

**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, December 10, 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, December 10, 2012**

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## 4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. Mayor and Council Consent Item Questions

**Resource:** Ruffin Hall, 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. Electronic Public Safety Technology Update

**Resources:** Rodney Monroe, Police  
Mark Newbold, Police

**Time:** 30 minutes

#### **Synopsis**

- During the Democratic National Convention (DNC), Police had the opportunity to use closed circuit camera systems to conduct real time monitoring and recording of events. Police also used automated license plate readers that instantaneously notified the department if the plate had been entered into a database for a legitimate law enforcement purpose.
- After the DNC, Police evaluated the future integration of high tech surveillance systems into its overall crime fighting strategy. Also, Police reviewed how other police departments manage these systems and addressed concerns related to privacy and other individual interests.
- The presentation will focus on:
  - Benefits of the electronic surveillance systems in crime prevention and identification, and arrest of suspects
  - Policy, Legal, and Ethical concerns
  - Next steps in implementation of these systems

#### **Future Action**

The presentation is for information only.

### 3. Public Art Program Mid-Year Report

**Resources:** Robert Bush, Senior Vice President, Chief Innovation Officer, Arts & Science Council  
Nicole Bartlett, Program Director, Public Art, Arts & Science Council

**Time:** 20 minutes

#### Synopsis

- In accordance with the annual agreement and Council direction, this is the FY2013 mid-year reporting to Council on the status of current projects as well as an audit report of the program activities for FY2012.
- On June 25, 2012, City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- At the June 11, 2012 Council Dinner Briefing, the Public Art Commission and Arts & Science presented the FY2013 Proposed Public Art Workplan.
- On May 27, 2003, City Council approved the current Public Art Ordinance.
- On January 10, 2005, City Council approved improvements to communications related to the Public Art Program, including a requirement for updates to the Council by November 30 and June 30 of each fiscal year.
- On November 12, 2007, City Council approved the administrative guidelines for the Public Art Ordinance.

#### Future Action

The presentation is for information only.

#### Attachment 1

Public Art Commission Presentation

## 5:15 P.M. DINNER BREAK

### 4. 2012 Charlotte-Mecklenburg Quality of Life Study

**Resources:** Tom Warshauer, Neighborhood & Business Services  
John Howard, Neighborhood & Business Services

**Time:** 20 minutes

#### Synopsis

- Established in 1993, the Quality of Life (QoL) study began as a tool that included variables to evaluate social, crime, physical, and economic conditions in all of Charlotte's neighborhoods. The QoL study is used by local government and neighborhoods to evaluate conditions and make informed decisions.
- The City of Charlotte and Mecklenburg County have been collaborating in the development of the 2012 study.
- Over the last year, a Study team comprised of the City, County, the University of North Carolina at Charlotte (UNCC), service agency, and community representatives has met to discuss and make enhancements to the study.

- The 2012 Quality of Life (QoL) Study will be released to the public in January 2013 with the following improvements:
  - Creation of an online, interactive dashboard, designed and maintained by Mecklenburg County, to easily obtain and search for information:
    - The dashboard features enhanced maps, graphs, open source data, and the ability to create customized PDF reports
    - Each dashboard variable will include website links to resources for additional research
  - For the first time, inclusion of the six towns in Mecklenburg County
  - Expansion of the previous 173 Neighborhood Statistical Areas into 464 Neighborhood Profile Areas
  - Increased variables from 20 to 80 due to enhanced research capabilities of UNCC
- The Study team is developing a training strategy for the public, City, County, and agency staff. Public workshops on enhancements and how to use the QoL Study will begin after its online release in January 2013.

**Future Action**

The presentation is for information only.

## 5. Curb Lane Management Study

**Resource:** Vivian Coleman, Transportation

**Time:** 15 minutes

**Synopsis**

- The Curb Lane Management Study, completed in the summer of 2011, evaluated curb lane usage in the Uptown area including parking, signage, enforcement, and management.
- Recommendations from the Study were implemented and in December 2011, staff conducted a 'mock-up' sign test on Martin Luther King, Jr. Boulevard to gauge public input on sign options.
- After the test, staff developed the final sign design and completed a pilot project for new curb lane allocation and signage on Tryon Street.
- In September 2012, results of the Study were presented to the Transportation and Planning Committee.
- Staff will provide an overview of the Study, results of the Tryon Street Pilot Project, and next steps.

**Future Action**

The presentation is for information only.

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

**Resource:** Ruffin Hall, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

## **6:30 P.M. AWARDS AND RECOGNITIONS**

### **7. Certificate of Achievement for Excellence in Financial Reporting**

**Action:** Mayor Foxx will recognize Greg Gaskins, Chief Financial Officer, for the Finance Department's efforts in receiving the 27<sup>th</sup> consecutive Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association for the Fiscal Year 2011 Comprehensive Annual Financial Report.

### **8. Storm Water Services Volunteer Programs**

**Action:** Mayor Foxx will recognize outstanding volunteers who annually assist Charlotte-Mecklenburg Storm Water Services in protecting the water quality of Charlotte's more than 3,000 miles of streams and 200 miles of lake shore line in Mecklenburg County.

## CONSENT

9. **Consent agenda items 19 through 48 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 Hearing on a Resolution to Close a Portion of Two 10-foot Alleyways Located off of Clement Avenue

**Action:** A. Conduct a public hearing to close a portion of two, 10-foot alleyways located off of Clement Avenue, and

B. Adopt a resolution to close.

**Staff Resource:** Jeff Boenisch, Transportation

#### Policy

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

#### Explanation

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

#### Petitioner

Midwood, LLC & Rudolph-Moore Properties II, LLC- Mr. John Rudolph

#### Right-of-Way to be abandoned

Two, 10-foot alleyways located off of Clement Avenue

#### Location

Located within the Plaza Midwood Community, Alleyway one: a 10-foot wide alleyway beginning at Clement Avenue and continuing 165 feet eastwardly to its terminus, and consisting of 1,658 square feet; and Alleyway two: running parallel to alleyway one, a 10-foot wide alleyway beginning at Clement Avenue and continuing 229 feet eastwardly to its terminus, and consisting of 2,299 square feet.

#### Reason

To incorporate the right-of-way into adjacent properties in order to create a more viable parcel for future sale and/or development

#### Notification

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

#### Adjoining property owners

Chris Walldorf & Alexia Walldorf - No objections

Neighborhood/Business Associations

Plaza Midwood Neighborhood Association - No objections

Private Utility Companies – No objections

City Departments

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

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

**Attachment 2**

Map

Resolution

## 11. Public Hearing on Resolution to Close a Residual Portion of E. 12<sup>th</sup> Street and N. Caldwell Street

**Action:**   A. Conduct a public hearing to close a residual portion of E. 12<sup>th</sup> Street and N. Caldwell Street, and

B. Adopt a resolution to close.

**Staff Resource:**     Jeff Boenisch, Transportation

**Policy**

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

**Explanation**

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

**Petitioner**

Northwood Ravin – Mr. David Ravin

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

A residual portion of E. 12<sup>th</sup> Street and N. Caldwell Street

**Location**

Located within the Optimist Park Community, a residual portion of E. 12<sup>th</sup> Street and N. Caldwell Street is situated at the northern most point of the intersection of E. 12<sup>th</sup> Street and N. Caldwell Street, and consists of 524 square feet.

**Reason**

This abandonment request is consistent with the Alpha Mill II rezoning plan that was approved by Council on June 12, 2012, and will act as an exchange for newly dedicated right-of-way along N. Caldwell Street to accommodate a more desirable sidewalk and planting strip width.

**Notification**

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

Adjoining property owners- None

Neighborhood/Business Associations  
Optimist Park - Notified/ no comments

Private Utility Companies – No objections

City Departments

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

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

**Attachment 3**

Map  
Resolution

## POLICY

### 12. City Manager's Report

### 13. Business Investment Program Update



**Action:** Approve the Economic Development Committee's recommended updates to the Charlotte-Mecklenburg Business Investment Grant Program.

**Committee Chair:** James Mitchell

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

#### Explanation

- In April 2011, City Council referred the Business Investment Program (BIP) to the Economic Development Committee for review.
- The BIP is a joint program between the City and County that seeks to encourage the creation, retention and/or expansion of new or existing businesses and jobs in identified Investment Zones within the community.
- The program provides grants to eligible companies based upon the amount of property tax generated from the proposed investment.
- Council policy includes a provision that no payments will be made unless investment and hiring targets are met.
- A business must repay a portion of the grant if it removes its investment from Charlotte within a certain period of time after the end of the grant term.
- Business Investment Grants are often used as a match to incentives awarded by the State.

#### Recommendations

- The recommended updates were developed in consultation with Mecklenburg County staff and the Charlotte Chamber, and include the following:
  - Revise the eligible BIP Investment Zones to reflect current areas of priority, including the recently updated Business Corridor Revitalization Area, University Research Park, the Coliseum/Tyvola road area, and industrial properties along Statesville Road,
  - Add provisions to the BIP contract encouraging grant recipients to hire residents of Mecklenburg County and to use economically competitive local small, minority and women owned businesses,
  - Increase flexibility in wage requirements by considering the "industry-specific" average annual wage as determined by the Bureau of Labor Statistics if a project's average wage falls short of the region's,
  - Strengthen the program to be more competitive for retention efforts by extending BIP terms by two years for existing businesses, and
  - Also, the Committee was asked by Council to discuss whether to create new provisions for "Major Headquarters Projects"
    - The Committee recommended that "Major Headquarters Projects" be defined as "a corporate, divisional or regional headquarters of a Fortune 1000 company with an annual average wage that exceeds 200% of the regional average wage, (currently \$89,200) and be considered on a case-by-case basis".

- County staff has been involved in the development of the program updates, and the Board of County Commissioners will be asked to improve these updates in January 2013.

