

**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, November 12, 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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36	12	LYNX Blue Line Extension Construction Management Contract – Phase One
37	14	Clean Water Act Permit for LYNX Blue Line Extension Project
55	28	2010 Department of Homeland Security Grant

**CITY COUNCIL AGENDA**  
**Monday, November 12, 2012**

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## AWARDS AND RECOGNITIONS MEETING CHAMBER

### 21. Urban Land Institute Award

**Action:** Mayor Foxx will recognize the Levine Center for the Arts as one of fourteen exceptional development winners in their 2012 Global Awards for Excellence competition. The development also won the Prix d'Excellence in the category of Downtown Redevelopment Projects from the U.S. Chapter of International Real Estate Federation.

### 22. Charlotte's Historic West End

**Action:** Mayor Foxx will recognize the Historic West End neighborhoods' activities to revitalize along the Beatties Ford Road/Northwest Corridor.

### 23. World Polio Day

**Action:** Mayor Foxx will read the proclamation that designates October 24<sup>th</sup> as World Polio Day and recognizes the efforts of the international and local Rotary Clubs that have worked to immunize children of the world against polio.

### 24. Homeless Awareness Month

**Action:** Mayor Foxx will read the proclamation that recognizes November as Homeless Awareness Month, in honor of the Homeless Services Network and Homeless Helping Homeless Organization. A video presentation will pay tribute to Charlotte's homeless citizens.

### 25. Annual Women on Board Workshop

**Action:** Ms. Lisa Yarrow, Charlotte-Mecklenburg Women's Summit, will announce the Annual Women on Board Workshop to be held at UNC Charlotte's Center City Building from 8:30 a.m. - 4:30 p.m. on Thursday, December 6, 2012. She will also provide a brief report regarding their study of gender and ethnic/racial representativeness of City and County appointed boards and commissions.

## CONSENT

- 26. Consent agenda items 35 through 65 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

## POLICY

### 27. City Manager's Report

### 28. High Growth Entrepreneurship Strategy

**Action:** A. Approve the Economic Development Committee's recommendation to adopt a High Growth Entrepreneurship Strategy, and

B. Authorize the City Manager to execute a contract with the Foundation for the Carolinas (FFTC) for a \$500,000 "community challenge" grant to help establish the Charlotte Regional Foundation for Entrepreneurs (CRFE), contingent upon CRFE raising a local match, and with the stipulation that up to \$20,000 of the funds will be used to develop a community strategy.

**Committee Chair:** James Mitchell

**Staff Resources:** Brad Richardson, Neighborhood & Business Services  
Natasha Warren, Neighborhood & Business Services

#### Background

- In May 2011, City Council directed staff to begin work on a strategy to support entrepreneurs in high growth potential enterprises.
- Since that time, staff has worked with various stakeholders, including representatives from the Charlotte Entrepreneur Alliance (CEA) to define short and long-term actions to help grow the local economy through support of high growth entrepreneurs.
- Historically, the City has focused on all small businesses, not specifically high growth enterprises.
- The objective of the High Growth Entrepreneurship Strategy is to strengthen Charlotte's position as an ideal place to start and grow a business to:
  - Attract and keep successful high growth entrepreneurs in Charlotte,
  - Attract venture capital into Charlotte-based enterprises, and
  - Attract federal research dollars to local universities.
- The strategy includes three, short-term activities to be completed by the end of FY2013:
  - Raise Charlotte's profile on high growth entrepreneurship statewide and nationally through a communications plan for the Mayor and Council that promotes Charlotte's history and spirit of entrepreneurship,
  - Capitalize on the expertise, products, and services of local entrepreneurs in City operations, and
  - Partner with FFTC, the private sector, and local institutions to establish the CRFE to strengthen the local high growth entrepreneurial ecosystem.
- The strategy also includes two longer-term activities to be considered over the next two years, as opportunities arise:
  - Partner with area colleges and universities to accelerate Charlotte as a center of research and innovation, and

- Identify potential facilities that can support high growth entrepreneurs, particularly within the City’s designated business corridors.

### **Charlotte Regional Foundation for Entrepreneurs**

- On September 24, 2012, the City received a request from Paul Solitario, organizer of the CRFE, to contribute \$500,000 in the form of a “community challenge” grant to FFTC to capitalize the CRFE. The request was accompanied by a letter of support from the CEA.
- The proposal would require the City’s contribution to be matched dollar for dollar by private or institutional funds.
- The CRFE’s objective is to provide grant funding to local initiatives and qualified, non-profit organizations that support high growth entrepreneurs and enhance the high growth entrepreneurial ecosystem in the Charlotte region.
- CRFE grants will be used to address broad community issues, such as business incubation/acceleration, startup and business plan competitions, research and technology commercialization, and venture capital/angel network formation.
- Grants may also fund research, including economic impact studies and business surveys, as well as events including panels and conferences for business leaders, economic experts, public officials, and other constituencies concerned with economic development.
- CRFE grants will not be used as equity or seed capital investments.
- The CRFE has proposed the following outcomes to measure the funds’ effectiveness:
  - Increased number of high growth enterprises operating in the Charlotte Region
  - Improved access to capital and an increased investment in startups
  - Increased recognition of the Charlotte region as having a thriving and dynamic high growth entrepreneurial ecosystem
  - Private corporations engaged with and supportive of the Region’s startups.
- CRFE funds will be held by the FFTC and managed by an 11-member advisory council, which includes two representatives from the City, including one Council member appointed by the Mayor and one appointed by the City Manager. The remaining board members will be appointed by FFTC.
- If Council approves the funding request, staff recommends the City’s grant be paid in minimum increments of \$100,000 (up to a maximum of \$500,000), upon notice from the FFTC that matching funds have been secured.
- In addition, FFTC has agreed to fund 50% (up to a maximum of \$20,000) of the cost for a community strategy to prioritize community needs and assist with private fundraising efforts. Staff proposes using a portion of the City’s challenge grant to fund the other 50%.
- The recommended source of funds is the Business Corridor Revitalization Fund, which has a current balance of \$16.5 million.

### **Committee Discussion**

- The Economic Development Committee discussed the strategy on numerous occasions during 2012, and on November 1, the Committee voted unanimously (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to recommend approval of the High Growth Entrepreneurship Strategy to City Council.
- The Committee also recommended that the Mayor consider Council member Cooksey for an appointment to the CRFE Advisory Council.

### **Funding**

Business Corridor Revitalization Fund

**Attachment 1**

High Growth Entrepreneurship Strategy  
 CRFE Letter of Request  
 CEA Letter of Support

**29. City Manager Recruitment and Selection Process**

**Action:**

- A. Approve the Council-Manager Relations Committee's recommendations to negotiate and execute a contract with The Waters Consulting Group, Inc., in the amount of \$23,500 plus expenses (up to \$5,000), to assist the City with the recruitment and selection of a new City Manager,**
- B. Follow the timeline for the recruitment and selection of a new City Manager as detailed in Proposal 2: Recruitment Schedule of Activities and Calendar,**
- C. Provide that any person selected to serve as Interim City Manager not be a candidate for the job of City Manager, and**
- D. Add a statement to the City Manager Position Profile that "equal consideration will be given to both external and internal candidates".**

**Committee Chair:** Mayor Anthony Foxx

**Staff Resource:** Cheryl Brown, Human Resources

**Explanation**

- On October 8, Council referred the recruitment and selection process of the City Manager to the Council-Manager Relations Committee.
- On Wednesday, October 31, 2012, the Council-Manager Relations Committee met to finalize recommendations for the Recruitment and Selection Process for City Manager. In its discussion, the Committee considered information and comments from the Budget Retreat held on Tuesday, October 30, 2012.
- The Human Resources Director provided additional information on potential Executive Search Firms and cost estimates, including the number of City Manager and County Manager searches conducted by each firm, as requested by Mayor Pro Tem Cannon.
- The Committee voted four to one (Kinsey, Cooksey, Howard, and Mitchell voted yes; Foxx voted no) to recommend The Waters Consulting Group, Inc., to assist the Mayor and Council with the recruitment and selection of a new City Manager.
- The Human Resources Director provided two options for the Recruitment Schedule of Activities and Calendar. The Committee voted three to two (Howard, Mitchell and Foxx voted yes; Kinsey and Cooksey voted no) to recommend the schedule outlined in Proposal 2.
- The Committee also voted unanimously that any person selected to serve as Interim City Manager is not considered a candidate for the job of City Manager.



