

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, August 22, 2011

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

Item #	Page #	Title
22	16	Police Command Center Upfit
40	33	Airport Revenue Bonds
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CITY COUNCIL AGENDA
Monday, August 22, 2011

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Aviation FY2011 Annual Report

Resources: Jerry Orr, Aviation
Andrew Riolo, Airport Advisory Committee Chair

Time: 15 minutes

Synopsis

- The Airport Advisory Committee is responsible for an annual Report to the Community (Annual Report) featuring the Airport's accomplishments and challenges as they relate to the Balanced Scorecard initiatives and performance measures.
- Some of the projects and initiatives featured in the video presentation include the following:
 - CLT managed continued passenger growth, serving more than 39 million passengers, an 11% increase, which is the highest percentage increase of any major airport outside of Asia and the Middle East. Charlotte Douglas is the fastest growing airport in the United States.
 - As part of the Airport's concessions program, CLT customers spent \$148,562,138.96 in food, beverage and retail. The Airport entered into a new retail concession contract with The Paradies Shops, bringing new stores and concepts, such as Lacoste, Brooks Brothers, and Brighton.
 - The Airport maintained excellent bond ratings and a strong fiscal position.

3. Blue Line Extension Update

Resource: Danny Rogers, Transit

Time: 15 minutes

Synopsis

- The Blue Line Extension is nearing completion of the Preliminary Engineering phase.

- The Final Environmental Impact Statement has been reviewed by the Federal Transit Administration (FTA) and is expected to be approved and ready for distribution by the end of August.
- CATS will be submitting an update for the FTA's annual New Starts report in September.
- This report is to update Council on current activities and critical milestones anticipated in the next few months. Included in the report is a summary of the financial plan that is part of the required report for FTA's New Starts report.

Future Action

The next Blue Line Extension update is anticipated in December 2011, regarding completion of the Record of Decision, results of the Risk Assessment and Final Design approval process.

4. NASCAR Hall of Fame Update

Resources: Patrick Cannon, Mayor Pro Tem, Hall of Fame Advisory Board Member
Edwin Peacock, Council member, Hall of Fame Advisory Board Member
Winston Kelley, Hall of Fame Executive Director

Time: 15 minutes

Synopsis

- An update on the NASCAR Hall of Fame (HOF) will be presented, which will include:
 - Summary strategies, activities and recent events at HOF
 - New dashboard component to track key metrics of the HOF's performance
 - o Economic impact of the HOF for our City/Region/Hospitality Industry
 - o Customer satisfaction
 - o Attendance, revenue, and facility rentals
 - Significant milestone events upcoming at the HOF

Future Action

Periodic updates on the HOF as desired/needed by City Council

5. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

- Staff response to questions from the beginning of the dinner meeting.

6:30 P.M. CITIZENS' FORUM

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

**6. Presentation of Gift to Mayor Foxx and Gift to Honor
Council member Susan Burgess**

Action: University City Church member, Reverend Thomas Samuels, along with youth members, will present Mayor Foxx with a gift in recognition of his service to Charlotte and a gift to honor the late Honorable Susan Burgess in recognition of her service to Charlotte as Mayor Pro Tem.

7. Elevation Church and The Orange Initiative

Action: Elevation Church leaders will share their commitment to serving 100,000 hours and giving \$750,000 over the course of a year to 20 organizations who work to end homelessness, support children and families in crisis, support our schools and teachers, and improve the quality of life for all people in our city.

CONSENT

8. Consent agenda items 18 through 57 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.

ZONING

9. Rezoning Petition 2011-031

Action: Render a decision on proposed rezoning 2011-031 by New Hope Baptist Church for a change from R-4, single family residential to INST (CD) institutional, conditional district for approximately 1.66 acres located on the north side of Idlewild Road between East W.T. Harris Boulevard and Lynmont Drive.

Staff Resource: Tammie Keplinger, Planning

Explanation

- At the July 18 public hearing for petition 2011-031, Council agreed to expedite the decision from September 19 to August 22.
- The proposed dental office and religious uses are consistent with the Eastland Area Plan.
- The petition was found to be consistent with the Eastland Area Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee with the following modifications:
 - Note #4 in the "Site Plan Notes" has been amended to show the proposed zoning as INST (CD).
 - The acreage of the area to be rezoned in the Site Plan Notes has been clarified.
 - The proposed uses for both existing structures are now shown on the site plan.
 - The proposed use has been modified to read dental office and religious institution.
 - A note has been added that the dental clinic use will be limited to 1,400 square feet.
 - CDOT has removed the request for the dedication of right-of-way.
 - The site plan now shows a five-foot sidewalk from the existing buildings and shared parking to the public sidewalk system.
 - The dimensions of the required 12-foot buffer are now labeled on the site plan.
 - Note #10 has been deleted from the site plan.
- The Committee voted unanimously to recommend approval of this petition.

