

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, February 25, 2013

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

Item #	Page #	Title
30	23	Transit Blue Line Extension Financing
43	34	Property Transactions for the Blue Line Extension (M-N, Q-Z, and AC-AD)

CITY COUNCIL AGENDA
Monday, February 25, 2013

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager’s Office

Time: 5 minutes

Synopsis

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

2. Cultural Vision Planning

Resources: Scott Provancher, President, Arts & Science Council
Linda Lockman-Brooks, Board Chair, Arts & Science Council

Time: 20 minutes

Synopsis

The Arts & Science Council (ASC) will update the Mayor and Council on the cultural vision planning process as well as provide a “state of the cultural community”. The ASC will also request that the Council consider a public-private partnership task force to address the current and future cultural sector circumstances.

Future Action

The Mayor and Council are asked to agree with the formation of a task force and submit names to the City Clerk by March 15, 2013. Appointments will be made by the task force co-chairs.

Task Force Membership (15)

Organization	Membership
Arts & Science Council	2 co-chairs 2 at-large members
City of Charlotte	1 tourism sector member 2 at-large members
Mecklenburg County	2 town/unincorporated area members 1 at-large member
Charlotte-Mecklenburg Schools	1 at-large member
Foundation for the Carolinas	1 at-large member
Charlotte Chamber	3 at-large members

Attachment 1

ASC Letter of Request

3. Blue Line Extension Schedule and Financial Update

Resources: Carolyn Flowers, Transit
Greg Gaskins, Finance

Time: 30 minutes

Synopsis

- In the coming months, staff will bring numerous items before City Council on the development of the Blue Line Extension Project (BLE).
- Real estate transactions for acquisitions, condemnations, and settlements will significantly increase and are scheduled as follows:
 - 27 transactions on February 25
 - Approximately 30 transactions on March 25
 - Approximately 30 transactions on April 22
 - Approximately 80 transactions on July 22
- In April and May of 2013, staff will bring several contracts for City Council approval.
- On February 6, the City presented a preliminary financing plan for the BLE to the Local Government Commission (LGC) staff. The City expects to receive the LGC's approval of the plan and have debt financing available by the end of April.

Future Action

Real estate transactions will routinely occur throughout the remainder of the year.

4. Metropolitan Planning Organization Boundary Expansion

Resources: Robert Cook, Planning

Time: 20 minutes

Synopsis

- The substantial increase in the size of the Charlotte-urban area will result in the expansion of the Mecklenburg-Union Metropolitan Planning Organization's (MUMPO) planning area.
 - The planning area will expand into Iredell County as far north as Statesville, and west to include eastern Lincoln County. The town of Marshville in Union County will be added to the planning area.
 - Voting membership could increase from the current 17 voting members to as many as 31 voting members.
 - The expansion has generated the need to rewrite the MUMPO's Memorandum of Understanding (MOU). A subcommittee of the MUMPO is now working on revisions to the MOU.
 - Key issues include:
 - o Voting
 - o Quorum requirements
 - o Possibly distributing the local match required for the use of federal funds to all member jurisdictions (the City now supplies most of the match)
 - o Fee assessment methodology
 - o Staff resource needs
- The subcommittee may complete its work as early as March.

- The matter has been discussed before the Transportation & Planning Committee. Committee members expressed concern with the City's vote share and how supplying the local match is largely a City responsibility.

Future Action

City Council will be asked to authorize the Mayor to sign the revised MOU. The request could be made as early as April.

5. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting

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

7:00 P.M. AWARDS AND RECOGNITIONS

6. Multiple Myeloma Month

Action: Mayor Foxx will read a proclamation recognizing March as Multiple Myeloma Month.

7. Patricia Garrett Recognition

Action: Mayor Foxx will read a proclamation celebrating the career of Patricia Garrett, Charlotte Mecklenburg Housing Partnership.

CONSENT

8. Consent agenda items 17 through 43 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

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

POLICY

9. City Manager's Report

BUSINESS

10. Pleasant View II Apartments Loan Subordination

Action: Approve a request from the Charlotte-Mecklenburg Housing Partnership (CMHP) to subordinate the City's existing \$2,222,812 loan from a first lien to a second lien position as part of the loan restructuring of Pleasant View I and II apartments.

Staff Resources: Pamela Wideman, Neighborhood & Business Services
Zelleka Biermann, Neighborhood & Business Services

Policy

- The City's FY2011-2015 Consolidated Plan (Plan) was approved by City Council on July 26, 2010.
- The Plan identified the need for affordable, safe, and decent housing for low and moderate income families.
- The Plan aligns with the U.S. Department of Housing and Urban Development's three overarching goals: decent affordable housing, economic opportunity, and suitable living environment.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- CMHP is requesting the City's approval to take a secondary lien position on the Pleasant View II apartments.
- CMHP is in the process of refinancing debt, with a Fannie Mae lender, on several of their properties including Pleasant View I. Approval of this action will assist in preserving affordability at Pleasant View I and II and assist in making repairs, including roof replacement and HVAC upgrades.
- According to Fannie Mae's underwriting guidelines, Pleasant View I and View II are considered to be one development consisting of two phases; both phases are required to be collateral for a new Fannie Mae loan to Pleasant View I. Additionally, the existing City loan on Pleasant View II must be subordinated to the Fannie Mae loan.
- In April 2002, City Council approved a deferred payment loan, to CMHP, in the amount of \$2,222,812 to CMHP for the construction of the 40-unit Pleasant View II apartments located at 8225-B Pence Road, on the east side of Charlotte north of Albemarle Road. Pleasant View II is immediately adjacent to the existing Pleasant View I apartments, for which the City has no investment.
- The \$2,222,812 loan has a 20-year term and 1% interest only payments. CMHP has consistently made monthly payments and is current on all loan payments. The existing City loan will remain in place and will receive Pleasant View I as

additional security. The appraised value of both properties is \$3,500,000 and the current market value is \$4,800,000.

- Pleasant View II apartments is fully leased and serves households earning 50% (\$35,200) and below the area median income. Pleasant View I has a 4% vacancy rate and serves households earning 60% (\$39,100) or below the area median income.
- The requested subordination will not affect the operation of Pleasant View II in any way nor will it add any additional debt service to the property.

Attachment 2

CMHP Letter of Request

Map

11. Matching Funds for the Internship Scholarship Program at The Washington Center

Action: Designate \$30,000 from the FY2013 Council Discretionary Fund to match UNC Charlotte's contribution for 10 UNC Charlotte students to attend The Washington Center's internship program, Washington, D.C., during the 2013-2014 academic school year.

Resource: Mayor Anthony Foxx

Explanation

- Founded in 1975, The Washington Center for Internships and Academic Seminars is the largest, independent nonprofit experiential education organization in the United States.
- For more than 35 years, The Washington Center has played a crucial role in preparing young people for leadership and promoting civic participation by connecting motivated students with companies, organizations, congressional offices, and federal agencies that exemplify the values of leadership and community service.
- Each year, approximately 1,500 college students from all 50 states and more than 20 foreign countries participate in the internship program.
- The Washington Center's new "City Initiative" allows for municipalities to match the contributions of their local universities to send local students to Washington, D.C. for an integrated academic and work experience.
- UNC Charlotte will match the City's contribution of \$30,000 for a total of 10 students to participate in the internship program.
- The \$6,000 in funding per student will cover the program fee, which is \$6,000 for regular term and \$5,995 for summer term.
- To complete the program, students must:
 - Intern for an entire semester with a member of Congress, federal agency, non-profit organization, or private company
 - Enroll in and complete one of up to 40 academic classes offered at the Washington Center by adjunct faculty
 - Participate in the Simpson-Mineta Leaders Series, a speaker series that allows students to interact with prominent leaders
 - Participate in the Public Policy Dialogue on Capitol Hill Program, which allows students to engage in small group policy discussions with members of Congress or legislative staff members

- Complete a civic engagement project
- Submit a professionally bound portfolio outlining their work in Washington, D.C. including their civic engagement project, professional assessments, writing assignments, and other relevant work
- The Washington Center staff will work with the student to identify an internship site that aligns with the student’s professional and academic interests.
- Students will receive full academic credit from UNC Charlotte for participating in the internship.
- Students must be second semester sophomores or higher at the time of enrollment and must have a GPA of at least 2.75.
- The matching grant will demonstrate the City’s commitment to youth employment, while also cultivating young leaders representing the Charlotte community during their work experience in Washington, D.C.
- The Washington Center and UNC Charlotte recently partnered during the Democratic National Convention seminar to host 108 students for a two week academic seminar.
- The current available balance of the FY2013 Council Discretionary is \$200,000.