- On Monday, November 5, 2012, the Council-Manager Relations Committee met and voted unanimously (Foxy, Kinsey, Cooksey, Howard, and Mitchell) to add the statement "equal consideration will be given to both external and internal candidates" to the City Manager Position Profile.

**Funding**

Human Resources Operating Budget

**Attachment 2**

Proposal 1 and Proposal 2: Recruitment Schedule of Activities and Calendar  
City Manager Position Profile  
Summary of Executive Search Firm Proposals

## BUSINESS

### 30. Conclusion of Consent Agenda

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

### 31. Nominations to Boards and Commissions

**Action:** Nominate citizens to serve as specified.

#### **CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT ADVISORY COMMITTEE**

- On October 8, Council left nominations open for the Charlotte-Mecklenburg Utility Department Advisory Committee. One appointment for an unexpired term beginning immediately and ending June 30, 2014, for a representative from one of these categories: real estate developer, water/sewer contractor, civil engineer with specialty in water/sewer construction, financial expert, or neighborhood leader.
- Nominations made at October 8 meeting:
  - Pride Patton by Council member Mitchell
  - Michael van Zytow by Council member Autry

**Attachment 3**  
Applications

### 32. Appointments to Boards and Commissions

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

#### **A. CHARLOTTE HOUSING AUTHORITY**

- One appointment for a three-year term for an at-large member beginning December 18, 2012.
  - Richard Payne by Council members Cooksey and Fallon
  - Beverly Reynolds by Council members Howard and Kinsey
  - William Scurry by Council members Barnes, Cannon, Fallon, Mayfield, and Pickering
  - Frank Spencer by Council member Dulin
  - Stephanie Tyson by Council members Autry and Mitchell

**Attachment 4**  
Applications

#### **B. CHARLOTTE INTERNATIONAL CABINET**

- One appointment for an unexpired term for a representative of a non-profit corporation beginning immediately and ending June 30, 2013.
  - Mable Hemphill by Council members Barnes and Mayfield

- Candace Murray by Council members Autry, Cannon, Cooksey, Dulin, Kinsey, Mitchell, and Pickering
- Stephen Rosenburgh by Council member Fallon

**Attachment 5**  
Applications

**C. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for an unexpired term beginning immediately and ending June 30, 2015.
  - Hung Chau by Council member Kinsey
  - Larissa DiMaria by Council member Howard
  - Kelley Hyland by Council member Dulin
  - Charles Jewett by Council member Pickering
  - Robert Rapp by Council member Cooksey
  - Winston Sharpe by Council members Autry, Barnes, Cannon, Fallon, Mayfield, and Mitchell

**Attachment 6**  
Applications

**D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending March 1, 2014.
  - Jaye Alexander II by Council members Autry, Barnes, Cannon, and Mayfield
  - Natalie Brown by Council members Howard and Mitchell
  - Robert Diamond by Council members Cooksey, Dulin, Fallon, and Kinsey
  - Alexander Vuchnich by Council member Pickering

**Attachment 7**  
Applications

**33. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

**34. Closed Session**

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the case *George Leonard v. City of Charlotte*, IC No. 193261.**

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## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

### 35. Streetcar Starter Project

**Action: Award the low bid contract of \$26,245,636 to Balfour Beatty Rail, Inc. and Blythe Development Company (Joint Venture) for the Streetcar Starter Project.**

**Staff Resources:** Jeb Blackwell, Engineering & Property Management  
Tonia Wimberly, Engineering & Property Management

#### Explanation

- This project involves construction of a 1.5 mile streetcar system along Elizabeth Avenue and Trade Street from the Charlotte Transportation Center (CTC) to Presbyterian Hospital at the intersection of Hawthorne Lane and 5<sup>th</sup> Street.
- The project will use the existing half-mile of track along Elizabeth Avenue.
- The project will also include storm drainage improvements and water main improvements along the corridor.
- The Charlotte-Mecklenburg Utility Department and Storm Water Services have coordinated the construction impacts of their needed repairs and improvements with the Streetcar Project.
- The total \$26,245,636 contract will cover the following work:

Project	Funding Source	Contract Amount
Construct the 1.5 mile Streetcar Starter alignment	General CIP (Streetcar Grant Project)	\$22,866,422
Construct water line upgrades along Trade Street and Hawthorne Lane	Utilities CIP	\$2,029,895
Construct storm drainage infrastructure improvements along Trade Street	Storm Water CIP	\$1,329,159
Install decorative fencing along Elizabeth Avenue near the I-277 overpass.	General CIP (Area Plan Program)	\$20,160

#### Background

- In 2006, the Center City Streetcar Project set the alignment for the 10-mile Charlotte Streetcar Project, which extends from Rosa Parks CTC on Beatties Ford Road to Eastland Mall CTC on Central Avenue via downtown on Trade Street.
- In 2009, City Council approved the advancement of design for the Charlotte Streetcar Project through 30% preliminary design, which validated the alignment and provided an updated cost estimate.
- On January 25, 2010, City Council authorized the City Manager to pursue a Federal Transit Administration (FTA) Urban Circulator Grant for up to \$25 million for the \$37 million Streetcar Starter Project. The Streetcar Starter Project is the first 1.5 miles of the proposed 10-mile streetcar project.
- On July 8, 2010, the City was notified FTA approved its grant request and the design was completed in August 2012.
- On September 20, 2012, the City received the official grant award for the \$24,990,000 FTA Urban Circulator Grant.
- In accordance with the FTA Urban Circulator Grant, the construction notice to proceed must be issued by December 31, 2012. The start of passenger service is expected to be March 2015.
- The City's capital match for the project is \$12 million and comes from the General Capital Investment Plan.

- Total grant and City funding for the Streetcar Starter Project is \$36,990,000. The \$22,866,422 for construction of the 1.5 mile Streetcar Starter alignment will be paid from this project funding. The remaining \$14,123,578 is being used for design, real estate acquisition, construction administration, vehicle upfits, street lights, and public art.
- In accordance with the FTA Urban Circulator Grant, the construction notice to proceed must be issued by December 31, 2012. The start of passenger service is expected to be March 2015.

**Disadvantaged Business Enterprise Opportunity**

Established DBE Goal: 14.2%

Committed DBE Goal: 14.36%

Balfour Beatty Rail, Inc./Blythe Development Company (Joint Venture) exceeded the established DBE goal and committed 14.36% (\$3,770,161) of the total contract amount to the following DBE firms: Bullington Construction, Inc. (Fencing and Handrails), CES Group Engineers, LLP (Construction Layout), Express Logistics Services, Inc. (Hauling), Ground Effects, Inc. (Pavement Markings), Major Contractors, Inc. (Electrical and Ductbanks), Absolute Business Connections, Inc. (Labor), Scott Trucking (Hauling), GATC Contracting, LLC (Concrete Flatwork), DJ Rebar Contractor (Rebar Installation), and Lanier Steel Products, Inc. (Track Materials).

**Funding**

FTA Urban Circular Grant; Utilities, Transportation, Economic Development, and Storm Water Capital Investment Plans

**Attachment 8**

Map

**36. LYNX Blue Line Extension Construction Management Contract – Phase One**

**Action:** Authorize the City Manager to negotiate and execute an agreement with HNTB for Construction Management Consultant Services for the Blue Line Extension (BLE) project-phase one in an amount up to \$3,000,000.

**Staff Resources:** Carolyn Flowers, Transit  
 Jeb Blackwell, Engineering & Property Management  
 Danny Rogers, Transit  
 John Mrzygod, Engineering & Property Management

**Explanation**

- The Construction Management Consultant will oversee the construction of the BLE project in compliance with Federal Transit Administration (FTA) recommended Best Practices and in coordination with the designer and the City’s construction team.
- In July 2012, the City issued a Request for Qualifications for construction management services for the BLE Light Rail Project. Six companies responded. An evaluation team comprised of representatives from Transit, Engineering &

Property Management, and Transportation departments selected HNTB as the best qualified company to perform the work.

