

**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, June 25, 2012**

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

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22	35	Police Firing Range Lead Reclamation
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**CITY COUNCIL AGENDA  
Monday, June 25, 2012**

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

### 1. Mayor and Council Consent Item Questions

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

**Time:** 5 minutes

**Synopsis**

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

### 2. Performance Evaluation Process for City Manager and City Attorney

**Committee Chair:** Mayor Anthony Foxx

**Resources:** Cheryl Brown, Human Resources

**Time:** 15 minutes

**Synopsis**

- City Council has discussed and put into practice several different mechanisms for evaluating the performance of the City Manager and City Attorney.
- On April 23, 2012, City Council approved the Council-Manager Relations Committee's recommendations to:
  - Continue the current process for evaluating the performance of the City Manager on July 23, 2012
  - Authorize the Committee to meet to formulate goals/expectations and recommendations to be considered by Council on July 23, 2012
  - Authorize the Committee to undertake recommendations for the FY2013 Evaluation Process for both the City Manager and City Attorney
- On June 4, 2012, the City's Council-Manager Relations Committee met to discuss the current processes, timelines and possible changes to the 2012 evaluation cycle, including the following:
  - Review the criteria for evaluating the City Manager and City Attorney during a Dinner Briefing prior to distribution of the evaluation survey
  - Request the City Manager and City Attorney be available to schedule one-on-one meetings with Council Members who are interested in discussing evaluation criteria and performance outside the scheduled evaluation meetings
  - Convene the Council-Manager Relations Committee on Monday, July 16, 2012, to review the results of the City Manager evaluation survey
  - Reschedule the City Attorney's evaluation from an undetermined date in January 2013 to August 27, 2012
  - Schedule quarterly updates with the City Manager and City Attorney to discuss performance to provide ongoing feedback throughout the year

**Future Action**

An amendment to the City Council calendar is item 20, on page 34 of this agenda to schedule the City Attorney evaluation meeting on Monday, August 27, 2012.

**Attachment 1**

June 4, 2012 Council-Manager Relations Committee Summary

**3. Charlotte Regional Film Commission Update**

**Resources:** Ronnie Bryant, Charlotte Regional Partnership  
Beth Petty, Charlotte Regional Film Commission

**Time:** 20 minutes

**Synopsis**

- The Charlotte Regional Film Commission, which operates as part of the Charlotte Regional Partnership, seeks to grow the regional economy through the attraction and support of the film and television production industry.
- A 2009 Economic Impact Study completed by the Belk College of Business at UNC-Charlotte estimated the film and television production industry had an annual economic impact of \$271.4 million on the regional economy and directly supported 1,398 full-time jobs at an average wage of \$47,678.
- During the dinner briefing, Council will receive an update on the activities and recent successes of the Film Commission.
- The City's recommended FY2013 Budget includes \$75,000 for the Film Commission.

**5:15 P.M. DINNER BREAK**

**4. Disparity Study Update**

**Committee Chair:** James Mitchell

**Resources:** Cindy White, City Attorney's Office  
Brad Richardson, Neighborhood & Business Services  
Nancy Rosado, Neighborhood & Business Services

**Time:** 30 minutes

**Synopsis**

- Staff will provide an update on the June 7, 2012 recommendation of the Economic Development Committee to:
  - Accept and adopt findings and analyses set forth in Chapters 1 through 6 of MGT of America, Inc.'s 2011 City of Charlotte Disparity Study Update Report that was presented to Council on September 26, 2011
  - Direct staff to draft a SBE/MWBE program that utilizes both race and gender neutral measures and race and gender conscious measures to remedy the disparity documented in MGT's Disparity Study Update Report, consistent with the legal opinion issued by Tydings & Rosenberg.

- Staff will also provide Council with a work plan and schedule for developing a new SBE/MWBE program, if approved.

**Future Action**

The Disparity Study is item 13, page 23 of this agenda.

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

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

**Time:** 10 minutes

**Synopsis**

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

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

**7:15 P.M. COUNCIL BUSINESS MEETING**

**CONSENT**

- 6. Consent agenda items 20 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

## Zoning

### 7. Rezoning Petition 2011-065

**Action:** Render a decision on proposed rezoning 2011-065 by Chapel Cove at Glengate, LLC for a MX-1 (INNOV) SPA LLW-CA and LLW-PA, mixed use, innovative, site plan amendment with five-year vested rights, within the Lower Lake Wylie Critical Area and Lower Lake Wylie Protected Area. The property is approximately 319.91 acres located on the east side of Shopton Road West generally extending from Green Heron Court to Winget Road and on the west side of Shopton Road West generally extending from Winget Road to Limehurst Place.

**Staff Resource:** Tammie Keplinger, Planning

#### Explanation

- The decision on this sufficiently protested petition was deferred on June 18, 2012 since not all Council members were present at the meeting.
- The petition was found to be consistent with the Steele Creek Area Plan and to be reasonable and in the public interest, by a 4-1 vote of the Zoning Committee.
- The Committee voted 4-1 to recommend approval of this petition with the following modifications:
  1. Modified the "Transportation" and "Innovative Standards" notes to indicate the petitioner will increase the pavement width of Withers Cove Road (10-foot travel lanes and a one-foot shoulder on each side of the road) from Hatfield Road to Traymore Lane.
  2. Modified a note under "Transportation" indicating the installation of a five-foot wide sidewalk/shared walking path along one side of Withers Cove Road extending from Wildlife Road to Traymore Lane.
  3. Modified Note #1 under "Streetscape and Landscaping" to indicate a minimum five-foot wide trail along the Shopton Road West frontage to reflect the requirements of the 2003 rezoning.
  4. Addressed CDOT comments by providing a 10-foot wide asphalt pedestrian/bike trail from the terminus of Winget Road to the northern property line of tax parcel 199-151-09 owned by Mecklenburg County.
  5. Provided a note under "Transportation" indicating the petitioner will complete the construction of Winget Road from Shopton Road West to the western property line of Phase 3 prior to the issuance of the first certificate of occupancy for a dwelling unit within Phase 3.
  6. At staff's request and due to the inability to enforce, the petitioner removed an architectural standard which stated "a minimum of 50 percent of the single family detached dwellings units constructed on the Site shall have front porches".
  7. Increased the minimum lot widths within Parcel B by modifying the note to read "a minimum of 40% of the single family lots developed on Parcel B shall have a minimum width of 70 ~~60~~ feet, and the remaining lots shall have a minimum width of 60 ~~50~~ feet".

8. Increased the minimum lots widths within Phase 3 by modifying the note to read "a minimum of 40% of the single family lots developed on Phase 3 shall have a minimum width of ~~80 70~~ feet, and the remaining lots shall have a minimum width of ~~70 60~~ feet".
9. Modified an "Architectural Standards" note to read "... notwithstanding the foregoing, vinyl accents, such as ~~trim components vinyl shake on reverse gables and dormers~~, shall be permitted, vinyl may be utilized on the soffits of the single family detached dwelling units and vinyl windows may be installed on the single family detached dwelling units".
  - One member of the Zoning Committee was concerned with using property no longer owned by a petitioner to calculate the density used to evaluate consistency with an adopted area plan. The Committee member was also concerned that the community may not have interpreted the Steele Creek Area Plan as using the average density for the original Sanctuary to calculate the base density of less than one dwelling unit per acre.
  - Staff agrees with the recommendation of the majority of the Zoning Committee.

**Attachment 2**

Zoning Committee Recommendation  
Vicinity Map  
Zoning Map  
Site Plan

## POLICY

### 8. City Manager's Report

### 9. FY2013 Operating Budget and FY2013-2017 Capital Investment Plan

**Action:** Adopt the FY2013 Appropriations and Tax Levy Ordinance, the Capital Investment Plan Resolution for Fiscal Years 2013-2017, the FY2013 Pay and Benefits Resolution and associated Human Resources contracts, and other items related to the Annual Ordinance adoption:

- A. The FY2013 Appropriations and Tax Levy Ordinance (Randy Harrington),
- B. The FY2013 Appropriations for Charlotte-Mecklenburg Storm Water Services and Interlocal Agreement compliance (Jeb Blackwell),
- C. The FY2013 Appropriations for Charlotte-Mecklenburg Utilities (Barry Gullet),
- D. The FY2013-2017 Capital Investment Plan Resolution (Randy Harrington),
- E. The FY2013 Pay and Benefits Plan Resolution and associated Human Resources contracts (Cheryl Brown),
- F. Outside Agencies Contracts (Randy Harrington),
- G. Municipal Service Districts Contracts (Randy Harrington),
- H. Job Training Contracts (Patrick Mumford),
- I. Out-of-School Time Partners Contracts (Patrick Mumford),
- J. Housing Development and Support Contracts (Patrick Mumford),
- K. Other Budget Items (Randy Harrington),
- L. Charlotte-Mecklenburg Housing Partnership Contract (Patrick Mumford)

**Committee Chair:** Michael Barnes

**Staff Resources:** Listed by each section above

#### Policy

As required by state law, the City of Charlotte adopts an annual appropriations and tax levy ordinance and considers related actions by July 1 of each fiscal year.

#### Background

- Since February 2012, the Mayor and City Council held three budget retreats and the required public hearing to shape development of this budget. On May 9<sup>th</sup>, the City Manager's Recommended Budget was presented. Additionally, Council held their Budget Adjustments meeting on May 16<sup>th</sup>, and the Budget Straw Votes meeting on May 30<sup>th</sup>.
- During the June 11<sup>th</sup> Budget Adoption discussion, the following motions were made:

- Council voted 6 to 5 against adopting the City Manager’s Recommended budget (Council members Autry, Howard, Kinsey, Mayfield, and Mitchell voted yes; Council members Barnes, Cannon, Cooksey, Dulin, Fallon, Pickering voted no)
- Council voted 9 to 2 against eliminating the proposed tax increase of 3.6¢ and corresponding \$926 million General Capital Investment Plan (Council members Cooksey and Dulin voted yes; Council members Autry, Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell, Pickering voted no)
- Council referred continued budget discussions to the Budget Committee
- At the June 14<sup>th</sup> Council Budget Committee meeting, the following Council members were in attendance: Barnes, Dulin, Autry, Cannon, Cooksey, Fallon, Kinsey, and Pickering.
  - Council member Barnes presented four General Capital Investment Plan scenarios with estimated property tax rate increases ranging from 2.50¢ to 3.25¢
  - Council member Cooksey requested the estimated debt capacity resulting from a 2.44¢ tax increase (amount of Mecklenburg County’s FY2013 adopted tax rate decrease), distributed evenly over four bond referenda. This scenario results in a total General Capital Investment Plan package of \$774.61 million, which is spread over four bond referenda. This information is provided in the table below:

<i>\$ millions</i>	<b>2012</b>	<b>2014</b>	<b>2016</b>	<b>2018</b>	<b>TOTAL</b>
GO Bonds	\$144.22	\$144.22	\$144.22	\$144.22	\$576.86
COPs	\$49.44	\$49.44	\$49.44	\$49.44	\$197.75
<b>TOTAL</b>	<b>\$193.65</b>	<b>\$193.65</b>	<b>\$193.65</b>	<b>\$193.65</b>	<b>\$774.61</b>

- The Budget Committee requested that any additional budget proposals be submitted to the City Manager by noon on Monday, June 18<sup>th</sup> for staff analysis and inclusion in the June 25<sup>th</sup> Council Business Agenda.
- No budget recommendations were made by the Budget Committee
- Responses to questions from the Budget Committee meeting were provided in the June 15<sup>th</sup> Council packet
- The following budget scenarios were received by Council members on June 18<sup>th</sup>:
  - Council member Barnes’s proposal reduces the total General Capital Investment Plan (CIP) to \$657.1 million and the property tax increase to 2.32¢, as a result of the following adjustments to the City Manager’s Recommended General CIP:
    - o Deletes the following capital projects: Streetcar Extension (\$119.0M), Cross Charlotte Trail (\$35.0M), Sweden Road Maintenance Yard Replacement (\$21.8M), Northeast Equipment Maintenance Facility (\$8.2M), Public/Private Redevelopment Opportunities (\$20.0M), I-85 North Bridge #1 Project (\$15.0M), South Police Division Station (\$9.0M), Park South Drive Extension (\$8.3M), Southern Dixie Berryhill Infrastructure (\$13.0M)
    - o Reduces the following capital project: Affordable Housing reduced from \$15 million/cycle to \$10 million/cycle
    - o The full proposal by referendum year is provided as Attachment 3
  - Council members Fallon’s and Pickering’s proposal reduces the total General CIP to \$670.1 million and the property tax increase to 2.35¢, as a result of the following adjustments to the City Manager’s Recommended General CIP:
    - o Deletes the following capital projects: Streetcar Extension (\$119.0M), Cross Charlotte Trail (\$35.0M), Sweden Road Maintenance Yard Replacement (\$21.8M), Northeast Equipment Maintenance Facility (\$8.2M), Public/Private Redevelopment Opportunities (\$20.0M), I-85 North Bridge #1 Project

- (\$15.0M), South Police Division Station (\$9.0M), Park South Drive Extension (\$8.3M)
- o Reduces the following capital project: Affordable Housing reduced from \$15 million/cycle to \$10 million/cycle
- o The full proposal by referendum year is provided as Attachment 3
- The City Manager’s recommended General CIP budget and the two proposals from Council members referenced above are summarized in the table below:

	<b>City Manager’s Recommended Budget</b>	<b>Council member Barnes proposal</b>	<b>Council members Fallon and Pickering proposal</b>
Amount of CIP reduction*	\$0	\$269.3	\$256.3
Total CIP package*	\$926.4	\$657.1	\$670.1
Property Tax increase	3.60¢	2.32¢	2.35¢

\*in millions

- Any budget proposals received after distribution of this Agenda, as well as their property tax impacts, will be provided to the Mayor and Council as soon as possible.