#### **Committee Discussion**

- The Economic Development Committee discussed the policy at several meetings during 2011 and 2012.
- On November 19, 2012, the Economic Development Committee voted unanimously (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to recommend the revisions to Council.
- The Committee asked staff to examine local, state, and federal financial resources for existing small businesses and bring recommendations back during a future Committee meeting.

#### **Attachment 4**

Proposed Business Investment Program Guidelines  
Map of Eligible Investment Zone Geography

## **14. 2013 State and Federal Legislative Agendas**

**Action: Approve the Governmental Affairs Committee recommendation for the 2013 State and Federal Legislative Agendas.**

**Committee Chair:** Andy Dulin

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

#### **Explanation**

- During the November 26 meeting, Council received a briefing on the 2013 State and Federal Legislative Agendas as proposed by the Governmental Affairs Committee. Council requested the Committee to examine two other issues for potential inclusion in the Agendas addressing the Fiscal Cliff (federal agenda) and Zoning Board of Adjustment (State agenda) at its December 3 meeting.
- The Committee met on December 3 and did not take action to add the Fiscal Cliff and Zoning Board of Adjustment (ZBA) issues to the State and Federal Legislative Agendas. The ZBA issue, upon legal review, is not needed as the Council already has the legislative authority to adjust the size of the ZBA so long as it maintains at least five members. Council also has authority to appoint alternate members and establish attendance requirements to ensure sufficient members are in attendance to establish quorums.
- The Committee did not include the Fiscal Cliff issue as it desired specific information about which federal policies and programs are proposed for modification or elimination as part of a federal government-wide restructuring of financial responsibilities. Also, the Committee removed the proposed Congestion Mitigation and Air Quality program position as the Federal Transit Administration has recently interpreted the new federal transportation legislation in a manner that comports with Mecklenburg Union Metropolitan Planning Organization programming practices.  
Federal Legislative Agenda
- The proposed 2013 Federal Legislative Agenda addresses the need for:
  - Advancing the construction of the new airport control tower,

- Securing FY2014 funding for the Blue Line Extension, and
- Securing FY2014 funding for the new US Courthouse in Charlotte.
- The 2013 session of the US Congress will convene on January 3.  
State Legislative Agenda
- The proposed 2013 State Legislative Agenda addresses proposals to:
  - Eliminate the sunset date on credits for films made in North Carolina,
  - Authority to use the “Prudent Person” standard for long term investments,
  - Increase maximum allowable length of public transportation vehicles,
  - Extend sunset date of the Special Assessments for Critical Infrastructure Needs Act,
  - Authority to use special obligation bond financing for public transportation projects, and
  - Increase in the number of members of the Civil Service Board.
- The North Carolina General Assembly will convene on January 30 for its 2013 “long” session.

**Committee Action**

- The 2013 State and Federal Legislative Agendas were approved unanimously by the Council Governmental Affairs Committee at its November 5, 2012 meeting (Dulin, Cannon, and Pickering).
- The Committee unanimously approved removal of the Congestion Mitigation and Air Quality legislative item at its December 3, 2012 meeting ( Dulin, Cannon and Fallon).

**Next Steps**

- The approved 2013 State Legislative Agenda will be presented at a joint meeting of the Mecklenburg Delegation and Mayor and Council on Monday, January 14, 8:00 am, in Room 267 of the Charlotte-Mecklenburg Government Center.
- The approved 2013 Federal Legislative Agenda will be used as the primary vehicle for discussions with the Congressional Delegation in 2013, especially for Council’s Capitol Hill visit to Washington, D.C. during the National League of Cities Congressional City Conference from March 9-13, 2013.

**Attachment 5**

2013 Federal Legislative Agenda  
2013 State Legislative Agenda

## BUSINESS

### 15. Bryant Park Infrastructure Reimbursement Agreement Amendment

**Action:** Approve an amendment to the Bryant Park Infrastructure Reimbursement Agreement with Suttle Avenue LLC, extending the commencement date for road improvements by three years to December 31, 2015.

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

#### Explanation

- In February 2008, City Council approved an infrastructure reimbursement agreement with Suttle Avenue LLC, an affiliate of Merrifield Patrick Vermillion Partners (the Developer), to advance development in Bryant Park, an area generally bounded by Wilkinson Boulevard and West Morehead Street adjacent to the Center City.
- Under the terms of the agreement, the Developer would make certain public roadway improvements, including the construction of Bryant Park Drive, to serve an estimated 600,000 square feet of new office development and 250,000 square feet of housing.
- The City agreed to reimburse the Developer for the roadway improvements with a \$1 million grant from proceeds of the sale of Arena Outparcel #1 (appropriated by Council in a 2008 budget ordinance), and up to \$2.2 million from a 10-year 90% tax increment grant.
- In April 2010, City Council approved a two-year extension of the date by which the Developer would begin construction of the roadway improvements, establishing a new deadline of December 31, 2012.
- The Developer has requested an additional extension of this deadline citing the economic recession and associated slowdown in commercial real estate development.
- After meeting with the Developer to better understand the project timeline, staff recommends a three-year extension of the deadline for the following reasons:
  - Requiring the construction of roads in advance of supportive development would create significant financial challenges to the Developer and the project,
  - The Developer has completed the first phase of the project, a 113,000 square foot office building, and
  - No other element of the Agreement will change; all financing conditions approved by the City and County will remain.

#### Small Business Opportunity

The Infrastructure Reimbursement Agreement establishes a 10% SBE goal for this project.

#### Funding

General Capital Investment Plan and Synthetic Tax Increment Grant

## 16. 2013 City Council Meeting Schedule

**Action: Approve the 2013 City Council and Budget Meeting Schedule.**

**Staff Resource:** Stephanie Kelly, City Clerk

### Explanation

- North Carolina General Statute 43-318.12 requires that the City Clerk maintain on file a schedule of City Council's regular meetings. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- On November 12, 2012, Council approved the following changes effective in January 2013:
  - Reinstatement of the Council Workshop on the first Monday of the month, beginning at 5:00 p.m., followed by the citizens' forum at 7:30 p.m. (no limit on number of speakers),
  - Changed the start of the Dinner Briefing Sessions on the second and fourth Mondays to 5:00 p.m., and
  - Placed a limit of 10 on the number of speakers at the fourth Monday citizens' forum, and
- The proposed calendar reflects the above changes with an exception for Monday, May 6. In June 2012, the Budget Committee made a recommendation to have the City Manager's Recommended Budget presentation on May 6, 2013, at 7:00 p.m., in order to promote citizen attendance. The following schedule is proposed for the May 6 meeting:
 

5:00 p.m. - 6:30 p.m.	Council Workshop
6:30 p.m. - 7:00 p.m.	Citizens' Forum (limit of 10 speakers)
7:00 p.m.	City Manager's Recommended Budget Presentation (Meeting Chambers)
- 2013 City Council Retreat and Council Budget Meeting dates are included in the meeting schedule. In addition, the proposed schedule includes dates approved for City Manager applicant interviews.
- The meeting schedule for February does not include a Council Workshop due to the Council's Annual Budget Retreat, February 7 – 8, 2013.

### Attachment 6

2013 Meeting Schedule

## 17. Conclusion of Consent Agenda

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

## 18. 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. The SBO Program Policy is referenced at the end of Consent.

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."

## 19. Streetcar Starter Project Street Lights Payment

**Action:** Approve payment to Duke Energy in the amount of \$385,342 for the installation of 81 street lights for the Streetcar Starter Project.

**Staff Resource:** Tonia Wimberly, Engineering & Property Management

### Explanation

- On November 12, Council approved the construction of the Streetcar Starter Project.
- This item provides a one-time, upfront payment for street light installation work to be completed by Duke Energy.
- The monthly lighting bill will be paid by the Charlotte Department of Transportation as part of the public lighting agreement with Duke Energy. The standard monthly cost-per-light will apply for these lights.
- The Streetcar Starter Project will replace 77 existing street lights and add four new lights along the corridor. The limits are Trade Street from the Charlotte Transportation Center to McDowell Street, Elizabeth Avenue from McDowell Street to Kings Drive, Hawthorne Lane from Elizabeth Avenue to Fifth Street, Caldwell Street from Trade Street to Fifth Street, and Fifth Street from the Blue Line crossing to Caldwell Street.
- The cost per light is \$4,757.30 and includes the light fixture and the connection to line power. The light fixtures will be mounted to City-owned poles and arms that are part of the overhead contact system similar to the poles installed on Elizabeth Avenue.

### Disadvantaged Business Enterprise Opportunity

No DBE goal was set for this contract because subcontracting opportunities were not available.