- The City and the FTA executed the Federal Full Funding Grant Agreement (FFGA) for the project in October 2012.
- The City and the North Carolina Department of Transportation executed a State Full Funding Agreement for the BLE project in May 2012.
- The Financial Plan approved by the FTA, which the FFGA is based upon, includes cost for the services of a Construction Management Consultant for the project.
- Funds in both FFGAs are recommended for appropriation over the construction period of the project.
- Final Design of the LYNX Blue Line Extension Project is nearing completion. The BLE team is now preparing the project for construction.
- This proposed agreement with HNTB will be executed in two phases:

Phase	Estimated Time Period	Primary Project Activity	Key Components
One	November 2012 – June 2013	Finalization of Design Plans	Plan Reviews Constructability Reviews
Two	July 2013 - June 2018	Construction & Closeout	Construction Oversight Closeout Support

- This contract is for Phase One of construction management services to be provided by HNTB and covers pre-construction activities and some advanced utility relocation through June 2013. Staff is currently negotiating the Phase Two portion of the contract which will cover construction management services through construction and project close-out. The contract amendment for Phase Two will be brought to City Council for consideration in early 2013.
- Following receipt of cash from the debt financing, Transit will execute Phase Two of the contract and funds for the contract will be appropriated on an annual basis in coordination with CATS cash flow projections.

**Disadvantaged Business Opportunity**

Established DBE Goal: 9%

Committed DBE Goal: HNTB has committed to meet or exceed 9% DBE participation for the overall contract (Phases One and Two). HNTB has committed to providing at least 6.7% DBE participation in this Phase One contract.

**Funding**

Federal and State Grants, and Transit Capital Investment Plan



### 37. Clean Water Act Permit for LYNX Blue Line Extension Project

<p><b>Action:</b></p>	<p><b>A. Approve a Clean Water Act permit agreement with the United States Department of the Army Corps of Engineers (USACE), and</b></p> <p><b>B. Approve the purchase of mitigation credits from the City of Charlotte’s Stream and Wetland Mitigation Bank in the amount of \$1,542,716 and from the North Carolina Ecosystem Enhancement Program in the amount of \$66,961.</b></p>
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**Staff Resources:** Carolyn Flowers, Transit  
 Kelly Goforth, Transit

**Explanation**

- The LYNX Blue Line Extension (BLE) project will impact approximately 3,268 linear feet of streams and 0.524 acre of wetland.
- Pursuant to federal law, the City must obtain a Clean Water Act permit for those impacts. Such permits are issued by the USACE.
- The permit ensures compliance with the Clean Water Act objectives to restore and maintain waters of the U.S. The permit also supports Council’s adopted Environment Focus Area Plan and specific measures to maintain a safe and adequate drinking water supply and to reduce storm water pollution.
- The permit requires the City to provide compensatory mitigation for unavoidable stream and wetland impacts. The City will purchase mitigation credits as follows:

City of Charlotte Stream and Wetland Mitigation Bank	\$1,542,716
North Carolina Ecosystem Enhancement Program	\$66,961

- Payment for the mitigation credits will follow the USACE issuance of the permit and be prior to the start of the Advanced Utility Relocation contract, currently scheduled for May 2013.
- Transit will pay for the mitigation credits with state and local funds currently appropriated for the BLE project.
- Other key requirements include:
  - All work must comply with the permit plans. Changes to the plans must be approved by the USACE.
  - The USACE may inspect the work, and the City must report permit related issues within 24 hours of discovery.
  - Transit must comply with the Clean Water Act Water Quality Certification for the project.
- Stream and wetland protection measures, such as erosion control, required by the permit will be approved under future BLE construction contracts.
- The permit is valid for approximately 10 years, until December 31, 2022.

**Funding**

Transit Fund Balance

### 38. Transit Data Radio Network Upgrade

**Action:**    **A. Approve the purchase of data radio communications infrastructure equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and**

**B. Approve a contract with Trapeze ITS, U.S.A., LLC to upgrade the transit data radio network system for an amount up to \$829,020.**

**Staff Resources:**    Carolyn Flowers, Transit  
                                  John Trunk, Transit

#### **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 compatibility with existing hardware is required.

#### **Explanation**

- Transit currently uses the City's Motorola Radio Network Controller system for analog wireless data communications with its fleet of buses and paratransit vehicles.
- The current system is no longer supported by Motorola, and it is not consistent with a citywide initiative to upgrade to a digitally-compliant network as required by the Federal Communications Commission.
- The Trapeze contract will upgrade the Transit system's large bus fleet in order to address service issues and ensure compliance with FCC requirements for a digital system.
- Under this contract, Transit will be able to reuse some of the existing radio infrastructure including: FCC licensed channels, complex antenna systems, and base station equipment.
- The upgrade maintains compatibility with Trapeze hardware on Transit's large buses and with Trapeze TransitMaster software systems integral to operator communications and vehicle tracking.

#### **Small Business Opportunity**

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

#### **Funding**

Transit Capital Investment Plan

### 39. Bus Electrical System Parts

**Action:** A. Award the low bid unit price contract to Munice Transit Supply for bus electrical system parts, and

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

**Staff Resource:** Larry Kopf, Transit

#### Explanation

- On September 4, 2012, Transit issued a formal Invitation to Bid to solicit bids for Electrical System Parts for Transit.
- The contract term is one-year with two, one-year renewals. The pricing will be fixed throughout the initial term. Price increases on subsequent contract renewals will be permitted only upon documented increases in the cost of materials.
- Examples of the types of electrical parts to be supplied under this contract include regulators, toggle switches, circuit breakers, and fuses.
- The estimated annual expenditure is \$46,000.

#### Small Business Opportunity

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

#### Funding

Transit Operating Fund

### 40. Airport Terminal Advertising and Visitor Center Management Contract Extension

**Action:** Approve a month-to-month contract extension with the Charlotte Regional Visitors Authority (CRVA) for management of the Airport Terminal Advertising Program and Visitor Information Center for up to six months.

**Staff Resource:** Jerry Orr, Aviation

- In September 2007, Council approved a contract with the CRVA to manage the Airport's advertising program and to operate the Airport Welcome Center (re-branded by CRVA to Visitor Information Center following the execution of the contract).
- For the advertising program, the Airport pays the CRVA all pre-approved expenses (including the cost of an on-site sales person) plus 5% of all gross advertising revenue. Over the last five years, gross advertising revenue averaged \$2,256,000 a year.
- Per the terms of the contract, there was an initial period of reimbursement by the Airport to the CRVA during transition of responsibilities, upfit, and construction.

Thereafter, CRVA has staffed and operated the Visitor Information Center at no charge to the Airport.

- The initial term of the contract was November 1, 2007 through October 31, 2012.
- Recent leadership changes within CRVA, as well as the City serving as the host site for the Democratic National Convention, impacted the timing of the contract renewal.
- A month-to-month contract extension will allow the advertising program and Visitor Information Center to continue operating through the holiday season and will allow the Airport sufficient time to review options for managing advertising and visitor information and determine next steps.

#### **Disadvantaged Business Enterprise**

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 Operating Budget

## **41. Aircraft Parking System**

**Action:**   **A. Award a low-bid contract of \$1,208,000 with The Bowers Group, LLC. for the installation of a Visual Docking Guidance System on Concourses B, C, D, and E, and**

**B. Adopt a budget ordinance appropriating \$1,208,000 from the Airport Discretionary Fund to the Aviation Capital Investment Plan Fund.**

**Staff Resource:**   Jerry Orr, Aviation

#### **Explanation**

- In October 2012, Council approved a contract with Safegate Group for 46 Safedock Visual Docking Guidance System units for Airport gates used by US Airways.
- US Airways established a corporate goal to install Safedock Visual Docking Guidance System units on all of their leased gates at their hub locations.
- The Safedock system provides automated guidance technology that provides directions to the flight crew approaching the gate area, which reduces the number of airline personnel in the vicinity of the aircraft approaching the gate. The system also provides information to the ramp control tower on the aircraft's power and environmental controls as well as information to the ground crews on the aircraft's next destination and time remaining on the gate.
- US Airways is purchasing the Safedock units for all the gates at CLT exclusively leased and has requested the Airport purchase identical units for the other Airport gates that they use, which includes 12 gates on Concourse D and 34 gates on Concourse E.
- Installation of the units requires additional power and data connections.

- The cost related to US Airways exclusive gates will be funded through rates and charges paid for by US Airways. The installation costs for the other Airport gates will be funded with Passenger Facility Charge revenues available upon final approval from FAA.