Attachment 1

Zoning Committee Recommendation

Vicinity Map

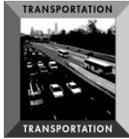
Locator Map

Site Plan

POLICY

10. City Manager's Report

11. Transportation Action Plan



Action: Approve the Transportation & Planning Committee recommendation to adopt the Five-Year update of the Transportation Action Plan.

Committee Chair: David Howard

Staff Resource: Dan Gallagher, Transportation

Policy

Transportation Action Plan

Explanation

- The Transportation Action Plan (TAP), adopted by City Council in 2006, is Charlotte's 25-year comprehensive transportation plan that describes the policies, programs, and projects necessary for Charlotte to accommodate growth and improve transportation mobility and accessibility.
- The TAP calls for an update every five years, so that Charlotte's residents are provided the latest information regarding the City's short-term and long-term transportation conditions, accomplishments and objectives.
- Since fall of 2010, City staff worked with the Transportation & Planning Committee and citizens to update the TAP.
- The updated TAP includes focused revisions to TAP policies, current transportation program and project costs and a \$100 million-per-year funding level recommended for roadway, bicycle and pedestrian projects.
- As part of the outreach activities for the TAP update, staff:
 - Hosted two public kick-off meetings in February 2011
 - Developed a TAP update video
 - Conducted an internet-based survey
 - Reviewed comments on the TAP Policy and Technical Documents.
 - Hosted a final public workshop on April 27, 2011
- On June 13, 2011, City Council received comments from the public. There were 11 speakers in favor of the TAP and none opposed.
- The June 8 Council-Manager Memo contained the following documents:
 - TAP Policy Document (see attached)
 - TAP Technical Document
 - Figure 4 – Locally Funded Transportation Programs and Improvements List
 - Summary of Public Comments and Staff Responses
- The documents are also available at:
<http://www.charmeck.org/city/charlotte/Transportation/PlansProjects/Pages/Transportation%20Action%20Plan.aspx>

Committee Discussion

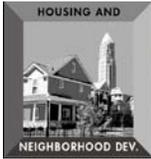
- Since October 2010, the Committee discussed and reviewed the TAP update at seven Committee meetings. The Committee focused on the City's transportation accomplishments and challenges, public feedback, transportation funding and reviewing the Draft TAP Five-Year Update.

- On July 25, 2011, the Transportation & Planning Committee unanimously (Howard, Barnes, Carter, Kinsey) recommended the TAP Five-Year update be forwarded to City Council for adoption.

Attachment 2

TAP Policy Document

12. Emergency Relocation Program



- Action:**
- A. Approve the Housing and Neighborhood Development Committee recommendation to enter into a contract with Community Link to administer the Emergency Relocation Program, and**
 - B. Authorize the City Manager to negotiate and execute a one-year contract with Community Link up to \$350,000 with a one year renewal option.**

Committee Chair: Patsy Kinsey

Staff Resource: Walter Abernethy, Neighborhood & Business Services

Policy

The City's Housing Policy focuses on preserving the existing housing stock, expanding the supply of low and moderate-income housing and supporting family self-sufficiency initiatives.

Explanation

- On May 23, 2011, City Council approved the Housing and Neighborhood Development Committee's recommended new Emergency Relocation Program. The Committee also recommends the Community Link contract to administer the new program.
- The City formerly partnered with the Charlotte Housing Authority (CHA) for this program. The contract with CHA expired June 30, 2010. The City has been operating under an interim agreement with Community Link since July 1, 2011.
- The Emergency Relocation Program provides relocation assistance to households displaced as a result of code enforcement for imminently dangerous conditions. The program goals are to:
 - Ensure that eligible households have access to safe and affordable housing
 - Facilitate the effective and efficient relocation of impacted households
 - Promote intergovernmental cooperation, eliminating duplication of efforts and maximize taxpayer resources
- Significant aspects of the program include:
 - Referral of an annual estimated 40 households to Community Link for eligibility screening and placement in vacant private sector apartments
 - o Community Link will conduct a housing needs assessment.
 - o Community Link will assist households unable to sustain private sector housing with obtaining temporary housing and a spot on public housing waiting list.
 - Reduction of costs per relocation (\$15,000 per household for former program; approximately \$3,000 per household under new program)
 - Lessening of impacts to relocated households through reduced time in temporary housing

- The City will provide moving, temporary storage, security deposit and first month's rent expenses. Any other expenses would be borne by the household.
- Neighborhood & Business Services will monitor and evaluate participation in the new Emergency Relocation Program so as not to exceed the annual contract amount. The renewal option will be up to \$350,000.