**Attachment 3**

Budget scenario proposed by Council member Barnes on June 18<sup>th</sup> (2.32¢ tax increase)

Budget scenario proposed by Council members Fallon and Pickering on June 18<sup>th</sup> (2.35¢ tax increase)

**Approved Changes to the Operating Budget from May 30<sup>th</sup> Council Straw Votes**

- On May 30, 2012, Council approved the following budget amendment for the operating budget:
  - Amendment 1: Provide one-time funding of \$197,376 to cover 50% of the Greater Enrichment Program’s FY2012 to FY2013 funding difference of \$394,792 by using the remaining balance of the FY2012 Council Discretionary (\$189,550) and (\$7,826) of the FY2013 Council Discretionary

**A. Adopt the FY2013 Appropriations and Tax Levy Ordinance**

Budget Overview

- The total FY2013 recommended budget is \$1.97 billion, with \$1.15 billion for operating expenditures and \$817.9 million for capital expenditures (all funds). The General Fund operating budget totals \$552.4 million, a 3.81% increase over the FY2012 revised budget.
- An FY2013 property tax increase of 3.6¢ to support General capital investments that approach the City’s infrastructure with a long-term, sustainable emphasis on: 1) investing in corridors, 2) increasing connections, and 3) improving communities.

Property Tax Rate

- The property tax rate for FY2013 is recommended at 47.30¢ per \$100 of assessed valuation, an increase of 3.6¢ to fund community investments through the General Capital Investment Plan. The FY2013 assessed value is estimated at

\$89.2 billion, with an estimated collection rate of 97.20%.

Purpose	Current FY2012 Tax Rate	Recommended FY2013 Tax Rate	Rate Increase
General Fund	36.00¢	36.00¢	0.0¢
Capital Debt Service	6.50¢	10.10¢	3.6¢
Pay-As-You-Go Capital	1.20¢	1.20¢	0.0¢
<b>Total</b>	<b>43.70¢</b>	<b>47.30¢</b>	<b>3.6¢</b>

**Attachment 4**  
Annual Budget Ordinance

**B. Adopt the Storm Water Appropriations**

- In accordance with the Interlocal Agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee.
- The current long-range plan for the storm water program includes annual increases in the City's storm water fee, coupled with bond funding, in order to finance the ongoing response to new and backlogged citizen requests for service.
- The fees for FY2013 maintain the existing two-tier methodology and increase fees by 6.0% from FY2012 to FY2013:

	FY2012 Monthly Fee	FY2013 Monthly Fee
Detached homes with less than 2,000 sq. ft. impervious area	\$4.79	\$5.08
Detached homes with 2,000 sq. ft. or more impervious area	\$7.06	\$7.48
Other residential or non-residential development per acre of impervious area	\$117.68	\$124.70

- The 6.0% fee increase will result in additional revenue of \$3.5 million in FY2013.
- The City's General Fund impervious surface rate fee contribution increases \$151,309. FY2013 is the second of a three-year phase-in of equal increases to restore the \$453,929 General Fund budget reduction implemented in FY2011.
- In accordance with the Interlocal Agreement on storm water services, the Mecklenburg County Board of Commissioners conducted a public hearing on changes to the City's portion of the storm water fee on May 15, 2012. City Council also conducted a public hearing on storm water fees in conjunction with the FY2013 budget public hearing on May 29, 2012.
- The Charlotte-Mecklenburg Storm Water Advisory Committee has endorsed the proposed FY2013 Storm Water program.

**Attachment 4**  
Annual Budget Ordinance

**C. Adopt the Charlotte Mecklenburg Utilities Appropriations**

The budget includes an increase in the volume rate, fixed billing charge, the availability fee for both water and sewer, and other miscellaneous water and sewer fees. The average monthly total water and sewer bill for residential customers is estimated to be \$59.53, an increase of \$3.30 per month.

<b>Residential Water Rates</b>	FY2012	FY2013
Tier 1 (1-4 Ccf)	\$0.98	\$1.09
Tier 2 (5-8 Ccf)	\$1.96	\$2.18
Tier 3 (9-16 Ccf)	\$3.41	\$3.81
Tier 4 (over 16 Ccf)	\$5.32	\$5.96
<b>Sewer Charges</b>	\$4.14	\$4.32
<b>Non-Residential Water Rates</b>	\$2.20	\$2.33

**Attachment 4**

Annual Budget Ordinance

**Attachment 5**

Water and Sewer Budget and Rates Fact Sheet

**D. Adopt the FY2013-2017 Capital Investment Plan (CIP) Resolution**

- The resolution approves the five-year Capital Investment Plan expenditure and financing plan totaling \$4.1 billion (all funds), an increase of 24.5% above the prior year.
- Since presentation of the Preliminary Budget, the City was notified of the final allocations for the federal CDBG and HOME grants. These final grant amounts are included in the attached annual budget ordinance.
- The capital program is based on property tax rates as follows:
  - 10.10¢ for the Municipal Debt Service Fund, an increase of 3.6¢, reflecting the recommended property tax increase
  - 1.20¢ for the Pay-As-You-Go Fund, unchanged from the prior year
- The FY2013-2017 five-year General CIP totals \$970.9 million, a 250.4% increase above the current General CIP, comprised of the following categories:
  - Housing and Neighborhood Development: \$271.6 million
  - Transportation: \$381.4 million
  - Economic Development: \$131.0 million
  - Environmental Services: \$16.5 million
  - Facility Investments: \$170.4 million
- The General CIP is supported by three proposed bond referenda in 2012, 2014, and 2016 (the fourth bond referendum in 2018 will be reflected in the CIP beginning in FY2015 for a total recommended General capital debt package of \$926.4 million).

**Enterprise-Funded**

- Enterprise programs are financially self-sustaining and do not rely on property tax or general government revenues.
- Storm Water totals \$260.7 million, a 3.4% increase, and is funded by \$194.5 million in cash and \$66.2 million in revenue bonds.
- Charlotte Area Transit System (CATS) totals \$1.2 billion, a 7.1% decrease, and is funded by federal and state grants and the one half-cent sales tax for transit.
- Water and Sewer totals \$622.9 million, a 27.2% increase, and is funded by \$149.9 million in cash and \$473.0 million in revenue bonds.

- Aviation totals \$1.04 billion, a 6.1% increase, and is funded by \$820.0 million in revenue bonds, \$115.2 million in Federal Aviation Administration grants, \$43.0 million in Transportation Security Administration funding, \$50.4 million in cash, and \$13.4 million from State Aviation grants.

#### **Attachment 4**

Annual Budget Ordinance

#### **Attachment 6**

Resolution

List of Projects

#### **E. Adopt the FY2013 Employee Pay and Benefits Plan Resolution and associated Human Resources contracts**

- The recommendations included in the FY2013 Pay and Benefits Report include the following:

##### Pay Plans

- In the Public Safety Pay Plan, the budget includes the recommendations from the Public Safety Pay Plan Committee:
  - 2.5% or 5.0% step adjustments
  - 1.5% market adjustment
  - \$1.0 million one-time conversion cost to implement the new Public Safety Pay Plan
  - Dive certification pay for Fire
- In the Broadbanding Pay Plan, the recommended budget includes a 3% merit budget.
- A 3% increase to the band minimum and maximum rates in the Broadbanding Pay Plan structure. The only impact of this recommendation will be to change the minimum and maximum rates in the City's six bands. No employees will receive an increase as a result of this recommendation.

##### Benefits

- No changes are recommended to the 401(k) plan.
- The State required retirement contribution for non-sworn employees decreased from 6.88% in FY2012 to 6.74% in FY2013. For FY2013, the retirement contribution for sworn police will decrease from 7.05% to 6.77%. The Firefighter Retirement System is not impacted, as the system is independent of the State system and administered by a separate Board of Trustees.
- The City contribution to group health insurance increases only 2% due to the City's commitment to the Council adopted philosophy of: aggressive cost management for benefits, employees expected to fairly share in the cost of benefits, moderate level of benefits and pay, actively support wellness programs to reduce future costs.
- The following medical plan design changes are effective January 1, 2013:
  - 2% increase in City's cost
  - 2% increase for employees in PPO Plus Plan
  - 0% increase for employees in PPO Basic Plan
  - Medical plan deductibles and out-of-pocket maximums will be increased and plan design changes will be implemented.
  - For retiree only medical coverage, increase the retiree share from 37.5% to 42.5% for retiree only and 47.5% to 50% for retiree and dependents.
  - The City Manager is authorized to approve changes including plan options,

vendors, and future contracts/contract amendments to the fully insured medical and prescription drug plans for Medicare eligible retirees.

- Since the plans for Medicare eligible retirees are fully insured, upon receipt of renewal rates from UnitedHealthcare and SilverScript, it is recommended that the City Manager/designee be authorized to approve rate increases as necessary to appropriately fund these plans.

- Increase premiums as outlined in the chart below:

<b>Medical Premiums for Active Employees and Retirees</b>				
Level of Coverage	FY2012 Monthly Premium		FY2013 Monthly Premium	
	PPO Basic Plan	PPO Plus Plan	PPO Basic Plan	PPO Plus Plan
Employee Only	\$81.19	\$109.01	\$81.19	\$111.87
Employee/Children	\$349.21	\$414.03	\$349.21	\$422.99
Employee/Spouse	\$365.27	\$445.15	\$365.27	\$454.73
Employee/Family	\$387.29	\$478.10	\$387.29	\$488.32
Retiree Only	\$152.24	\$183.50	\$182.37	\$205.59
Retiree/Children	\$473.92	\$536.80	\$527.31	\$574.72
Retiree/Spouse	\$495.72	\$574.21	\$551.56	\$611.14
Retiree/Family	\$525.60	\$615.28	\$584.80	\$653.04

Notes: Retiree premiums based on retirees with 20+ years of service for the PPO plans; Employees not participating in specified Wellness Program will have an increased cost of \$400 per year; PPO Plus and PPO Basic plans will continue to have a higher deductible for tobacco users who are not enrolled in a tobacco cessation program.

- The City is currently reviewing and rebidding several processes for group health services. Approval of Action E. authorizes the City Manager/designee to execute the following:
  - Medicare-eligible retiree plan: Upon completion of the process, determine if plan and vendor changes are required and implement changes.
  - Dental Coverage: Execute a two-year contract effective January 1, 2013 with the selected vendor and negotiate plan design, premiums, funding and contract terms and amendments. Extend such contract for up to two additional consecutive, one-year terms on negotiated terms and conditions approved by the City Manager. The Dental plan is funded within the overall health insurance budget.
  - Domestic Partner Benefits: Design, develop and implement policies and programs to extend benefits coverage to domestic partners of City employees, consistent with (or not to exceed) the level and type of benefits provided for employees' and their dependents.
  - Flexible Spending Account Administration: Execute a three-year contract effective January 1, 2013 with the selected vendor and negotiate contract terms and amendments. Extend such contract for up to two additional consecutive, one-year terms on negotiated terms and conditions approved by the City Manager. Flexible Benefits plan administration costs are funded within the overall health insurance budget.
  - Benefits Consulting Services: Authority to renew a benefits consulting contract with Willis of North Carolina, Inc., for two consecutive one-year terms at the current annual fee.
- Amend the City's Shared Sick Leave Policy to allow the use of shared sick leave for a catastrophic Workers' Compensation covered illness or injury and clarify the definitions of other policy provisions.

- Provide the City Manager or his designee the authority to proceed with planning the implementation of a Consumer Driven Health Plan (CDHP) option in FY2013, including vendor selection, contract and future contract amendment execution, set-up and communications. The anticipated effective date is January 1, 2014.

### **Attachment 7**

#### Resolution

### **F. Approve Outside Agencies Contracts**

United Family Services (Victim Assistance) \$333,977

- The Victim Assistance Program provides crisis intervention, community counseling, education, and individual assistance to victims of violent crimes and to families of homicide victims.

### **Attachment 8**

#### Scope of Services

Community Building Initiative \$49,000

- The Community Building Initiative provides strategic assistance and works to build partnerships that promote access, inclusion, equity and trust, to improve the quality of life in Charlotte's neighborhoods and for its residents, organizations, groups and the community at large.

### **Attachment 9**

#### Scope of Services

Arts & Science Council \$2,940,823

- The Arts & Science Council oversees community-wide cultural planning, fundraising, grant administration, technical assistance, facility review, and other responsibilities to advance the cultural life of Charlotte and Mecklenburg County.