#### **Small Business Opportunity**

Established SBE Goal: 10%

Committed SBE Goal: 10.18%

The Bowers Group exceeded the established goal and committed 10.18% (\$123,000) of the total bid amount to the following SBE firm(s): Corner Stone Construction Services (miscellaneous steel installation) and C.A. Scisim Construction, Inc. (concrete).

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 9**

Budget Ordinance

## **42. Airport Concourse Electrical Upgrades**

- Action:**
- A. Approve a contract with RDK Engineers in the amount of \$177,150 to design electrical upgrades for Concourse B and Concourse C, and**
  - B. Adopt a budget ordinance appropriating \$177,150 from the Airport Discretionary Fund to the Aviation Capital Investment Plan Fund.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- Jetbridges allow passengers to board and deplane the aircraft.
- While at the terminal, the aircraft uses power and air conditioning units that are attached to the underside of the jetbridge. These units allow the aircraft to run electronic systems to cool the aircraft instead of auxiliary power units, which use fuel and generate emissions.
- Over the years, US Airways has changed the type of aircraft stationed at their mainline gates. During the summer months, these aircraft require larger air conditioning units to keep the aircraft cool while on the ground.
- US Airways has asked the Airport to provide additional power to run larger air conditioning units on the Concourse B and Concourse C gates.
- In May 2012, the Airport requested qualifications for various Airport projects. A selection committee comprised of staff selected RDK Engineers for this project based on their extensive experience with electrical design for specialized buildings, such as airports and medical facilities.
- This contract will provide for the design of the new electrical infrastructure needed to power these new units.
- The costs for these upgrades will be paid by US Airways through rates and charges.

**Small Business Opportunity**

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

**Funding**

Aviation Capital Investment Plan

**Attachment 10**

Budget Ordinance

**43. Airport Business Valet Parking Expansion**

**Action:**   **A. Approve a contract with LS3P Associates, LTD in the amount of \$2,410,200 to design additional parking capacity on Wilkinson Boulevard, and**

**B. Adopt a budget ordinance appropriating \$2,410,200 from the Airport Discretionary Fund to the Aviation Capital Investment Plan.**

**Staff Resource:**     Jerry Orr, Aviation

**Explanation**

- In April 2007, following a selection process, Council approved a contract with LS3P Associates to design a 3,200-space parking deck on the corner of Wilkinson Boulevard and Harlee Avenue.
- In November 2009, the Airport completed construction of the deck and opened it for its Business Valet services.
- The parking deck consistently operates at 75-80% capacity, and the percentage continues to increase. With this level of usage and reduction in overall parking spaces, near the terminal due to construction, there is a need for additional spaces.
- The new parking deck will be aesthetically, functionally, and structurally similar to the existing Business Valet parking deck.
- Using LS3P for the expansion will ensure continuity of the design and the integration of the expansion deck with the existing structure.
- This contract will provide for architectural design, engineering services, and construction administration to complete the project.
- This parking deck will consist of approximately 3,000 additional parking spaces for Business Valet at Wilkinson Boulevard and Harlee Avenue.

**Small Business Opportunity**

Committed SBE Goal: 30.80%

For professional services based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, LS3P Associates, LTD committed 30.80% (\$742,341.60) of the total contract amount to the following SBE firms: The Wilson Group (design & administrative services), RobinsonThinks (way-finding graphics design), Urban Design Partners (landscape design) and Richa Graphics, Inc. (printing).

**Funding**

Aviation Capital Investment Plan

**Attachment 11**

Budget Ordinance

**44. Airport Passenger Facility Charge Contract Amendment**

- Action:**
- A. Approve contract amendment #1 with Newton and Associates, Inc. up to \$240,000 for Passenger Facility Charge applications, administration, and reporting, and**
  - B. Adopt a budget ordinance appropriating \$240,000 from the Airport Passenger Facility Charge (PFC) Fund to the Aviation Capital Investment Plan Fund.**

**Staff Resource:** Jerry Orr, Aviation**Explanation**

- In November 2004, the Airport implemented the collection of a \$3 Passenger Facility Charge (PFC) for passengers boarding commercial aircraft at the Airport.
- The purpose of the PFC program is to provide the Airport with an additional source of funding for capital projects.
- The Federal Aviation Administration (FAA) approves all projects included in the PFC program, including program administration and reporting, prior to the Airport spending the funds.
- In October 2011, Council approved \$350,000 agreement with Newton and Associates, Inc. to perform PFC administrative functions on behalf of the Airport. The duties required under this contract include:
  - Preparing PFC applications for new projects
  - Preparing amendments to approved PFC applications to reflect changes in approved project scope, timing, costs, or plan of finance
  - Preparing quarterly reports to the FAA regarding the Airport's collection and use of PFC revenues.
- The Airport currently has four active PFC Applications; the first PFC application includes project approval to use \$240,000 for PFC administrative functions.
- Some of the projects included in these applications are construction of Runway 18R, rehabilitation of Runway 18C, Terminal renovations, relocation of West Blvd, and construction of additional taxiways.
- Amendment #1 will provide \$240,000 in previously approved PFC funding to be used for project administration for an estimated two years.
- Over the last year Newton and Associates, Inc. has demonstrated their expertise in providing the required services. Newton and Associates, Inc. has also served as an integral part of the Airport development team throughout the development and the administration of the Airport's PFC program.
- The budget ordinance will appropriate \$240,000 from the PFC fund balance to fund this contract. This contract will reimburse Newton and Associates, Inc. on an hourly basis for services performed.
- The total value of the original contract was \$350,000, and this request for amendment will increase the total value to \$590,000.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by Newton and Associates, Inc. and their existing subcontractors (Part D: Section 6 of the SBO Policy).

**Funding**

Aviation Capital Investment Plan

**Attachment 12**

Budget Ordinance

**45. Airport Security and Camera System Change Order**

**Action: Approve change order #2 to the Building Automation and Management Systems Maintenance Contract with Johnson Controls Inc. for maintenance of the Video Management System in the amount of \$847,216.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In February 2008, Council accepted a Homeland Security grant in the amount of \$2,050,000 for the purchase and installation of video surveillance equipment used to monitor the Transportation Security Administration's checkpoints and baggage screening areas.
- In December 2010, Council approved a five-year contract with Johnson Controls in the amount of \$2,767,992 for the Building Automation and Management Systems Maintenance Contract.
- In December 2011, Council approved change order #1 to the Building Automation and Management Systems Maintenance Contract in the amount of \$139,855 for building automation and access control system improvements.
- Funds from the original Homeland Security grant covered a three-year extended warranty and maintenance contract with Johnson Controls for the video surveillance equipment. The warranty period has ended.
- Change order #2 is necessary to ensure continued maintenance of this video surveillance equipment including: 453 cameras, 36 computer workstations, and 31 digital video recorders. The equipment was purchased and installed through the Homeland Security grant.
- The revised total value of the Building Automation and Management Systems Maintenance Contract including the addition of the video management system will be \$3,755,063.
- Existing contract is for five years with an end date of December 31, 2015.

**Small Business Opportunity**

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

**Funding**

Aviation Operating Budget



## 46. Harrisburg Road and Cambridge Commons Drive Roundabout

**Action:** Adopt a resolution approving a municipal agreement with the North Carolina Department of Transportation (NCDOT) for \$250,000 for the design and construction of a roundabout at the intersection of Harrisburg Road and Cambridge Commons Drive.

**Staff Resource:** Debbie Self, Transportation

### Explanation

- The Charlotte Department of Transportation (CDOT) and NCDOT evaluated the crash history and traffic operations at the Harrisburg Road and Cambridge Commons Drive intersection.
- The intersection has consistently ranked high on the High Accident Location list published by CDOT each year.
- There were approximately 92 total crashes in a five-year period. The majority of the crashes (86%) were angle-types of crashes. In the past five years, there were two fatal crashes.
- CDOT and NCDOT have determined installation of a roundabout is warranted to address the safety and operational concerns at the intersection.
- The total project cost is \$600,000; comprised of NCDOT Spot Safety Funds (\$350,000) and the Transportation Capital Investment Plan (\$250,000).

### Funding

NCDOT and Transportation Capital Investment Plan

### Attachment 13

Resolution

## 47. Vehicle Detector Cards for Traffic Signal Cabinets

**Action:**

- A. Approve the purchase of Vehicle Detector Cards as authorized by the sole source exception of G.S. 143-129(e)(6),
- B. Approve a unit price contract with RGA, LLC for the purchase of EDI Vehicle Detector Cards for a one-year term, and
- C. Authorize the City Manager to approve four additional annual renewals with possible price adjustments as stipulated in the contract.