### Funding

Federal Transit Administration Urban Circulator Grant and General Capital Investment Plan

## 20. North Carolina Railroad Double Track Project Municipal Agreement

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for improvements associated with the North Carolina Railroad (NCRR) Double Track Project Corridor at the proposed Eastern Circumferential and Grier Road bridges, and at the Orr Road crossing, and**
  - B. Adopt a budget ordinance appropriating up to \$7,100,000 from the Transportation Capital Investment Plan.**

**Staff Resources:** Danny Pleasant, Transportation  
Timothy Gibbs, Transportation

### Explanation

- The 2012-2018 North Carolina State Transportation Improvement Program (TIP) calls for improvements to the NCRR between Charlotte and Concord.
- As part of these TIP improvements, NCDOT has begun work on the NCRR Double Track project, which consists of adding a second track through the 12-mile project length in Mecklenburg and Cabarrus counties. Approximately five miles of this double track project are within the Charlotte city limits.
- NCDOT staff provided an update to City Council during the October 8 Dinner Briefing, where they highlighted some of the challenges and opportunities presented by this project, including:
  - Many NCDOT projects will be under construction simultaneously in the Charlotte area over the next several years,
  - NCDOT, the railroads, and the municipalities will need to work together to ensure these projects stay on schedule and are completed on time,
  - The project presents an opportunity for the City to work in conjunction with NCDOT to make needed infrastructure improvements to Charlotte's transportation system in a coordinated and efficient way, and
  - The project will have a positive impact on the economic well-being of the Charlotte region.
- NCDOT's funding for the NCRR Double Track project must be spent by 2017, which requires construction to begin by summer 2013.
- To successfully coordinate the City's infrastructure improvements with NCDOT's construction schedule, funding for the following projects is required at this time:
  - Construction of a bridge over the future Eastern Circumferential. The Eastern Circumferential is a series of major thoroughfares that will connect Sardis Road North to Mallard Creek Church Road through Charlotte, Mint Hill, and Matthews, and has been identified on the thoroughfare plan since the 1990's
  - Enhancements to the proposed bridge (e.g., sidewalks, bike lanes, accommodations for Intelligent Transportation System infrastructure) over the NCRR that will allow for an extension of Grier Road between Orr and Old Concord roads. Also, there will be similar improvements along Old Concord Road associated with this bridge project
  - Railroad switch and safety improvements at the existing Orr Road crossing

- If these City projects are delayed, the cost will double, the NCRR line will need to be detoured, and the efficiency and safety of NCRR's new double track operations will be severely hampered.
- By approval of this resolution, the City agrees to reimburse NCDOT for the work.
- A Municipal Agreement with NCDOT is necessary for NCDOT to be reimbursed.
- The City's costs will be funded with existing Transportation Capital Investment Plan funds, including \$1 million from the Public-Private Partnership program and \$7.1 million from reprogramming remaining balances in completed transportation capital projects. The budget ordinance is required to reprogram these funds.
- Staff typically reviews CIP project savings to identify possible reprogramming opportunities for the upcoming CIP, but due to the urgency of this request; staff recommends using prior year project funds to advance the project now.

### **Funding**

Transportation Capital Investment Plan

### **Attachment 7**

Resolution

Map of Double-Track projects in Charlotte

October 8 City Council Dinner Briefing PowerPoint Presentation

Budget Ordinance

## **21. Storm Drainage System Cleaning Truck**

**Action:**   **A. Approve the purchase of a Vactor storm drainage system cleaning truck as authorized by the cooperative purchasing exception of G.S. 143-129(e) (3), and**

**B. Approve a contract with Public Works Equipment and Supply Inc. in the amount of \$317,296.**

**Staff Resource:**   Charles Jones, Transportation

### **Cooperative Purchasing Exception**

- G.S. 143-129 (e) (3), effective January 1, 2002, authorizes competitive group purchasing.
- Public Works Equipment and Supply Inc. is an approved provider of Vactor equipment.
- Vactor equipment was competitively solicited by the city of Staples, Minnesota, and awarded a national contract through the National Joint Purchasing Alliance on May 27, 2010, for a term of five years.

### **Explanation**

- Vactor trucks are used to remove debris such as leaves and trash from storm water catch basins and pipes to ensure the proper flow of storm water runoff during rain events.
- Vactor trucks consist of a large truck chassis equipped with a vacuum system that collects and stores both dry and wet debris. The trucks are also equipped with 600 feet of high pressure hose used to remove clogs in drainage pipes.
- Clogged catch basins and storm sewer pipes can result in standing water on the roadway and the flooding of private property.

- Approval of this contract will allow for the replacement of an existing Vactor storm sewer cleaning truck.
- The existing Vactor truck is on the city vehicle replacement list due to vehicle age, mileage, and maintenance cost.
- The existing vehicle age is 12 years and the mileage is 80,533. The life-to-date maintenance cost is \$214,331.

#### **Small Business Opportunity**

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

#### **Funding**

General Capital Equipment Fund

## **22. Traffic Signal at I-85 Northbound Ramp and Mallard Creek Church Road Municipal Agreement**

**Action:** Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of a traffic signal at the intersection of I-85 Northbound Ramp and Mallard Creek Church Road.

**Staff Resource:** Charles Abel, Transportation

#### **Explanation**

- NCDOT authorized the installation of a traffic signal at the I-85 northbound ramp intersection with Mallard Creek Church Road. A Municipal Agreement with NCDOT is needed in order for the City to be reimbursed for work completed.
- The Municipal Agreement provides for the City to be reimbursed by NCDOT for all work it will perform on this project up to \$125,500.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

#### **Small Business Opportunity**

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

#### **Funding**

Transportation Capital Investment Plan

#### **Attachment 8**

Resolution

## 23. Reedy Creek Monitoring Study

**Action:** Approve a three-year contract with the University of North Carolina at Charlotte (UNCC) in the amount of \$380,000 for research services.

**Staff Resource:** Jennifer Smith, Engineering & Property Management

### Explanation

- Stream restoration projects generate mitigation credit that can be used to offset stream impacts on public projects, and allow mitigation dollars to remain local rather than be paid to a statewide fund so the benefits of restoration projects are realized in Charlotte's watersheds.
- Under this contract, UNCC will conduct three years of comprehensive monitoring to evaluate the effects and benefits of the Reedy Creek Stream Restoration Project being completed with Mitigation Bank funds.
- In 2011, City Council approved the feasibility analysis of the Reedy Creek Stream Restoration Project to determine if it was a viable candidate for stream restoration. Stream Restoration is the process of converting a degraded, eroded stream corridor to a stable condition. The project will now proceed to final design and construction using Mitigation Bank funds.
- Under this contract, UNCC will collect data on aquatic biology, ground water, and surface water hydrologic relationships and carbon and nutrient cycling.
- This sampling will be conducted by UNCC six times per year for three years at nine locations from January 2013 through December 2015.
- Several hundred samples will be analyzed for aquatic biology, sediment and nutrient concentrations, grain size distribution, surface water flow, groundwater level, and habitat and leaf matter during base flow and storm flow conditions.
- UNCC will provide annual reports summarizing and drawing conclusions from all data collected from the previous calendar year, provide articles in technical journals, and research presentations at state and national meetings. These reports will influence how Storm Water Services manages future stream restoration projects.
- Collaborating with UNCC for this project provides two additional advantages:
  - The cost to use student research is significantly lower compared to consultants, with no loss in quality, and
  - In staff's experience, research on this scale is best conducted by dedicated academic researchers to ensure access to the latest analytical techniques with the ability to assess data and draw robust conclusions, suitable for broad dissemination.
- The contract will constitute Phase I of a three phase effort. Phase I is expected to cover pre-construction, construction, and the beginning of the post-construction period.
- Phases II and III will evaluate how water quality, tree canopy, aquatic biology, and overall stream quality improve as vegetation is established and the new stream stabilizes and matures.
- In FY2016, a request will be made for Council to approve an amendment to the contract to continue with Phase II of this study.

**Background**

- Reedy Creek is currently listed as “impaired” on North Carolina’s 303(d) impairment listing.
- State regulations require the City address the health of Reedy Creek to reduce the impairment, including taking actions such as stream restoration.
- While stream restoration has proven effective at reducing certain pollutants in streams, very little data has been collected demonstrating the correlation between regulations and stream recovery.
- Design is scheduled to begin in 2013 to restore a major stretch of Reedy Creek north of Plaza Road Extension for mitigation bank credits, water quality improvement, and biological enhancement.
- The Reedy Creek Stream Restoration project presents a promising and unique opportunity for demonstrating restoration success and whether State regulations are achievable.

**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).

**Funding**

Storm Water Operating Budget and Capital Investment Plan

**Attachment 9**

Map

**24. Trade Street Storm Drainage Improvements Project**

**Action: Approve a contract with Showalter Construction Company, Inc. in the amount of \$187,544.50 for construction and repair services.**

**Staff Resource:** Jennifer Smith, Engineering & Property Management

**Explanation**

- As part of capital project coordination activities, Storm Water Services evaluates the need for storm water infrastructure improvements during the planning phase. Most of the drainage system along Trade Street is undersized or needs repair. Coordinating this work with the Streetcar Starter Project will minimize impacts to the community by only having to construct improvements one time and will result in cost savings.
- Some sections of the drainage system along Trade Street were selected for replacement and these improvements will be completed as part of the Streetcar Starter Project approved by Council on November 12, 2012.
- The contract will include the cleaning and lining of select pipe sections along Trade Street between the Transit Center and Caldwell Street.
- Due to existing utility conflicts, replacing these pipes is not feasible.
- Cleaning and lining the pipes will extend their service life and reduce future maintenance needs.
- Construction is expected to be complete by second quarter 2013.

**Small Business Opportunity**

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required (Appendix Section 29.1 of the SBO Policy).

**Funding**

Storm Water Capital Investment Plan

**25. Habitat for Humanity Critical Home Repair Program**

- Action:**
- A. Approve a one-year grant to Habitat for Humanity Charlotte (Habitat) in the amount of \$375,000 to provide critical home rehabilitation services to eligible participants inside the Charlotte city limits, and**
  - B. Authorize the City Manager to approve a one-year renewal up to the original contract amount.**

**Staff Resources:** Diane Adams, Neighborhood & Business Services  
Ben Krise, Neighborhood & Business Services

**Explanation**

- Habitat has partnered with the City of Charlotte for the last five years to provide critical home repairs for eligible participants.
- Habitat was awarded \$375,000 in December 2011. All funds in this award will be obligated by December 31, 2012.
- Neighborhood & Business Services recommends continuation of the partnership by providing a one-year grant with a one-year renewal option to Habitat's Critical Home Repair program.
- The grant will be funded through Community Development Block Grant funds and used to avoid displacement of homeowners and their families by repairing minimum housing code violations such as roof or heating unit replacement at qualified properties.
- Habitat estimates in-kind contributions of materials and volunteer labor to be approximately \$172,000 annually, providing significant leverage dollars.
- The City will provide referrals, approve the scope of work, monitor all work, and approve final payments.
- Habitat will prioritize families with:
  - An annual income of 60% or below (\$41,400) of the HUD Median Income for Mecklenburg County,
  - An elderly or disabled head of household or household member,
  - A single parent household with one or more children in home, and
  - Five or more permanent residents (large families).
- A minimum of 33 units will be completed under this contract. The estimated City contribution is \$11,364 per unit and Habitat's estimated contribution is \$5,200 per unit, which includes donated materials and an estimate of 120 volunteer labor hours at a market rate of \$21.79 per hour for each unit.
- Habitat has proposed a Repayment Plan for enrolled families. Any grant funds recovered through the Repayment Agreement shall be used solely for additional critical home repairs.