Funding

FY2013 Council Discretionary Funds

Attachment 3

The Washington Center’s Proposal for an Internship Program Scholarship with the City of Charlotte and the University of North Carolina at Charlotte

12. Conclusion of Consent Agenda

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

13. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2013.
 - Ann Gabrielson has resigned.

Attachment 4

Applications

B. CHARLOTTE-MECKLENBURG COALITION FOR HOUSING

- One appointment for an unexpired term for a representative of affordable housing beginning immediately and ending June 30, 2014.
 - David Furman has resigned.

Attachment 5

Applications

C. CITIZENS’ REVIEW BOARD

- One appointment for an unexpired term for a graduate of the Charlotte-Mecklenburg Police Department Citizens' Academy beginning immediately and ending July 31, 2015.
 - Paulette Michael has not met the City Council attendance requirement for 2012.

Attachment 6

Applications

D. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2013, then continuing for a full three-year term ending June 30, 2016.
 - Sharon Ingram has not met the City Council attendance requirement for 2012.

Attachment 7

Applications

E. DOMESTIC VIOLENCE ADVISORY BOARD

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

Attachment 8

Applications

F. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for an unexpired term beginning immediately and ending May 18, 2013, and then continuing for a three-year term ending May 18, 2016.
 - Susan Tompkins was recommended for appointment at the January 14, 2013, Council meeting, but has declined the recommendation due to recent scheduling conflicts.

Attachment 9

Applications

G. ZONING BOARD OF ADJUSTMENT

- One appointment for an unexpired term for an alternate member of the Board beginning immediately and ending January 30, 2015.
 - Mark Loflin had been serving as an alternate, but was appointed as a regular member at the January 28, 2013, meeting.

Attachment 10

Applications

14. Appointments to Boards and Commissions

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

A. KEEP CHARLOTTE BEAUTIFUL

- One appointment for an unexpired term beginning immediately and ending June 30, 2015. The appointment was carried over from the City Council meeting, January 28, 2013, when the vote ended as a tie.
 - Larissa DiMaria by Council Members Autry, Kinsey, and Mayfield
 - Charles Jewett by Council Members Dulin, Fallon, and Pickering

Attachment 11

Applications

15. Mayor and Council Topics

Council members may share information and raise topics for discussion.

16. Closed Session

Action: Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(6), to go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

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".

17. Democratic National Convention Equipment Donation

Action: Adopt a resolution authorizing the donation of equipment, purchased for the Democratic National Convention (DNC), to participating police agencies.

Staff Resource: Mike Adams, Police

Explanation

- North Carolina General Statute §160A-280 authorizes the donation of personal property from a city to a non-profit organization, or another government unit upon adoption of a resolution by City Council.
- The City requested assistance of police officers, from 126 outside police agencies, to meet the security demands associated DNC.
- The equipment for participating police officers was purchased by a U.S. Department of Justice DNC Security Grant.
- The Charlotte-Mecklenburg Police Department (CMPD) wishes to donate the personal equipment to 112 of the police agencies that assisted with convention security.
- Most of the donated equipment is personal equipment that was fitted to the individual officer and includes helmets, chest protectors, shin and arm guards, and field force uniforms.
- Other donated equipment includes gas canisters, gun launchers, bicycles and bicycle officer uniforms, and utility vehicles.
- CMPD does not need the equipment recommended for donation because it will be past its useful life upon the time needed for use.
- City Council received a briefing on the donated equipment at its January 28 dinner meeting.
- The total estimated value of the equipment to be donated is \$1,469,524.39.
- Police agencies receiving the equipment will be responsible for all maintenance and replacement costs.
- All of the equipment is being donated under the guidelines established by the U.S. Department of Justice for purchases made with grant funds.
- A list of equipment is available upon request from Mike Adams, CMPD.

Attachment 12

Resolution

18. Street Maintenance Mini-Excavators

- Action:**
- A. Approve the purchase of three mini-excavators as authorized by the cooperative purchase exception of G.S. 143-129(e)(3), and**
 - B. Approve a contract with Carolina Caterpillar in the amount of \$251,904.**

Staff Resource: Charles Jones, Transportation

Cooperative Purchasing Exception

- G.S. 143-129(e)(3), effective January 1, 2002, authorizes competitive group purchasing.
- Caterpillar has a national contract through the National Joint Purchasing Alliance (NJPA), which offers better pricing than is available in the market for vehicles of this type.
- NJPA is a public agency in the City of Staples, Minnesota that competitively solicits contracts for government agencies nationwide.

Explanation

- City Council previously approved the contract with Carolina Caterpillar on January 14, 2013.
- Staff is resubmitting this action due to a technical correction in the language of the prior Council request. The prior request inadvertently stated that staff used the state contract exception to solicit the contract instead of the cooperative purchasing exception. The amount and all other aspects of the request remain the same.
- Mini-excavators are small, versatile machines used to dig out sidewalk, curb and gutter, and roadways for repair.
- The smaller machines allow work to be done in space-limited locations with less damage to the surrounding area than larger machines.
- Street Maintenance evaluated the use of mini-excavators for more than a year and has determined that these machines provide time and fuel savings for many concrete and storm water repair projects given their mobility and functionality on the jobsite as follows:
 - Mini-excavators can be hauled to construction sites using smaller trucks than required to haul backhoes or larger excavators resulting in fuel and equipment savings.
 - The maneuverability of mini-excavators limits the amount of traffic control needed on the jobsite and reduces work stoppages to reposition larger equipment resulting in time savings.
- As part of the FY2013 Capital Equipment Replacement Plan, the mini-excavators are replacing three dump trucks that are more than 15 years old and are scheduled for replacement due to their age, mileage, and overall condition.
- Each mini-excavator will cost \$83,968.

Small Business Opportunity

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

Funding

Capital Equipment Fund

19. Street Maintenance Salt Spreaders

- Action:**
- A. Approve the purchase of three Swenson Salt Spreaders, as authorized by the sole source exception of G.S. 143-129(e)(6),**
 - B. Approve a unit price contract with Carolina Industrial Equipment for the purchase of Swenson Salt Spreaders for term of one-year, and**
 - C. Authorize the City Manager to approve two, one-year renewals.**

Staff Resource: Charles Jones, Transportation**Sole Source Exception**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source of supply
 - Standardization or compatibility is the overriding consideration
- This product must be compatible to existing equipment in order to operate adequately and is available from only one source of supply.

Explanation

- Salt spreaders are mounted in the beds of tandem axle dump trucks and are used to apply salt to city roads during ice and snow events.
- The spreaders on the FY2013 Capital Equipment Replacement Plan were identified for replacement due to age, overall condition, and incompatibility with control systems used to manage the application of salt to roadways.
- Each spreader will cost between \$21,000 and \$24,208, depending on the length of the spreader.
- The estimated annual expenditure is up to \$72,000.

Small Business Opportunity

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

Funding

Capital Equipment Fund

20. Private Developer Funds for Traffic Signal Improvements

Action: Adopt a budget ordinance appropriating \$57,587 in Private Developer Funds for Traffic Signal Improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- The following developer is fully funding traffic signal installations and improvements to mitigate traffic impacts around their respective development project:
 - Camden USA, Inc. contributed \$57,587 for improvements to the traffic devices in the intersection of Camden Road and West Boulevard to include the relocation and improvement of existing signal supports due to road widening, pedestrian signalization, and other associated improvements.
- Payments made by the developer are in response to estimates of work prepared by the Charlotte Department of Transportation (CDOT) and supplied to the developer.
- The \$57,587 in private developer funding is restricted to this project. Any funding that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 13

Budget Ordinance

21. Fire Department Headquarters Change Order #1

Action: A. Approve change order #1 in the amount of \$350,000 to Myers & Chapman, Inc., for the Charlotte Fire Department Headquarters, and

B. Adopt a budget ordinance appropriating an additional \$350,000 from the General Capital Investment Plan project savings to the Charlotte Fire Department Headquarters Project.

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

Explanation

- The project consists of the construction of a new 36,524 square-foot, two-story facility, located at 500 Dalton Avenue.
- The new facility will consolidate the following operations: Fire Administration, Fire Information Technology, Fire Prevention, and Emergency Management.
- The existing project design has the parking lot and main entrance on the north side (rear) of the building. A parking lot, on the south side (front) of the building, was part of the original design but was removed to bring the original construction cost in line with the adopted project budget.

- A change to the construction contract is requested due to functionality concerns associated with not having front parking as well as an interest to increase the visibility and safety presence in the business corridor.
- Change order #1 will provide funding for the construction of a front entrance parking lot for staff and public use and will provide for greater use of the south side (front) of the building, which faces center city.
- Currently, General Capital Investment Plan project savings of \$12 million is available for reprogramming (\$9.7 million from Transportation bond projects and \$2.3 million from Facilities). The budget ordinance will reprogram \$350,000 of the Facilities project savings.
- The original contract amount of \$10,949,120 was awarded by City Council in December 2011. The total contract amount to date, including this change order is \$11,299,120.
- Construction is expected to be complete fourth quarter 2013.