**Staff Resource:** Charles Abel, Transportation

### Sole Source Exception

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

**Explanation**

- Vehicle detector cards are used inside most traffic signal cabinets to detect the presence of vehicles at the intersection.
- A vehicle detector card notifies the traffic signal when to change, allowing for optimum traffic flow.
- These cards will be used for new traffic signal installations, to replace cards that have failed, and to upgrade existing cards.
- The expenditure for the first year is estimated at \$45,000.
- The contract total including renewals is estimated at \$225,000.

**Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan

**48. Storm Drainage Improvement Projects Amendment**

**Action: Approve amendment #1 with HDR Engineering, Inc. of the Carolinas in the amount of \$265,000 for engineering services.**

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

**Explanation**

- Amendment #1 will provide funding to complete design and construction administration for the Princeton-Somerset and Blenheim projects.
- Each year, Storm Water begins preliminary engineering on new storm drainage improvement projects that are the highest ranking projects in the program backlog. The projects may include storm drainage improvements that reduce house and street flooding, repair failing infrastructure, or improvements that enhance water quality of nearby creeks.
- The engineering analysis and design for the projects are performed by consulting firms selected in compliance with General Statutes using the Council approved qualifications-based selection process. Using consultants allow specific expertise to be matched to the appropriate projects on a task-order basis.
- When a consultant performs quality engineering analysis, the most efficient method is for that firm to complete the design and provide construction administration services.
- Under the original contract, HDR Engineering was assigned various tasks including the planning phase/preliminary engineering on the Princeton-Somerset and Blenheim Storm Drainage Improvement Projects.

**Background**

- The Princeton-Somerset project boundaries are roughly Princeton Avenue, Somerset Drive, Lilac Avenue, and Forest Park Drive. The Blenheim project contains two separate areas. The northern area is roughly bounded by Garfield Street, Morgan Street, and Sinclair Street. The southern area extends from South Hoskins Street to I-85 and includes Welling Avenue, Rochelle Lane, and Blenheim Road. The projects will address several high-priority requests for service and failing infrastructure.

- On November 8, 2010, Council approved the original contract in the amount of \$1 million. Amendments to this contract were anticipated in order to finish design and construction administration services as projects start.
- The amendment will bring the total contract amount to \$1,265,000 which will allow for completion of all projects started under this contract.

#### **Small Business Opportunity**

All additional work involved in this amendment will be performed by HDR Engineering, Inc. of the Carolinas (HDR) and their existing subconsultants (Part D: Section 6 of the SBO Policy). HDR has projected 12.08% (\$32,000) of this amendment amount to the following SBE Firm: R. Joe Harris & Associates (surveying).

#### **Funding**

Storm Water Capital Investment Plan

### **49. Developer Reimbursement Agreement for LYNX Station Access Path**

**Action: Approve a Developer Reimbursement Agreement with Colonial Commercial Contracting, LLC in an amount up to \$175,000.**

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

#### **Explanation**

- Colonial Commercial Contracting, LLC, a subsidiary of The Colonial Properties Trust, is currently building a \$60 million 300-unit apartment development adjacent to the LYNX light rail line just north of the New Bern light rail station.
- In accordance with development ordinances, Colonial will construct a required pedestrian/bicycle access path along the east side of the rail line, adjacent to Colonial's property.
- After Colonial completes its path, there will be two short gaps in the path outside the limits of that project between New Bern Street and Remount Road.
- These gaps (within LYNX right-of-way) are uneven grassy areas adjacent to existing development and are unlikely to be improved through private redevelopment. Left undeveloped, it presents a safety issue as apartment residents will use these narrow strips of grass immediately adjacent to the light rail tracks to access either the New Bern light rail station (to the south) or the East/West light rail station (to the north).
- Colonial has agreed to design and install the additional path segments to eliminate these gaps, concurrent with construction of its pedestrian path. The City will reimburse Colonial actual costs of adding the segments.
- Completion of path gaps east of the light rail tracks with City funds is consistent with the action taken by the City when it constructed the path on the west side of the light rail tracks in 2005-2007.

#### **Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan and Developer Reimbursement

**50. Pedestrian Improvements at 10<sup>th</sup> Street, Central Avenue, and Louise Avenue**

**Action:** Approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$188,000 for engineering planning and design services.

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

**Explanation**

- City Council adopted the Plaza-Central Pedscape Plan in November 2003, and approved the amended plan in January 2011. The Pedscape Plan noted a lack of pedestrian connectivity in the area, especially at the 10<sup>th</sup> Street, Central Avenue, and Louise Avenue Intersection.
- The contract will include public involvement, planning, and design services.
- The Pedscape Plan recommends pedestrian crossing improvements at the intersection where Central Avenue meets 10th Street and crosses Louise Avenue. Also recommended in the plan are two pedestrian refuge medians on Central Avenue between Pecan Avenue and Clement Avenue and between Hawthorne Lane and Louise Avenue.
- Kimley-Horn and Associates, Inc. was selected pursuant to the Council approved qualifications-based selection process.

**Small Business Opportunity**

For professional-services based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). On this contract, Kimley-Horn and Associates, Inc. has projected 8.80% (\$16,550) of the total contract amount to the following SBE firm: Hinde Engineering, Inc. (Utility Locator Service).

**Funding**

Transportation Capital Investment Plan

## 51. Disaster Debris Removal and Management Services

**Action:** A. Approve unit price contracts for providing disaster debris removal and debris management services for four-year term to:

1. Phillips and Jordan, Inc.
2. CrowderGulf, LLC, and

B. Authorize the City Manager to extend the contracts for an additional one-year term with possible price adjustments at the time of renewal as authorized by the contract.

**Staff Resource:** Bryan Tarlton, Engineering & Property Management

### Explanation

- The contract is necessary to respond to natural or man-made disasters in an efficient and timely matter.
- The contractors will provide disaster debris removal, disposal, and other emergency cleanup services following a disaster event.
- Services will include, but are not limited to:
  - Emergency road clearance
  - Right-of-way and public property debris removal
  - Hazardous stump, tree, and hanging limb removal
  - Right-of-entry debris removal
  - Temporary debris management site operations
  - Debris grinding/processing
  - Debris disposal/recycling
  - Hazardous or toxic waste removal and disposal
- These contracts are intended for federally declared emergency situations.
- Costs will only be incurred when an event requires activation of the contract.

### Small Business Opportunity

For services based contracts, the City seeks to negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). An SBO goal will be negotiated with Phillips and Jordan, Inc. and CrowderGulf, LLC if these contracts are activated.

## 52. Topographic Mapping Services

**Action:** Approve a three-year contract for \$270,000 with Avioimage Mapping Services, Inc. for topographic mapping services.

**Staff Resource:** David Snider, Engineering & Property Management

### Explanation

- This contract will provide funding for topographic mapping services for 40 map sheets of the total 448 map sheets within the City limits.

- In 1958, the program was established to provide mapping for public and private purposes of planning, land development regulation, and the design of storm water, water/sewer and transportation projects.
- Avioimage Mapping Services, Inc. was selected pursuant to the Council approved qualifications-based selection process.

#### **Small Business Opportunity**

No SBE goal was set for this contract because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy). Avioimage Mapping Services, Inc. is also an SBE Certified firm.

#### **Funding**

Engineering & Property Management Operating Budget

### **53. Police Armored Vehicle**

**Action:**

- A. Approve the purchase of a Lenco Bear Cat Armored Vehicle as authorized by the cooperative purchasing exception of G.S. 143-129 (e)(3), and**
- B. Approve the purchase of a Lenco Bear Cat Armored Vehicle in the amount of \$261,222 from Lenco's General Services Administration (GSA) contract.**

**Staff Resources:** Ruth Story, Police  
Steve Brochu, Police

#### **Cooperative Purchasing Exception**

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for cooperative group purchasing.
- Lenco has a contract with the GSA, which is in effect through June 30, 2017.
- Lenco makes the GSA contract prices available to state and local government agencies.