### **Attachment 10**

#### Scope of Services

Extend the Agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program and approval of the FY2013 Public Art Work Plan

- On May 27, 2003, the City Council adopted an ordinance pertaining to the allocation and administration of funds for public art. The ordinance directs that an amount equal to 1% of the construction costs of eligible capital projects be provided for public art.
- The agreement was updated to incorporate changes from the ordinance and approved by City Council in 2004.
- On January 10, 2005, City Council voted to improve communications between the Council and the Public Art Program. The Council also reaffirmed the 2003 ordinance of 1% of construction costs of eligible capital projects be provided for public art.
- On November 12, 2007, Council approved the Restructuring Government Committee's recommendation to establish administrative guidelines for the City's Public Art Ordinance.
- The FY2013 Allocations are:
  - General Fund - \$54,000

- Aviation - \$617,017
- The FY2013 Public Art Work Plan will be presented to the City Council at the June 11, 2012 Dinner Briefing.
- In accordance with the Council approved policy, the Public Art Commission will present a mid-year update of projects and financials in November 2012. At that time, the Commission will provide additional information regarding the proposed process and types of projects contemplated for the FY2013 funding allocation.

**Attachment 11**

Proposed FY2013 Public Art Work Plan

Charlotte Regional Partnership \$199,034

- The Partnership is a regional economic development organization that works with local governments, the Chamber and others, to enhance economic activity in the region. The amount of City funding is derived on a per capita figure based on city population for the base contribution of \$124,034, plus \$75,000 to support the Charlotte Regional Film Commission.

**Attachment 12**

Scope of Services

Charlotte International Cabinet \$156,121

- The Charlotte International Cabinet (CIC) promotes Charlotte as an international city and serves as a resource to foster international relationships. CIC is the City's primary point of contact for international communities and international businesses in the Charlotte region.

**Attachment 13**

Scope of Services

Charlotte Regional Visitors Authority (CRVA) \$10,892,412

- Tourism Marketing \$3,636,590
  - Funds the City's general tourism marketing services contract with CRVA. The amount is based on a portion of projected collections of the occupancy tax and a \$35,000 City contribution for special events.
- Charlotte Convention Center Promotion and Business Development Activities \$7,255,822
  - Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.
- In addition to the marketing contract dollars listed above, for FY2013 the City also provides non-marketing financial support for City-owned buildings on behalf of the CRVA for \$6,374,265 for Convention Center Operating and Capital, \$1,070,048 for the Arena and Ovens/Bojangles Capital Maintenance and Repair and \$522,000 for NASCAR Hall of Fame Maintenance and Repair.

**Attachment 14**

Scope of Services

**G. Approve the Municipal Service District Contracts with Charlotte Center City Partners (\$3,814,743) and University City Partners (\$638,461)**

- The municipal service districts (MSDs) were created to enhance the economic viability and quality of life in select areas. Three MSDs are located in the Center City, the fourth is located in the South End area, and the fifth is located in the University City area. Revenues for these districts are generated through ad-valorem taxes paid by property owners in the districts in addition to the City's regular property tax rate.
- In FY2013, the City will contract with Charlotte Center City Partners (CCCP) for services in the three Center City Municipal Service Districts as well as for services in the South End Municipal Service District. The City will also contract with University City Partners (UCP) for services in the University City Municipal Service District.
- The FY2013 tax rates in the five MSDs remain unchanged from the FY2012 rates.

<b>Municipal Service Districts Summary</b>		
<b>District</b>	<b>FY2013 Tax Rate</b>	<b>FY2013 Contract Amount</b>
District 1-Center City	1.68¢	\$1,232,567
District 2-Center City	2.33¢	\$708,226
District 3-Center City	3.58¢	\$1,124,873
District 4-South End	6.68¢	\$749,077
District 5-University City	2.79¢	\$638,461

**Attachment 15**

Scope of Services

**H. Approve the FY2013 Job Training Contracts**

Charlotte-Mecklenburg Workforce Development Board (WDB)

Job Training Contract up to \$9,119,689

Source of Funds

Workforce Investment Act Grants	\$5,907,864
Carry-over of unexpended FY2010 Grants	\$3,186,825
General Fund	\$25,000

- The WDB is responsible for implementing the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City serves as the fiscal agent for the program and contracts with the WDB on an annual basis to implement WIA services.
- These funds will be used to provide job search and placement assistance, including career counseling assessment of skills and needs and training from eligible providers such as community colleges and universities.
- The City's FY2013 contract with the WDB includes the following scope of services for the use of these funds:
  - Serve 40,000 customers through a network of 30+ Shared Network Access Point sites

- Provide training assistance to 350 eligible adults and dislocated workers
- Provide recruiting or screening assistance to 50 local employers
- Support 35,000 visits to the South Boulevard Center and Employer Engagement Center for coaching, job teams and workshops/classes
- Serve 350 WIA eligible youth
- Monitor contracts of agencies charged with delivering direct training services, including the Goodwill Industries, Arbor Education and Training, Q-Foundation and other youth providers.

**I. Approve the FY2013 Out-of-School Time Partners Contracts**

- The Community Development Block Grant and Innovative Housing Funds contracts provide educational enrichment activities for elementary, middle, and high school students of families with low incomes who reside in the Housing and Neighborhood Development boundaries.
- On May 9, 2011 Charlotte City Council approved the development and issuance of a Request for Proposal for Out-of-School Time Programs based on evidence-based standards for school age care.
- At the April 23, 2012 Council Dinner Briefing, staff recommended using the Housing Trust Fund model (funding top scored proposals at 100% until funding is exhausted)
- The following six organizations are funded:
 

- Charlotte-Mecklenburg Schools	\$350,012
- YWCA Central Carolinas After School	\$158,826
- Police Activities League	\$282,145
- Bethlehem Center	\$170,357
- St. Paul Enrichment Program	\$70,476
- Greater Charlotte Enrichment Program	\$408,478
- At the May 30, 2012, Straw Votes meeting, Council approved an additional \$197,376 in one-time funding above the \$211,102 recommended budget level for Greater Enrichment Program (see "Background" section) by using the remaining balance of the FY2012 Council Discretionary (\$189,550) and (\$7,826) of the FY2013 Council Discretionary. The total FY2013 allocation for the Greater Enrichment Program is \$408,478.

**J. Approve the FY2013 Housing Development and Support Contracts**

- The 2013 Consolidated Action Plan for Housing and Community Development, approved by Council on April 23, 2012 establishes strategies to provide affordable housing and supportive services for low and moderate-income families and individuals as part of an overall community revitalization strategy.

Carolinas Care Partnership \$714,063

- The Consortium manages the City Housing Opportunities for Persons with HIV/AIDS (HOPWA) federal grant. Responsibilities include:
  - Awarding restricted-use grants to qualified organizations in the seven-county metropolitan statistical area (MSA) to provide housing and housing-related services for people living with HIV and AIDS. Servicing the seven-county MSA is a requirement for the City to receive the funds.
  - Distributing funds available through the HOPWA program in compliance with 24 CFR Part 574 and other applicable HUD regulations
  - Ensuring that all HOPWA funds are expended to provide maximum access to housing for eligible people affected by HIV and AIDS, including family as defined by 24 CFR Part 574.3
  - Assist 450 persons with HIV/AIDS

- Monitoring distribution and proper expenditure of funds distributed to grantee agencies in the region

Crisis Assistance Ministry \$380,000

- The Ministry programs provide critical assistance to low-income families.
- Crisis Assistance Energy Assistance (\$180,000) – These funds are used to directly pay utility companies for bills due from low-income families. This program serves approximately 1,350 families.
- Crisis Assistance Emergency Rental Assistance (\$200,000) – These funds are targeted for low-income families living in specific areas of the City and address housing problems. This program assists approximately 1,122 families.

Community Link \$470,000

- Community Link provides housing counseling and relocation services with an emphasis in creating homeownership in the City's targeted neighborhoods.
- During FY2012 City Council approved contracts for Community Link to provide housing relocation and post homeowner counseling services previously performed by Charlotte Housing Authority Relocation Services and United Family Services

Charlotte Family Housing \$200,000

- Charlotte Family Housing, formerly Workforce Initiative for Supportive Housing, provides supportive housing solutions for homeless working families with children.
- The contract is a performance-based contract, therefore the funding is up to \$200,000. The goal in FY2013 is to serve 50 families per month through the program.

**K. Approve Other Budget Items**

- The budget ordinance included is the City's annual budgetary operating ordinance. Sections 1 through 14 of this Ordinance reflect the items included in the Manager's Recommended Budget and all Council amendments that Council is approving with this action.
- The remainder of the Annual Ordinance (Sections 15 through 54) serves to make budgetary corrections to the FY2012 and FY2013 for technical, accounting and other "wind-up" tasks necessary.

Sections 15 through 18 General Capital Project Funds

- Sections 15 through 18 appropriate and consolidate funding to prepare existing accounts for transactions presented in the FY2013-2017 CIP and make other capital project technical adjustments.

Sections 19 CATS Operating and Capital Projects Funds

- Section 19 adjusts within the CATS Capital Project Funds to reflect revised funding amounts from grants and local resources.

Sections 20 through 21 Aviation Operating and Capital Projects Funds

- Section 20 appropriates \$0.7 million for the Airport Recycling Center
- Section 21 transfers \$11.1 million in additional reserves to the Aviation Discretionary Fund for airport improvements.

Sections 22 through 33 Other Funds

- Section 22 transfers \$0.3 million from Capital Reserves in excess of 16% in the General Fund to the Pay-As-You-Go Fund 2012 Fund Balance.

- Sections 23 through 27 appropriate funding from various grants and interest on property tax refund appeals.
- Section 28 amends the Arena payment to align with the contract.
- Section 29 appropriates savings from bond refunding to fund other post-employment benefit liability.
- Sections 30 through 32 appropriate funds for unanticipated revenues.
- Section 33 appropriates FY2012 payment to CRVA

#### Sections 34 through 52

- Section 34 includes technical accounting changes necessary to clarify or correct FY2012 and other prior-year budgetary ordinances.
- Sections 35 through 52 give the Finance Director authority to make specific routine appropriations and transfers within the adopted budget.

#### Section 53

- Section 53 gives the City Manager authority to adjust any appropriations in accordance with any Council amendments to the FY2013 budget ordinance made at the June 25, 2012 Council Business Meeting.

### **L. Approve the FY2013 Charlotte-Mecklenburg Housing Partnership Contract**

#### Affordable Housing Contract

\$1,960,000

- This contract includes funding to address planning for future multi-family and single-family housing development by doing the following:
  - Increase affordable homeownership opportunities. CMHP will assist 100 families to become homeowners.
  - Increase affordable rental opportunities. CMHP will acquire a new property to develop multi-family rental housing.

## **10. General Obligation Bond Referendum**

**Action: Adopt a series of resolutions that authorize staff to proceed with the necessary actions to conduct a general obligation bond referendum on November 6, 2012.**

**Staff Resource:** Greg Gaskins, Finance

#### **Explanation**

- In the event a FY2013 Operating Budget and FY2013-2017 Capital Investment Plan are adopted prior to this item, which included the intent to hold a bond referendum in November 2012, adoption of the resolutions is necessary to authorize staff to proceed with required actions to conduct a general obligation bond referendum.
- The resolutions specifically authorize:
  - Notice of intent to apply to the Local Government Commission
  - Application of the Local Government Commission
  - Certain statements of facts concerning the proposed bonds
- As the amount of the bond referendum was not known at the print date of this agenda, the amounts for each of the ballot categories of streets, housing, and

neighborhood improvements will need to be read separately into the record at the time of adoption.

#### **Next Steps**

- On July 16, 2012, the bond order will be introduced and Council will be asked to set a public hearing on the bond order for July 23, 2012. This action will take place at the zoning meeting and was necessitated by the calendar restrictions of state law and publishing deadlines for the Board of Elections.
- On July 23, 2012, Council will be asked to hold a public hearing, approve the bond order and set a special bond referendum.
- After November 6, 2012 Council will be asked to adopt a resolution certifying and declaring the results of the special bond referendum after the Certificate of Canvass is signed by the Mecklenburg Board of Elections.

#### **Funding**

Municipal Debt Service Fund

#### **Attachment 16**

Resolutions

## **11. Interim FY2013 Operating and Capital Budget**

**Action:** In the event a FY2013 Operating Budget and FY2013-2017 Capital Investment Plan are not adopted prior to this item, Adopt a Budget ordinance to comply with North Carolina General Statute 159-16 entitled "Interim Budget" in order to make interim appropriations for paying salaries, operating expenses, and debt service payments for the month of July 2012.

**Committee Chair:** Michael Barnes

**Staff Resource:** Randy Harrington, Budget & Evaluation

#### **Policy**

As required by state law, the City of Charlotte adopts an annual appropriations and tax levy ordinance and considers related actions by July 1 of each fiscal year.