**Funding**

Community Development Block Grant

**Attachment 10**

Habitat Family Selection Criteria and Family Repayment Plan

**26. Old City Hall Elevator Updates**

- Action:**
- A. Approve the purchase of elevator modernization equipment as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and**
  - B. Approve a contract with Otis Elevator Company for \$299,900 to update the Old City Hall elevators.**

**Staff Resource:** William Haas, Engineering & Property Management**Cooperative Purchasing Exception**

- G.S. 143-129(e) (3), effective January 1, 2002, authorizes competitive group purchasing.
- Elevator modernization equipment and services were competitively solicited by Metro Nashville, Tennessee, and awarded a national contract through the National Intergovernmental Purchasing Alliance Program on July 27, 2011 for a term of five years.

**Explanation**

- Old City Hall has two elevators more than 30 years old, well beyond the typical 10-20 year life expectancy.
- The technology is obsolete and mechanical performance substandard.
- Maintenance is labor intensive and replacement parts are difficult to obtain.
- The contract will provide a new energy-saving drive system, controller, remote elevator monitoring system, state of the art safety controls, and other upgraded features.
- The elevator cabs will be refurbished with new operating panels, telephones, walls, lighting, and other updated features.
- Elevator lobby fixtures will be updated with new call buttons, direction lights, and key switch.
- Otis Elevator Company has provided exceptional service for many years not only keeping these elevators running, but maximizing their life expectancy. Otis Elevator Company also services the elevators at the CMGC.
- With an estimated 12-week manufacturing time, the expected project completion is early fall 2013. Work will be completed on one elevator at a time with an estimated duration of nine weeks per elevator.

**Small Business Opportunity**

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

**Funding**

Engineering & Property Management Operating Budget and General Facilities Capital Investment Plan

**27. Private Developer Funds for Traffic Signal Improvements**

**Action: A. Authorize the City Manager to execute a Developer Agreement with the Knights Baseball, LLC, and**

**B. Adopt a budget ordinance appropriating \$645,289 in Private Developer Funds for Traffic Signal Improvements.**

**Staff Resource:** Scott Putnam, Transportation

**Explanation**

- The \$645,289 in private developer funding is for traffic signals/upgrades and related work associated with developer projects. The funding is restricted to these projects.
- The following developer is fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development projects:
  - Knights Baseball, LLC, contributed \$645,289 for signal modifications including new mast arms and underground work around the Knights Baseball Stadium. The following intersections are included:
    - W 4<sup>th</sup> and S Graham streets
    - W 4<sup>th</sup> and S Mint streets
    - S Mint Street and W Martin Luther King Jr. Boulevard
    - W Martin Luther King Jr. Boulevard and S Graham Street
    - W 3<sup>rd</sup> and S Graham streets
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by Transportation and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.
- Transportation will be installing and operating these signals as part of the existing signal systems in the area.

**Funding**

Developer Contributions

**Attachment 11**

Budget Ordinance

## 28. Ready Mix Concrete

**Action:**   **A. Award the low-bid, unit price contract to Southern Concrete Materials for the purchase of Portland Cement Concrete for the term of one year, and**

**B. Authorize the City Manager to extend the contracts for four additional, one-year terms with possible price adjustments as authorized by the contract.**

**Staff Resource:**   Charles Jones, Transportation

### Explanation

- The contract will provide Portland Cement Concrete, a brand of ready mix concrete, to the Street Maintenance Division of the Charlotte Department of Transportation.
- Ready mixed concrete is used by Street Maintenance crews performing the maintenance, repair, and installation of sidewalks, curb and gutter, driveways, and accessible ramps found within street rights of way.
- The contract provides for both the delivery and/or pick-up of concrete products from Southern Concrete.
- The 2013 calendar year expenditure is anticipated to be \$245,000.
- Future possible price adjustments will be based on the Producer Price Index.

### Small Business Opportunity

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

### Funding

Powell Bill Street Maintenance Fund

## 29. Transit Video Monitoring System Maintenance

**Action:**   **A. Approve a three-year agreement with TransIT Solutions, LLC for maintenance of Transit mobile and fixed video monitoring system in an amount up to \$550,000 per year, and**

**B. Authorize the City Manager to execute two, one-year contract renewals for an amount up to \$600,000 per year.**

**Staff Resources:**   John Trunk, Transit  
Michael Haddad, Transit

### Background

- On May 29, 2007, City Council approved a five-year contract with Verint Video Solutions for a transit recording and observation system. The agreement has now expired.
- During the life of the contract, City Council approved amendment requests on the following dates to expand surveillance coverage to include:
  - October 22, 2007, additional fixed-route buses

- December 14, 2009, all paratransit buses
- September 12, 2011, system enhancement on all light rail vehicles

#### **Explanation**

- Transit has more than 2,600 cameras and over 400 digital recorders on revenue service vehicles (fixed-route buses, paratransit buses, and light rail vehicles). Transit also has more than 400 cameras and over 40 digital recorders at fixed facilities (transit centers, park and rides, and maintenance buildings).
- The purpose of this maintenance agreement is to ensure reliability and performance of the Transit video monitoring system. The critical nature of the system requires dedicated resources for preventive maintenance and resolution of system failures.
- Under the terms of the agreement, the contractor is required to maintain operational rates of 98.5% for mobile systems and 95% for fixed facilities.
- Video surveillance enhances public safety on Transit vehicles and at City transit properties. The system allows Transit to safely monitor and record events as well as obtain valuable evidence in transit-related legal matters such as accident investigations and fraudulent claims.
- Annual market research studies have consistently identified transit safety and security as a priority for transit users.

#### **Selection Process**

- A Request for Proposal was issued and five proposals were received.
- A technical evaluation team comprised of Transit staff evaluated the proposals.
- TransIT Solutions was deemed to provide the best overall solution for Transit.

#### **Small Business Opportunity**

For services-based contracts, the City negotiates SBE commitments during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, no SBEs were selected as part of the overall consultant project team.

#### **Funding**

Transit Operating Fund

### **30. Transit Origin-Destination Study**

**Action: Approve a contract with RSG, Inc. up to \$425,000 to conduct a system-wide transit origin-destination study.**

**Staff Resource:** Meghan Makoid, Transit

#### **Explanation**

- The LYNX Blue Line Extension Full Funding Grant Agreement, signed on October 16, 2012, requires that City of Charlotte complete an Origin-Destination Study to document the before transit conditions, prior to construction of the LYNX Blue Line Extension (BLE) Light Rail Project.
- This Origin-Destination Study is the major component of the "before" portion of the before and after study. The LYNX BLE New Starts Full Funding Grant Agreement (FFGA) covers this cost. A similar study was completed for the existing LYNX Blue Line in 2009.

- In addition to documenting the before transit conditions for the LYNX Blue Line Extension, the data collected from the Origin-Destination Study also will be used to improve the travel demand model that is used to predict ridership for future capital and operating improvements. This is critical to ensure an accurate federal ranking and adequate design of future transit projects.
- The Origin-Destination Study involves the on-board sampling of riders to determine the trip purpose, origin, destination, boarding and alighting locations, means of access and egress (e.g. walk, bike or drive to bus), and transfer sequences.
- At the recommendation of Federal Transit Administration (FTA) staff, the Charlotte Area Transit System has expanded the data collection scope to include additional on-to-off data collection and auxiliary data collection, such as park and ride utilization, vehicle occupancy, and on-board control passenger counts.
- A Request for Proposals (RFP) was advertised in November 2012. Two firms submitted proposals and participated in the procurement process.
- On November 21, 2012, RSG, Inc., teamed with ETC Institute and submitted a proposal and after the review by a multi-departmental team, was selected to perform the work based upon qualifications, experience and approach, financial qualifications, cost effectiveness and value, and acceptance of the terms of the contract.
- RSG, Inc. and ETC institute (a Kansas-based DBE firm with DBE certification in North Carolina) have partnered on this study. RSG is a nationally prominent transportation firm specializing in data collection, analysis, modeling and forecasting. ETC institute has conducted some of the most extensive FTA-related on-board surveys across the country. Based on these strengths, RSG will conduct project management, sampling, quality analysis and quality control reporting, while ETC Institute will use best practices to conduct data collection and in-field project execution.
- Contractually, the Study is required as part of the FFGA with the FTA for the BLE Northeast Corridor Light Rail Project and for approval of the Blue Line Extension FFGA.
- The optimum time to perform the Study is in the spring, prior to LYNX BLE advanced utility relocation and construction.
- In order to maintain the schedule, a pilot study must be conducted early 2013 to evaluate testing methodology. To ensure the schedule, Transit must provide the vendor with a notice to proceed before the end of the calendar year.

#### **Disadvantaged Business Enterprise Opportunity**

Established DBE Goal: 7.2%

Committed DBE Goal: 84.3%

The proposed DBE firm is ETC Institute (marketing research).