#### **Explanation**

- The new Lenco Bear Cat armored vehicle will function as the primary armored vehicle used for SWAT tactical operations. The vehicle holds up to eight officers and their equipment.
- The vehicle can be used as a negotiator platform and is easily maneuvered during evacuation and rescue operations. The new model has an off-road, four-wheel drive version, making it more reliable in non-paved areas.
- While smaller and more maneuverable, the new Lenco Bear Cat has the size and agility of a large SUV with full ballistic protection.
- The purchase price includes delivery of the vehicle to Police.
- The new vehicle is a replacement for a decommissioned military armored vehicle, loaned to Charlotte-Mecklenburg Police Department by the North Carolina Law Enforcement Services and Support Program in 2001. Parts for the older vehicle are difficult to find and the vehicle is not conducive to many of the operations conducted by SWAT, so it will be returned to the state.

- The new Lencon Bear Cat will supplement the existing Lenco Bear Cat, purchased in 2006. The existing 2006 Lenco Bear Car has some mobility limitations which make it too large to maneuver in an urban environment, particularly in locations such as apartment complexes. The 2006 vehicle will remain in service for some SWAT operations.

**Small Business Opportunity**

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

**Funding**

Urban Area Security Initiative Grant

**Attachment 14**

Photo of Lenco Bear Cat

**54. Police Assets Forfeiture Appropriation**

**Action: Adopt a budget ordinance appropriating \$60,000 in assets forfeiture funds for the purchase of a SWAT Weapons Sight System.**

**Staff Resources:** Ruth Story, Police  
Steve Brochu, Police

**Explanation**

- The sight systems on weapons used by Police's SWAT Team are between six and ten years old and do not have the proper magnification.
- The new systems will meet industry standards for tactical weapons.
- Using several different vendors, the equipment for the sight systems will be purchased with \$60,000 in assets forfeiture funds.

**Funding**

Police Assets Forfeiture funds

**Attachment 15**

Budget Ordinance

**55. 2010 Department of Homeland Security Grant**

**Action:**

- A. Authorize the Fire Chief to accept a grant in the amount of \$100,000 from the US Department of Homeland Security's 2010 State Homeland Security Grant Program (SHSGP), and**
- B. Adopt a budget ordinance appropriating \$100,000 for the Urban Search and Rescue Structural Collapse Technician training course.**

**Staff Resource:** Jeff Dulin, Fire

**Explanation**

- The 2010 SHSGP awarded funds to all of the USA States and Territories based on the Department of Homeland Security calculated risks, vulnerabilities, and threats.
- Funds for this award were obtained from savings under other FY2010 SHSGP projects and are being reallocated in order to expend monies before the grant expires.
- Congress requires that a minimum of 80% of the funds are passed through the State to the local level to provide funds for local efforts to combat terrorism and other natural hazards in the categories of planning, training, exercises, and equipment purchases.
- The funds must be expended for the delivery of an Urban Search and Rescue Structural Collapse Technician training course to be held at the Police & Fire Training Academy November 26 through December 5, 2012. This grant will cover all the costs of the equipment and instructors for this class.
- Grant funds will expire on January 31, 2013.
- No matching funds are required.

**Funding**

2010 SHSGP Grant

**Attachment 16**

Budget Ordinance

**56. 2012 Department of Homeland Security Grant**

**Action: Accept a grant in the amount of \$1,195,800.80 from the US Department of Homeland Security's 2012 Urban Areas Security Initiative (UASI) Grant Program.**

**Staff Resource:** Jeff Dulin, Fire**Explanation**

- The 2012 UASI Program allowed 31 applicants to apply for funding to aid in the prevention, protection, response, and recovery from terrorist attacks.
- The City was awarded the grant by the US Department of Homeland Security (DHS) based on the risks and threats.
- In developing a regional approach, as mandated by the grant guidelines, the following counties were included as part of a regional implementation concept: Cabarrus County, NC; Catawba County, NC; Gaston County, NC; Iredell County, NC; Lincoln County, NC; Lancaster County, SC; Stanly County, NC; Union County, NC; and York County, SC.
- The total amount of the grant awarded to Charlotte was \$1,494,751. The North Carolina Division of Emergency Management will retain 20% or \$298,950.20 of these funds for the Management and Administration of the Grant Program, as is allowable under grant guidelines.
- The \$1,195,800.80 awarded to the City will be used for terrorism preparedness activities such as equipment acquisition, maintenance on equipment purchased with previous DHS grant funds, planning, exercise, and training activities.
- Revenue from the grant was anticipated and included in the FY2013 budget.
- No matching funds are required.



**Funding**

2012 UASI Grant

**57. Homeland Security and Emergency Response Equipment**

- Action:**
- A. Accept a grant in the amount of \$132,768.22 from the NC Department of Crime Control and Public Safety, Division of Emergency Management (NCEM), on behalf of the Department of Homeland Security, for generators and associated equipment for use in emergency situations,**
  - B. Accept a grant in the amount of \$78,312 from NCEM on behalf of the Department of Homeland Security for equipment for the Mass Casualty Response Program, and**
  - C. Adopt a budget ordinance appropriating \$211,080.22 to the Public Safety Grant Fund.**

**Staff Resource:** Wayne Broome, Fire**Emergency Generators**

- The Department of Homeland Security made funding available through the FY2012 State Homeland Security Grant Program which will be used for five, 55 kilowatt trailer mounted generators with ancillary equipment. The units will be strategically placed within a Disaster Preparedness Region, which includes Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanley, and Union counties.
- The equipment will provide overall enhancement of the region's capability during diverse emergency-related incidents and situations requiring emergency power.

**Mass Casualty Response Program**

- The Department of Homeland Security made funding available through the FY2012 State Homeland Security Grant Program. The funds will be used for 12 portable heaters and an equipment transport trailer for the counties in Disaster Preparedness Regions, as part of the Mass Casualty Incident Response Program.
- Portable, multi-fuel heaters will be used for the existing six Mass Casualty Response trailers located in McDowell, Mitchell, Ashe, Watauga, Alexander, and Wilkes counties. In addition, six heaters with a 14' tandem axel transport trailer will be located in Charlotte-Mecklenburg.
- The project is a cost effective regional approach under various emergency-related incidents and situations.

**Funding**

2012 State Homeland Security Grant Program

**Attachment 17**

Budget Ordinance

**58. Resolution of Intent to Abandon a Portion of two 10-foot Alleyways Located off of Clement Avenue**

**Action:** A. Adopt the Resolution of Intent to abandon a portion of two 10-foot alleyways located off of Clement Avenue, and  
B. Set a public hearing for December 10, 2012.

**Staff Resource:** Jeff Boenisch, Transportation

**Attachment 18**

Map  
Resolution

**59. Resolution of Intent to Abandon a Residual Portion of E. 12<sup>th</sup> Street and N. Caldwell Street**

**Action:** A. Adopt the Resolution of Intent to abandon a residual portion of E. 12<sup>th</sup> Street and N. Caldwell Street, and  
B. Set a public hearing for December 10, 2012.

**Staff Resource:** Jeff Boenisch, Transportation

**Attachment 19**

Map  
Resolution

**60. Electronic Auction for Disposal of Transit Buses and Fire Trucks**

**Action:** A. Adopt a resolution declaring specific vehicles as surplus, and  
B. Authorize items for sale by electronic auction beginning November 13, 2012, and ending January 31, 2013.

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

**Explanation**

- Pursuant to North Carolina G.S. 160A-270(c) approval is requested for an electronic auction as follows:
  - Beginning November 13, 2012, and ending January 31, 2013, 55 transit buses and two fire trucks will be offered for electronic auction.
  - The vehicles were removed from service due to age, mileage, or repair costs.

- City staff believes that the use of electronic auction will provide a larger audience of qualified bidders and return maximum revenue for these specialized vehicles.
- Any vehicle not sold during this electronic auction process will be sold at the on-site auction in April 2013.

#### **Contract Terms**

- The City currently contracts with Rogers Realty and Auction Company for all auction services associated with rolling stock, police unclaimed items, and miscellaneous items for both on-site and electronic auctions at a commission rate of 9.5% as approved by Council on August 25, 2009. Rogers Realty and Auction Company, Inc. is a woman-owned business.
- The contract with Rogers Realty and Auction Company is a full-service contract to include all necessary auction services as well as maintenance of pending auction items.
- The Rogers Realty contract is non-exclusive and allows the City to use other acceptable service providers, such as GovDeals.com, for electronic auctions when in the City's best interest.
- Rogers Realty and Auction Company offered their services for the 55 transit buses at a reduced commission rate of 7%.
- GovDeals.com, with a commission rate of 7.5%, is an electronic auction service that provides only a hosted website to advertise and auction end-of-life assets, with no additional on-site services.
- GovDeals.com has been used successfully in the past to perform electronic auctions for fire trucks.
- Rogers Realty and Auction Company (www.rogersauctiongroup.com) will auction the transit buses, and GovDeals.com will auction the fire trucks.