#### **Background**

- During the June 11<sup>th</sup> Budget Adoption discussion, the following motions were made:
  - Council voted 6 to 5 against adopting the City Manager's Recommended budget (Council members Autry, Howard, Kinsey, Mayfield, and Mitchell voted yes; Council members Barnes, Cannon, Cooksey, Dulin, Fallon, Pickering voted no)
  - Council voted 9 to 2 against eliminating the proposed tax increase of 3.6¢ and corresponding \$926 million Capital Improvement Plan (Council members Cooksey and Dulin voted yes; Council members Autry, Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell, Pickering voted no)
  - Council referred continued budget discussions to the Budget Committee
- Since a budget was not adopted on June 11<sup>th</sup>, a plan must be in place in the event a budget is not adopted before July 1<sup>st</sup>
- N.C. state law allows for interim appropriations if budget adoption is delayed

- The interim budget is “for the purpose of paying salaries, debt service payments, and the usual ordinary expenses of the local government”
- Use of interim budgets in North Carolina is extremely rare, particularly given our strong financial policies and the Local Government Commission. The only time the City of Charlotte considered an interim budget (in recent memory) was in the spring of 2002.
- The events of September 11, 2001 caused an economic recession which, in turn, impacted the State of North Carolina’s budget. The Governor withheld State collected local revenues and put at risk \$43 million for the City’s FY2003 budget. Local governments across North Carolina considered use of an interim budget as a method to wait until the State determined how much revenue to withhold, but most (including Charlotte) determined that the negative financial impact was not worth the risk. Charlotte isolated the risk in the City’s capital program and adopted a budget prior to June 30<sup>th</sup>. The State later released most of the revenue placed at risk and the City’s budget moved forward.
- An interim budget would not include a proposed tax rate.

### Impacts

- Adopting an interim budget would cause significant negative impacts to the City if the Council is unable to reach agreement prior to July 1<sup>st</sup>.
- The most significant impact is to the City’s governing and financial reputation. These impacts fall into two categories:
  - Governance: The City of Charlotte has a long history of strong financial planning. An interim budget serves as an indicator to the community that the City is unable to make the necessary decisions to plan for the community’s financial and policy future by the State’s legal deadline.
  - Bond rating agencies: The bond rating agencies look negatively at interim budgets, excluding some reasonable explanation of an external unpredictable event. The City has a AAA bond rating for general debt, the highest rating possible that produces the lowest cost of borrowing. The negative impacts would create serious questions and concerns from the bond rating agencies. Additionally, a lower bond rating can impact a City’s ability to issue bonds at all, when credit is tight.
- The Manager’s recommended budget implements a new Public Safety Pay Plan (PSPP) Structure methodology, which includes a 1.5% market adjustment and a step adjustment between 2.5% and 5.0% for police officers and firefighters. The Manager’s recommended budget also includes a 3% merit adjustment for Broadbanding employees. All PSPP step adjustments were to become effective July 7, 2012.
- The interim budget would delay all pay plan adjustments. Once a final budget is approved, City Human Resources would then have to make major changes to the payroll system to implement the retroactive pay changes. This administrative burden would require several weeks to implement and further delay the additional compensation.
- Storm water will already lose one month of storm water fee revenue from delaying the budget adoption vote from June 11<sup>th</sup> due to notification associated with the Interlocal Agreement. The estimated revenue loss is \$250,000. Storm water will defer capital projects to account for the lost revenue.
- There are several additional short-term impacts to the interim budget through July:
  - Loss of one month of increased water and sewer revenue, estimated at \$1.64 million

- Loss of one month of CATS increased fare revenue, estimated at \$200,000. Since CATS has begun selling passes utilizing the new fare structure, the interim budget would result in CATS providing refunds to customers who have already purchased passes.
- Loss of one month of other user fee revenue, estimate at \$17,000;
- Delay in the hiring of seven additional positions for Police
- Delay the elimination of supplemental multi-family disposal reimbursements at a monthly cost of \$42,500
- An interim budget would likely result in no November 2012 bond referendum.
- The process for placing a bond referendum on the ballot must follow strict timing guidelines.
- The City has a policy of going to the voters every two years to authorize additional debt for capital. The lack of a 2012 bond referendum would break that policy and begin an investment decline.
- Approval of an interim budget only provides basic operating funds for the month of July. If Council adopts an interim budget, staff will place a budget ordinance on the next Council meeting agenda for final adoption of the FY2013 Operating Budget and FY2013-2017 Capital Investment Plan. The next scheduled Council meeting is July 23

#### **Attachment 17**

Budget Ordinance

## **12. Passenger Vehicle for Hire Age Limit Amendment**



**Action:** Adopt an ordinance amending the Passenger Vehicle for Hire Ordinance (Chapter 22) to amend the vehicle age limit for taxi cab vehicles.

**Committee Chair:** Patrick Cannon, Mayor Pro Tem

**Staff Resources:** Thomas Powers III, City Attorney's Office  
Tracey Evans, City Attorney's Office

#### **Explanation**

- City Council adopted revisions to Chapter 22 of the City Code, the Passenger Vehicle For Hire ("PVH") ordinance, on July 25, 2011, which revised the vehicle age limit of taxi cabs from ten years to six years.
- The six year vehicle age limit for taxi cabs will be effective July 1, 2012, under the current PVH ordinance. Any vehicles older than six years would need to be removed from service.
- On April 23, 2012, City Council referred the six year vehicle age limit for taxi cabs to the Community Safety Committee for further review.

#### **Committee Discussion**

- The Committee met on May 29, 2012 to discuss the referral and to balance the concerns of all stakeholders.
- The Committee voted unanimously (Cannon, Pickering, Dulin, and Fallon) to recommend that Council should revise the vehicle age limit of taxi cabs from six years to eight years.

- As recommended by the Community Safety Committee, a new eight year age limit would apply only to taxi cabs and would be effective July 1, 2012.

**Attachment 18**  
Ordinance

### 13. Disparity Study



**Action:** Approve the Economic Development Committee recommendation to:

- Accept and adopt findings and analyses set forth in Chapters 1 through 6 of MGT of America, Inc.'s 2011 City of Charlotte Disparity Study Update Report that was presented to Council on September 26, 2011, and
- Direct staff to draft a SBE/MWBE program that utilizes both race and gender neutral measures and race and gender conscious measures to remedy the disparity documented in MGT's Disparity Study Update Report, consistent with the legal opinion issued by Tydings & Rosenberg.

**Committee Chair:** James Mitchell

**Staff Resources:** Cindy White, City Attorney's Office  
Brad Richardson, Neighborhood & Business Services  
Nancy Rosado, Neighborhood & Business Services

**Background**

- In October 2010, the City retained MGT of America, Inc. (MGT) to conduct a Minority and Women Business Enterprise (MWBE) Disparity Study.
- The main goals of the Disparity Study were to:
  - Determine whether disparity exists between the number of MWBE firms qualified to perform on City contracts and the City's utilization of these firms
  - Determine if a legally justified need exists for an MWBE Program
  - Provide recommendations regarding suggested modifications to the City's SBO Program
- The study was an update of the City's 2003 Disparity Study, also conducted by MGT, and reviewed the City's expenditures for the period beginning July 1, 2005 through June 30, 2010.
- In October of 2010, City Council also established a Disparity Study Advisory Committee with a charge to:
  - Review and comment on data sources used in the Disparity Study
  - Assist MGT in outreach efforts to the community
  - Periodically meet with MGT to provide input as needed
  - Review and comment on MGT's findings and recommendations

**MGT's Findings and Recommendations**

- On September 26, 2011 MGT of America, Inc. presented its findings and recommendations to Council.

- According to existing case law, the City must demonstrate the following in order to implement a race and gender based program:
  - Statistical data showing disparity
  - Anecdotal evidence of discrimination
  - Evidence that a race and gender neutral program will not be an adequate remedy
- MGT concluded that:
  - There is statistical evidence showing disparity
  - There is insufficient anecdotal evidence of discrimination
  - The City's race and gender neutral program has been effective in increasing the utilization of minority and women business enterprises
- With regard to the statistical analysis, MGT found disparity in several categories, including:
  - In Construction Subcontracting, substantial disparity was found for African Americans, Hispanic Americans and Native Americans
  - In Architectural and Engineering sub-consulting, substantial disparity was found for African Americans
- While MGT concluded that some evidence may support the restoration of race and gender conscious subcontracting goals for certain minority groups, MGT did not recommend establishing race and gender conscious program.
- However, MGT did recommend several race and gender neutral modifications to the current SBO Program.
- Following MGT's presentation, Council referred the item to the Economic Development Committee for review.
- On November 1, 2011, the Disparity Study Advisory Committee asked the Committee to further explore setting MWBE goals where evidence supports it.
- On February 13, 2012, Council approved a Committee recommendation to retain Franklin Lee of Tydings & Rosenberg, LLC to re-examine MGT's findings to determine if sufficient evidence exists to add MWBE components to the SBO Program.

#### **Tydings & Rosenberg's Recommendations**

- On April 9, 2012, Mr. Lee provided Council with a legal opinion that, based upon MGT's Disparity Study findings, there is a strong basis in evidence for the City to consider the use of race and gender conscious remedies. On May 9, 2012, Mr. Lee provided Council with a legal memorandum documenting the basis of his opinion.
- On May 17, 2012, Mr. Lee provided a detailed overview of his legal opinion to the Economic Development Committee. He recommended that the City:
  - Develop a new MWSBE Program that includes: contract-specific goal setting for the application of SBE or MWBE program features based on clear criteria and SBE or MWBE subcontracting goals with good faith efforts
  - Establish an automated mandatory centralized bidder registration system
- Mr. Lee also recommended that the City implement several of the remedies recommended by MGT, including:
  - Increasing the formal bid threshold for construction contracts
  - Expanding the SBE Directory to include likely vendors for the City's P-card transactions

#### **Committee Discussion**

- On June 7, 2012, staff provided the Economic Development Committee with a proposed Disparity Study Work Plan and Schedule for consideration.

- Discussion included an inquiry about how often staff can receive accurate data to determine disparity on a more frequent basis. Staff informed the Committee that this is part of its work plan to determine.
- The City Attorney's Office explained the need to be clear about the legal requirements behind the adoption of MGT's study.
- The Committee approved a motion to recommend that City Council:
  - Accept and adopt the findings and analyses set forth in Chapters 1 through 6 of MGT's Disparity Study Update Report.
  - Direct staff to draft a legal basis for the SBE/MWBE program revisions
- The motions were approved by a vote of 3 to 1 (Yes – Mitchell, Howard, Mayfield; No – Cooksey)

**Attachment 19**

MGT Study Table of Contents  
Disparity Study Work Plan & Schedule

## BUSINESS

### 14. Floodplain Ordinance Revisions

**Action:** Approve Floodplain Ordinance Revisions.

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

#### **Explanation**

- It is standard practice to periodically review and reevaluate floodplain mapping, depending on the amount of development in watersheds.
- Mecklenburg County last reevaluated floodplain maps in 2000 and has proposed map revisions to Federal Emergency Management Agency (FEMA) for many Charlotte watersheds.
- FEMA began review of the preliminary maps April 11, 2012 and it could take until August 2013 before the final maps are approved by FEMA and become effective.
- Two task forces comprised of floodplain property owners in these watersheds met several times as part of the map revision process.
- The proposed maps were presented at five public meetings and a website was created for property owners to review the maps and submit comments.
- The revised maps show over a thousand fewer structures are predicted to flood than previous maps indicated, while hundreds of structures are now predicted to flood that originally were not.
- Staff recommends an ordinance revision to officially recognize and allow regulation of new construction using the preliminary maps until final FEMA approval.
- Recognizing the maps early will ensure that development occurring prior to final FEMA approval will be at less risk of flood damage.
- Staff recommends several additional ordinance changes that clarify intent, add more specificity and further limit flood losses.
- The proposed revisions were presented to the Storm Water Advisory Committee on May 17 which unanimously supported staff's recommendation and to the Subdivision Steering Committee on May 16.
- On June 11, 2012 City Council received a dinner briefing on the floodplain ordinance revisions.
- A public hearing was held on June 11, 2012 on the proposed changes and there were no speakers.
- The revised ordinance will become effective upon adoption.

#### **Attachment 20**

Proposed Ordinance Revisions

## 15. Norfolk Southern/CSXT Railroads Grade Separation



**Action:** Authorize the City Manager to execute a Norfolk Southern/CSXT Railroads Grade Separation Term Sheet and subsequent three-party agreement among the City, Mecklenburg County and the North Carolina Department of Transportation (NCDOT) consistent with business terms identified in the attached Term Sheet.