#### **Funding**

Transit Capital Investment Plan

## 31. Aircraft Air Conditioning Units

**Action:**   **A. Award a low-bid contract of \$1,365,302 with JBT AeroTech, Jetway Systems for the purchase of aircraft air conditioning units, and**

**B. Adopt a budget ordinance appropriating \$1,365,302 from the Airport Discretionary Fund Balance to the Aviation Capital Investment Plan.**

**Staff Resource:**     Jerry Orr, Aviation

### Explanation

- In November 2012, City Council approved a contract with RDK Engineers for the design of increased electrical systems to power larger aircraft air conditioning units for US Airways' exclusively leased gates on Concourses B and C.
- Of the 34 gates on these concourses, US Airways owns 20 jetbridges on which the air conditioning units are attached, and the Airport owns 14 of the jetbridges with similar units.
- US Airways is purchasing the larger units for the jetbridges that they own.
- The contract will purchase the units for the Airport-owned jetbridges.
- The 14 units are being purchased now so that they are delivered to the Airport in time to meet the installation schedule.
- Funding for this purchase will come from airline rates and charges to be repaid by US Airways.

### Small Business Opportunity

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

### Funding

Aviation Capital Investment Plan

### Attachment 12

Budget Ordinance

## 32. Airport Gateway Signage

**Action:**   **Award a low-bid contract of \$122,125 with Moore and Seagle Construction, Inc. for installation of a gateway sign at Wilkinson Boulevard.**

**Staff Resource:**     Jerry Orr, Aviation

### Explanation

- In November 2009, the Airport opened the Business Valet Parking Deck on the corner of Wilkinson Boulevard and Harlee Avenue. Earlier in 2009, the Airport also constructed a set of ramps from Harlee Avenue to Josh Birmingham Parkway to allow vehicular access to the terminal from Harlee Avenue.

- The construction of these facilities provides a primary entrance to the Airport from Wilkinson Boulevard.
- The contract is for the installation of a new low-profile gateway signage at the intersection of Wilkinson Boulevard and Harlee Avenue.
- The signage will provide a significant visual cue that passengers have arrived at the Airport.

#### **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). Moore and Seagle is a certified SBE.

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 13**

Rendering of Sign

### **33. Relocation and Adjustment of Utility Lines Municipal Agreement**

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the NC Department of Transportation (NCDOT) for design and construction of water and sewer line relocations and adjustments in the estimated amount of \$4,750,803, and**
  - B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

**Staff Resource:** Barry Shearin, Utility

#### **Explanation**

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT roadway projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- Once completed, Utility reviews the invoice, validating the charges and making corrections when needed.
- The agreement is for relocation of approximately 41,850 linear feet of municipally-owned water and sewer lines, ranging in size from 2"-30", within NCDOT's roadway improvements project along US 74 (Independence Boulevard) from Albemarle Road to Idlewild Road.
- The work includes the relocation of all Utility water and sewer services, fire hydrants, 30,130 linear feet of water lines, and 11,720 linear feet of sewer lines. NCDOT required that these be relocated to an area not under any pavement and lines crossing the highway had to be encased in steel pipes.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the utility relocations.

- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplemental Agreement for the cost differential. Final invoice differences can be attributed to:
  - Actual unit price bids being different than estimated;
  - Changes in material costs between when the estimate was prepared and the completion of the project; or
  - Required design modifications resulting from NCDOT project changes.
- Construction is scheduled to begin in early 2013 and will take approximately three years to complete.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

### **Funding**

Utility Capital Investment Plan

### **Attachment 14**

Resolution

## **34. Street Main Engineering Design Contracts**

**Action: Approve two contracts for Street Main Water and Sewer design with:**

- **McKim and Creed, in the amount of \$200,000**
- **Gavel and Dorn, in the amount of \$200,000**

**Staff Resource:** Barry Shearin, Utility

### **Explanation**

- The Charlotte-Mecklenburg Utility Department (CMUD) designs and constructs water and sewer lines to extend service to new residential customers.
- CMUD also designs and constructs water and sewer lines to replace ones that are old and leaking.
- To improve response time to customer requests and addressing water quality concerns, consultants are used to extend staff during peak times. Projects designed and constructed by the staff are time sensitive.
- The contract provides preliminary design, final design, and drafting services.
- Staff anticipates that each firm will design an estimated 20 projects or approximately 20,000 feet of sewer or water during the life of the contract.

### **Small Business Opportunity**

For professional services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On these contracts, no SBE goals were set because there are no SBE subcontracting opportunities. However, one of the selected firms (Gavel & Dorn) is a certified SBE.

### **Funding**

Utility Capital Investment Plan

### 35. Portable Sewer Cleaning Equipment

- Action:**
- A. Approve the purchase of sewer cleaning equipment as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and**
  - B. Approve the purchase of four jettors from Jet-Vac Sewer Equipment Company, Inc. in the amount of \$191,300.**

**Staff Resource:** Barry Gullet, Utility

#### **Cooperative Purchasing Exception**

- G.S. 143-129(e)(3), effective January 1, 2002, authorizes competitive group purchasing.
- Jet-Vac has a national contract through H-GAC Buy that guarantees their prices to be the lowest available to a governmental entity.
- The Jet-Vac Sewer Equipment Company contract was competitively bid by H-GAC Buy and awarded by the Houston-Galveston Council January 2, 2012.
- H-GAC Buy bids all sewer and pipeline investigation equipment in one consolidated Invitation to Bid.

#### **Explanation**

- The Charlotte-Mecklenburg Utility Department (CMUD) uses various types of cleaning equipment to clean sewer lines. The large sewer cleaning trucks are used for major main line cleaning and smaller portable jettors are used as a first line of defense when citizens call with backups or blockages. The use of portable jettors reduces these risks to home owners.
- Portable jettors are used by sewer rapid response crews to clear minor blockages, sewer overflows, and to provide temporary relief until more extensive cleaning can occur.
- CMUD rapid response crews respond to over 5,000 calls per year. Using portable jettors, the average response time currently is between 30 and 45 minutes. CMUD's goal is to respond to all sewer calls within one hour.
- CMUD has 12 portable jettors. The purchase will replace four units, which are ten years or older, and have exceeded their useful life.

#### **Small Business Opportunity**

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

#### **Funding**

Utility Capital Equipment Fund

### 36. Utility Closed Circuit Television Equipment

- Action:**
- A. Approve the purchase of closed circuit television (CCTV) equipment as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and
  - B. Approve the purchase of two CCTV Hi-Cube Vans from Aries in the amount of \$399,736.

**Staff Resource:** Barry Gullet, Utility

#### Cooperative Purchasing Exception

- G.S. 143-129(e)(3), effective January 1, 2002, authorizes competitive group purchasing.
- Aries has a national contract through H-GAC Buy that guarantees their prices to be the lowest available to a governmental entity.
- The Aries contract was competitively bid by H-GAC Buy and awarded by the Houston-Galveston Council January 2, 2012.
- H-GAC Buy bids all sewer and pipeline investigation equipment in one consolidated Invitation to Bid.

#### Explanation

- Charlotte-Mecklenburg Utility Department (CMUD) staff use this equipment to inspect sewer lines to identify potential failures and blockages caused by roots, grease, and debris.
- The purchase replaces the two oldest vans in a fleet of four. The vans being replaced are 10 and 11 years old with inspection equipment dating back to 1997. The remaining two vans are six years old.
- The newer equipment is more efficient and gives better quality inspection.
- CMUD uses this equipment to inspect approximately 960,000 linear feet per year, which is approximately 4.5% of the sewer system.
- Contractors supplement internal forces averaging 93,700 linear feet per year, or approximately .43% of the sewer system.

#### Small Business Opportunity

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

#### Funding

Utility Capital Equipment Fund

## 37. Utility Wastewater Equipment

**Action:**

**A. Approve the purchase of wastewater equipment as authorized by the sole source purchasing exception G.S. 143-129 (e) (6) (ii), and**

**B. Approve a one year, unit-price contract with Smith & Loveless for the purchase of upgraded water quality equipment.**

**Staff Resource:** Barry Gullet, Utility

### Sole Source Exception

- G.S. 143-129 (e) (6) (ii) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source or supply
  - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary for standardization and compatibility of the equipment.

### Explanation

- Wastewater that enters the wastewater treatment plants contains grit that, if not removed, causes premature wear on pumps and builds up in process areas throughout the plant.
- Grit systems at the Sugar Creek and Irwin Creek Wastewater Treatment Plants are manufactured by Smith & Loveless and were installed over 15 years ago. These systems are at the end of their service life and need to be replaced to effectively remove the grit from the wastewater.
- Smith & Loveless has components available to replace and upgrade their existing equipment that will improve the efficiency of the systems.
- Utility staff will be responsible for installation of all Smith & Loveless equipment.
- The estimated annual expenditure is \$140,000.

### Small Business Opportunity

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

### Funding

Utility Capital Investment Plan

### 38. Utility Tree Removal Services

**Action:** Award unit price contracts, for a two-year term, to the following companies to provide tree removal services throughout Mecklenburg County:

- Single Oak Farm Grading and Landscaping
- Frady Tree Care
- Asplundh Tree Expert Company

**Staff Resource:** Barry Gullet, Utility

#### Explanation

- State regulations require the Charlotte-Mecklenburg Utility Department (CMUD) to maintain access to off-street sewer lines for necessary replacement, repair, and cleaning. Periodically it is necessary to remove trees to maintain access.
- Occasionally, trees are removed when their root systems conflict with the repair and maintenance of water and sewer pipes.
- The contracts provide for the removal and disposal of trees in water and sewer easements within City right-of-ways.
- Before a tree is removed in the City right-of-way, CMUD consults with the City arborist.
- A Request for Proposals was issued on August 28, 2012. The firms selected were based on their experience, references, qualifications, and price.
- Annual expenditures are anticipated to total \$40,000 per company.