Committee Discussion

- The Housing & Neighborhood Development Committee discussed the new relocation program during their April 27, 2011 and May 11, 2011 meetings. Discussion centered on ensuring that the program was not a one size fits all approach since households have different circumstances. Community Link's housing specialists will conduct a home needs assessment with each relocation program client, taking into account demographics, work location, access to public transit, school location and support systems.
- The Committee requested that the City receive written confirmation from CHA that the 30 people currently waiting to be housed under the existing program would retain their position on the public housing waiting list.
- On May 11, 2011, the Committee unanimously approved the Emergency Housing Relocation Program for consideration by City Council and recommended that a contract be awarded to Community Link to administer the program (Kinsey, Mitchell, Cannon, Barnes and Cooksey).

Funding

Innovative Housing Funds

BUSINESS

13. Memorandum of Agreement with the Town of Belmont for Regional Wastewater Treatment

Action: Approve a Memorandum of Agreement with the Town of Belmont for Regional Wastewater Treatment

Staff Resource: Barry Gullet, Utilities

Explanation

- At the July 25 Council Dinner briefing, staff presented information on the new wastewater treatment plant on the Catawba River at Long Creek to meet projected demands.
- Due to current regulations, additional nutrient loading is not allowed in Lake Wylie beyond what has already been allocated to the existing Belmont, Mt. Holly and Clariant wastewater plants. Therefore, in order to construct a new treatment plant, consolidation with at least one of the existing treatment plants in this area and treatment to a higher level, to meet the current nutrient allocation for the lake, is required.
- Both Belmont and Mt. Holly have also been notified by the State of North Carolina of pending changes to their wastewater discharge permits that will require them to upgrade their treatment plants in order to meet the new nutrient discharge limits.
- Staff has been in discussions with Belmont, Mt. Holly, and Clariant/Reventure regarding possible wastewater treatment consolidations.
- The proposed Town of Belmont Memorandum of Agreement key points include:
 - Belmont will construct and operate a pump station and pump up to 2 million gallons per day of wastewater to the Charlotte Paw Creek Liftstation. Additional capacity would be available for purchase by Belmont as needed in the future.
 - Charlotte would construct and operate the pipeline from Belmont to the Paw Creek liftstation.
 - Charlotte would receive the nutrient allocation within Belmont's current wastewater permit for use at the proposed Long Creek wastewater plant.
 - Belmont would pay for wastewater treatment service based on the prevailing average operating cost for the Charlotte wastewater plants.
- This Memorandum of Agreement is non-binding. Approval of the Agreement authorizes staff to proceed with the development of a more detailed interlocal agreement with Belmont for the proposed regional wastewater treatment to be presented for approval at a later date.

Attachment 3

Memorandum of Agreement

14. Applications for 2011 Federal National Infrastructure Investment Grants Program

- Action:**
- A. Authorize the City Manager to submit two applications to compete for funds from the Federal National Infrastructure Investment Grants Program (TIGER Discretionary Funds), with the City of Charlotte as the lead agency, and**
 - B. Adopt a resolution of support for the two projects.**

Staff Resources: Carolyn Flowers, Transit
Danny Pleasant, Transportation

Explanation

- TIGER Discretionary Grants are authorized and funded by the U.S. Department of Transportation (USDOT) for transportation and transit infrastructure projects. This is the third round of grants. Two previous rounds were authorized in 2009 and 2010.
- On July 1, 2011, USDOT issued a Notice of Funding Availability (NOFA) for TIGER Discretionary Grants, detailing the availability of \$527 million in competitive capital grants and announcing selection criteria and pre-application and application requirements for these funds. \$387 million is available nationally for projects in urban areas.
- The selection criteria listed in the NOFA are:
 - Long-term outcomes
 - o State of good repair
 - o Economic competitiveness
 - o Livability
 - o Environmental sustainability
 - o Safety
 - Job creation and near-term economic activity
 - Innovation and partnership
- Pre-applications must be submitted by October 1, 2011, and final applications must be submitted by October 31, 2011.
- Grants will be between \$10 million and \$200 million each. The federal share of projects can be up to 80%. Because of the \$10 million funding floor, projects that cost less than \$12.5 million (\$10 million is 80% of \$12.5 million) are ineligible.

Applications/Proposals

- LYNX Blue Line South Corridor Phased Retrofit (project cost scalable from \$15 million to \$27 million) – Transit
 - Phase I: Upgrade power components to support three-car trains, allowing for (a) two-car operations at six-minute headways (current headways are 10+ minutes) and (b) three-car operations at 7½-minute headways
 - Phase II: Extend platforms at I-485, Stonewall, and 7th Street stations to accommodate three-car trains, providing the ability to operate three-car trains during special events
 - Phase I may be constructed independently of Phase II. Phase II is optional and depends on the size of the grant received.
 - Local Matching Funds: NCDOT, Transit Capital Fund