Small Business Opportunity

All additional work involved in this change order will be performed by Myers & Chapman, Inc., and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Government Facilities Capital Investment Plan

Attachment 14

Budget Ordinance

22. FY2013 Annual Action Plan Amendment for Housing and Community Development

Action: Approve an amendment to the FY2013 Annual Action Plan for Housing and Community Development to include HOME Investment and Partnerships (HOME) resale/recapture provisions to meet Housing and Urban Development requirements.

Staff Resources: Pamela Wideman, Neighborhood & Business Services
Zelleka Biermann, Neighborhood & Business Services

Policy

- The U.S Department of Housing and Urban Development (HUD) mandates the development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY2013 Annual Action Plan (Plan) is the City's annual strategy for providing housing and community development activities.
- The Plan supports the City's housing policy to preserve existing housing, expand the supply of low and moderate-income housing, and support family self-sufficiency.

Explanation

- On April 23, 2012, City Council approved the Plan, which includes housing and community development needs and resources for the City and Regional Housing Consortium.

- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill, Huntersville, and Davidson.
- In FY2013, the City received the following federal funding allocation:

Community Development Block Grant (CDBG)	\$4,416,652
HOME funds (HOME)	2,031,879
Emergency Solution Grants (ESG)	377,418
Housing Opportunity for Persons with AIDS (HOPWA)	<u>830,903</u>
Total	\$7,656,852

- New HUD regulations require the inclusion of resale/recapture provisions in contracts for uses of HOME funds.
- HOME funds are used as the source of funding for the City’s House Charlotte Down Payment Assistance Program and provided to Community Housing Development Organizations and other non-profit providers for land acquisition, and the construction and rehabilitation of single and multi-family properties.
- Recapture provisions allow eligible homeowners to repay a share of the amount borrowed through a Down Payment Assistance Program, if necessary.
 - Income eligible homebuyers may receive a deferred loan, up to \$7,500 with an interest rate of 3% per year. If the homeowner lives in the home for 10 years, no repayment is required. However, if the homeowner sells the property within a five-year period, the loan must be repaid to the City in full, including a 3% per year interest rate.
 - If the homeowner sells the property after five years, the homeowner is responsible for repaying a prorated portion of the amount borrowed at the rate of 20% per year for years six through 10 plus 3% interest.
- Resale provisions apply when HOME funds are loaned or granted in the form of a development subsidy for land acquisition and the construction/rehabilitation of single and multi-family properties.
 - The provision ensures that properties that are resold remain affordable to households earning 80% (\$52,100) or below the area median income, through a deed restriction for the period of affordability based on the amount of assistance.
- The chart below details the period of affordability for HOME funds. Affordability periods are determined based on the amount of HOME money invested in the development.

HOME Funds Period of Affordability	
Less than \$15,000	5 Years
\$15,000 - \$40,000	10 Years
Greater than \$40,000	20 Years

Next Steps

- Contingent on City Council’s approval of the amendment, Neighborhood & Business Services staff will forward a copy of the amended FY2013 Action Plan to the HUD field office in Greensboro, North Carolina, and will place a copy, in both English and Spanish, on the City’s website, in several libraries throughout the City, at the Charlotte Housing Authority offices, and at Old City Hall.

Funding

CDBG, HOME, ESG, and HOPWA

23. Lead-Based Paint Hazard Control Program Services

Action: A. Approve a one-year contract with S&ME, Inc. in the amount of \$102,880 to provide lead-based paint testing, risk assessment and design, and clearance and maintenance plan preparation, and

B. Authorize the City Manager to approve two, one-year renewals, up to the original contract amount.

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

Explanation

- The City of Charlotte received \$2,479,414 in federal assistance from the U.S. Department of Housing and Urban Development for the Lead-Based Paint Hazard Control Grant Program. Under the 2012 Appropriations Act, funding was provided for the purpose of performing lead testing and lead hazard control activities. Since 1996, the City has received \$16,999,847 in Lead-Based Paint Hazard Control Grant Program funds, and has performed lead hazard control services in 1,960 units.
- The remaining grant funds will be used to manage and perform lead hazard control services at individual residences.
- On December 14, 2012, a Request for Proposal (RFP) was issued to contractors for lead-based paint testing, design, risk assessment, clearance, and maintenance plan preparation services. Five proposals were received.
- With the assistance of Engineering and Property Management, a committee was developed to evaluate the relative strengths, significant weaknesses or deficiencies, and risks of each qualification package.
- Qualified firms were ranked in accordance with the best value to the City for the services described in the RFP with the goal of selecting one or more firms to provide the required services.
- The contract will allow lead-based paint testing and risk assessments on approximately 110 units with the anticipation that 83 units will require lead hazard control services.
- The contract is for a term of one-year with two one-year renewal options.
- The City will provide referrals, approve the scope of work, monitor all work, and approve final payments to the contractor.

HUD Section 3 Opportunity

This contract is subject to the Federal HUD Section 3 guidelines. No goals were established for this contract because subcontracting opportunities were not identified.

Funding

U.S. Department of Housing and Urban Development

24. Beatties Ford Road Widening Contract Amendment #2

Action: Approve contract amendment #2 in the amount of \$200,000 to Atkins North America, Inc. for additional engineering work on the Beatties Ford Road Widening Project.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Explanation

- The Beatties Ford Road Widening Project was identified in the FY2009-2013 Capital Investment Plan. The project includes widening Beatties Ford Road to four lanes with turning lanes, planted median, bicycle lanes, planting strip and sidewalk from Capps Hill Mine Road to Pauline Lane.
- The total project cost is estimated to be \$14,115,000.
- The amendment will provide funds to accommodate the following issues identified during the real estate and utility coordination phases:
 - Prepare a sewer line extension and sewer connections to several homes currently on private septic tank that are believed to have water/sewer service until the real estate process
 - Prepare advanced grading plans for utility relocation work to be performed ahead of the road widening work allowing more efficient use of the right-of-way during construction
 - Prepare minor design changes resulting from real estate negotiations
- Atkins North America, Inc. (formerly PBS&J) was selected using the Council approved qualifications-based selection process.
- The original design contract in the amount of \$565,000 was approved by City Council on March 23, 2009.
- The contract was amended for additional design services on January 24, 2012, for \$95,000 and approved by the City Manager.
- The total contract amount to date including this amendment is \$860,000 and is available in the project budget.
- There are no additional amendments anticipated for this contract.

Small Business Opportunity

All additional work involved in this amendment will be performed by Atkins North America, Inc. and their existing sub consultants (Part D: Section 6 of the SBO Policy). On this amendment, Atkins North America, Inc. committed 10.29% (\$20,574.75) to the following SBE firm: Hinde Engineering, Inc. (Engineering Services).

Funding

Transportation Capital Investment Plan

25. Idlewild Road Widening

Action: Award the low-bid contract of \$3,024,894.36 to Boggs Paving, Inc. for the Idlewild Road Widening.

Staff Resource: Leon Howe, Engineering & Property Management

Explanation

- The project will include improvements to Idlewild Road from east W.T. Harris Boulevard to Margaret Wallace Road.
- Improvements will include road widening, bicycle lanes, curb and gutter, pedestrian refuges, planting strips, and sidewalks along all or portions of the roadway.
- Funding for the project was included in the 2010 Bond Referendum.
- Construction is expected to be completed by the second quarter of 2015.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 8.00%

Boggs Paving, Inc. met the established SBE goal and has committed 8.00% (\$242,060) of the total contract amount to the following SBE firms: PandTL, Inc. (erosion control/seeding), OnTime Construction (concrete/masonry), MH Graves (road construction), Conmat Construction (concrete), and Express Logistics (hauling).

Funding

Transportation Capital Investment Plan

26. Storm Water Engineering Services

Action: Approve a contract extension with Dewberry Engineers, Inc. (Dewberry) for \$1,000,000 for engineering services.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- Under this contract, Dewberry was assigned tasks including the planning phase/preliminary engineering analysis of the Sunnyvale/Chandworth watershed area.
- The Sunnyvale/Chandworth watershed area is approximately 669 acres with boundaries of Sharon Road to the south and east, Sulkirk Road to the north and Ramblewood Lane to the west.
- During the planning/preliminary engineering analysis phase of the Sunnyvale/Chandworth watershed area, it was determined the improvements needed would be very expensive and extensive (approximate cost of \$45 million). Due to budget constraints, the watershed area will be divided into multiple projects (up to seven). Lily Mill will be the first project to move forward into design.
- The extension will provide funding for design and construction administration services for the Lily Mill project which is bound by Ramblewood Lane to the west, Creekbed Lane to the south, Park Road to the east and Huntingtowne Farms Lane to the north.