**Staff Resources:** Ron Kimble, City Manager's Office  
Timothy Gibbs, CDOT

### Explanation

- In February 2012, City staff briefed City Council on the status of Norfolk Southern Railroad/CSXT Railroad Mainline Grade Separation project in the vicinity of the NC Music Factory near Uptown. This project is an element of the North Carolina Department of Transportation's (NCDOT) Charlotte Railroad Improvement & Safety Program (CRISP), which will modernize existing track infrastructure in and around Charlotte within a 50-year horizon.
- The project will provide for a bridge at the existing location where Norfolk Southern (NS) and CSX Transportation (CSXT) railroads cross underneath the Brookshire Freeway (I-277). This is the most congested railroad intersection in North Carolina and is traversed daily by 50 freight and passenger trains. This number is anticipated to increase to 100 daily by 2037.
- The project goals are to enhance safety, reduce noise, emissions and energy use, while improving rail operations and increasing efficiency for freight and passenger rail near Uptown.
- The project will also entail relocation of the Mecklenburg County Vehicle Maintenance Facility, which the City currently uses in providing fleet maintenance services to the County. The terms of the relocation are outlined in the attached Term Sheet and will be set forth in detail in an amendment to the City-County Interlocal Agreement for the Consolidation of Fleet Maintenance Operations (the "Fleet Maintenance Interlocal"), which staff will bring back to Council at a subsequent date. The Term Sheet outlines the material terms and conditions of proposed agreement under which the City, the County and NCDOT will proceed with the project. Following its execution, the Term Sheet will be used to guide staff, including legal counsel, in the preparation of future formal agreements.
- Since this project is funded by the American Recovery and Reinvestment Act (ARRA) of 2009, its completion is required by September 30, 2017.
- Staff requests that City Council authorize the City Manager to execute a Term Sheet and a subsequent three-party agreement among the City, the County and NCDOT consistent with the attached Term Sheet. Subsequent City Council approval will be required for the proposed amendment to the Fleet Maintenance Interlocal agreement, City acceptance of Maxwell Court Extension onto the municipal street system and any other to be determined agreements that would require City Council approval.

### Funding

The estimated design, right-of-way and construction cost of \$129 million for the project is 100% funded with American Recovery and Reinvestment Act (ARRA) of 2009 funds.

**Attachment 21**

Map

City/County/NCDOT Term Sheet dated May 31, 2012

**16. United Technologies Corporation Incentive Grants**

- Actions:**
- A. Approve contracts between the City of Charlotte, the North Carolina Department of Commerce (the State) and United Technologies Corporation (UTC) for a \$2,500,000 One North Carolina Grant from the State to UTC,**
  - B. Approve the City's share of a Business Investment Grant to UTC for a total estimated amount of \$255,048 over five years (Total City/County grant estimated at \$731,644),**
  - C. Approve the City's share of an Economic Development Grant to UTC for \$875,000 over two years (Total City/County grant estimated at \$1,750,000), and**
  - D. Adopt a budget ordinance appropriating \$2,500,000 from a One North Carolina Grant to UTC and \$875,000 from the City to UTC.**

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

**Policy**

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

**Explanation**

- United Technologies (UTC) provides high-technology products and services to the global aerospace and building systems industries. UTC is based in Hartford, Connecticut.
- UTC's commercial businesses include Otis (elevators and escalators), UTC Climate Controls & Security, Carrier Corporation, Kidde Fire Detection & Suppression Systems, and UTC Power (clean energy/fuel cells).
- UTC's aerospace businesses include Sikorsky (helicopters), Pratt & Whitney (aircraft engines), and Hamilton Sundstrand (civilian and military aircraft systems).
- In September 2011, UTC announced plans to acquire Charlotte-based Goodrich Corporation and expects to close on the acquisition this summer.
- Goodrich is a global supplier of systems and services to aircraft and engine manufacturers, airlines and defense forces around the world. Its leading products are landing gear and engine housings.
- UTC will combine Goodrich with its Hamilton Sundstrand business and create a new Aerospace Division Headquarters.
- The new Aerospace Division Headquarters will be the company's first divisional headquarters located outside of Connecticut.

- Three areas were under consideration for this project, including Northern Virginia, West Palm Beach, Florida, and the Charlotte region. Within the Charlotte region, UTC considered sites in Charlotte and York County, SC.
- On June 13, 2012, UTC announced that it had selected Charlotte as the location for its new aerospace division headquarters based, in part, on the availability of state and local incentives.
- With the project, UTC expects to invest no less than \$4 million in new taxable property or improvements to buildings, create 325 new full-time jobs with an average annual wage exceeding \$200,000, nearly four times the Mecklenburg County average.

#### One NC Grant

- On June 13, 2012, the State announced that it had awarded a One North Carolina Grant to UTC in an amount not to exceed \$2,500,000 as part of a financial incentive package.
- The amount of the One North Carolina Grant is contingent upon the ability of the City and the County to provide a local match.
- By State statute, the City is required to administer a performance contract with UTC to ensure compliance with the state's job creation and capital investment standards.
- On May 14, 2012, City Council indicated its intent to approve the following financial incentive grants to UTC in a closed session in order to meet the City's portion of the local match requirement:

#### Business Investment Grant

- This project meets the Council-approved requirements for a large-impact Business Investment Grant, and if approved, will be paid over a five-year term and equal to 90% of the new incremental property taxes generated by the company.
- The City's share of the grant is estimated to be \$255,048. (Total City/County grant is estimated to be \$731,644).

#### Economic Development Grant

- Council also indicated its intent to approve an Economic Development Grant to UTC expected to be paid over a two-year term in the amount of \$875,000.
- This grant is expected to be matched by the County for a total City/County grant of \$1,750,000.

#### **General Terms and Conditions**

- UTC must establish its aerospace division headquarters in the corporate limits of Charlotte within 12 months of approval by the City and County.
- The aerospace divisional headquarters must remain in Charlotte for no less than ten years.
- The company must maintain no less than 90% of expected new jobs on its payroll during all ten years.
- The average annual wage for all jobs must exceed \$168,462 (80% of the projected annual average wage of \$210,578) during all ten years.
- All property taxes due from the company must be paid before a grant payment is made.
- Failure to meet each of these grant terms will result in UTC's obligation to repay all or a portion of the grants.

- On May 15, 2012, the Board of County Commissioners also indicated its intent to approve these financial incentive grants to UTC in a closed session in order to meet the County's portion of the local match requirement.
- The Board of County Commissioners will consider this proposal on July 3, 2012.

**Funding**

State of North Carolina: One North Carolina Grant Fund  
 Business Investment Grant Account  
 Economic Development Grant

**Attachment 22**

Budget Ordinance

**17. Conclusion of Consent Agenda**

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

**18. Nominations to Boards and Commissions**

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

**A. AIRPORT ADVISORY COMMITTEE**

- One appointment for a Westside resident for a three-year term beginning August 1, 2012.
  - Crystal Jackson, Westside resident, is eligible and would like to be reappointed.
- One appointment for an aviation affiliation representative for a three-year term beginning August 1, 2012.
  - Colvin Edwards, aviation affiliation representative, is eligible and would like to be reappointed.

**Attachment 23**

Applications

**B. CHARLOTTE REGIONAL VISITORS AUTHORITY**

- One appointment for a representative of a convention hotel for an unexpired term beginning immediately and ending June 30, 2014.
  - Tom Manno resigned.

**Attachment 24**

Applications

**C. CITIZENS' REVIEW BOARD**

- Five appointments for three-year terms beginning August 1, 2012.
  - Alan Adler, Jason Baker, Robbie Harrison and Paulette Michael are eligible and would like to be reappointed.

- Trevor Fuller is eligible, but does not wish to be reappointed.

**Attachment 25**

Applications

**D. COMMUNITY RELATIONS COMMITTEE**

- Three appointments for unexpired terms beginning immediately and ending June 30, 2013.
  - Audrey Madans and Ashley Oster resigned.
  - Ryan Rich has not met the City Council attendance requirement.

**Attachment 26**

Applications

**E. DOMESTIC VIOLENCE ADVISORY BOARD**

- One appointment for a three-year term beginning September 22, 2012.
  - Debra Wideman is eligible, but does not wish to be reappointed.

**Attachment 27**

Applications

**F. HISTORIC LANDMARKS COMMISSION**

- Two appointments for three-year terms beginning July 17, 2012.
  - Joseph Elliott and Michael Rogers are eligible and would like to be reappointed.

**Attachment 28**

Applications

**G. KEEP CHARLOTTE BEAUTIFUL**

- Two appointments for unexpired terms beginning immediately and ending June 30, 2013 and June 30, 2014.
  - ReGinae Reynolds has not met the City Council attendance requirement.
  - Richard Flanagan, Jr. resigned.

**Attachment 29**

Applications

**H. PASSENGER VEHICLE FOR HIRE BOARD**

- One appointment for a taxicab, limousine or other vehicle for hire company owner for a three-year term beginning July 2, 2012.
  - Bhanu Contractor has completed his terms of service and is not eligible for reappointment.
- One appointment for a taxicab, limousine or other vehicle for hire owner for a three-year term beginning July 2, 2012.
  - Andrew Thompson is eligible and would like you be reappointed.
- One appointment for a representative of the hospitality and tourism industry for a three year term beginning July 2, 2012.
  - Susan Schwint has completed her terms of service and is not eligible for reappointment.

- One appointment for a user of passenger vehicles for hire for a three-year term beginning July 2, 2012.
  - Carolyn Carr is eligible and would like to be reappointed.
  
- One appointment for a person with a disability or a representative of an agency that works with persons with disabilities for a three-year term beginning July 2, 2012.
  - Monique Stamps is eligible, but does not wish to be reappointed.

**Attachment 30**  
Applications

**19. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

## 20. 2012 Meeting Calendar Amendment

**Action:** Amend the 2012 Meeting Calendar for City Council.

**Committee Chair:** Mayor Anthony Foxx

**Staff Resources:** Curt Walton, City Manager  
Robert Hageman, City Attorney  
Cheryl Brown, Human Resources  
Stephanie Kelly, City Clerk

### Explanation

- It is the City's practice to schedule an employee's performance evaluation 12 months following the date an employee is hired, transferred or promoted.
- Bob Hagemann was promoted to City Attorney effective January 1, 2012, with his performance evaluation to take place on an undetermined date in January 2013.
- At the June 4, 2012 meeting of the Council-Manager Relations Committee, the Committee discussed the desire to align the timelines for the City Manager and City Attorney performance evaluations, with the City Manager's evaluation to remain in July and the City Attorney's evaluation to take place in August.
- The City Council meets once in August, on Monday, August 27, 2012.
- Staff recommends the City Attorney's evaluation be scheduled on Monday, August 27, 2012 from 2:00 pm-4:00 pm.

### Attachment 31

Amended City Council Calendar

## 21. Browne/Hucks Road Improvement Change Order #1

**Action:** Approve change order #1 in the amount of \$250,000 to Ferebee Corporation for the Browne/Hucks Road Improvement Project.

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

### Explanation

- This transportation project will improve the intersection of Hucks Road and Browne Road by realigning the intersection, constructing turn lanes and installing a traffic signal.
- Change Order #1 will provide funds for additional materials needed to complete the project and to remove unsuitable soils encountered during construction.
- Preconstruction geotechnical testing indicated the need to remove unsuitable soils and quantities were included in the contract. During construction, additional quantities of bad material were identified.
- The construction contract was awarded by City Council in June 2011 in the amount of \$695,830.75 (NCDOT contributed \$250,000). Funding for this change order is available in the project budget.
- Construction is expected to be complete third quarter 2012.

**Minority Women Business Opportunity**

Since partial funding was received by NCDOT, NCDOT required and approved a combined MWBE goal of 8.0% on the original contract.

All additional work involved in this change order will be performed by Ferebee Corporation and their existing MWBE subcontractors: Express Logistics Services, Inc. (hauling), ACS Pavement Marking, Inc. (pavement marking), D's Trucking Service, Inc. (hauling) and Stay Alert Safety Services (traffic control).

**Funding**

Transportation Capital Investment Plan

**22. Police Firing Range Lead Reclamation**

**Action:** Approve a contract with Southern Resources, Inc. in order to sell lead bullets reclaimed from the Police firing range at Shopton Road. The anticipated revenue for the City is estimated to be \$125,000.

**Staff Resources:** Katrina Graue, Police  
David Wolfe, Engineering & Property Management

**Explanation**

- The City's Asset Recovery and Disposal Program is responsible for disposing of surplus property, including scrap metals. The goal of this program is to dispose of materials using the most cost-effective and greatest revenue producing method available.
- Since 1976, the CMPD Firing Range has operated at Shopton Road.
- As a part of Best Management Practices for Lead at outdoor firing ranges, the Environmental Protection Agency recommends the occasional reclamation of lead bullets from the backstop in order to:
  - Reduce environmental impacts
  - Recycle a finite resource
  - Ensure safe range operation
- The City has excavated and reclaimed an estimated 250,000 pounds of lead bullets from the primary firing range. This reclaimed lead was offered for sale to the highest bidder.
- Southern Resources, Inc. submitted the highest bid of 50 cents per pound for the reclaimed lead. The dollar amount the City will receive will depend on the actual weight taken at a certified weighing facility.
- The estimated miscellaneous revenue of \$125,000 will be credited to the General Fund upon receipt.

**Selection Process**

- The City issued an Invitation to Bid (ITB) for Firing Range Lead Reclamation on April 2, 2012.
- In response to the ITB, the City received two bids from interested scrap metal recyclers.
- The Project Team, consisting of staff from Business Support Services' Procurement Services Division, CMPD and Engineering & Property Management, evaluated the bids.

- The project team recommends awarding the contract to Southern Resources, Inc. as the service provider best meeting the City's needs in terms of the best price offered, qualifications and experience.