- Charlotte Bicycle & Pedestrian Network Implementation (project cost up to \$16 million) – Bicyclists, Pedestrians, Water Quality
 - This project would construct a series of road conversions, minor intersection modifications, greenways, and bicycle/pedestrian connections to more fully develop the bicycle network in Charlotte.
 - Road conversions would convert one or more through lanes into bicycle lanes, wider sidewalks, and/or parking, such as what has occurred on Seneca Place, 36th Street, Selwyn Avenue, and Rozzelle's Ferry Roads.
 - Portions of the Mallard and Campbell Creek Greenways are identified projects. Both of these greenways are part of the Carolina Thread Trail. Mecklenburg County and/or the Carolina Thread Trail organization could be funding partners on this grant.
 - Greenway components could include water-quality features.
 - Local Matching Funds: Transportation Capital Investment Plan and Mecklenburg County

Funding

Transit Capital Fund
 Transportation Capital Investment Plan
 Stormwater Capital Investment Plan
 Developer funding
 Mecklenburg County
 NCDOT

Attachment 4

Resolution

15. Business Investment Grant for Time Warner Cable

Action: Approve the City's share of a Business Investment Grant to Time Warner Cable for a total estimated amount of \$696,000 over five years (total City/County grant of \$2,000,000).

Staff Resource: Peter Zeiler, Neighborhood & Business Services

Policy

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

Explanation

- In 2003, Council approved a Business Investment Grant Framework for Time Warner Cable (TWC) to create up to 1,150 jobs and more than \$65 million in new investment in Charlotte. The amount of the grant was not to exceed \$8 million and could be accomplished in four phases.
- Under this grant framework, the City and the County awarded a \$3 million Business Investment Grant to Time Warner in 2003 for the first two phases of its expansion and required the company to invest \$28 million in taxable property and to add 670 new jobs.
- In 2008 the City and County awarded a \$3 million Business Investment Grant for a third phase of expansion and required the company to invest \$34 million in a new office building and to add 200 new jobs.
- To date TWC has exceeded the combined grant agreement requirements by adding 950 jobs and investing more than \$100 million.

- The grant framework allows TWC to qualify for a Phase 4 grant up to an additional \$2 million (meeting the \$8 million maximum), subject to approval from the City Council and County Commission.
- On July 11, 2011 TWC announced a significant expansion of their Charlotte operation, providing:
 - \$31 million new office building
 - \$101 million new data center
 - 225 new jobs by 2012 with an average annual wage of \$91,000 (229% of the local average)
- Staff recommends a grant to be paid over five years in installments equal to 90% of net new taxes paid up to a total of \$696,000 with a not to exceed amount of \$139,200 per year.
- TWC's expansion meets all of the Council-approved requirements for a Business Investment Grant.
- On November 23, 2010, the Board of County Commissioners indicated their intent to approve a five-year 90% grant to TWC in a closed session.
- On March 28, 2011, City Council indicated their intent to approve a five-year 90% grant to TWC in a closed session.
- If approved, the following is a schedule of the Investment Grant payments to TWC:

Year	City	County	Totals
1	\$139,200	\$260,800	\$400,000
2	\$139,200	\$260,800	\$400,000
3	\$139,200	\$260,800	\$400,000
4	\$139,200	\$260,800	\$400,000
5	\$139,200	\$260,800	\$400,000
Total	\$696,000	\$1,304,000	\$2,000,000

- The general terms and conditions of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- On September 7, 2011, the Board of County Commissioners will consider the County's portion of a five-year 90% grant to TWC.

Council Tour

- On September 6, 2011, City Council will tour the Time Warner Cable facility.

Funding

Business Investment Grant Account; first payment is estimated to occur in FY2013.

16. Mayor and Council Topics

Council members may share information and raise topics for discussion.

17. Closed Session

- Action:**
- A. Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations, and**

 - B. Adopt a motion pursuant to NCGS 143-318.11(a)(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 of the cases of Erik D. Stark (10 CVS 5581), Frances V. Stark (10 CVS 5526), and Frances V. Stark, as Personal Representative of the Estate of Robert W. Stark (10 CVS 5579) v. City of Charlotte, Midwest Investors Group, Inc. d/b/a Metro Staffing, and Malaki YaaqobYsrayl.**

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

18. Airport Roads Repaving

Action: Award the low bid contract of \$526,282 to Rea Contracting, Inc. for repaving selected Airport roads.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport maintains over 18 miles of roads serving the facilities.
- The Airport Entrance Road will be realigned and expanded over the next two years.
- This contract will repave various section of this system that will remain intact.
- The contract requires milling out existing pavement, pavement repairs, repaving short sections, and night work, which minimizes impact on Airport customers.

Small Business Opportunity

Established SBE Goal 11.0%

Committed SBE Goal 11.40%

Rea Contracting exceeded the established SBE goal, and committed 11.40% (\$59,989) of the total contract amount to the following SBE firms: Abram Construction (curb and gutter) and All Points Trucking (hauling).

Funding

Aviation Operating Budget

19. Airport Recycling Center Equipment

Action: Award the low bid contract of \$635,225 to Recycling Equipment, Inc. for conveyor system and balers for the Airport Recycling Center.