Background

- Each year, Storm Water Services begins preliminary engineering on new storm drainage improvement projects that are the highest ranking projects in the program backlog. The projects may include storm drainage improvements that reduce house and street flooding, repair failing infrastructure, or enhance water quality of nearby creeks.
- The engineering analysis and design for the projects are performed by consulting firms that are selected in compliance with General Statutes using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.
- When a consultant performs quality engineering analysis, the most efficient method is for that firm to complete the design and provide construction administration services.
- The original contract was approved by City Council on December 13, 2010, for \$2,000,000. This contract extension will bring the total contract amount to \$3,000,000.
- There are no additional extensions anticipated for this contract.

Small Business Opportunity

All additional work involved in this extension will be performed by Dewberry Engineers, Inc. and their existing sub consultants (Part D: Section 6 of the SBO Policy). Dewberry Engineers, Inc. has projected 5.00% (\$50,000) of this extension amount to the following SBE firms: Carolina Wetland Services, Inc. (environmental services), On Target Utility Locate Services, Inc. (utility location), and Avioimage Mapping Services (mapping services).

Funding

Storm Water Capital Investment Plan

27. Airport East End Baggage Claim Renovation

Action: Award the low-bid contract of \$267,700 with The Bowers Group, LLC for renovations of the east end of the baggage claim lobby.

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2011, City Council approved a contract in the amount of \$1,943,250 for renovations to the baggage claim lobby in Zones A, B, and C including energy-efficient lighting and lighting methods, ceilings, walls, and flooring.
- The contract will complete the baggage claim renovation project by renovating the east end of the baggage claim area with the same finishes used throughout the rest of the baggage claim lobby.

Small Business Opportunity

This project was bid as an informal contract due to the original estimate. 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). However, The Bowers Group has committed 33.00% (\$88,341) to the following SBE firm: Steven's Interior (finishes).

Funding

Aviation Capital Investment Plan

28. Airport Concourse D Ceiling Renovations

Action: Award the low-bid contract of \$197,386 with Clancy and Theys Construction Company for installation of lighting fixtures on Concourse D.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1991, the Airport opened the first four gates on Concourse D, the international concourse. In 2002, the concourse was expanded to its current configuration.
- The original four gates were not modified during the expansion of the concourse; the ceiling and lighting in this space is now 18 years old.
- The project will replace the ceiling tiles and lighting in the original gate area, install LED lighting in lieu of florescent lights, and connect the lighting to the Airport's building automation system to dim the lights during off hours.
- The contract is funded through proceeds of the 2011 General Airport Revenue Bond issue, the debt service of which is paid by Passenger Facility Charge revenues.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 6.08%

Clancy and Theys failed to meet the SBE goal, but earned the required number of Good Faith Efforts Points (Part B: Section 2.1 of the SBO Policy). They committed 6.08% (\$13,126) of their base bid amount to the following SBE firm: Charlotte Sound and Visual (audio). In addition, subsequent to bid opening, Clancy and Theys committed an additional 18.27% (\$36,068.18) of the total contract amount to Carolinas Electrical Supply (electrical supply).

Funding

Aviation Capital Investment Plan

29. Airport Landscape Maintenance Service Contracts

- Action:**
- A. Award the low-bid contract of \$469,774.60 to TruGreen Landcare, LLC for Landscape Maintenance of Zones 1 and 8,**
 - B. Award the low-bid contract of \$170,841 to Leisure Time Lawn Care, LP for Landscape Maintenance of Zone 2, and**
 - C. Award the contract of \$16,104 to Samson Grounds Management, LLC for Zone 7 Landscape Maintenance.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1998, the Aviation Department began contracting for the landscaping maintenance work outside of the perimeter security fence on a lump sum basis.
- In August 2008, City Council approved a contract with Valleycrest Landscape Maintenance for landscaping maintenance services in the amount of \$1,420,000 for 40 months (\$35,500 per month).
- In 2012, this contract was unbundled to provide more opportunities for SBE's to bid for the work. As part of this initiative, city-certified SBE's received email notification of the bid. The Airport also waived labor and performance bonds which would have normally been required in order to bid.
- The contract for Zone 2 and 7 was originally awarded to Accolade Designs, who was unable to meet requirements of the contract and voluntarily terminated the contract with the Airport.
- The contract for Zone 1 and 8 was originally awarded to Denver Landscape Services, who was also unable to meet the specifications of the contract and was given a 60-day notice of termination.
- An invitation to bid (ITB) was advertised in December 2012 for these zones.
- Eight vendors replied to the ITB, including two SBEs certified vendors; Leisure Time Lawn Care, LP and Samson Grounds Management, LLC.
- The contracts were bid on a unit-price basis with estimated quantities and frequencies of work.
- Each contract is for a two-year term with a 60-day termination clause.

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). However, two of the selected firms (Leisure Time Lawn Care, LP and Samson Grounds Management, LLC) are certified SBEs.

Funding

Aviation Operating Budget

30. Transit Blue Line Extension Financing

Action: **A. Set a public hearing related to the financing of the Blue Line Extension Project (BLE), and**

B. Adopt the initial resolution for the Local Government Commission (LGC) to provide funding for the local share of the BLE.

Staff Resources: Greg Gaskins, Finance
 Carolyn Flowers, Transit

Explanation

- The \$1.16 billion BLE project is funded through a federal grant (50%), state grant (25%), and local share (25%).
- The local funding is divided into two parts: 1) a \$426 million financing composed of short-term notes and a privately placed draw program scheduled for pricing in April; and 2) a \$140 million long-term financing scheduled for early spring 2015.
- Due to the delay in receipt of grants, initial financing was increased until after project completion, necessitating additional cash flow during the construction period.
- The debt will be repaid through grant receipts and the transit sales tax.
- This action is the first component of the \$426 million financing.
- The LGC requires the governing body to adopt an initial resolution and hold a public hearing as part of its approval process.
- At the March 25 Business Meeting, City Council will be asked to hold a public hearing on project financing and adopt the final resolution.
- The LGC will consider approval of the financing at its April 2 meeting.
- This action relates to the dinner briefing update on the BLE, agenda item two on page two.

Funding

Transit Debt Service Fund

Attachment 15

Resolution

31. Transit Support Vehicle Replacement Purchase

Action: **Approve the purchase of four replacement vehicles at a total cost of \$102,280 as authorized by the state contract exception of G.S. 143-129 (e)(9).**

Staff Resource: Larry Kopf, Transit

State Contract Exception:

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

Explanation

- The four vehicles to be replaced are currently used at the Transit Bus Operating Division (BOD) for street operations support and response.
- The Fleet Management Division, of the Shared Services Department, conducts maintenance to the vehicles and recommends City vehicle replacements.
- Three vehicles to be replaced are two, four-door sedans (Ford Taurus), and one special utility vehicle (Ford Explorer). All will be replaced with special utility vehicles (Chevy Equinox) which provide better response by BOD staff during inclement weather events.
- The vehicles are part of the FY2013 Capital Equipment Replacement Plan.

Disadvantaged Business Enterprise Opportunity

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

Funding

Transit Capital Investment Plan

32. Chemical Storage Tank Repair

Action: Award the low-bid contract of \$461,052 to Kenway Corporation for McAlpine Creek Wastewater Treatment Plant Chemical Storage Tank Repair Project.

Staff Resource: Barry Shearin, Utility

Explanation

- The McAlpine Creek Wastewater Treatment Plant has a number of above-ground, fiberglass, reinforced plastic chemical storage tanks throughout the plant. These tanks are used to store various chemicals that are critical to the wastewater treatment process. These tanks range from approximately 5,000 gallons to 17,000 gallons each in size.
- Five of the storage tanks have developed leaks or delamination of the fiberglass near the bottom and require repairs. Two of the tanks are currently out of service due to the size of the leaks, but all tanks are in a concrete containment structures to prevent any leaks into the ground.
- Given the size of the tanks, it has been determined that repairing the tanks is more cost effective than replacement. Also, these tanks have reached their life expectancy of 12 to 15 years.
- The contract provides for the repair and rehabilitation of the tanks.
- An invitation to bid was issued on January 4, 2013. Two bids were received. The low bidder took exceptions to the City's contract resulting in a non-responsive bid.

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

Utility Capital Investment Plan

33. Long Creek Regional Wastewater Treatment Plant Environmental Impact Statement Contract Amendment

Action: Approve contract amendment #4 for \$185,000 with Black & Veatch for additional engineering services for the Long Creek Regional Wastewater Treatment Environmental Impact Statement (EIS).