#### **Small Business Opportunity**

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

#### **Attachment 32**

SBO Policy Reference

## **23. Zoning Ordinance Policy Assessment and Approach**

**Action:** Approve a professional services contract with Clarion Associates in an amount up to \$160,000 to conduct a general assessment of the Charlotte Zoning Ordinance and evaluate a variety of approaches for reorganizing, restructuring, and/or rewriting the ordinance.

**Staff Resources:** Alan Goodwin, Planning  
Sandra Montgomery, Planning

#### **Explanation**

- The last major revision of the Charlotte Zoning Ordinance occurred in 1992. It has since been amended numerous times to resolve conflicts, add new provisions, increase flexibility, and ensure consistency with North Carolina statutes.
- The ordinance has evolved over time, with urban design standards and a variety of new zoning districts added. These include districts for mixed-use and transit-oriented development, as well as pedestrian and watershed protection overlay districts.
- Since the last major rewrite in 1992, Charlotte has created new plans and embraced new visions for how land should be developed. This, along with changes in demographics, new land use types, zoning approaches, and best practices in the field, point to the need to revise and/or update the ordinance once again.
- In March 2012, a Request for Proposals was issued for professional consulting services to conduct a general assessment of the Zoning Ordinance and identify a minimum of three zoning ordinance models for consideration to revise and/or update the Zoning Ordinance.
  - Seven consulting firms responded with proposals
  - A selection team composed of City staff reviewed, evaluated, and scored the proposals
  - The three highest-scoring consultants, Clarion Associates, Code Studio, and White & Smith, were interviewed by the selection team in May
  - Based upon written materials, reference checks, and consultant interviews, Clarion Associates was selected as the preferred consultant.
- Clarion Associates will provide the following services:
  - A General Assessment Report that includes:
    - How well the Zoning Ordinance implements City policies and plans

- Identification of the strengths and weaknesses of the Zoning Ordinance in terms of content, structure, organization, clarity, ease of use, zoning districts and district standards, regulations of general applicability, definitions, graphics and procedures
- An Ordinance Approach Report that identifies a minimum of three zoning ordinance models for consideration to revise and/or update the Zoning Ordinance. Included in the report will be the following:
  - An annotated outline for each option, case studies/examples of how each is used in other comparable size cities, how each is implemented and administered, and the advantages of, and drawbacks to, each option
  - General assessment of how each option will work under North Carolina Zoning Statutes.
- This project is an important step possibly leading to a comprehensive revision of the Zoning Ordinance. Such a revision would be undertaken in the future under a separate process.

#### **Small Business Opportunity**

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

#### **Funding**

Planning Department Operating Budget

#### **Attachment 32**

SBO Policy Reference

## **24. Washam Street Pump Station Force Main Replacement**

**Action: Approve the low bid of \$310,839.90 by State Utility Contractors, Inc. for the Washam Street Pump Station Force Main Replacement Project.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- Utilities owns a sewer pump station near Washam Street in Cornelius to serve an area near Lake Norman. This station is over 50 years old.
- This project includes installing a new 6-inch pressure pipe from the pump station along Church St. in Cornelius that will replace the old pipe that has experienced several leaks over the years.
- This project is necessary to prevent future breaks and to eliminate the possibility of future sewer spills.
- Construction is expected to be completed by September 2012.

#### **Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.66%

State Utility Contractors exceeded the SBE established goal and committed 6.66% (\$20,700) of the total contract amount to the following SBE firm: Union Paving (roadway paving).

**Funding**

Utilities Capital Investment Plan

**25. Utilities Motor and Pump Repair Services**

- Action:**
- A. Award contracts to the following companies to provide electrical motor and pump repair services at all of Utilities' treatment and pumping facilities in a combined annual amount of \$1,200,000:**
- Purser Central Rewinding Co. Inc. (\$105,000)
  - A&W Electric, Inc. (\$100,000)
  - Dixie Electro Mechanical Services Inc. (\$165,000)
  - Jenkins Electric Co. (\$680,000)
  - Integrated Power Services LLC (\$50,000)
  - American MTS Rewinding of NC (\$100,000)
- B. Authorize the City Manager to renew the contracts for two additional one-year terms.**

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

- Utilities owns a large number of electrical motors and integrated pump motors throughout its facilities that are used for all types of pumping and treatment equipment. The equipment requires a wide variety of repair services. These contracts will provide the technical expertise to provide those services.
- A Request For Proposals was issued on April 2, 2012. These firms were selected based on their experience, references, qualifications and price.
- The contracts will be awarded as follows:
  - Purser and A&W both specialize in lower horsepower motors and integrated pump motors.
  - Dixie and American MTS both specialize in more medium-sized pumps and motors.
  - Jenkins Electric is the only shop able to handle large horsepower, medium voltage and synchronous motors.
  - Integrated Power services special types of pumps and motors predominately located in wastewater treatment.
- Purchase Orders will be issued for this work on an as-needed basis and all work paid for based on the hourly or lump-sum rates quoted for the various types of work. Hourly rates for all vendors are comparable.

**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, one of the selected firms, A&W Electric, is a City of Charlotte certified SBE firm.

**Funding**

Utilities Operating and Capital Budgets

**Attachment 32**  
SBO Policy Reference

## 26. Work and Asset Management Implementation

**Action:** Approve a professional services contract with GHD, Inc. for work and asset management program implementation services in an amount up to \$625,870.

**Staff Resources:** Jeff Stovall, City Manager's Office  
Barry Gullet, Utilities

### Explanation

- In 2009, Council approved a contract of \$1,760,000 with GHD, Inc. to implement a work and asset management application (Azteca Cityworks) for the Field Operations Division of Charlotte Mecklenburg Utility Department (CMUD) and for the Landscape Management, Building Maintenance and Environmental Management divisions of Engineering and Property Management (E&PM).
- Azteca Cityworks, an existing City/County system, was determined to meet the critical needs of E&PM and CMUD. GHD, Inc. led the successful implementation of Cityworks for CMUD's Field Operations Division and three E&PM Divisions, effectively replacing six applications with one application.
- CMUD would like to continue the positive progress made through this work by replacing five end-of-life, unsupportable, and inadequate work management applications currently used by CMUD's Water Treatment and Environmental Management Divisions by configuring and using the existing City-owned work and asset management solution (Cityworks).
- Staff recommends that the City contract with GHD, Inc. to implement improved work and asset management processes and to lead the Cityworks software configuration process in the Water Treatment and Environmental Management Divisions of CMUD.
- As a component of a long-term City strategy, Azteca Cityworks is being extended for use in other departments and divisions as work and asset management or materials management/inventory control needs have arisen.
- Additional services may be required as Cityworks' usage is extended within the City.
- Benefits of this initiative include:
  - Enhanced support for Water/Wastewater plant preventative maintenance
  - Field automation of work order and materials management processes
  - Better assessment of asset condition and operational life
  - More reliable information for prioritizing maintenance, repair and overhaul activities

### Small Business Opportunity

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

### Funding

Utilities Capital Investment Plan

**Attachment 32**  
SBO Policy Reference

## 27. Police Assets Forfeiture Appropriation

**Action:** Adopt a budget ordinance appropriating \$79,000 in police assets forfeiture funds.

**Staff Resources:** Katrina Graue, Police  
Greg Crystal, Police

### Explanation

- Federal and state law permits police agencies to use their share of the proceeds from seized drug assets for eligible law enforcement related projects.
- Police recommends appropriating \$79,000 from assets forfeiture funds for three projects.
- \$50,000 will pay the salary and benefits for the Administrative Officer assigned to the department's Homicide Support Group. This position functions as a Homicide Victims Assistance Specialist. Duties include assisting the families of homicide victims with the victim compensation application process, co-facilitating support groups, working with volunteers and linking families of homicide victims with needed community services. This position was initially funded through a federal grant but grant funds will run out shortly.
- \$5,000 will be a contribution to the National Law Enforcement Museum in Washington, D.C. to go toward the construction of a Hall of Remembrance that will honor law enforcement officers killed in the line of duty, including 30 from Charlotte-Mecklenburg. Over 60 law enforcement agencies across the country have funded contributions to the museum with assets forfeiture funds.
- \$24,000 will be used to fund training for the District Attorney's Office. Subjects will include gang issues and enhanced assistance to crime victims.

### Funding

Assets Forfeiture Funds

**Attachment 33**  
Budget Ordinance

## 28. Police Audio Translation and Transcription Services

- Action:**
- A. Approve contracts for audio translation and transcription services for an initial term of eight months in the aggregate estimated amount of \$67,000 for the initial term and the aggregate estimated annual amount of \$100,000 for any renewal terms with the following service providers:**
- A American High-Tech Transcription and Reporting, Inc.
  - Globespan Medical, Inc. dba Globespan Transcription
  - Outskirts, Inc. dba Verbal Ink
- B. Authorize the City Manager to extend the contracts for up to two additional one-year renewal options as authorized by the contracts.**

**Staff Resources:** Vickie Foster, Police  
Johnny Jennings, Police  
Maria Miles, Business Support Services

### Explanation

- Police needs audio translation and transcription services for interviews recorded as a part of a criminal investigation of crimes including homicide.
- The service consists of translation of audio interviews conducted in English and a second language and transcription of the interview into both English and the second language.
- Spanish is the primary language to be translated and transcribed, although police may, on occasion, require services in other languages.
- Police currently use A American High-Tech Transcription and Reporting, Inc. for the provision of these services, typically without access to volume discounts or contractual guarantees for timely or priority service.
- The estimated current annual expenditures for these services for police are \$100,000.

### Selection Process

- The City issued a Request for Proposal (RFP) for CMPD Audio Translation and Transcription Services on May 17, 2012.
- The City received seven proposals from interested service providers.
- The Evaluation Team, consisting of staff from the Procurement Services and CMPD, evaluated the proposals on experience, qualifications, references, service rates, and willingness to meet the City's terms and conditions.
- The Evaluation Team recommends awarding contracts to the three service providers listed in Action A as they best meet the city's needs.
- The aggregate estimated expenditures for all awarded contracts for the initial term and all possible renewals are \$267,000.

### 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) (see attachment).

### Funding

Police Operating Budget

**Attachment 32**  
SBO Policy Reference

## 29. Public Safety Radio System Support Contracts

**Action:**

**A. Authorize the City Manager to renew the public safety radio support and software subscription contract in the amount of \$2,557,959.38 with Motorola Incorporated, as authorized by the sole source exception G.S. 143-129(e)(6), and**

**B. Authorize the City Manager to approve four additional one-year renewals of the public safety radio system support and software subscription contract with Motorola Incorporated with possible price adjustments at the time of renewal as deemed reasonable and appropriate by the City Manager.**

**Staff Resource:** Charles Robinson, Business Support Services

### Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supplier; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source and compatibility and standardization with existing infrastructure is an overriding consideration. The equipment used is standard to the radio network.

### Explanation

- The City provides for the operation, maintenance and management of the Charlotte-Mecklenburg consolidated Public Safety Radio System.
- The City acts as lead agency in procurement of maintenance and support for regional radio system entities.
- This request is for renewal of the existing maintenance agreement for the radio system.
- The Public Safety Radio System operating software and equipment are specific to Motorola and cannot be serviced by any other company.
- Due to the nature of the public safety and emergency services provided by this system, the support contract is critical to its successful operation.
- The contract is renewable each year and is funded through radio system user fees paid by the City, County and other participating municipalities.

### Small Business Opportunity

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

### Funding

Radio System User Fees and Business Support Services Operating Budget

**Attachment 32**  
SBO Policy Reference

### 30. Biohazard Identification System

- Action:**
- A. Approve the purchase of Biohazard Identification Systems as authorized by the sole source exception of G.S. 143-129(e)(6), and**
  - B. Approve a contract with Idaho Technology, Inc. for the Purchase of Biohazard Identification Systems and accessories in the amount of \$90,000.**

**Staff Resource:** Jeff Dulin, Fire

#### **Sole Source Exception**

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

#### **Explanation**

- The Charlotte Fire Department provides HazMat response capabilities for the City of Charlotte, Mecklenburg County, and the North Carolina Regional Response Team 7 Region.
- An Invitation to Bid (ITB) was issued to procure needed Hazmat equipment to support an additional hazardous materials unit.
- The Idaho Razor was included on this ITB, however, none of the responsive vendors bid on the item.
- This item is only sold by its manufacturer, Idaho Technologies, and is the only one of its kind that is sold commercially for "hand-held" field detection.
- The Fire HazMat response teams currently use these units to screen for biological containments.

#### **Small Business Opportunity:**

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

#### **Funding**

U.S. Department of Justice Grant

#### **Attachment 32**

SBO Policy Reference

### 31. Federal Aviation Administration Grant

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$20,500,000 for Airport projects related to the new runway, and**
  - B. Adopt a budget ordinance appropriating \$20,500,000 in FAA grant funds.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements under the Airport Improvement Program. The Airport's FY2012 entitlement funds currently available are \$8,500,000. Additional entitlement funds may be available later in the year.
- In December 2006, the FAA issued its Letter of Intent (LOI) to provide \$80 million dollars over eight years in discretionary federal funds to be applied towards the cost of constructing the new runway. The FY2012 allocation of this LOI is \$12 million dollars and is included in the \$20,500,000 grant offer. This is the sixth installment of the LOI.
- The financial plan for the construction of the runway included the issuance of short-term, variable rate General Airport Revenue Bonds that may be redeemed upon the receipt of federal grant funds. This grant will allow the City to redeem a portion of those bonds, reducing debt.