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2011, Council approved the plan for an Airport Recycling Center (ARC) to be located on the Airport that will process approximately 10,000 tons of material annually.
- The conveyor and balers are the first of the equipment needed for the ARC.
- The conveyor system designed for the ARC will transport the materials into the facility on a sort belt. The materials will be sorted by product class.
- After the sorting is complete, the balers will bale the product into tight compact bales to be sold.
- The Recycling Equipment, Inc. contract includes the delivery, installation, and a two-year warranty on the conveyor system, bag opener, and two balers.

Small Business Opportunity

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

Funding

Aviation Operating Budget

20. Airport Deicing Refill Station

Action: Award the low bid contract of \$277,888 to Blythe Development Company for grading for Deicing Refill Station Equipment.

Staff Resource: Jerry Orr, Aviation

Explanation

- Last year the Airport began operation of a central deicing facility available to all airlines using 28 new state-of-the-art deicing trucks purchased by the Airport.
- This contract will provide grading for two deicing fluid and fuel storage and dispensing systems to support that activity.
- The cost is reimbursed through charges to the Airlines for deicing services.
- An additional contract for the installation of the filling stations is expected to be presented to Council at the September 26 meeting.

Disadvantage Business Opportunity

Established DBE Goal 7.0%

Committed DBE Goal 7.7%

Blythe Development Co. exceeded the established DBE goal, and committed 7.7% of the base bid amount (\$21,595) to the following DBE firms: Express Logistics Services, Inc. (hauling/trucking), and Martin Landscaping Co. (seeding).

Funding

Aviation Capital Investment Plan

21. Airport Exit Plaza at Long Term Parking Lot 4

Action: Award the low bid contract of \$137,000 to Edison Foard, Inc. for construction of an Exit Plaza at Long Term Parking Lot 4.

Staff Resource: Jerry Orr, Aviation

Explanation

- Long Term Lot 4 is a 4,006 space surface lot that has been used for overflow long-term parking during peak demand times.
- This contract will provide a covered Exit Plaza to service this lot. The ticket dispensers and cashier booths are provided under previously approved contracts.
- The work will be completed in four months.

Small Business Opportunity

Established SBE Goal: 8.0%

Committed SBE Goal: 4.73%

Construction contracts under \$200,000 are considered informal and establishing a SBE goal is not required, however, a SBE goal was still established for this contract. Edison Foard, Inc. did not meet the established goal but met the minimum required number of Good Faith Effort points, and committed 4.73% (\$6,478) of their total contract amount to the following SBE firm: RDS Electric (electrical work).

Funding

Aviation Capital Investment Plan

22. Police Command Center Upfit

Action: Award the low bid contract of \$593,990 to G.W. Liles Construction Company, Inc. for the Charlotte-Mecklenburg Police Department Command Center Upfit.

Staff Resources: William Haas, Engineering & Property Management
Harold Medlock, Police

Explanation

- This project will include the renovation of 3,000 square-feet within the Charlotte-Mecklenburg Police Department Headquarters.
- Construction completion is scheduled for fourth quarter 2011.
- The Command Center will allow Police to share and receive critical information related to the safety and security of the City, various Democratic National Convention (DNC) venues and events.

- The project is included in the estimated \$50 Million DNC Security Grant Fund. Police will file for reimbursement through the grant process outlined by the Bureau of Justice Administration for DNC-related security expenses.

Minority, Women and Small Business Opportunity

Established MWSBE Goal: 7%

Committed MWSBE Goal: 16.61%

G.W. Liles Construction Company, Inc. committed 16.61% (\$96,985) of the total contract amount to the following MWSBE firms: COED Electrical (MBE – electrical) \$82,800, Charlotte Paint II (SBE – painting) \$8,423, and Charlotte Ceiling (WBE – acoustical ceilings).

Funding

Democratic National Convention Security Fund

23. Miscellaneous Traffic Signal Repair and Installation

Action:

A. Award the low bid contract of \$119,435.55 to Whiting Construction Company, Inc. for miscellaneous traffic signal repair and installation, and

B. Authorize the City Manager to approve up to three renewals each in an amount not to exceed the original contract amount.

Staff Resource: Jimmy Rhyne, Transportation

Explanation

- This contract will include miscellaneous traffic signal repair, traffic signal installation, and boring.
- Boring work involves the installation of conduit under roads without having to cut and excavate the road surface.
- This project was advertised on Engineering & Property Management's website. Three companies expressed interest, but only one bid was received. This project includes specialized work which may have contributed to the single bid received. The bid amount is below staff's estimate.
- Whiting Construction Company, Inc. has successfully completed this type of contract work in the past for the City.

Small Business Opportunity

Construction contracts under \$200,000 are informal with regard to the SBO subcontracting goal setting process, therefore establishing SBE goals is not required (Appendix Section 23.1 of the SBO Policy).

