slope Easement, plus 122,202 sq. ft. (2.805 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 059-231-29 and 059-225-09  
**Total Parcel Tax Value:** \$429,900  
**Purchase Price:** \$18,125
- H. Project:** McAlpine Stream Restoration, Parcel # 34  
**Owner(s):** Ernesto Moran and Wife, Margarita Moran  
**Property Address:** Old Bell Road  
**Property to be acquired:** 118,250 sq. ft. (2.715 ac.) in Conservation Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Flum/Swim Floodway (No Build Zone)  
**Tax Code:** 213-091-07  
**Total Parcel Tax Value:** \$7,000  
**Purchase Price:** \$42,875
- I. Project:** Rea Road Widening / Improvements, Parcel # 1  
**Owner(s):** Brookdale Place Of South Charlotte, LLC  
**Property Address:** 5515 Rea Road

**Property to be acquired:** 498 sq. ft. (.011 ac.) in Fee Simple, plus 14,789 sq. ft. (.340 ac.) in Temporary Construction Easement  
**Improvements:** Sign and Lighting  
**Landscaping:** Trees and Bushes  
**Zoned:** R-12  
**Use:** Home For The Aged  
**Tax Code:** 211-251-04  
**Total Parcel Tax Value:** \$5,888,100  
**Purchase Price:** \$34,100

- J. Project:** Statesville Road Booster Pump Station, Parcel # 11 and #14  
**Owner(s):** Bernadette F. Jean-Francois and Spouse, Solon Jean-Francois; Andre Jean-Francois and Wife, Edith Jean-Francois  
**Property Address:** 4421 Statesville Road  
**Property to be acquired:** 71,264 sq. ft. (1.636 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 041-071-13 and 041-071-14  
**Total Parcel Tax Value:** \$179,700  
**Purchase Price:** \$281,000
- K. Project:** Steele Creek Pump Station Replacement, Parcel # 2  
**Owner(s):** MPP South Point Land, LLC  
**Property Address:** 14325 Woodspring Court  
**Property to be acquired:** 47,952 sq. ft. (1.101 ac.) in Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 203-211-01  
**Total Parcel Tax Value:** \$219,500  
**Purchase Price:** \$34,510
- L. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Hiawathia Glover  
**Property Address:** 8100 Tuckaseegee Road  
**Property to be acquired:** .78 acres  
**Improvements:** single family residence  
**Purchase Price:** \$95,000  
**Remarks:** The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned:** R-3 Use: single family residence  
**Tax Value:** \$114,900

**Tax Code:** 055-381-11

## Condemnations

- M. Project:** Blue Line Extension, Parcel # 1338  
**Owner(s):** Nuntia E. Davis And Any Other Parties Of Interest  
**Property Address:** 426 Eastway Drive  
**Property to be acquired:** 1,212 sq. ft. (.028 ac.) in Waterline Easement, plus 13,980 sq. ft. (.321 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** O-2  
**Use:** Office  
**Tax Code:** 091-033-51  
**Total Parcel Tax Value:** \$176,400  
**Appraised Value:** \$17,875  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** Staff has been attempting to contact the property owner through all possible channels since January 2012, but has been unable to locate the owner. The title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- N. Project:** Blue Line Extension, Parcel # 1351  
**Owner(s):** PS NC I, L.P. And Any Other Parties Of Interest  
**Property Address:** 5448 North Tryon Street  
**Property to be acquired:** 378,753 sq. ft. (8.695 ac.) in Fee Simple, plus 4,055 sq. ft. (.093 ac.) in Existing Right-of-Way, plus 67,498 sq. ft. (1.550 ac.) in Inside NC Railroad **(TOTAL TAKE)**  
**Improvements:** Public Storage Facility  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 097-111-17  
**Total Parcel Tax Value:** \$3,453,700  
**Appraised Value:** \$4,062,450  
**Property Owner's Counteroffer:** \$5,300,000  
**Reason For Condemnation:** Staff began working with the property owners in October 2011 and has yet to reach an agreement regarding the appraisal. This property is a storage facility consisting of 651 individual rental storage units. In addition to working with the property owner in this situation, staff will be required to work with each renter in order to relocate each unit's contents in accordance with federal guidelines before demolition of the structure. The property owner has denied staff's request for the list of current renters. 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. Upon filing the condemnation, proper legal action can be taken to obtain the current tenant list and the relocation process may begin.