#### Small Business Opportunity

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

#### Funding

Utility Operating Budget

### 39. 2009 Annexation Hood Road Areas Change Order #2

**Action:** Approve change order #2 in the amount of \$70,000 with R.H. Price, Inc. for additional utility construction items throughout the 2009 Hood Road North and South Annexation Areas.

**Staff Resource:** Barry Shearin, Utility

#### Explanation

- In the 2009 Annexation, Charlotte-Mecklenburg Utility Department (CMUD) purchased numerous private water and wastewater systems in the Hood Road area in eastern Mecklenburg County, which included approximately 2,700 customers.

- In the purchase of these systems, CMUD planned to make various improvements, such as the addition of fire hydrants and replacement of incompatible water meters and boxes.
- City Council approve the original contract totaling \$2,164,483.86 on September 13, 2010.
- While performing this work it was discovered that more of the meter boxes needed to be replaced and the quantity of concrete to repair driveways properly is higher than originally projected. All additional work will be completed at the unit prices in the bid.
- In November 2012, the City Manager approved change order #1, in the amount of \$95,436 to provide funding for the following overruns in contract items:
  - Replacement of incompatible water meters and boxes, located in residential driveways,
  - Replacement of concrete removed during meter installations, and
  - Refurbishment of existing water service piping to meet current standards.
- Change Order #2 provides funding for replacement of an additional 200 water meters and meter boxes, not identified in the original bid, as well as repair of affected concrete driveways.
- The revised total value of the contract will be \$2,329,919.86.

**Small Business Opportunity**

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

**Funding**

Utility Capital Investment Plan

**40. Exchange of Land Rights along the LYNX Light Rail Project with HB Real Estate Investments, LLC**

**Action:**

**A. Adopt a resolution authorizing an exchange of real property rights with HB Real Estate Investments, LLC or their successors and assigns (Developer) involving Tax I. D. numbers 12103104 and 12103105, and**

**B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.**

**Staff Resources:** Timothy O'Brien, Engineering & Property Management  
Tina Votaw, Transit

**Explanation**

- The Developer proposes to build a new commercial development including retail shops and a parking deck in South End between the East/West Light Rail Station and the New Bern Light Rail Station.
- The Developer's project is consistent with the land use vision outlined in the Council-adopted South End Transit Station Area Plan. Due to redevelopment of the site, tax revenues will increase from approximately \$50,000/year to approximately \$160,000/year.

- Consistent with previous Council actions, the City may release its charter rights within a portion of the unused right-of-way to facilitate transit supportive redevelopment.
- The Developer will exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property, and other benefits.
- The land exchange is recommended for the following reasons:
  - The City receives from Developer:
    - “Fee” title to approximately 19,000 square feet (valued at approximately \$63,000), which will convert the City’s charter right-of-way to full fee ownership for that portion of the rail corridor being used by the City.
    - Completion of streetscape improvements including decorative fence, new multi-use path, benches, planting strips, irrigation, and additional pedestrian lighting along the rail corridor to facilitate access to the light rail stations. Developer will fund cost of improvements (approximately \$49,900).
  - Developer will receive from the City:
    - Release of charter rights to approximately 6,800 square feet (valued at approximately \$109,000).
    - Due to both CATS’ limited maintenance budget and limited maintenance staff, the developer will be required to maintain all of the new improvements adjacent to the rail corridor, including the new multi-use path, landscaping, irrigation, and fencing at an approximate cost of \$7,500 annually. Therefore, easement and license agreements will be granted as needed to construct and maintain the new improvements.

### **Background**

- In 1999, the City of Charlotte purchased the 130-foot wide charter right-of-way formerly owned by Norfolk Southern Railroad. The City’s use of the right-of-way is as a charter only, similar to an easement, with the adjacent property owners possessing ownership of the underlying title to the corridor, subject to the City’s use.
- The right-of-way is wider than necessary for transit purposes. Therefore, the City issued an administrative policy regarding utilization of the rail corridor which states the City will generally retain approximately 70-feet in width for rail purposes while allowing the surplus right-of-way of approximately 30-feet in width along both sides to be utilized by adjacent properties as transit supportive development (or may be retained by the City as buffer if needed).
- The South End Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions surplus right-of-way may be incorporated into adjacent transit supportive development.

### **Attachment 15** Resolution

## 41. Exchange of Land Rights along the LYNX Light Rail Project with Camden/Fund Southline, LLC

- Action:**
- A. Adopt a resolution authorizing an exchange of real property rights with Camden/Fund Southline, LLC or its successors and assigns (Developer) involving tax identification numbers 12104120 and 12103103, and**
  - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.**

**Staff Resources:** Timothy O'Brien, Engineering & Property Management  
Tina Votaw, Transit

### Explanation

- Camden/Fund Southline, LLC (the Developer) proposes to build a 239-unit apartment complex with parking in the South End between the East/West Light Rail Station and the New Bern Light Rail Station.
- The Developer's Project is consistent with the land use vision outlined in the Council-adopted South End Transit Station Area Plan. Due to redevelopment of the site, tax revenues will increase from approximately \$54,000 per year to approximately \$360,000 per year.
- Consistent with previous Council actions, the City may release its charter rights within a portion of the unused right-of-way to facilitate transit supportive redevelopment.
- The developer will exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property, and other benefits.
- The land exchange is recommended for the following reasons:
  - The City receives from Developer:
    - "Fee" title to approximately 15,000 square feet (valued at approximately \$50,490), which will convert the City's charter right-of-way to full fee ownership for that portion of the rail corridor being used by the City.
    - Construction of streetscape improvements including decorative fence, new multi-use path, benches, planting strips, irrigation, and additional pedestrian lighting along the rail corridor to facilitate access to the light rail stations. Developer will fund improvements (approximately \$49,900).
  - Developer will receive from the City:
    - Release of charter rights to approximately 5,300 square feet (valued at approximately \$84,880).
    - Due to both CATS' limited maintenance budget and limited maintenance staff, the developer will be required to maintain all of the new improvements adjacent to the rail corridor, including the new multi-use path, landscaping, irrigation, and fencing at a cost of approximately \$7,500/annually. Therefore, easement and license agreements will be granted as needed to construct and maintain the new improvements.

### Background

- In 1999, the City of Charlotte purchased the 130-foot wide charter right-of-way formerly owned by Norfolk Southern Railroad. The City's use of the right-of-way is as a charter only, similar to an easement, with the adjacent property owners possessing ownership of the underlying title to the corridor, subject to the City's use.
- The right-of-way is wider than necessary for transit purposes. Therefore, the City issued an administrative policy regarding utilization of the rail corridor which states the City will generally retain approximately 70-feet in width for rail purposes while allowing the surplus right-of-way of approximately 30-feet in width along both sides to be utilized by adjacent properties as transit supportive development (or may be retained by the City as buffer if needed).
- The South End Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions surplus right-of-way may be incorporated into adjacent transit supportive development.

### Attachment 16 Resolution

## 42. Joint Communications Center Adjacent Land

**Action:**

**A. Approve the purchase of approximately 4.71 acres of land for \$2,210,000 to facilitate the development of the Joint 911 Communications Center, and**

**B. Authorize the City Manager to execute all necessary documents for the purchase of properties (involving Tax I.D. 07902106, 07902107 and 07902111) from the sellers.**

**Staff Resources:** Rich Granger, Fire  
Timothy O'Brien, Engineering & Property Management

### Explanation

- The purpose of the Joint Communications Center is to co-locate various communication functions including Police 911, Fire 911, Emergency Operations Center, Mecklenburg County Sheriff's Office 911, Transportation Traffic Cameras, and the City's Data Center. The Center will be located at 1315 North Graham Street.
- The FY2012-2016 General Capital Investment Plan (CIP) included \$6.0 million to provide partial funding for the proposed Center. This initial funding was intended for purchasing land and providing preliminary planning and design work. The City was able to purchase land for the primary facility site using 911 Surcharge fund balance, and the \$6 million CIP funds remain available for other costs associated with completing the project. The remainder of funding needed to construct the facility is included in the proposed CIP currently being considered by City Council.
- During the preliminary design work on the Joint Communications Center, it was determined that additional parking would be required.
- A recent opportunity has become available to purchase land adjacent to the existing Center property, which will address the additional parking and property

needs for the Center as well as take advantage of two existing facilities on the available property that could be used to support other Fire and Police operation needs.

- The purchase price is at the appraised value which includes related improvements and was established by a certified Member Appraisal Institute (MAI) appraiser and reviewed by another certified MAI appraiser.

### **Funding**

General Facilities Capital Investment Plan

## **43. Sale of 5335 Lila Wood Circle**

**Action: A. Adopt a resolution approving the sale of the City-owned real property located at 5335 Lila Wood Circle (PID #17511340) for \$375,000, and**

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

**Staff Resources:** Timothy O'Brien, Engineering & Property Management  
Barry Shearin, Utility

### **Explanation**

- In 2005, Charlotte-Mecklenburg Utility Department began the acquisition process to install a larger sewer line along Briar Creek through the Selwyn Grove subdivision, located off Selwyn Avenue northwest of the SouthPark area.
- Many of the homes involved in the Briar Creek Relief Sewer project back up to Briar Creek. In two locations, the 40-foot wide sewer easement is within several feet of the homes.
- Due to the proximity of the residences and the blasting needed in December 2005, City Council approved the purchase of two properties prior to construction. The plan had been to sell the two properties once construction was complete. Construction work was completed in May 2011.
- The first house was in much better condition, and Council approved its sale August 28, 2012.
- This house suffered damage due to the blasting within 12 feet of the structure. Among the needed repairs are a damaged floor joist and sub-flooring, cracks in the exterior stucco walls, and cracks at joints in wallboard in most all rooms. All damage inspection reports were provided to prospective buyers.
- The house was listed in the Carolina Multiple Listing Service (MLS) on October 12, 2012, with Keller Williams Realty to be sold "as-is" for the appraised fair market price of \$393,500. There were 2,792 internet inquiries accessed through 10 different web sites. There were 42 showings to prospective buyers and as a result of the marketing efforts, four offers received ranging from \$300,000 to \$375,000.
- The pending sale went through the upset bid process (the entity offering the largest amount for the property is awarded the property). The buyer was the highest bidder.