Funding

Transportation Capital Investment Plan

24. Bus Paint and Related Supplies

- Action:** A. Award the low bid contract of \$88,800 to Single Source, Inc. for bus paint and related supplies, and
- B. Authorize the City Manager to execute up to two, one-year renewals, with possible price adjustments as stipulated in the contract.

Staff Resource: Larry Kopf, Transit

Explanation

- This is a unit price contract for paint and related supplies for the bus body shop. These supplies will be purchased on an as-needed basis for maintenance, refurbishment and repairs.
- Prices are fixed for the first year of the contract. For years two and three, Single Source, Inc. will have to provide documented proof of cost increases from their supplier(s) to justify a cost increase.
- On June 13, 2011, an Invitation to Bid was publically advertised and a pre-bid conference was held on June 30, 2011. Three bids were received, but only two were considered to be responsive.
- Of the two responsive bidders, Single Source, Inc. submitted the lowest total bid package.

Small Business Opportunity

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

Funding

Transit Operating Budget

25. Raintree Pond Water Quality Enhancement Project

- Action:** Award the low bid contract of \$221,000.28 to Blythe Development Company for the Raintree Pond Water Quality Enhancement Project.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Raintree Pond is a one-acre pond located on the north course of the Raintree Country Club, which is located south and west of the intersection of Providence Road and Highway 51.
- Raintree Pond drains to an unnamed tributary to Four Mile Creek and then to McAlpine Creek, which is identified as impaired by Clean Water Act standards.
- The improvements will make the pond more efficient at enhancing the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Improvements include, but are not limited to the following:
 - Repairing and improving the spillway

- Installing a new bottom drain assembly and outlet structure to enhance the water quality benefits of the pond
- Construction is expected to be complete third quarter 2012.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.93%

Blythe Development Company committed 5.93% (\$13,110.45) of the total contract amount to the following SBEs: Martin Resources, LLC (hauling) and Carolina Wetland Services, Inc. (landscaping).

Funding

Storm Water Capital Investment Plan

26. Storm Water Maintenance Contract FY2012-A and FY2012-B

- Action:**
- A. Award the following low bid contracts for storm water maintenance construction activities:**
- **Bullseye Construction, Inc. in the amount of \$1,108,545 for Storm Water Maintenance Contract FY2012-A,**
 - **Blythe Development Company in the amount of \$1,213,995 for Storm Water Maintenance Contract FY2012-B, and**
- B. Authorize the City Manager to approve up to three renewals for each in an amount not to exceed the original contract amounts.**

Staff Resource: William Pruitt, Engineering & Property Management

Explanation

- The construction contracts, FY2012-A and FY2012-B, are part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
- Each request is investigated and prioritized based on the severity of potential public/private property flooding.
- The necessary repairs for each request or project are designed and a work order is prepared including an estimated list of quantities.
- A 12-month retainer contract is used to provide timely repairs. The contract amount is based on the unit prices that were bid for items that are typically used during construction of storm drainage repairs.
- Approximately 40 to 50 projects per contract may be constructed. The number may vary depending on the nature and extent of the repairs actually constructed.
- The City may renew these contracts up to three times. The renewals are an incentive to the contractor for good performance, productivity and quality work.

Small Business OpportunityBullseye Construction, Inc. (FY2012-A)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

Bullseye Construction Inc. committed 7.00% (\$77,600) of the total contract amount to the following SBEs: D's Trucking Service (hauling) and On Time Construction (concrete work).

Blythe Development Company (FY2012-B)

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

Blythe Development Co. committed 7.00% (\$85,000) of the total contract amount to the following SBE: RC Hauling (hauling services).

Funding

Storm Water Capital Investment Plan

27. FY2012 Sanitary Sewer Cleaning and Closed Circuit TV Inspection

Action: A. Approve the low bid of \$320,092.50 by Prism Contractors & Engineers, Inc. for the FY12 Sanitary Sewer Cleaning and Closed Circuit TV (CCTV) Inspection Project, and

B. Authorize the City Manager to renew the contract for three additional terms, with possible price adjustments based on the Construction Cost Index, as stated in the agreement.

Staff Resource: Barry Gullet, Utilities

Explanation

- This project includes cleaning and video inspecting of approximately 180,000 feet of various diameter sanitary sewer lines throughout Mecklenburg County.
- Periodic cleaning and CCTV services are required to maintain the operational integrity of the sewer system by removing debris from the sewer lines and also by identifying sewer system defects for future repair and rehabilitation.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 34.55%

Prism Contractors & Engineers, Inc. exceeded the SBE established goal and committed 34.55% (\$110,600) of the total contract amount to the following SBE firm: Jaamco Drain Cleaning & Video Inspection, Inc. (sewer line cleaning).