#### **Small Business Opportunity**

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

#### **Attachment 20**

List of Property to be Declared Surplus  
Resolution

## **61. Extension of Liquidity for Water and Sewer Revenue Bonds**

**Action: Adopt a resolution approving the extension of liquidity and updated disclosure for the 2002 variable rate water/sewer revenue bonds.**

**Staff Resource:** Greg Gaskins, Finance

#### **Explanation**

- The City uses bank-provided liquidity for its water/sewer variable rate bonds as a protection to both bondholders and Charlotte-Mecklenburg Utility ratepayers.
- The extension will provide liquidity for the 2002 water/sewer bonds for three years and update certain provisions of the agreement.
- The prior agreement dates from 2002 and cannot be renewed unless it is updated to meet current market standards.

**Funding**

Utilities Debt Service Fund

**Attachment 21**

Resolution

**62. 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 \$1,335,951.99, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$12,808.

**Staff Resource:** Dan Pliszka, Finance

**Explanation**

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

**Attachment 22**

Resolutions

List of property tax refunds

List of business privilege license refunds

## 63. In Rem Remedy

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

### **Public Purpose:**

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

### **Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

### **Public Safety:**

- A. 2225 Irma Street (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood)
- B. 8116 Mount Holly Road (Neighborhood Statistical Area 115 – Coulwood West Neighborhood)
- C. 655 1, 2 Northway Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- D. 9701 Parkridge Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)

### **Field Observation:**

- E. 1027 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- F. 3000 Morning Drive (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

**Public Safety:**

**A. 2225 Irma Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2225 Irma Street (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).**

**Attachment 23**

**B. 8116 Mount Holly Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8116 Mount Holly Road (Neighborhood Statistical Area 115 – Coulwood West Neighborhood).**

**Attachment 24**

**C. 655 1, 2 Northway Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 655 1, 2 Northway Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 25**

**D. 9701 Parkridge Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9701 Parkridge Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 26**

**Field Observation:**

**E. 1027 Andrill Terrace**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1027 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 27**

**F. 3000 Morning Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3000 Morning Drive (Neighborhood Statistical Area 7 – Reid Park Neighborhood).**

**Attachment 28**

## PROPERTY ITEMS

### 64. Property Transactions

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

For property transactions O-P, property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
  - Sending introductory letters via regular and certified mail
  - Making several site visits
  - Leaving door hangers and business cards
  - Seeking information from neighbors
  - Searching the internet
  - Obtaining title abstracts
  - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

#### Acquisitions

- A. Project:** Ballantyne Commons Parkway/ Elm Lane Intersection Improvements, Parcel #4, #10, and #11  
**Owner(s):** Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC  
**Property Address:** 8015 Ballantyne Commons Parkway and 11525 Elm Lane, 11333 Elm Lane and 11515 Elm Lane  
**Property to be acquired:** 8,876 sq. ft. (.204 ac.) in Fee Simple, plus 32,808 sq. ft. (.753 ac.) in Fee Simple within Existing Right-of-Way, plus 10,730 sq. ft. (.246 ac.) in Sidewalk and Utility Easement, plus 4,956 sq. ft. (.114 ac.) in Slope Easement, plus 18,015 sq. ft. (.414 ac.) in Temporary Construction Easement, plus 1,164 sq. ft. (.027 ac.) in Utility Easement



**Improvements:** Sign  
**Landscaping:** Trees and Bushes  
**Zoned:** INST  
**Use:** Church  
**Tax Code:** 225-046-03 and 225-046-01 and 225-046-02  
**Total Parcel Tax Value:** \$32,013,600  
**Purchase Price:** \$63,175

- B. Project:** Blenheim Storm Drainage Improvement Project, Parcel #8  
**Owner(s):** David Cygielman and Wife, Myka Wright, and Marc Sigal  
**Property Address:** 4121 Blenheim Road  
**Property to be acquired:** 10,311 sq. ft. (.237 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Single Family Residence  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-022-06  
**Total Parcel Tax Value:** \$66,500  
**Purchase Price:** \$53,200
- C. Project:** Blenheim Storm Drainage Improvement Project, Parcel #15  
**Owner(s):** Teresa Matthews Sloop and Harry Allen Sloop, Jr. and Cathy Matthews Gangl  
**Property Address:** 4157 Blenheim Road  
**Property to be acquired:** 13,463 sq. ft. (.309 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Single Family Residence, Concrete Block Garage  
**Landscaping:** Trees and Bushes  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-022-13  
**Total Parcel Tax Value:** \$66,200  
**Purchase Price:** \$58,500
- D. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel #27  
**Owner(s):** Harold L. Ogburn and Wife, Raija L. Ogburn  
**Property Address:** 1142 Bolling Road  
**Property to be acquired:** 1,196 sq. ft. (.027 ac.) in Storm Drainage Easement, plus 368 sq. ft. (.008 ac.) in Temporary Construction Easement  
**Improvements:** Stone Footpath  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-101-50  
**Total Parcel Tax Value:** \$708,600  
**Purchase Price:** \$64,000

- E. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel #42  
**Owner(s):** Alysann Lee Sieren and Al Johnson  
**Property Address:** 201 Middleton Drive  
**Property to be acquired:** 7 sq. ft. (. ac.) in Storm Drainage Easement, plus 695 sq. ft. (.016 ac.) in Temporary Construction Easement  
**Improvements:** Shed  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 155-063-15  
**Total Parcel Tax Value:** \$478,000  
**Purchase Price:** \$23,175
- F. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel #47  
**Owner(s):** Tyler C. Gately  
**Property Address:** 205 Middleton Drive  
**Property to be acquired:** 778 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 808 sq. ft. (.019 ac.) in Temporary Construction Easement  
**Improvements:** Wooden Fencing  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 155-063-16  
**Total Parcel Tax Value:** \$468,600  
**Purchase Price:** \$51,600
- G. Project:** City Boulevard Extension - Phase I, Parcel #32  
**Owner(s):** Juan Alvarenga  
**Property Address:** 6404 Rumble Road  
**Property to be acquired:** 7,664 sq. ft. (.176 ac.) in Fee Simple, plus 2,177 sq. ft. (.05 ac.) in Fee Simple within Existing Right-of-Way, plus 33 sq. ft. (.001 ac.) in Water Main Easement, plus 12,279 sq. ft. (.282 ac.) in Temporary Construction Easement  
**Improvements:** Single Family Residence  
**Landscaping:** None  
**Zoned:** R-17MF  
**Use:** New Parcel  
**Tax Code:** 047-032-92  
**Total Parcel Tax Value:** \$68,400  
**Purchase Price:** \$40,000
- H. Project:** Idlewild Road Roadway Improvement Project, Parcel #6  
**Owner(s):** Cynthia H. Dowdy Plyer and Phillip Keith Plyer  
**Property Address:** 8223 Idlewild Road  
**Property to be acquired:** 4,838 sq. ft. (.111 ac.) in Fee Simple, plus 2,052 sq. ft. (.047 ac.) in Temporary Construction Easement  
**Improvements:** Brick Columns  
**Landscaping:** Tree and Shrubs  
**Zoned:** R-4

**Use:** Rural Homesite  
**Tax Code:** 135-064-11  
**Total Parcel Tax Value:** \$185,800  
**Purchase Price:** \$15,150