### **Attachment 17**

Resolution

## 44. Real Estate Related Services

- Action:**
- A. Approve unit price contracts for real estate acquisition and relocation services for two-year terms to:**
    - 1. Atkins North America, Inc.
    - 2. CityScape Acquisitions, Inc.
    - 3. Gulf Coast, LLC
    - 4. Telecommunication & Industrial Consulting Services Corporation
    - 5. THC, Inc.
    - 6. Professional Property Services, Inc.
    - 7. Vaughn & Melton
  - B. Approve unit price contracts for real estate appraisal services for two-year terms to:**
    - 1. Bryant Rutledge, LLC
    - 2. Fortenberry Lambert, Inc.
    - 3. The Hopkins McElhannon Group, Inc.
    - 4. James Owens Appraisal
    - 5. T.B. Harris, Jr. & Associates, Inc.
  - C. Approve unit price contracts for real estate appraisal review services for two-year terms to:**
    - 1. The Hanes Group, Inc.
    - 2. Ray E. Crawford & Co., Inc.
    - 3. RiverRidge Valuations, Inc. , and
  - D. Approve unit price contracts for real estate legal services for two-year terms to:**
    - 1. Horack, Talley, Pharr & Lowndes, PA
    - 2. Kimberly E. Fox, PLLC
    - 3. The Klauk Law Firm
    - 4. Nexsen Pruet, PLLC.

**Staff Resource:** Laura Rushing, Engineering & Property Management

### Explanation

- Real estate related services are required as part of the real estate phase of capital improvement projects.
- Due to the high volume of real estate transactions required, contract resources supplement the work of in-house real estate agents to meet project schedules. These contracts will provide continuous on-call real estate services for federal, state and local funded projects for two years.

- Real estate services contracts for the Blue Line Extension were previously approved by Council in September 2011 and are not included in these contracts.

#### **Selection Process**

- Requests for Proposals for the various services were advertised in October 2011. All firms providing real estate services in the City's vendor system were solicited by email.
- In order to meet workload demands, a total of 19 firms were selected using a competitive proposal selection process to provide real estate services for their respective area of expertise.
- For federal and state-funded projects, contracts are required to comply with federal and state procurement guidelines respectively.
- These contracts will ensure the Federal Transit Administration, Federal Highway Administration and North Carolina Department of Transportation's guidelines for acquiring real property, as applicable, are followed.
- These contracts further provide for real estate related services for local-funded capital improvement projects.
- Projects will be assigned to firms on a work-order basis using unit prices provided for in the contract.

#### **Real Estate Acquisition and Relocation Services**

- Real estate acquisition and relocation services are required to obtain the title to the properties necessary for the construction and operation of various projects and to relocate any firms or persons displaced as a result of the projects.
- The firms will negotiate with all impacted private property owners in order to acquire the rights needed.
- The firms also will provide relocation assistance to all eligible individuals and businesses displaced by the projects.
- All selected firms are provided training in City negotiation policies and procedures and are monitored closely for compliance. Firms are provided with written policies, procedures and training to ensure they meet the City's expectations of proper behavior, courtesy and professionalism towards citizens.
- Annual total expenditures for real estate acquisition and relocation services with the seven firms are anticipated to total \$6,600,000.

#### **Real Estate Appraisal and Appraisal Review Services**

- Real estate appraisal and appraisal review services are required during the real estate acquisition phase of public projects to determine impacts to real property.
- Certified independent real estate appraisers with specialized expertise in eminent domain appraisals and establishing fair and just compensation for property owners are required.
- Each property must have an appraisal and each appraisal must be reviewed by a separate appraiser before just compensation can be established.
- Annual total expenditures for both real estate appraisal and appraisal review services with the eight firms are anticipated to total \$1,050,000.

#### **Real Estate Legal Services**

- Real estate legal services are required during the acquisition phase of public projects to research and certify ownership information and to conduct real estate closings, ensuring the City receives good title for the required properties.

- The legal firms will research and provide titles on all privately-owned parcels required for the projects. The firms will then conduct real estate closings on the successfully negotiated parcels.
- While the City typically uses in-house attorneys to handle condemnations, due to the volume of projects, some outsourcing of condemnations may be necessary.
- Annual total expenditures for real estate legal services with the four firms are anticipated to total \$1,000,000.

### **Disadvantaged Business Opportunity**

#### Real Estate Right-of-Way Acquisition and Relocation Services

Established DBE Goal: 3.00%

The firms below were selected to provide real estate right-of-way acquisition and relocation services on federal-funded projects and committed to meet or exceed the DBE Goal throughout the two-year contract term.

Atkins North America, Inc. committed 3.00% DBE participation of the overall contract to the following DBE firm: Porter Scientific (right-of-way acquisitions).

CityScape Acquisitions, Inc. is a certified DBE firm and will perform 100% of the contract.

Gulf Coast, LLC committed 4.00% DBE participation of the overall contract to the following DBE firm: 1<sup>st</sup> Choice LLC (administrative staffing services).

Telecommunication & Industrial Consulting Services Corporation committed 5.00% DBE participation of the overall contract to the following DBE firm: CityScape Acquisitions, Inc. (right-of-way acquisitions).

THC, Inc. committed 3.00% DBE participation of the overall contract to the following DBE firm: CityScape Acquisitions, Inc. (right-of-way acquisitions).

### **Small Business Opportunity**

For these services-based contracts, the City will negotiate SBE commitments during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). An SBE goal will be negotiated at the time work orders are issued to each firm. In addition, the following firms selected to provide the services are SBE certified firms: The Hopkins McElhannon Group, Inc. and The Klauk Law Firm.

## **45. Resolution of Intent to Abandon a Residual Portion of Steele Creek Road**

**Action: A. Adopt the Resolution of Intent to abandon a residual portion of Steele Creek Road, and**

**B. Set a public hearing for January 14, 2013.**

**Staff Resource:** Jeff Boenisch, Transportation

### **Attachment 18**

Map  
Resolution

## 46. 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 \$12,467.45, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$1,772.47.

**Staff Resource:** Sherry Hite, Finance

### **Explanation**

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

### **Attachment 19**

Resolutions  
List of refunds

## 47. In Rem Remedy

**For In Rem Remedy #A-C, 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. 7507 Albemarle Road (Neighborhood Statistical Area 147 – Hickory Ridge Neighborhood)

**Field Observation:**

- B. 130 Martin Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- C. 3303 West Blvd (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)

**Public Safety:**

**A. 7507 Albemarle Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7507 Albemarle Road (Neighborhood Statistical Area 147 – Hickory Ridge Neighborhood).**

**Attachment 20**

**Field Observation:**

**B. 130 Martin Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 130 Martin Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).**

**Attachment 21**

**C. 3303 West Blvd**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3303 West Blvd (Neighborhood Statistical Area 100 –Eagle Lake Neighborhood).**

**Attachment 22**

## PROPERTY ITEMS

### 48. Property Transactions

**Action: Approve the following property transaction(s) (A-C) and adopt the condemnation resolution(s) (D-Q).**

For property transactions H-J, 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:** Beatties Ford Road Widening Phase 2, Parcel # 47  
**Owner(s):** Pamela J. Hamilton and David Keith Plyler  
**Property Address:** 4912 Beatties Ford Road  
**Property to be acquired:** 6,043 sq. ft. (.139 ac.) in Fee Simple, plus 4,333 sq. ft. (.099 ac.) in Temporary Construction Easement, plus 222 sq. ft. (.005 ac.) in Utility Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-221-06  
**Total Parcel Tax Value:** \$172,300

**Purchase Price:** \$14,500

- B. Project:** City Boulevard Extension- Phase III, Parcel # 33  
**Owner(s):** Michael's Landing, LLC  
**Property Address:** 6146 Rumble Road  
**Property to be acquired:** 988 sq. ft. (.023 ac.) in Fee Simple, plus 2,856 sq. ft. (.066 ac.) in Storm Drainage Easement, plus 99 sq. ft. (.002 ac.) in Water Main Easement, plus 8,329 sq. ft. (.191 ac.) in Temporary Construction Easement  
**Improvements:** Electric lighting, sign retaining wall.  
**Landscaping:** Trees and shrubs,  
**Zoned:** R-15MF  
**Use:** Condominium  
**Tax Code:** 047-030-99  
**Total Parcel Tax Value:** \$100,000  
**Purchase Price:** \$36,200
- C. Project:** Park Road Pedestrian Crossing and Sidewalk Project, Parcel # 2  
**Owner(s):** Vernon Development, LLC  
**Property Address:** 4300 Park Road  
**Property to be acquired:** 705 sq. ft. (.016 ac.) in Sidewalk and Utility Easement, plus 1,906 sq. ft. (.044 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** MUDD  
**Use:** Office  
**Tax Code:** 149-203-54  
**Total Parcel Tax Value:** \$260,500  
**Purchase Price:** \$35,000