#### **Funding**

FAA Grant

#### **Attachment 34**

Resolution

Budget Ordinance

### 32. Airport Deicing Refill Station

- Action:**
- A. Award the low bid contract of \$2,855,000 to Wharton-Smith, Inc. for the construction of a Deicing Refill Station, and**
  - B. Adopt a budget ordinance in the amount of \$2,855,000 from the Airport Discretionary Fund to be replaced by future FAA grant funds or Passenger Facility Charge revenues.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- The Deicing Refill Station will allow the Airport's aircraft deicing contractor, Consolidated Deicing Services, to more efficiently mix and load deicing fluids and

- fuel into the deicing trucks that spray it on aircraft prior to departure during a freezing weather event.
- The station will contain five 30,000 gallon above-ground tanks for storage of glycol, one 8,000 gallon diesel fuel tank, and one 250,000 gallon above-ground tank for storage of recaptured glycol.
  - The new system will collect spilled glycol with vacuum trucks for recycling and includes dispensing devices to transfer fluid to the trucks in an environmentally acceptable manner.
  - Funding for this contract comes from proceeds of the 2009 General Airport Revenue Bonds, the debt service of which is paid from Passenger Facility Charge revenues.
  - The project will be complete by end of calendar year 2012.

#### **Disadvantaged Business Opportunity**

Established DBE Goal: 7%

Committed DBE Goal: 1.26%

Wharton-Smith, Inc. did not meet the established DBE goal, however, they meet the Good Faith Efforts and committed 1.26% (\$36,208) of the total bid amount to the following DBE firms: Martin Landscaping, Co. (seed), Oliver Paving Company (markings). Post-bid, Wharton-Smith, Inc. committed an additional 4.29% (\$122,658.25) to two additional DBE firms: Mugo Gravel (site work) and Conmat Construction (concrete).

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 35**

Good Faith Efforts Summary

Budget Ordinance

### **33. Airport Food Court**

- Action:**
- A. Approve a contract amendment with DAS Architecture, Inc. in the amount of \$889,910 for the design of a new food court,**
  - B. Approve an amendment to the Concession Agreement with HMSHost extending the contract for five additional years, and**
  - C. Adopt a budget ordinance in the amount of \$889,910 from the Airport Discretionary Fund.**

**Staff Resource:** Jerry Orr, Aviation

#### **Contract Amendment for Design of New Food Court**

- In July 2009, Council approved a contract of \$1,498,500 with DAS Architecture, Inc. to design the East Terminal Expansion, providing more lobby space and a fifth security checkpoint.

- At the beginning of the East Terminal Expansion design process, the Airport and DAS developed a master plan for the east end of the Terminal building, including the checkpoint, lobby space, offices, and a food court.
- The contract amendment will provide design services for the 39,000 square feet food court and additional retail space to the scope of the contract.
- The construction of the food court is estimated to be \$9 million with an additional investment by HMSHost of \$12 million.

#### **Concession Agreement Amendment**

- In August 2003, the Airport entered into a master concession agreement that permitted HMSHost to operate food & beverage and merchandise facilities at the Airport.
- In June 2009, the contract was amended to extend the food & beverage concession rights to June 30, 2015 and to terminate concessions rights to the retail portion of the contract.
- This contract amendment included an option to extend the contract an additional five years to June 30, 2020.
- HMSHost has planned improvements and investments to its food & beverage facilities to better serve passenger needs and increase revenues. This investment represents a minimum of another \$12 million in new restaurants and remodels.
- This amendment will exercise the option included in the 2009 amendment and extend the contract to June 30, 2020, permitting HMSHost sufficient time to amortize their investment.
- HMSHost maintains their contractual obligation to subcontract 20% of the gross business to Airport Concessionaire Disadvantaged Business Enterprise partners.
- HMSHost pays a fixed rental every year for the food & beverage concession areas in the terminal that represents the Airport's cost to provide the space.
- In addition, HMSHost pays the City 50% of their profits from the food & beverage concession.

#### **Small Business Opportunity**

##### DAS Architecture. Inc.

All additional work involved in this change order will be performed by DAS Architecture and their existing sub-consultants (Part D: Section 6 of the SBO Policy) (see attachment).

#### **Airport Concession Disadvantaged Business Opportunity**

##### HMS Host

Established DBE Goal 20.00%

Committed SBE Goal: 20.00%

The amended contract maintains a 20% commitment by Host International, Inc.

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 32**

SBO Policy Reference

#### **Attachment 36**

Budget Ordinance

### 34. Airport Terminal Atrium Signage

**Action:** Approve a contract with SignArt, Inc. in the amount of \$163,745 for purchase and installation of signage in the Terminal Atrium.

**Staff Resource:** Jerry Orr, Aviation

#### Explanation

- This contract will install super graphics in the Atrium and Ticket Lobby to provide directional guidance to passengers for the checkpoints and concourses.
- Funding for this project will be paid from the proceeds of 2004 General Airport Revenue Bonds, the debt service of which is paid by the general revenues of the Airport.

#### Small Business Opportunity

No SBE goals were set for these contracts because there are no SBE subcontracting opportunities (Part B: Section 2.4 of the SBO Policy) (see attachment).

#### Funding

Aviation Capital Investment Plan

#### Attachment 32

SBO Policy Reference

### 35. Airport Entrance Roadway

**Action:** A. Award the low bid contract of \$18,220,961 to Blythe Construction, Inc. for the construction of the Airport Entrance Roadway, and

B. Approve a contract with S&ME, Inc. in the amount of \$750,500 for quality assurance testing service of the Airport Entrance Roadway.

**Staff Resource:** Jerry Orr, Aviation

#### Explanation

- In February 2011, Council approved a contract with HNTB Carolina, PC to design the Airport Entrance Roadway.
- This project will construct a new roadway between Wilkinson Boulevard and the Terminal building.
- This new road will be four lanes inbound and outbound, contain three new bridges, and will be 1.7 miles in length.
- Council previously approved a contract with Blythe Construction, Inc. in the amount of \$1,842,631.10 for the construction of the inbound entrance road bridge that was bid early to advance the construction schedule.
- S&ME, Inc. was selected using the Council-approved process for professional services.

- Funding for this project will be paid from the proceeds of 2004 General Airport Revenue Bonds, the debt service of which is paid by Passenger Facility Charge (PFC) revenues.
- The project will be complete in two years.

#### **Small Business Opportunity**

##### Blythe Construction, Inc.

Established SBE Goal: 10.00%

Committed SBE Goal: 12.01%

Blythe Construction, Inc. exceeded the established goal and committed 12.01% (\$2,190,000) of the total bid amount to the following SBE firm(s): B & B Concrete. (curb and flatwork), P&TL (erosion control), Express Logistics Services (hauling).

##### S&ME, Inc.

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

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 32**

SBO Policy Reference

### **36. Airport Security Grant**

- Action:**
- A. Adopt a resolution accepting an Other Transaction Agreement (OTA) from the Transportation Security Administration (TSA) in the amount of \$549,894,**
  - B. Adopt a budget ordinance appropriating \$549,894 in TSA grant funds to the Airport Capital Investment Plan Fund,**
  - C. Approve the purchase and installation of security equipment as authorized by the sole source purchasing exception of G.S. 143-129(e)(6), and**
  - D. Approve a sole-source contract with Johnson Controls Inc. in the amount of \$549,894 for the purchase and installation of security equipment.**

**Staff Resource:** Jerry Orr, Aviation

#### **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
- Sole sourcing is necessary for standardization and compatibility of the equipment.

**Explanation**

- In 2008, the Airport entered into an OTA for \$2,050,000 to procure and install security cameras in the Checkpoints and Baggage Makeup areas. TSA funded this activity 100% through the OTA.
- Action A approves the acceptance of a new OTA for the acquisitions of additional hardware for data storage related to the camera system.
- Action D approves a contract with Johnson Controls to purchase and install this additional hardware.
- Johnson Controls previously installed the security cameras for the TSA and currently maintains the existing equipment. TSA requested that Johnson Controls install the new hardware to ensure continuity of the existing system and so Johnson Controls can provide the maintenance for the new equipment.

**Small Business Opportunity**

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

**Funding**

TSA Grant

**Attachment 32**

SBO Policy Reference

**Attachment 37**

Resolution

Budget Ordinance

### 37. Airport Baggage Screening System/West Terminal Expansion

**Action:** Baggage Screening System

- A. Award the low bid contract of \$25,384,571 to Pteris Global (USA), Inc. for the construction of a baggage screening system,
- B. Approve a contract with BNP Associates, Inc. in the amount of \$1,737,500 for construction administration services of the baggage screening system,

West Terminal Expansion

- C. Award the low bid contract of \$21,945,700 to Archer Western Construction, LLC for the construction the West Terminal Expansion,
- D. Approve a contract with SUMMIT ECS, Inc. in the amount of \$257,050 for testing and special inspections for the West Terminal Expansion,
- E. Approve a change order with C Design Inc. in the amount of \$268,600 for architectural construction administration services for the West Terminal Expansion,
- F. Approve a change order with United Engineering Group, Inc. in the amount of \$258,488 for mechanical, electrical, plumbing, and fire protection construction administration services for the West Terminal Expansion, and
- G. Approve a change order with Laurene, Rickher & Sorrell in the amount of \$134,250 for structural engineering construction administration for the West Terminal Expansion.

**Staff Resource:** Jerry Orr, Aviation

**Baggage Screening System**

- In April 2010, Council approved a contract with BNP Associates to design the baggage screening system.
- In May 2010, Council approved a grant from the Transportation Security Administration (TSA) to fund 90% of the cost of an automated baggage screening system.
- The current baggage conveyor system is labor intensive and requires TSA staff to manually remove bags from the conveyors and place them in the screening devices then reload the scanned baggage onto the desired conveyor.
- This project will install 12,000 feet of new conveyor and add 11 screening machines.

- This project will be funded by the TSA grant and by 2011 General Airport Revenue Bond proceeds, the debt service of which is paid by Passenger Facility Charge revenues.
- The project duration will be three years.
- Summary of bids:
 

– Pteris Global (USA), Inc.	\$25,384,571
– Siemens	\$25,617,559
– Daifuku Webb	\$26,046,991
– G & T Conveyor Company, Inc.	\$28,821,819

### **West Terminal Expansion**

- In June 2011, contracts were awarded to the design team of C Design, Inc, United Engineering, and Laurene, Rickher & Sorrell.
- This addition will expand the terminal by 45,000 square feet.
- This addition adds space for the baggage screening system on the first level, public circulation and concession space on level two, and shell office space for future tenants on the third level.
- The three change orders will allow the Airport to receive assistance from the design firms during construction.
- A portion of the construction contract and the change orders will be funded by the TSA and the balance funded with 2004 and 2011 General Airport Revenue Bond proceeds, the debt service of which is paid by Passenger Facility Charge revenues.
- The project duration will be three years.

### **Disadvantaged Business Opportunity**

#### Pteris Global (USA), Inc.

Established DBE Goal: 3.00%

Committed DBE Goal: 3.61%

Pteris Global (USA), Inc. exceeded the established DBE goal, and committed 3.61% (\$901,483) of the total base bid amount to the following DBE firm(s): Absolute Business Connection (labor).

#### Archer Western Construction, LLC

Established DBE Goal: 12.00%

Committed DBE Goal: 21.12%

Archer Western Construction, LLC exceeded the established DBE goal, and committed 21.12% (\$4,632,196) of the total base bid amount to the following DBE firm(s): Siteworks, LLC (site utilities) and Besco Electrical Corporation (electrical).

#### BNP Associates, Inc.; SUMMIT ECS, Inc.; C Design, Inc.; United Engineering Group, Inc.; and Laurene, Rickher & Sorrell

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

### **Funding**

Aviation Capital Investment Plan

### 38. Refund of Property and Business Privilege License Taxes

**Action:**   A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$45,170.23, and

              B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$380.

**Staff Resource:**     Robert Campbell, Finance

**Attachment 38**

Resolution

List of property tax refunds

List of business privilege license refunds

### 39. Resolution of Intent to Abandon a 10-foot Alleyway between Camden Road and S. Tryon Street

**Action:**   A. Adopt the Resolution of Intent to abandon a 10-foot alleyway between Camden Road and S. Tryon Street, and

              B. Set a public hearing for July 23, 2012.

**Staff Resource:**     Jeff Boenisch, Transportation

**Attachment 39**

Map

Resolution

### 40. Sale of 5309 Lila Wood Circle

**Action:**   A. Adopt a resolution approving the sale of the City-owned real property (PID #17511338) located at 5309 Lila Wood Circle for \$665,000, and

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

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

**Explanation**

- The Charlotte-Mecklenburg Utility Department (CMUD) needed to install a larger sewer line along Briar Creek through the Selwyn Grove subdivision, located off Selwyn Avenue northwest of the SouthPark area.
- Many of the homes involved in the Briar Creek Relief Sewer project backed up to Briar Creek. In two locations, the 40-foot wide sewer easement was within several feet of the homes. Due to the proximity of the residences and the

blasting needed in December 2005, staff presented a PowerPoint presentation to City Council. City Council approved the purchase of two properties prior to construction. Once construction was complete, the two properties would be sold. The construction work was completed in May 2011.