Staff Resource: Barry Shearin, Utility

Explanation

- On January 28, 2013, City Council approved a Memorandum of Understanding (MOU) with the City of Mount Holly and a Purchase Agreement with ReVenture/Clariant for the proposed regional wastewater treatment plant. The approval allowed Charlotte-Mecklenburg Utility Department (CMUD) to move the project to the next phase of planning and permitting, which is required.
- On May 14, 2007, City Council approved a contract with Black and Veatch in the amount of \$723,340 for engineering services for preparation of the draft EIS for the proposed Long Creek Regional Wastewater Treatment Plant.
- Under the State Environmental Policy Act, an EIS is typically required as a part of the planning process for projects of this size in order to assess the environmental impacts resulting from the project.
- Amendment #1 was approved by the City Manager in June 2008 in the amount \$96,000. The purpose of this amendment was to cover the costs of additional water quality computer simulations for Lake Wylie and environmental field survey work required by state regulatory agencies as a part of the EIS permitting process.
- Amendment #2 was approved by City Council in May 2009 for \$238,500 and provided for additional environmental studies on the impacts to Lake Wylie and contamination testing on the proposed plant site to be purchased.
- Amendment #3 was approved by the CMUD Director in May 2011 for \$47,500 and provided additional environmental services to amend the EIS to add the City of Belmont to the regional wastewater treatment plan.
- Amendment #4 will provide for the revisions needed and additional field work for the next submittal of the report. It also includes funding for Black & Veatch to provide some assistance in anticipated meetings with various state agencies and public meetings during the next phase of the review process.
- Total amount of the contract is now \$1,290,340.

Background

- The EIS has been submitted to North Carolina Department of Environment & Natural Resources for an initial review to determine if all options and supporting documentation had been included in the document. That review has resulted in the need to make some minor additions and revisions to the report and some additional environmental field work along some of the proposed pipeline routes.
- Now that the MOUs with Belmont and Mount Holly have been approved, the EIS can be moved into the next step of the process where a number of the state and federal regulatory agencies will review it as well as a public comment period.

Small Business Opportunity

All additional work involved in this amendment will be performed by the consultant and their existing sub-consultants (Part D: Section 6 of the SBO Policy).

Funding

Utility Capital Investment Plan

34. Utility Concrete Meter Boxes

- Action:**
- A. Award the low-bid unit price contract to Ferguson Waterworks, Inc., for the purchase of concrete meter boxes for the term of one-year, and**
 - B. Authorize the City Manager to approve two, one-year renewals with possible price adjustments based on the Crude Nonfood Materials for Construction Producer Price Index.**

Staff Resource: Barry Gullet, Utility**Explanation**

- The contract is for the purchase of concrete meter boxes. Concrete meter boxes are used to hold water meters in the ground.
- The Charlotte-Mecklenburg Utility Department replaces an average of 2,000 boxes each year due to damage from ground settlement and degradation over time from water.
- An Invitation to Bid was issued on December 2012. Three bids were received.
- The annual expenditure is anticipated to total \$50,000.

Small Business Opportunity

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

Funding

Utility Operating Budget

35. Municipal Agreement for Relocation and Adjustment of Utility Lines

- Action:**
- A. Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for design and construction of water and sewer line relocations and adjustments along Mallard Creek Road in the estimated amount of \$1,787,000, 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 road way projects prior to construction.
- The amount of the agreement is based on a NCDOT engineer's estimate.

- Once completed, the Charlotte-Mecklenburg Utility Department (CMUD) reviews the invoice, validating the charges and making corrections when needed.
- The agreement is for relocation of approximately 12,000 linear feet of municipally-owned water and sewer lines, ranging in size from four inches to 12 inches within NCDOT's roadway improvements project along Mallard Creek Road from Sugar Creek Road to Harris Boulevard.
- The work includes the relocation of all CMUD water and sewer services, fire hydrants, 10,000 linear feet of water lines, and 2,000 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 late 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 16

Resolution

36. FY2013 Street Main Extensions, Contract #5

Action: Award the low-bid contract of \$1,344,415.05 to Sanders Utility Construction for construction of water and sanitary sewer mains along existing roadways and in easements throughout Mecklenburg County.

Staff Resource: Barry Shearin, Utility

Explanation

- The Street Main Extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner with the only cost to the property owner being the cost of the water or sewer connection.
- Bids are unit price and based on estimated quantities for items needed for this type of work.
- Street main contracts #1 and #2 were awarded by City Council on August 27, 2012; contracts #3 and #4 were awarded on November 26, 2012.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal: 5.83%

Sanders Utility Construction exceeded the established SBE goal, and committed 5.83% (\$78,377) of the total contract amount to the following SBE firms: Boyle Consulting Engineers (soil testing), Conmat Construction (concrete work), Jim Bob's Paving (asphalt paving), Ground Effects (pavement striping), Martin Landscaping (seeding & mulching), P&TL, Inc. (erosion control), and Sanders Constructors (clearing and grubbing).

Funding

Utility Capital Investment Plan

37. Utility Replacement Pump Parts

- Action:**
- A. Approve the purchase of replacement pump parts as authorized by the sole source purchasing exception G.S. 143-129(e)(6), and**
 - B. Approve the contracts with the following authorized distributors of pump parts for a five-year term:**
 - **Interstate Utility**
 - **Clearwater**
 - **Xylem Water/Wastewater**
 - **Pete Duty**
 - **Preferred Sources**
 - **Heyward**
 - **KL Shane**
 - **Pump, Parts, and Service**
 - **Mechanical Equipment Company**
 - **Daparak/Moyno**

Staff Resource: Barry Gullet, Utility

Sole Source Exception

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

Explanation

- The Charlotte-Mecklenburg Utility Department currently operates pumping equipment provided by various manufacturers.
- Pumps convey wastewater from customers through the collection and treatment process.
- Over time, parts and accessories wear out on these pump units due to normal wear and/or damage.
- These pumps need to be repaired in compliance with state and federal permit requirements and to avoid the possibility of sewer overflows.
- The estimated annual expenditure is \$150,000 per company.

Small Business Opportunity

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

Funding

Utility Operating Budget and Utility Capital Investment Plan

38. Sewer Equipment Repair and Replacement Parts

Action: Award the contracts to the following companies to provide sewer equipment repair and replacement parts for a term of three-years:

- Southern Municipal Equipment Company
- Public Works Equipment and Supply, Inc.
- Jet-Vac Sewer Equipment Company, Inc.
- Rodders and Jets Supply Company

Staff Resource: Barry Gullet, Utility

Explanation

- The Charlotte-Mecklenburg Utility Department crews use sewer cleaning and inspection equipment to provide sewer pipe maintenance and overflow protection.
- Occasionally, the equipment requires the repair or replacement of components, such as cleaning nozzles, hoses, cables, and camera parts.
- These contracts will allow the purchase of replacement parts as well as repair services.
- A Request for Proposals for these services and specific pieces of equipment was issued on November 19, 2012. Four proposals were received.
- Selection of the vendors was based on cost effectiveness, experience providing similar services, sufficiency of staff and resources, and references.
- The estimated annual expenditure is \$225,000.

Small Business Opportunity:

No SBE goals were 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. Citywide Courier Services

- Action:**
- A. Approve the contracts with the following companies to provide courier services for an initial term of three years in the estimated aggregate annual amount of \$100,000:**
- Blue Moon Delivery (\$50,000)
 - Chaski Courier Service (\$50,000)
- B. Authorize the City Manager to approve up to two, one-year renewal options as authorized by the contracts, and contingent upon each company's satisfactory performance.**

Staff Resource: Marie Harris, Shared Services

Explanation

- City of Charlotte and Mecklenburg County Departments regularly require pickup and delivery of packages at non-governmental locations in an expedited fashion.
- Courier service providers are able to provide expedited delivery with a number of additional features including security, tracking, signatures, and special instructions.
- Courier services include but are not limited to pre-scheduled pickups, bike messenger, and same-day delivery services.
- The City and County collaborated to solicit for Courier Services Contracts that will fulfill specific contractual requirements and provide appropriate insurance coverage. The City and County will have their own respective contracts due to unique business needs.
- Courier services will not replace City mailroom services.

Selection Process

- The City and County issued a Request for Proposals (RFP) for Courier Services on November 27, 2012.
- In response to the RFP, the City and County received six proposals from interested service providers.
- As part of the evaluation process, the City and County opted to consider all proposals for their service needs, with the opportunity to award to same or different service providers as may best fit both entities individual needs.
- Staff recommends contracts be awarded to the two following service Providers, which best meet the City's needs in terms of qualifications, experience, and cost effectiveness:
 - Blue Moon Delivery
 - Chaski Courier Services
- The County Project Team has evaluated and also selected Blue Moon Delivery and will contract with them separately.