Funding

Utilities Capital Investment Plan

28. Chrysler, Dodge, Jeep Original Equipment Manufacturer Repair Parts

Action: A. Award the low bid unit price contract to Lake Norman Chrysler, Jeep Dodge for the purchase of Chrysler, Dodge, Jeep Original Equipment Manufacturer (OEM) Repair Parts for the term of three years, and

B. Authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2012 expenditures are an estimated annual amount of \$75,000.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- This contract will provide Business Support Services/Equipment Management Division (BSS/EMD) with miscellaneous repair/replacement OEM parts for Chrysler, Dodge, and Jeep to include Warranty and Non-Warranty service/diagnostics.
- Replacement parts will include, but are not limited to, emissions and exhaust components, engine components, body replacement parts, chassis and wheel components, electrical and lighting components and transmission services.
- This contract will provide necessary parts for a total of 126 units of Chrysler/Dodge/Jeep vehicles.
- BSS/EMD will purchase parts/services on a unit cost basis as needed.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

29. Poindexter Crossing Agreement

Action: Authorize the City Manager to negotiate and execute a cost-share Agreement with the property owner(s) adjacent to the Poindexter Extension regarding the design and construction of the Poindexter At-Grade Crossing, with the City funding 2/3 of the design and construction costs of the Crossing, up to a maximum of \$800,000 through the South Corridor Infrastructure Program (SCIP) Fund.

Staff Resources: Peter Zeiler, Neighborhood & Business Services
Jim Keenan, Engineering & Property Management
Tina Votaw, Transit

Policy

2008 New Bern Station Area Plan

Previous Council Action

- The Council-adopted Station Area Plan calls for a new at-grade crossing of the LYNX light rail line at Poindexter, connecting South Boulevard to Youngblood Street.
- Council approved an action identical to this in February 2008 with different parties, Colonial Properties and Citiline Resortline, which owned the adjacent properties at the time.
- This Council action is necessary because of a change in the parties to the cost share agreement. Woodfield Investments is acquiring the site previously owned by Citiline and Colonial Properties no longer needs to be a party to the agreement. The scope of the crossing project itself has not changed from the previous Council action.

Explanation

- The roadway work on both sides of the rail right-of-way has been completed. The only missing element is the at-grade crossing itself.
- Woodfield intends to construct 280 apartments west of the rail corridor and is dependent on the completion of the at-grade crossing for access to its site from South Boulevard. Colonial Properties still intends to construct approximately 300 apartments on the site it owns to the east of the light rail corridor but with the completion of the roadway work, Colonial has the vehicular access it needs from South Boulevard. All of these apartments will be within walking distance of the New Bern Light Rail Station.
- Staff's preliminary estimate to design and construct the crossing is \$1.2 million to \$1.3 million. This estimate will be refined during the final design process and competitive bids will be obtained to construct the crossing.
- Woodfield is willing to pay for a portion of the cost to design and construct the crossing. The City's participation will be capped at 2/3 of the final cost, up to a maximum of \$800,000, as was the case when this item was previously approved by Council in 2008.
- E&PM has been coordinating the design and construction of the crossing project with CATS, CDOT and Planning.

Funding

South Corridor Infrastructure Program Fund

30. Boulevard Homes HOPE VI Redevelopment Contracts

Action: Authorize the City Manager to negotiate and execute Housing and Infrastructure reimbursement agreements with the Charlotte Housing Authority in an amount up to \$12 million to assist with the redevelopment of the Boulevard Homes Hope VI project.

Staff Resources: Pamela Wideman, Neighborhood & Business Services
Keith Carpenter, Engineering & Property Management

Policy

- On May 9, 2011, City Council approved the City's FY2012 Consolidated Action Plan. The plan identifies the need for affordable, decent and safe housing for low and moderate income families. The plan reaffirmed the three basic goals of the City's Housing Policy:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing

- Support family self-sufficiency initiatives
- On June 8, 2009, City Council approved the Housing and Neighborhood Development Committee's recommendation to provide a Letter of Support for the Charlotte Housing Authority's Boulevard Homes Hope VI application including the following financial commitments:
 - \$5 million for the rental housing components of the application funded from voter approved 2010 Affordable Housing Bonds
 - \$7 million to support the on-site infrastructure, funded from voter approved 2010 Neighborhood Improvement Bonds

\$5 million for Housing

- The City's \$5 million commitment of voter approved 2010 affordable housing bonds will be invested in approximately 332 units serving households with an income at 60% (\$40,500) of the area median income or below. These funds will be dispensed on a project-by-project basis subject to the requirements and review of the City's Neighborhood & Business Services Department.

\$7 million for Infrastructure

- The City's \$7 million commitment of voter approved 2010 neighborhood improvement bonds will be used to support infrastructure and streetscape improvements that will help stimulate revitalization as recommended in the Boulevard Homes HOPE VI redevelopment plan. These funds will be dispensed on a project-by-project basis subject to the requirements and review of the City's Engineering and Property Management Department.