### Condemnations

- D. Project:** Fire Station # 5 Expansion, Parcel # 2  
**Owner(s):** 228 Heights Associates, LLC and Any Other Parties of Interest  
**Property Address:** 228 Wesley Heights Way  
**Property to be acquired:** 4,898 sq. ft. (.112 ac.) in Fee Simple (**TOTAL TAKE**)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-22 MF  
**Use:** Commercial  
**Tax Code:** 071-017-05  
**Total Parcel Tax Value:** \$176,200  
**Appraised Value:** \$140,000  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff and the property owner have reached an agreement for the appraised value. However, the title abstract revealed issues which will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- E. Project:** Beatties Ford Road Widening Phase 2, Parcel # 43  
**Owner(s):** Sho Properties, Inc. And Any Other Parties Of Interest  
**Property Address:** 4838 Beatties Ford Road  
**Property to be acquired:** 11,380 sq. ft. (.261 ac.) in Fee Simple plus 10,415 sq. ft. (.239 ac.) in Fee Simple within Existing Right-of-Way, plus 336 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 11,563 sq. ft. (.265 ac.) in Temporary Construction Easement, plus 86 sq. ft. (.002 ac.) in Utility Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-221-08  
**Total Parcel Tax Value:** \$159,700  
**Appraised Value:** \$9,775  
**Property Owner's Counteroffer:** \$40,000  
**Reason for Condemnation:** Staff began working with the property owner in March 2012 and has yet to reach an agreement regarding the appraisal. The property owners feel the appraised value is too low. 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.
- F. Project:** Beatties Ford Road Widening Phase 2, Parcel # 61  
**Owner(s):** James H. Price and Any Other Parties of Interest  
**Property Address:** 5226 Beatties Ford Road  
**Property to be acquired:** 4,957 sq. ft. (.114 ac.) in Fee Simple, plus 12,052 sq. ft. (.277 ac.) in Fee Simple within Existing Right-of-Way, plus 397 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 7,395 sq. ft. (.17 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 037-372-06  
**Total Parcel Tax Value:** \$182,200  
**Appraised Value:** \$5,475  
**Property Owner's Counteroffer:** \$62,000  
**Reason for Condemnation:** Staff began working with the property owner in March 2012 and has yet to reach an agreement regarding the appraisal. The property owner feels the appraised value is too low. The property owner also believes the designed median being placed in front of the property will increase his cost of business due to the vehicles inability make a left turn exiting the property. At the property owner's request, staff revised the plans to increase the width of property's driveway cut. 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.

- G. Project:** Beatties Ford Road Widening Phase 3, Parcel # 3 and 4  
**Owner(s):** Iglesia Pentecostal Lirio de Los Valles and Any Other Parties of Interest  
**Property Address:** 3910 and 3998 Beatties Ford Road  
**Property to be acquired:** 1,250 sq. ft. (.029 ac.) in Fee Simple, plus 1,352 sq. ft. (.031 ac.) in Storm Drainage Easement, plus 1,449 sq. ft. (.033 ac.) in Slope Easement, plus 5,430 sq. ft. (.125 ac.) in Temporary Construction Easement, plus 108 sq. ft. (.002 ac.) in Utility Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-081-11 and 041-081-10  
**Total Parcel Tax Value:** \$129,200  
**Appraised Value:** \$2,875  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in May 2012 and has yet to reach an agreement regarding the acquisition. The title abstract also reveals issues which 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.
- H. Project:** Blue Line Extension, Parcel # 1259  
**Owner(s):** Parrish Tire Company and Any Other Parties of Interest  
**Property Address:** 300 East 36th Street  
**Property to be acquired:** 7,944 sq. ft. (.182 ac.) in Fee Simple, plus 2,796 sq. ft. (.064 ac.) in Temporary Construction Easement, plus 4,902 sq. ft. (.113 ac.) in Utility Easement  
**Improvements:** Two Parking Spaces and Business Sign  
**Landscaping:** Tree  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 083-031-04  
**Total Parcel Tax Value:** \$585,000  
**Appraised Value:** \$24,125  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in July 2012 and has yet to reach an agreement regarding the appraisal. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- I. Project:** Blue Line Extension, Parcel # 1263, 1267, 1269 and 1270  
**Owner(s):** Herrin Brothers Coal and Ice Company and Any Other Parties of Interest  
**Property Address:** 315, 319 and 321 East 36th Street  
**Property to be acquired:** 7,545 sq. ft. (.173 ac.) in Fee Simple, plus 10,121 sq. ft. (.232 ac.) in Fee Simple within Existing Right-of-Way, plus 7,234 sq. ft. (.166 ac.) in Temporary Construction Easement, plus 1,757 sq. ft. (.04 ac.) in Utility Easement  
**Improvements:** Concrete Paving  
**Landscaping:** Tree

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 091-112-29, 091-112-30, 091-112-32 and 091-112-42

**Total Parcel Tax Value:** \$776,600

**Appraised Value:** \$25,975

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff began working with the property owner in July 2012 and has yet to reach an agreement regarding the appraisal. The title abstract also revealed issues which 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.

- J. Project:** Blue Line Extension, Parcel # 1285  
**Owner(s):** SRI Holdings, LLC and Any Other Parties of Interest  
**Property Address:** 3826 Raleigh Street  
**Property to be acquired:** 14,433 sq. ft. (.331 ac.) in Railroad Easement, plus 1,413 sq. ft. (.032 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 091-072-01  
**Total Parcel Tax Value:** \$436,400  
**Appraised Value:** \$26,750  
**Property Owner's Counteroffer:** \$98,000  
**Reason for Condemnation:** Staff began working with the property owner in April 2012 and has yet to reach an agreement regarding the acquisition. The property owners feel there is a potential loss of business due to the project acquisition. 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.
- K. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 19  
**Owner(s):** Kurt E. Lindquist, II and Wife, Sherry C. Lindquist and Any Other Parties of Interest  
**Property Address:** 919 Colville Road  
**Property to be acquired:** 3,013 sq. ft. (.069 ac.) in Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** 2 Large Screening Trees  
20 Small Screening Trees  
10 Large Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-123-33  
**Total Parcel Tax Value:** \$957,100  
**Appraised Value:** \$37,075  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in January 2012 and has yet to reach an agreement regarding the acquisition. The property owners had concerns regarding the location of the

easement relating to an existing brick wall. Staff addressed the concern by redesigning the location of the easement. Staff has continued to work with the property owners to reach an agreement. 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.

- L. Project:** Shamrock Gardens Neighborhood Improvement Project, Parcel # 20  
**Owner(s):** Ronald R. Ross and Wife, Cheryl B. Ross and Any Other Parties of Interest  
**Property Address:** 2901 Springway Drive  
**Property to be acquired:** 21 sq. ft. (.ac.) in Sidewalk and Utility Easement, plus 2,280 sq. ft. (.052 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 093-083-02  
**Total Parcel Tax Value:** \$105,000  
**Appraised Value:** \$700  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began trying to contact the property owner in April 2012 and received the first response from the property owner's representative on October 22, 2012. 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.
- M. Project:** Shamrock Gardens Neighborhood Improvement Project, Parcel # 51  
**Owner(s):** W.D. Austin, Jr. and Wife, Inga-Lisa Austin and Any Other Parties of Interest  
**Property Address:** 2826 Palm Avenue  
**Property to be acquired:** 404 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 1,024 sq. ft. (.024 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 093-086-08  
**Total Parcel Tax Value:** \$99,800  
**Appraised Value:** \$575  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in March 2012 and has yet to reach an agreement regarding the appraisal. 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.
- N. Project:** Shamrock Gardens Neighborhood Improvement Project, Parcel # 85  
**Owner(s):** Joseph O'Connor and Any Other Parties of Interest  
**Property Address:** 3300 Cardiff Avenue

**Property to be acquired:** 81 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 1,039 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 2,131 sq. ft. (.049 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees and shrubs

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 093-087-03

**Total Parcel Tax Value:** \$97,400

**Appraised Value:** \$5,500

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff began attempting to contact the property owner in April 2012 and has yet to reach an agreement regarding the appraisal. 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.

**O. Project:** Streetcar Starter Project, Parcel # 2

**Owner(s):** G. Howard Webb, Jr. and Betty Ann McCall Webb and Any Other Parties of Interest

**Property Address:** North Brevard Street

**Property to be acquired:** 1,846 sq. ft. (.048 ac.) in Fee Simple, plus 663 sq. ft. (.015 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** UMUD

**Use:** Commercial

**Tax Code:** 080-052-09

**Total Parcel Tax Value:** \$713,600

**Appraised Value:** \$213,325

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff began working with the property owner in July 2012 and has yet to reach an agreement regarding the appraisal. 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.

**P. Project:** Streetcar Starter Project, Parcel # 3

**Owner(s):** Preferred Parking Services, LLC and New Americana Investments, LLC and Any Other Parties of Interest

**Property Address:** North Caldwell Street

**Property to be acquired:** 2,969 sq. ft. (.068 ac.) in Fee Simple, plus 1,256 sq. ft. (.029 ac.) in Temporary Construction Easement

**Improvements:** Payment Machine and Business Sign

**Landscaping:** None

**Zoned:** UMUD

**Use:** Commercial

**Tax Code:** 080-052-12

**Total Parcel Tax Value:** \$2,493,400

**Appraised Value:** \$372,175

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff began working with the property owner in July 2012 and has yet to reach an agreement regarding the appraisal. 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.

- Q.** **Project:** Streetcar Starter Project, Parcel # 26  
**Owner(s):** JH Holdings of Charlotte, LLC and Any Other Parties of Interest  
**Property Address:** 801 East Trade Street  
**Property to be acquired:** 49 sq. ft. (.001 ac.) in Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 080-098-05  
**Total Parcel Tax Value:** \$2,208,300  
**Appraised Value:** \$3,125  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in July 2012 and has yet to reach an agreement regarding the appraisal. 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.

## Reference

### Small Business Opportunity Program Policy Reference

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

#### Part A: Administration & Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Part B: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.**

The City shall not establish an SBE Goal for Construction Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part C: Services Procurement**

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

**Part C: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.**

The City shall not establish an SBE Goal for Service Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

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

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

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