- I. **Project:** Little Rock Road Realignment, Parcel #534  
**Owner(s):** Virgilio J. Mayorga and Martha P. Mayorga  
**Property Address:** 935 Little Rock Road  
**Property to be acquired:** 9,484 sq. ft. (.218 ac.) in Fee Simple, plus 908 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 166 sq. ft. (.004 ac.) Utility Easement, plus 1,449 sq. ft. (.033 ac.) in Slope Easement, plus 7,572 sq. ft. (.174 ac.) in Temporary Construction Easement, plus 166 sq. ft. (.004 ac.) in Utility Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 059-212-22  
**Total Parcel Tax Value:** \$116,400  
**Purchase Price:** \$12,684
- J. **Project:** McAlway/Churchill Storm Drainage Improvement Project, Parcel #9  
**Owner(s):** Emily C. MacNeill and Carmelita Millet Layog  
**Property Address:** 336 Wendover Hill Court  
**Property to be acquired:** 6,140 sq. ft. (.141 ac.) in Natural Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 157-073-28  
**Total Parcel Tax Value:** \$600,000  
**Purchase Price:** \$31,182
- K. **Project:** Steele Creek Pump Station Replacement, Parcel #24  
**Owner(s):** Marianna M. Raugh and James P. Raugh  
**Property Address:** 400 North Polk Street  
**Property to be acquired:** 1,642 sq. ft. (.038 ac.) in Easement within Existing Right-of-Way by Maintenance, plus 75,764 sq. ft. (1.739 ac.) in Sanitary Sewer Easement  
**Improvements:** Putt Putt golf course  
**Landscaping:** Shrubs  
**Zoned:** B-3  
**Use:** Commercial  
**Tax Code:** 207-093-16  
**Total Parcel Tax Value:** \$2,125,200  
**Purchase Price:** \$262,190
- L. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Sadler, Gloria et al  
**Property Address:** 5615 S I-85 Highway  
**Property to be acquired:** 4.308 acres

**Improvements:** vacant land

**Purchase Price:** \$145,000

**Remarks:** The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

**Zoned: R-3 Use:** vacant land

**Tax Value:** \$24,948

**Tax Code:** 055-382-13

**Funding: 2090:** 54010

**M. Project:** Airport Master Plan Land Acquisition

**Owner(s):** Paul R and Elizabeth A Laramie

**Property Address:** 4309 Rockwood Road

**Property to be acquired:** .87 acres

**Improvements:** single family residence

**Purchase Price:** \$70,000

**Remarks:** The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

**Zoned: R-3 Use:** single family residence

**Tax Value:** \$120,700

**Tax Code:** 113-161-04

**Funding: 2090:** 54010

## Condemnations

**N. Project:** 2011 Annexation: Rhyne Force Main, Parcel #2

**Owner(s):** Tony R. Young and Wife, Phyllis D. Young and Any Other Parties of Interest

**Property Address:** 116 Springhill Road

**Property to be acquired:** 5,163 sq. ft. (.119 ac.) in Sanitary Sewer Easement, plus 3,125 sq. ft. (.072 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 055-071-02

**Total Parcel Tax Value:** \$143,600

**Appraised Value:** \$16,325

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** Staff and the property owner reached an agreement regarding the acquisition. However, the title abstract

revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- O.**     **Project:** Blue Line Extension, Parcel #1305  
**Owner(s):** Octavio Garcia and Wife, Cindy Garcia and Any Other Parties of Interest  
**Property Address:** 352 Leafmore Drive  
**Property to be acquired:** 1,493 sq. ft. (.034 ac.) in Temporary Construction Easement  
**Improvements:** Shed  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 091-021-10  
**Total Parcel Tax Value:** \$66,000  
**Appraised Value:** \$4,600  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in January 2012 and has yet to reach an agreement regarding the acquisition. From May 2012 until August 2012, staff was unable to contact the property owner who was out of the country. Upon his return, staff met with the property owner and explained the acquisition. Since this meeting, the property owner has not responded to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- P.**     **Project:** Blue Line Extension, Parcel #1323  
**Owner(s):** Delia Szady and Any Other Parties of Interest  
**Property Address:** 331 Barrymore Drive  
**Property to be acquired:** 1,228 sq. ft. (.028 ac.) in Temporary Construction Easement  
**Improvements:** Shed and Concrete Pad  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 091-021-21  
**Total Parcel Tax Value:** \$63,000  
**Appraised Value:** \$125  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** The property owner of record supports the project and has signed the agreement. However, the property owner's spouse, who is also required to sign per North Carolina law, has yet to respond to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- Q. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel #19  
**Owner(s):** Kurt E. Lindquist, II and Wife, Sherry C. Lindquist and Any Other Parties of Interest  
**Property Address:** 919 Colville Road  
**Property to be acquired:** 3,013 sq. ft. (.069 ac.) in Storm Drainage Easement  
**Improvements:** Fence  
**Landscaping:** Trees and shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-123-33  
**Total Parcel Tax Value:** \$957,100  
**Appraised Value:** \$37,075  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in January 2012 and has yet to reach an agreement regarding the acquisition. The property owners had concerns regarding the location of the easement relating to an existing brick wall. Staff addressed the concern by extending an offer to redesign the location of the easement. However, the property owner has not responded to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- R. Project:** Newell- South (Autumnwood) Neighborhood Improvement Project, Parcel #24  
**Owner(s):** Albert Frank Suddreth and Any Other Parties of Interest  
**Property Address:** 726 Neal Drive  
**Property to be acquired:** 542 sq. ft. (.012 ac.) in Sidewalk and Utility Easement, plus 3,048 sq. ft. (.07 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 049-102-22  
**Total Parcel Tax Value:** \$124,300  
**Appraised Value:** \$800  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in April 2012 and has yet to reach an agreement regarding the acquisition. Staff met with the property owner in June 2012 to discuss the project. Since this meeting, the property owner has not responded to numerous contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- S. Project:** Newell- South (Autumnwood) Neighborhood Improvement Project, Parcel #40  
**Owner(s):** Jogi C. Gowda and Wife, Ashmani C. J. Gowda and Any Other Parties of Interest  
**Property Address:** 6532 Creekstone Place  
**Property to be acquired:** 106 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 2,374 sq. ft. (.054 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 049-171-39  
**Total Parcel Tax Value:** \$175,000  
**Appraised Value:** \$950  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began working with the property owner in March 2012 and has yet to reach an agreement regarding the acquisition. Staff met with one of the property owners in May 2012 and discussed the project. A follow up meeting was scheduled in July 2012 and was subsequently cancelled by the property owners. Staff has received no response to numerous contact attempts since. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.
- T. Project:** Newell- South (Autumnwood) Neighborhood Improvement Project, Parcel #49  
**Owner(s):** Angela Rivers and Any Other Parties of Interest  
**Property Address:** 7212 Rockland Drive  
**Property to be acquired:** 2,521 sq. ft. (.058 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 049-161-02  
**Total Parcel Tax Value:** \$293,400  
**Appraised Value:** \$225  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff began contact attempts in March 2012 with no response until June 2012. Since meeting in June 2012 to explain the acquisition, the property owner has not responded to numerous staff contact attempts. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- U. Project:** West Boulevard Sidewalk, Parcel #4  
**Owner(s):** Zada L. Woods, et al. And Any Other Parties Of Interest  
**Property Address:** 3401 West Boulevard  
**Property to be acquired:** 1,111 sq. ft. (.026 ac.) in Sidewalk and Utility Easement, plus 1,392 sq. ft. (.032 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Zoned:** R-22MF  
**Use:** Single Family Residential  
**Tax Code:** 143-081-34  
**Total Parcel Tax Value:** \$52,100  
**Appraised Value:** \$1,650  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff and the property owner reached an agreement regarding the acquisition. However, the title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- V. Project:** West Boulevard Sidewalk, Parcel #17  
**Owner(s):** Trustees of the Ola Mae Jackson Irrevocable Trust Agreement, Dated April 27, 2005 and Any Other Parties of Interest  
**Property Address:** 3119 West Boulevard  
**Property to be acquired:** 5,064 sq. ft. (.116 ac.) in Sidewalk and Utility Easement, plus 5,522 sq. ft. (.127 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-22MF  
**Use:** Multi Family  
**Tax Code:** 143-081-08  
**Total Parcel Tax Value:** \$153,400  
**Appraised Value:** \$5,300  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** Staff and the property owner reached an agreement regarding the acquisition. However, the title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

## 65. Meeting Minutes

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

- August 27, 2012 Business Meeting



## Reference

### 66. Small Business Opportunity Program Policy Reference

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

#### Part A: Administration & Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Part B: Formal Construction Bidding**

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

**Part B: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.** The City shall not establish an SBE Goal for Construction Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part C: Services Procurement**

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

**Part C: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.** The City shall not establish an SBE Goal for Service Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

**Part D: Post Contract Award Requirements**

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

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

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