- O. Project:** Blue Line Extension, Parcel # 1359  
**Owner(s):** Tagazar Import Export And Any Other Parties Of Interest  
**Property Address:** 5600 Old Concord Road  
**Property to be acquired:** 12,374 sq. ft. (.284 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Automotive Repair Center  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 097-111-06  
**Total Parcel Tax Value:** \$197,900  
**Appraised Value:** \$193,825  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** Staff began working with the property owner in October 2011, and has yet to reach an agreement regarding the appraisal. The property owner has obtained legal representation, and the owner and attorney have agreed to proceed to condemnation. Therefore, 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.
- P. Project:** Blue Line Extension, Parcel # 1362  
**Owner(s):** Unknown Heirs Of Alleen W. Rodgers And Any Other Parties Of Interest  
**Property Address:** Old Concord Road, Behind 5608 Old Concord Road  
**Property to be acquired:** 884 sq. ft. (.020 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 111-111-11  
**Total Parcel Tax Value:** \$120,100  
**Appraised Value:** \$620  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owner and four heirs are deceased. Staff has been unable to locate the remaining heir. The title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- Q. Project:** Blue Line Extension, Parcel # 3223  
**Owner(s):** Roseclay, LLC And Any Other Parties Of Interest  
**Property Address:** 9331 J.W. Clay Boulevard  
**Property to be acquired:** 62,011 sq. ft. (1.424 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Retail Building  
**Landscaping:** None  
**Zoned:** B-1(CD)  
**Use:** Commercial

**Tax Code:** 047-291-48

**Total Parcel Tax Value:** \$1,435,100

**Appraised Value:** \$1,560,100

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** Staff has been working with the property owner since October 2011, and has yet to reach a settlement regarding the appraisal. The property owners have obtained legal representation who in March 2012, requested additional time to respond to the City's offer in order to obtain their own appraisal. Staff agreed and requested a response by June 15, 2012. To date, the attorney has not responded to staff's attempts to follow up. 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.

**R. Project:** Blue Line Extension, Parcel # 3225

**Owner(s):** Roseclay, LLC And Any Other Parties Of Interest

**Property Address:** 9327 J.W. Clay Boulevard

**Property to be acquired:** 44,305 sq. ft. (1.017 ac.) in Fee Simple  
**(TOTAL TAKE)**

**Improvements:** Retail Building

**Landscaping:** None

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

**Use:** Commercial

**Tax Code:** 047-291-49

**Total Parcel Tax Value:** \$1,083,000

**Appraised Value:** \$851,925

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** Staff has been working with the property owner since October 2011, and have yet to reach a settlement regarding the appraisal. The property owners have obtained legal representation who, in March 2012, requested additional time to respond to the City's offer in order to obtain their own appraisal. Staff agreed and requested a response by June 15, 2012. To date, the attorney has not responded to staff's attempts to follow up. 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.

**S. Project:** Brentwood Place Storm Drainage Improvement Project, Parcel # 189

**Owner(s):** Lucinda A. Davis And Any Other Parties Of Interest

**Property Address:** 2601 Brentwood Place

**Property to be acquired:** 219 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 388 sq. ft. (.009 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 119-034-30

**Total Parcel Tax Value:** \$79,500

**Appraised Value:** \$350

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner resides in a nursing home and is unable to make legal decisions regarding real estate transactions. Staff has worked with the property owner's son, who has agreed that the transaction should proceed to condemnation. Therefore, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

**T. Project:** Brentwood Place Storm Drainage Improvement Project, Parcel # 211

**Owner(s):** Frederick A. Amon, Jr. and Wife, Vickie T. Amon And Any Other Parties Of Interest

**Property Address:** 1328 Remount Road

**Property to be acquired:** 397 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 353 sq. ft. (.008 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Bamboo buffer

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 119-034-08

**Total Parcel Tax Value:** \$62,200

**Appraised Value:** \$1,225

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** Staff began working with the property owner in December 2011. Staff has been unable to reach the property owner since February 2012, despite staff's repeated attempts to contact him through various channels. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

## 52. Meeting Minutes

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

- May 14, 2012 Combined Zoning and Business Meeting
- May 29, 2012 Business Meeting
- May 30, 2012 Budget Straw Votes
- June 11, 2012 Business Meeting
- June 18, 2012 Zoning Meeting