Small Business Opportunity

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

The SBO Office, in partnership with Shared Services/Procurement Management, encouraged SBE participation at the primary level. As a result, both of the firms being awarded are certified SBE firms with the City of Charlotte (Blue Moon Delivery and Chaski Courier Services).

Funding

Various Departments' Operating Budgets

40. Workers' Compensation Claim Settlement

Action: Approve a full and final settlement of a Workers' Compensation claim for Charlotte-Mecklenburg Utility Department employee, James W. McNair in the amount of \$125,000.

Staff Resource: Scott Greer, Finance

Explanation

- This payment will be a full and final settlement ending any future exposure for this injury.
- On July 10, 2008 and October 15, 2009, Mr. McNair sustained a work-related injury.
- A confidential memo has been sent to City Council concerning the settlement.

Funding

Risk Fund

41. 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 \$106,997.49, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$792.87.

Staff Resource: Scott Greer, 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 17

Resolutions

List of Refunds

42. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from three categories:

1. Public Safety – Police and/or Fire Departments
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 Agency:

- A. 4117 Colebrook Road (Neighborhood Statistical Area 143 – Oak Forest Neighborhood)

Field Observation:

- B. 6008 Johnnette Drive (Neighborhood Statistical Area 148 - Farm Pond Neighborhood)
- C. 1912 Kennesaw Drive (Neighborhood Statistical Area 29 - Lincoln Heights Neighborhood)
- D. 1912 Kennesaw Drive (Accessory Buildings) (Neighborhood Statistical Area 29 - Lincoln Heights Neighborhood)
- E. 4615 North Sharon Amity Road (Neighborhood Statistical Area 150 - Windsor Park Neighborhood)

Public Agency:

A. 4117 Colebrook Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4117 Colebrook Road (Neighborhood Statistical Area 143 – Oak Forest Neighborhood).

Attachment 18

Field Observation:

B. 6008 Johnnette Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6008 Johnnette Drive (Neighborhood Statistical Area 148 – Farm Pond Neighborhood).

Attachment 19

C. 1912 Kennesaw Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1912 Kennesaw Drive (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

Attachment 20

D. 1912 Kennesaw Drive (Accessory Buildings)

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1912 Kennesaw Drive (Accessory Buildings) (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

Attachment 21

E. 4615 North Sharon Amity Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4615 North Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood).

Attachment 22

PROPERTY ITEMS

43. Property Transactions

Action: Approve the following property transaction(s) (A-I) and adopt the condemnation resolution(s) (J-AH).

For property transactions J-AE, 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:** Blenheim Storm Drainage Improvement Project, Parcel # 1
Owner(s): Sarah Francis Turner and Louis Turner, Jr.
Property Address: 4116 Welling Avenue
Property to be acquired: 7,198 sq. ft. (.165 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Wooden Deck
Landscaping: Trees and shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-29
Total Parcel Tax Value: \$52,700
Purchase Price: \$55,000

- B. Project:** Blenheim Storm Drainage Improvement Project, Parcel #2
Owner(s): Leonard Bennett and Carolyn Ann Liles Bennett
Property Address: 4120 Welling Avenue
Property to be acquired: 11,665 sq. ft. (.268 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Aluminum Carport, Two Wooden Storage Sheds,
Landscaping: Trees and shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-27
Total Parcel Tax Value: \$64,400
Purchase Price: \$67,100
- C. Project:** Blenheim Storm Drainage Improvement Project, Parcel #7
Owner(s): George I. Martin and Wife, Mary J. Martin
Property Address: 4117 Blenheim Road
Property to be acquired: 10,618 sq. ft. (.244 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: Single Family Residence, Detached Garage,
Landscaping: Trees and Shrubs
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-022-05
Total Parcel Tax Value: \$65,100
Purchase Price: \$70,400
- D. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 46
Owner(s): Glenn Cole, Jr. and Wife, Linda F. Cole
Property Address: 1417 Scotland Avenue
Property to be acquired: 4,841 sq. ft. (.111 ac.) in Storm Drainage Easement, plus 2,110 sq. ft. (.048 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-32
Total Parcel Tax Value: \$752,700
Purchase Price: \$107,000
- E. Project:** City Boulevard Extension- Phase I and III, Parcel #10, #16, #17 and #58
Owner(s): Trustees Of The Sikh Heritage Society Of Greater Charlotte
Property Address: 6518 Rumble Road, Rumble Road and 1760 Stoney Creek Lane
Property to be acquired: 141,558 sq. ft. (3.25 ac.) in Fee Simple, plus 15,707 sq. ft. (.361 ac.) in Storm Drainage Easement, plus 18,700 sq. ft. (.429 ac.) in Slope Easement, plus 42,824 sq. ft. (.983 ac.) in Temporary Construction Easement
Improvements: Barn
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential - Rural Acreage

Tax Code: 047-471-06, 047-471-07, 047-311-50 and 047-281-96
Total Parcel Tax Value: \$2,185,000
Purchase Price: \$113,340

- F. Project:** Mallard Creek Sidewalk Improvements, Parcel #2
Owner(s): Think Group, LLC
Property Address: 10701 Mallard Creek Road
Property to be acquired: 11,963 sq. ft. (.275 ac.) in Fee Simple, plus 5,938 sq. ft. (.136 ac.) in Fee Simple within Existing Right-of-Way, plus 6,924 sq. ft. (.159 ac.) in Sanitary Sewer Easement, plus 4,921 sq. ft. (.113 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 029-361-11
Total Parcel Tax Value: \$202,000
Purchase Price: \$25,000
- G. Project:** North Church Street Railroad Closing, Parcel #4, #5 and #6
Owner(s): Jack W. Stone, Jr.
Property Address: 1113, 1125 And 1127 North Tryon Street
Property to be acquired: 6,495 sq. ft. (.149 ac.) in Fee Simple, plus 55 sq. ft. (.001 ac.) in Water Main Easement, plus 1,404 sq. ft. (.032 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 078-118-08, 078-118-07 and 078-118-06
Total Parcel Tax Value: \$106,900
Purchase Price: \$49,000
- H. Project:** Parkwood Storm Drainage Improvement Project Phase 1, Parcel #4
Owner(s): Bill S. Housiadas and Foteini Makri
Property Address: 705 Belmont Avenue #B
Property to be acquired: 14,909 sq. ft. (.342 ac.) in Fee Simple
(TOTAL TAKE)
Improvements: None
Landscaping: None
Zoned: B-2
Use: Industrial
Tax Code: 081-094-05
Total Parcel Tax Value: \$38,600
Purchase Price: \$54,567
- I. Project:** South Boulevard Sidewalk from Carolina Pavilion to Westinghouse, Parcel #2
Owner(s): Paul Thomas Morgan, Jr.
Property Address: 9248 South Boulevard
Property to be acquired: 717 sq. ft. (.016 ac.) in Right-of-Way and Utility Easement, plus 7,723 sq. ft. (.177 ac.) in Temporary Construction Easement

Improvements: Fence
Landscaping: Trees and shrubs
Zoned: B-2(CD)
Use: Industrial
Tax Code: 205-111-02
Total Parcel Tax Value: \$1,329,000
Purchase Price: \$35,150

Condemnations

- J. Project:** Blue Line Extension, Parcel #1260
Owner(s): RM 36th Street Investors, LLC And Any Other Parties Of Interest
Property Address: 430 East 36th Street
Property to be acquired: 6,567 sq. ft. (.151 ac.) in Storm Drainage Easement, plus 114,367 sq. ft. (2.626 ac.) in Temporary Construction Easement, plus 2,350 sq. ft. (.054 ac.) in Permanent Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 083-031-03
Total Parcel Tax Value: \$1,643,000
Appraised Value: \$114,625
Property Owner's Counteroffer: None
Reason For Condemnation: Due to the complexity of the acquisition, staff began working with the property owners in August 2011 and has yet to reach an agreement regarding the acquisition. The property is located along the portion of East 36th Street where the elevation will be lowered for travel under the light rail and railroad tracks. The building is designated historic which is situated in close proximity to the current road right of way. Railroad rights-of-way also encumber the property along the east and west sides. Staff has worked closely with the property owners to ensure the protection and stability of the building during construction as well as providing and maintaining required fire access, all of which do not affect the appraised value. 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:** Blue Line Extension, Parcel #1275
Owner(s): CommunityOne Bank, N.A. And Any Other Parties Of Interest
Property Address: 308 East Craighead Road
Property to be acquired: 34,716 sq. ft. (.797 ac.) in Fee Simple, plus 118,720 sq. ft. (2.725 ac.) in Fee Simple within Existing Right-of-Way, plus 10,852 sq. ft. (.249 ac.) in Temporary Construction Easement
Improvements: Storage Shed
Landscaping: Trees
Zoned: UR-2
Use: Industrial
Tax Code: 091-112-08
Total Parcel Tax Value: \$1,167,600
Appraised Value: \$366,650