- This house was listed in the Carolina Multiple Listing Service with Keller Williams Realty to be sold "as-is". The house only had minor damage as a result of the blasting, which was documented and provided to the prospective buyers. The pending sale went through the upset bid process (the entity offering the largest amount for the property is awarded the property) and this buyer was the highest bidder.
- This house had a newly appraised fair market value of \$650,000 and after completion of the upset bid process, the final offer of \$665,000 was obtained.

#### **Attachment 40**

Resolution

### **41. Exchange of Land Rights along the LYNX Light Rail Project with 1200 South Boulevard, LLC**

- Action:**
- A. Adopt a resolution authorizing an exchange of real property rights between the City of Charlotte and 1200 South Boulevard, LLC, Cambridge Development Group, LLC or their successors and assigns (Developer) involving Tax I.D. numbers 12301502, 12301506 and 12303605, and**
  - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights.**

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

#### **Policy**

- Guidelines for Contracting Services and Asset Management, 1994
- Administrative Policy Regarding Use of Rail Right-of-Way, 1999
- South End Transit Station Area Plan, 2005

#### **Explanation**

- Cambridge Development Group proposes to build a new apartment development known as 1200 South Boulevard containing approximately 330 apartment units at the intersection of East Carson Boulevard and South Boulevard, just south of the Carson Light Rail Station. The site, historically referred to as the Simpson Lighting property, was most recently rezoned to the Transit Oriented Development (TOD)-M District in 2011. The development currently consists of four residential floors and two floors of parking which is significantly smaller than what was proposed for the site in the past by a different development group.
- The Cambridge Project is consistent with the land use vision outlined in the Council-adopted South End Transit Station Area Plan. Due to redevelopment of the site, tax revenues will increase from approximately \$80,000/year to approximately \$330,000/year.

- Consistent with previous Council actions, the City may release its charter rights within a portion of the unused right-of-way to facilitate transit supportive redevelopment.
- The Developer will exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The land exchange is recommended for the following reasons:
  - The City receives from Developer:
    - “Fee” title to approximately 13,000 square feet (valued at approximately \$52,000) which will convert the City’s charter right-of-way to full fee ownership for that portion of the rail corridor which is being operated as light rail.
    - Completion of streetscape improvements including decorative fence, upgrade of City sidewalks and installation of multi-use path, installation of planting strips, irrigation and additional pedestrian lighting along the rail corridor. Additionally, within the corner of the site adjacent to the rail corridor, facing the Light Rail Station, the Developer has agreed to install additional improvements to activate this corner into a plaza by installing a water feature, seating areas, additional landscaping and water fountains estimated at approximately \$136,000.
  - Developer will receive from the City:
    - Release of charter rights to approximately 7,000 square feet (valued at approximately \$140,000).
    - Easement and license agreements as needed to construct and maintain the new improvements adjacent to the rail corridor.

**Background**

- In 1999, the City of Charlotte purchased the 130-foot wide Charter Right-of-Way formerly owned by Norfolk Southern Railroad. The right-of-way is wider than necessary for transit purposes. Therefore, the City issued an Administrative Policy regarding utilization of the rail corridor which states the City will generally retain approximately 70-feet in width for rail purposes while allowing approximately 30-feet in width along both sides to be utilized by adjacent properties as transit supportive development (or may be retained by the City as buffer if needed).
- The South End Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right-of-way may be incorporated into adjacent transit supportive development.

**Attachment 41**  
Resolution

## PROPERTY ITEMS

### 42. Property Transactions

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

- 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:** Fire Station 13 Expansion, Parcel # 1  
**Owner(s):** John B. Crider  
**Property Address:** 815 Rowan Street  
**Property to be acquired:** 23,827.32 sq. ft. (.547 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-22MF  
**Use:** Single Family Residential - Waterfront  
**Tax Code:** 063-032-12  
**Total Parcel Tax Value:** \$67,600  
**Purchase Price:** \$75,900
- B. Project:** Fire Station 13 Expansion, Parcel # 2  
**Owner(s):** Norman E. Cason and Wife, Rosa B. Cason  
**Property Address:** 4333 Glenwood Drive

**Property to be acquired:** 14,150 sq. ft. (.325 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-032-10  
**Total Parcel Tax Value:** \$69,700  
**Purchase Price:** \$64,450

- C. **Project:** Cherokee/Scotland Flood Control, Parcel # 20  
**Owner(s):** Keith Michael Trandel-Korenchuk and Wife, Darlene Marrie Trandel-Korenchuk  
**Property Address:** 1331 Scotland Avenue  
**Property to be acquired:** 8,779 sq. ft. (.202 ac.) in Storm Drainage Easement, plus 139 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-113-12  
**Total Parcel Tax Value:** \$1,392,800  
**Purchase Price:** \$15,725
- D. **Project:** Commonwealth Streetscape, Parcel # 11.1  
**Owner(s):** Ballentine Family Investments II, LLC  
**Property Address:** 1921 Commonwealth Avenue  
**Property to be acquired:** 251 sq. ft. (.006 ac.) in Sidewalk and Utility Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 081-176-24  
**Total Parcel Tax Value:** \$253,200  
**Purchase Price:** \$13,060
- E. **Project:** Idlewild Road Roadway Improvement Project, Parcel # 9  
**Owner(s):** Wanda Lou Woods  
**Property Address:** 3200 New Hampshire Drive  
**Property to be acquired:** 508 sq. ft. (.012 ac.) in Fee Simple, plus 2,506 sq. ft. (.058 ac.) in Storm Drainage Easement, plus 9 sq. ft. in Utility Easement, plus 1,332 sq. ft. (.031 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 135-061-53  
**Total Parcel Tax Value:** \$112,800  
**Purchase Price:** \$26,700

- F. Project:** McAlpine Creek Relief Sewer Phase 3- 66" Sewer Line, Parcel # 45.2  
**Owner(s):** Olde Providence Racquet Club f/k/a Olde Providence Racquet and Swim Club  
**Property Address:** 5952 Sharon View Road  
**Property to be acquired:** 24,217 sq. ft. (.556 ac.) in Utility Easement, plus 10,177 sq. ft. (.234 ac.) in Temporary Access Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** 100 Year Flood Plain- AC  
**Tax Code:** 211-101-23  
**Total Parcel Tax Value:** \$6,770,800  
**Purchase Price:** \$58,000
- G. Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel # 2  
**Owner(s):** JLS Holdings of NC, LLC  
**Property Address:** 3600 Preserve Place  
**Property to be acquired:** 13,352 sq. ft. (.307 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-141-16  
**Total Parcel Tax Value:** \$280,000  
**Purchase Price:** \$272,000
- H. Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel # 3  
**Owner(s):** Bitterman Investments, LLC  
**Property Address:** 3604 Preserve Place  
**Property to be acquired:** 12,044 sq. ft. (.276 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-141-15  
**Total Parcel Tax Value:** \$280,000  
**Purchase Price:** \$270,000
- I. Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel # 4  
**Owner(s):** JLS Holdings of NC, LLC  
**Property Address:** 236 Meadowbrook Road  
**Property to be acquired:** 11,431 sq. ft. (.262 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3

**Use:** Single Family Residential  
**Tax Code:** 155-141-14  
**Total Parcel Tax Value:** \$280,000  
**Purchase Price:** \$270,000

- J. Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel # 8  
**Owner(s):** Bahabri Stores, LLC  
**Property Address:** 343 Wendover Hill Court  
**Property to be acquired:** 9,086 sq. ft. (.209 ac.) in Natural Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 157-073-27  
**Total Parcel Tax Value:** \$615,000  
**Purchase Price:** \$32,600
- K. Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 26  
**Owner(s):** BACM 2005-6 Lake Point Drive, LLC  
**Property Address:** 7233 Point Lake Drive  
**Property to be acquired:** 1,433 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 89 sq. ft. (.002 ac.) in Utility Easement, plus 5,963 sq. ft. (.137 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs and Bushes  
**Zoned:** R-17MF  
**Use:** Multi Family  
**Tax Code:** 109-161-06  
**Total Parcel Tax Value:** \$12,551,900  
**Purchase Price:** \$14,425

### Condemnations

- L. Project:** Beatties Ford Road Widening Phase 1, Parcel # 64  
**Owner(s):** Kappas Of Charlotte, Inc. And Any Other Parties Of Interest  
**Property Address:** 5309 Beatties Ford Road  
**Property to be acquired:** 1,835 sq. ft. (.042 ac.) in Fee Simple, plus 3,602 sq. ft. (.083 ac.) in Existing Right-of-Way, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 4,957 sq. ft. (.114 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Bushes  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 037-112-05  
**Total Parcel Tax Value:** \$96,500  
**Appraised Value:** \$3,850  
**Property Owner's Counteroffer:** None

**Reason For Condemnation:** Staff began working with the property owners in early November 2011 and have yet to reach an agreement regarding the acquisition. The project was designed per City and NCDOT standards, along with public involvement, which requires a median divided roadway. The property owners have requested a median break allowing access from both directions to the property's private driveway which does not comply with the guidelines. Staff met with the property owner's representatives on several occasions to discuss the project design and the requirements for the median. 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:** Beatties Ford Road Widening Phase 1, Parcel # 66  
**Owner(s):** Kappas Of Charlotte, Inc. And Any Other Parties Of Interest  
**Property Address:** 5401 and 5409 Beatties Ford Road  
**Property to be acquired:** 19 sq. ft. in Utility Easement, plus 670 sq. ft. (.015 ac.) in Slope Easement, plus 10,647 sq. ft. (.244 ac.) in Temporary Construction Easement  
**Improvements:** An asphalt driveway will be tied into the existing driveway.  
**Landscaping:** None  
**Zoned:** R-9MF  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 037-112-06  
**Total Parcel Tax Value:** \$193,000  
**Appraised Value:** \$7,575  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** Staff began working with the property owners in early November 2011 and have yet to reach an agreement regarding the acquisition. The project was designed per City and NCDOT standards, along with public involvement, which requires a median divided roadway. The property owners have requested a median break allowing access from both directions to the property's private driveway which does not comply with the guidelines. Staff met with the property owner's representatives on several occasions to discuss the project design and the requirements for the median. 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:** Idlewild Road Roadway Improvement Project, Parcel # 57  
**Owner(s):** Brenda Long Hager, Patricia Long McCarver, Jean Long Frodge, Kim Wayne Long and David Philip Long, Jr. And Any Other Parties Of Interest  
**Property Address:** 9249 Idlewild Road  
**Property to be acquired:** 887 sq. ft. (.020 ac.) in Fee Simple, plus 1,283 sq. ft. (.029 ac.) in Storm Drainage Easement, plus 1,474 sq. ft. (.034 ac.) in Temporary Construction Easement  
**Improvements:** None

**Landscaping:** Various trees

**Zoned:** R-4

**Use:** Single Family Residential - Rural Acreage

**Tax Code:** 135-122-40

**Total Parcel Tax Value:** \$162,200

**Appraised Value:** \$3,280

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner supports the project. However, the title abstract revealed issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- O. Project:** Mallard Creek Sidewalk Improvements, Parcel # 11  
**Owner(s):** Tran Duy And Any Other Parties Of Interest  
**Property Address:** 2429 Galloway Road  
**Property to be acquired:** 945 sq. ft. (.022 ac.) in Sidewalk and Utility Easement, plus 1,939 sq. ft. (.045 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 029-011-16  
**Total Parcel Tax Value:** \$136,600  
**Appraised Value:** \$550  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owner supports the project. However, the title abstract revealed issues that will prevent the City from obtaining clear title. Staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- P. Project:** South Tryon Street Sidewalk Project (Pressley Road to Billy Graham), Parcel # 2  
**Owner(s):** McDonald's Corporation And Any Other Parties Of Interest  
**Property Address:** 4440 South Tryon Street  
**Property to be acquired:** 35 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 177 sq. ft. (.004 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 145-253-18  
**Total Parcel Tax Value:** \$1,768,300  
**Appraised Value:** \$425  
**Property Owner's Counteroffer:** \$5,000  
**Reason For Condemnation:** Staff and the property owners have yet to reach an agreement regarding the acquisition. The property owners do not agree with the City's survey which has a discrepancy of approximately 7 feet, 3 inches as compared to the property owner's current survey. The property owners requested the City pay \$3,000 to \$5,000 to obtain their own updated survey, to which staff could not agree. Minor discrepancies in surveys are not uncommon. 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.

### **43. Meeting Minutes**

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

- **April 9, 2012 Business Meeting**
- **April 11, 2012 Budget Retreat**
- **April 16, 2012 Zoning Meeting**