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in June 2012 and a verbal agreement has been reached regarding the acquisition. Staff and the property owners are continuing to work through the language in the legal document. Although an executed agreement is anticipated, in order 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:** Blue Line Extension, Parcel #1299 and #1301
Owner(s): Contech Construction Products, Inc. And Any Other Parties Of Interest
Property Address: 601 East Sugar Creek Road and 4242 Raleigh Street
Property to be acquired: 6,038 sq. ft. (.139 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 091-051-38 and 091-051-37
Total Parcel Tax Value: \$3,809,900
Appraised Value: \$3,025
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in January 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- M. Project:** Blue Line Extension, Parcel #3102
Owner(s): Sports Center, Inc. And Any Other Parties Of Interest
Property Address: 7321 North Tryon Street
Property to be acquired: 2,502 sq. ft. (.057 ac.) in Temporary Construction Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement
Improvements: None
Landscaping: None
Zoned: I-1
Use: Commercial
Tax Code: 047-221-21
Total Parcel Tax Value: \$427,900
Appraised Value: \$5,350
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in September 2012 and has yet to reach an agreement regarding the acquisition. The property owner was initially concerned about potential effects to their sign, garbage area and septic field, but the easements needed do not affect these property improvements. Following the transmittal of this information, the property owner has stopped responding to staff contact attempts. 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:** Blue Line Extension, Parcel #3107
Owner(s): Crown Atlantic Company, LLC And Any Other Parties Of Interest
Property Address: 7639 North Tryon Street
Property to be acquired: 1,540 sq. ft. (.035 ac.) in Fee Simple, plus 2,129 sq. ft. (.049 ac.) in Temporary Construction Easement, plus 4,570 sq. ft. (.087 ac.) in Utility Easement
Improvements: Tree
Landscaping: None
Zoned: I-1
Use: Commercial
Tax Code: 047-221-24
Total Parcel Tax Value: \$249,300
Appraised Value: \$51,775
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in September 2012 and a verbal agreement has been reached regarding the acquisition. Staff and the property owners are continuing to work through the language in the legal document. Although an executed agreement is anticipated, in order 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:** Blue Line Extension, Parcel #3126
Owner(s): VL Holdings, LLC And Any Other Parties Of Interest
Property Address: 5540 North Tryon Street
Property to be acquired: 5,997 sq. ft. (.138 ac.) in Fee Simple, plus 500 sq. ft. (.011 ac.) in Access Easement and Utility Easement, plus 2,091 sq. ft. (.048 ac.) in Temporary Construction Easement, plus 327 sq. ft. (.008 ac.) in Utility Easement
Improvements: Irrigation system, light pole, and retaining wall
Landscaping: Trees and shrubs
Zoned: B-1S (CD)
Use: Commercial
Tax Code: 047-222-30
Total Parcel Tax Value: \$1,275,000
Appraised Value: \$163,750
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- P. Project:** Blue Line Extension, Parcel #3131
Owner(s): Sam University Pointe, LLC And Any Other Parties Of Interest

Property Address: North Tryon Street
Property to be acquired: 2,335 sq. ft. (.054 ac.) in Fee Simple, plus 3,092 sq. ft. (.071 ac.) in Temporary Construction Easement, plus 294 sq. ft. (.007 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-1S (CD)
Use: Commercial
Tax Code: 047-222-32
Total Parcel Tax Value: \$3,187,400
Appraised Value: \$30,300
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began this acquisition in June 2012. The property was sold in November 2012 and staff has been working directly with the new property owners, who were already aware of the project. Staff and the property owners continue to negotiate, but have yet to reach an agreement regarding the 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.

Q. Project: Blue Line Extension, Parcel #3155
Owner(s): ESA P Portfolio, LLC And Any Other Parties Of Interest
Property Address: 8211 University Executive Park Drive
Property to be acquired: 5,271 sq. ft. (.121 ac.) in Fee Simple, plus 17,605 sq. ft. (.404 ac.) in Temporary Construction Easement, plus 1,645 sq. ft. (.038 ac.) in Utility Easement
Improvements: Irrigation System
Landscaping: Trees and shrubs
Zoned: O-15
Use: Office
Tax Code: 047-451-19
Total Parcel Tax Value: \$5,091,300
Appraised Value: \$175,375
Property Owner's Counteroffer: \$214,391
Reason For Condemnation: Staff began working with the property owners in July 2012 and a verbal agreement has been reached regarding the acquisition. Staff and the property owners are continuing to work through the language in the legal document. Although an executed agreement is anticipated, in order to avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

R. Project: Blue Line Extension, Parcel #3157
Owner(s): Atapco UEP, Inc. And Any Other Parties Of Interest
Property Address: 8210 University Executive Park Drive
Property to be acquired: 8,988 sq. ft. (.206 ac.) in Fee Simple, plus 13,914 sq. ft. (.319 ac.) in Temporary Construction Easement, plus 2,368 sq. ft. (.054 ac.) in Utility Easement, plus 75 sq. ft. (.002 ac.) in Combined Utility and Waterline Easement
Improvements: Irrigation System
Landscaping: Trees

Zoned: O-15(CD)

Use: Office

Tax Code: 047-453-02

Total Parcel Tax Value: \$6,854,300

Appraised Value: \$107,600

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in June 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

S. Project: Blue Line Extension, Parcel #3161

Owner(s): Shreeji Hospitality Of University, LLC And Any Other Parties Of Interest

Property Address: 132 East McCullough Drive

Property to be acquired: 9,988 sq. ft. (.229 ac.) in Fee Simple, plus 370 sq. ft. (.008 ac.) in Access Easement, plus 8 sq. ft. (ac.) in Access Easement and Waterline Easement, plus 153 sq. ft. (.004 ac.) in Waterline Easement, plus 3,217 sq. ft. (.074 ac.) in Temporary Construction Easement

Improvements: Light poles

Landscaping: Trees and shrubs

Zoned: O-1(CD)

Use: Office

Tax Code: 049-331-36

Total Parcel Tax Value: \$3,606,200

Appraised Value: \$127,400

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in June 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

T. Project: Blue Line Extension, Parcel #3165

Owner(s): Atapco UEP, Inc. And Any Other Parties Of Interest

Property Address: 8220 University Executive Park Drive

Property to be acquired: 11,899 sq. ft. (.273 ac.) in Fee Simple, plus 2,817 sq. ft. (.065 ac.) in Temporary Construction Easement, plus 1,843 sq. ft. (.042 ac.) in Utility Easement

Improvements: Irrigation

Landscaping: Trees

Zoned: O-15(CD)

Use: Office

Tax Code: 047-453-01

Total Parcel Tax Value: \$3,598,800

Appraised Value: \$108,450

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in June 2012 and continue to negotiate, but have yet to reach

an agreement regarding the 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.

- U. Project:** Blue Line Extension, Parcel #3167
Owner(s): J & J University Boulevard, LLC And Any Other Parties Of Interest
Property Address: 115 East McCullough Drive
Property to be acquired: 8,800 sq. ft. (.202 ac.) in Fee Simple, plus 4,835 sq. ft. (.111 ac.) in Temporary Construction Easement, plus 2,919 sq. ft. (.067 ac.) in Utility Easement, plus 168 sq. ft. (.004 ac.) in Permanent Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-1(CD)
Use: Office
Tax Code: 049-331-03
Total Parcel Tax Value: \$1,399,900
Appraised Value: \$192,735
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- V. Project:** Blue Line Extension, Parcel #3169
Owner(s): Harris Realty Investments, LLC And Any Other Parties Of Interest
Property Address: 8302 University Executive Park Drive
Property to be acquired: 14,068 sq. ft. (.323 ac.) in Fee Simple, plus 2,596 sq. ft. (.06 ac.) in Temporary Construction Easement, plus 1,572 sq. ft. (.036 ac.) in Utility Easement
Improvements: Irrigation system and light poles
Landscaping: Trees and shrubs
Zoned: B-1(CD)
Use: Commercial
Tax Code: 047-211-14
Total Parcel Tax Value: \$3,037,200
Appraised Value: \$247,870
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

- W. Project:** Blue Line Extension, Parcel #3175
Owner(s): Apple Nine North Carolina, L.P. And Any Other Parties Of Interest
Property Address: 8340 North Tryon Street
Property to be acquired: 13,061 sq. ft. (.3 ac.) in Fee Simple, plus 331 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 10,619 sq. ft. (.244 ac.) in Temporary Construction Easement
Improvements: Light poles, two gates, two decorative brick walls, five metal bollards and wooden stairs
Landscaping: Trees and shrubs
Zoned: O-15
Use: Office
Tax Code: 049-331-02
Total Parcel Tax Value: \$8,355,800
Appraised Value: \$132,210
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- X. Project:** Blue Line Extension, Parcel #3189
Owner(s): USA Grande Promenade, LLC, et al And Any Other Parties Of Interest
Property Address: East W.T. Harris Boulevard
Property to be acquired: 9,539 sq. ft. (.219 ac.) in Fee Simple, plus 578 sq. ft. (.013 ac.) in Access Easement and Utility Easement, plus 1,351 sq. ft. (.031 ac.) in Temporary Construction Easement, plus 3,310 sq. ft. (.076 ac.) in Utility Easement
Improvements: Irrigation system and light poles
Landscaping: Trees and shrubs
Zoned: B-1(CD)
Use: Office
Tax Code: 049-336-07
Total Parcel Tax Value: \$1,378,800
Appraised Value: \$191,825
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- Y. Project:** Blue Line Extension, Parcel #3191
Owner(s): 8600 Charlotte Properties, LLC And Any Other Parties Of Interest
Property Address: 8538 North Tryon Street
Property to be acquired: 10,994 sq. ft. (.252 ac.) in Fee Simple, plus 251 sq. ft. (.006 ac.) in Access Easement and Utility Easement, plus 5,479 sq. ft. (.126 ac.) in Utility Easement, plus 76 sq. ft. (.002

ac.) in Combined Utility and Waterline Easement, plus 47 sq. ft. (.001 ac.) in Combined Utility, Waterline and Access Easement

Improvements: Irrigation and two light poles

Landscaping: Trees and shrubs

Zoned: B-1(CD)

Use: Office

Tax Code: 049-336-06

Total Parcel Tax Value: \$3,478,600

Appraised Value: \$267,075

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

Z. Project: Blue Line Extension, Parcel #3195

Owner(s): Shri Gopinath Hospitality, LLC And Any Other Parties Of Interest

Property Address: 8517 North Tryon Street

Property to be acquired: 1,081 sq. ft. (.025 ac.) in Fee Simple, plus 132 sq. ft. (.003 ac.) in Access Easement and Utility Easement, plus 419 sq. ft. (.01 ac.) in Waterline Easement, plus 377 sq. ft. (.009 ac.) in Temporary Construction Easement, plus 613 sq. ft. (.014 ac.) in Utility Easement, plus 319 sq. ft. (.007 ac.) in Combined Utility and Waterline Easement, plus 69 sq. ft. (.002 ac.) in Combined Utility, Waterline and Access Easement

Improvements: None

Landscaping: Trees

Zoned: B-2(CD)

Use: Office

Tax Code: 047-211-05

Total Parcel Tax Value: \$4,640,800

Appraised Value: \$16,875

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

AA. Project: Blue Line Extension, Parcel #3203

Owner(s): Financial Enterprises III, Limited Company and Eighth & Main Parking Associates, LLC And Any Other Parties Of Interest

Property Address: J.M. Keynes Drive

Property to be acquired: 19,976 sq. ft. (.459 ac.) in Fee Simple, plus 494 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 12,832 sq. ft. (.295 ac.) in Temporary Construction Easement, plus 25 sq. ft. (.001 ac.) in Utility Easement

Improvements: None

Landscaping: None

Zoned: CC

Use: Commercial

Tax Code: 047-271-03

Total Parcel Tax Value: \$3,350,400

Appraised Value: \$232,000

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

AB. Project: Blue Line Extension, Parcel #3215 and #3217

Owner(s): CS Shoppes At University Place, LLC And Any Other Parties Of Interest

Property Address: 9014 J M Keynes Drive and J M Keynes Drive

Property to be acquired: 1694 sq. ft. (.039 ac.) in Fee Simple, plus 945 sq. ft. (.022) in Utility Easement, plus 645 sq. ft. (.015 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees and shrubs

Zoned: B-1S(CD)

Use: Commercial

Tax Code: 047-272-05 and 047-272-06

Total Parcel Tax Value: \$225,000

Appraised Value: \$58,950

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

AC. Project: Blue Line Extension, Parcel #3235

Owner(s): Mallard Pointe Associates, LLC And Any Other Parties Of Interest

Property Address: North Tryon Street

Property to be acquired: 10,869 sq. ft. (.25 ac.) in Fee Simple, plus 5,687 sq. ft. (.131 ac.) in Temporary Construction Easement

Improvements: Irrigation system

Landscaping: Trees and shrubs

Zoned: CC

Use: Commercial

Tax Code: 047-291-52

Total Parcel Tax Value: \$561,900

Appraised Value: \$271,000

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.

- AD. Project:** Blue Line Extension, Parcel #3239
Owner(s): Ashford Green Apartments, LLC And Any Other Parties Of Interest
Property Address: 9303 Kittsansett Drive and Barton Creek Drive
Property to be acquired: 12,359 sq. ft. (.284 ac.) in Fee Simple, plus 5,630 sq. ft. (.129 ac.) in Temporary Construction Easement, plus 1 sq. ft. (ac.) in Utility Easement
Improvements: Two light poles, irrigation, fencing, six brick columns, and three flag poles.
Landscaping: Trees and shrubs
Zoned: R-17MF(CD)
Use: Multi Family
Tax Code: 047-191-14
Total Parcel Tax Value: \$21,969,100
Appraised Value: \$113,850
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owners in August 2012 and continue to negotiate, but have yet to reach an agreement regarding the 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.
- AE. Project:** Blue Line Extension, Parcel #3241
Owner(s): Fore R's, LLC And Any Other Parties Of Interest
Property Address: 9505 North Tryon Street
Property to be acquired: 792 sq. ft. (.018 ac.) in Fee Simple, plus 1,316 sq. ft. (.03 ac.) in Temporary Construction Easement, plus 129 sq. ft. (.003 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-2(CD)
Use: Golf Course Class 4
Tax Code: 047-191-12
Total Parcel Tax Value: \$1,073,900
Appraised Value: \$3,850
Property Owner's Counteroffer: \$15,023
Reason For Condemnation: Staff began working with the property owners in August 2012 and has yet to reach an agreement regarding compensation. 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.
- AF. Project:** City Boulevard Extension - Phase I, Parcel #32
Owner(s): Juan Alvarenga And Any Other Parties Of Interest
Property Address: 6404 Rumble Road
Property to be acquired: 7,664 sq. ft. (.176 ac.) in Fee Simple, plus 2,177 sq. ft. (.05 ac.) in Fee Simple within Existing Right-of-Way, plus

33 sq. ft. (.001 ac.) in Water Main Easement, plus 12,279 sq. ft. (.282 ac.) in Temporary Construction Easement

Improvements: Single family dwelling

Landscaping: None

Zoned: R-17MF

Use: New Parcel

Tax Code: 047-032-92

Total Parcel Tax Value: \$68,400

Appraised Value: \$35,225

Property Owner's Counteroffer: \$40,000

Reason For Condemnation: Staff and the property owner reached an agreement and City Council approved the property acquisition on November 12, 2012. However, the property owner failed to follow through with closing the real estate transaction. 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.

AG. Project: North Church Street Railroad Closing, Parcel #7

Owner(s): CAH Holdings, LLC And Any Other Parties Of Interest

Property Address: 1104 North Tryon Street

Property to be acquired: 71 sq. ft. (.002 ac.) in Utility Easement, plus 337 sq. ft. (.008 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 081-023-15

Total Parcel Tax Value: \$561,400

Appraised Value: \$400

Property Owner's Counteroffer: \$3,874

Reason For Condemnation: Staff began working with the property owners in August 2012 and has yet to reach an agreement regarding the compensation. The property owner feels 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.

AH. Project: North Church Street Railroad Closing, Parcel #8

Owner(s): Theodore Allen Greve and Wife, Beverly L. Greve And Any Other Parties Of Interest

Property Address: 1138 North Tryon Street

Property to be acquired: 26 sq. ft. (.001 ac.) in Utility Easement, plus 148 sq. ft. (.003 ac.) in Right-of-Way Utility Easement, plus 240 sq. ft. (.006 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: I-2

Use: Commercial

Tax Code: 081-022-01

Total Parcel Tax Value: \$172,500

Appraised Value: \$550

Property Owner's Counteroffer: None

Reason For Condemnation: Staff began working with the property owners in August 2012 and has yet to reach an agreement regarding the acquisition. The property owner requested the City abandon alleys that are adjacent to properties he also owns that are at a different location. Staff explained that there is an official process for this request and it could not be made part of this transaction. 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.