Explanation

- In the summer of 2010, The Charlotte Housing Authority (CHA) was awarded a \$20.9 million FY2009 HOPE VI Grant for the revitalization of Boulevard Homes. The Revitalization Plan is based on collaboration with neighboring institutions, with an emphasis on early childhood development.
- The onsite redevelopment creates an educational village and includes both senior residential and multi-family communities in addition to a Child Development Center, Community Center and new K-8 School.
- HUD's funding award followed an extensive two-year planning process with residents, educational institutions, City and County agencies, community groups and non-profit and civic organizations committed to changing the Boulevard Homes neighborhood and the West Boulevard corridor into a vibrant, education-centered, mixed-income community.
- CHA's HOPE VI program includes the construction or rehabilitation of 957 units of housing on and off site. The unit types include 110 units for seniors, and 222 units for families on site and 162 units for seniors and 463 units for families in various offsite locations.
- The program connects the new site with existing neighborhood institutions and a Community Supportive Services program is designed to connect residents at all stages of learning.
- The plan for Boulevard Homes also addresses the redevelopment as an integral part of the revitalization plan for the larger West Boulevard Corridor. This revitalization will anchor the reinvestment in the entire Corridor, creating a gateway from the Airport and other significant Westside investment to Uptown Charlotte.
- The onsite redevelopment plan will fulfill the requirements of two green rating programs: LEED for Homes (multifamily) and the Enterprise Green Communities criteria. The project will include new infrastructure, streets, and a new portion of the County greenway system which will connect with

the Southview Recreation Center, encouraging connectivity and outdoor recreation.

Construction Timeline

Phase I Abatement and Demo	January 2011- March 2011
Phase II Abatement and Demo	April 2011 – June 2011
Onsite Infrastructure	July 2011 – May 2012
Senior Housing Development	January 2012 – January 2013
Family Housing Development	April 2013 – June 2015

Small Business Opportunity

The Boulevard Homes Hope IV project is a significant opportunity for public investment; therefore, the projects will be subject to SBE requirements.

Funding

2010 Affordable Housing Bonds
2010 Neighborhood Improvement Bonds

Attachment 5

Senior and Family Housing Schematics
Community Amenities

31. Utility Billing Services

- Action:**
- A. Approve a contract amendment, with an initial term of three years, for utility billing services with Kubra Data Transfer LTD that includes bill processing, archival/bill viewing, electronic bill distribution and payment which is necessary to achieve Utilities' 40 Point Plan, and**
 - B. Authorize the City Manager to approve up to three additional one-year renewals. The total contract, including renewals, is up to \$5,289,124.**

Staff Resource: Susan Walker, Finance

Explanation

- In order to improve customer service, Kubra will work with the City to implement the Account Management Web Portal. The new portal will allow customers to view their utility bills on the City's website, thereby reducing the number of calls to 311, and helping achieve the objectives outlined in Utilities' 40 Point Plan (originally presented to City Council on October 4, 2010).
- The initial contract with Kubra Data Transfer LTD (Kubra) was approved in September 2005 for utility billing services including bill processing, mail insertion, bill archival, electronic access to bills, and mailing.
- In May 2006, the City completed the project to transition from processing utility bills in-house to using Kubra's billing services. Kubra currently processes over 253,000 monthly bills and 23,000 semi-annual bills. They also provide comprehensive back-up facilities for bill print services.
- Under the existing contract, Kubra has delivered a quality work product and has provided excellent customer service. As an incentive to continue the relationship, Kubra has offered to provide over \$100,000 in reduced programming costs to implement new e-billing and payment features as

described below. Kubra has also included a 5% reduction in the contract price for printing bills.

- The Kubra contract extension will allow implementation of a variety of utility e-billing and payment features including:
 - Improved bill presentment capabilities
 - Web portal single sign-on for customers
 - Bill pop-up feature that eliminates the need for employees to log on to the bill archival system
 - Secure email delivery
 - Electronic bill and automatic draft payments by the City available on:
 - Charmeck.org
 - Secure email
 - Virtual mailbox
 - Mobile (cellular) texting and mobile applications

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Utilities and Storm Water Operating Budgets

32. Address Project Management Services

Action: Approve the renewal of the contract with Optimum Holdings Inc. for an 18-month period for \$207,900 for IT project management services for the City's Address Management Program.

Staff Resources: Jeffrey Stovall, Chief Information Office
Twyla McDermott, Chief Information Office

Explanation

- The City initiated the Address Management Program (AMP) in 2009 to standardize and improve the quality of address data and to optimize business processes related to the use of address data across the key business units (KBUs). KBUs use both physical and mailing address information to deliver citizen services. Examples of the use of address data in the City include:
 - Routing vehicles for solid waste collections and other key services
 - Mailing notifications for public meetings
 - Mapping and analysis of customer 311 calls for service
- Optimum Holdings was selected in September 2010 to provide "Six Sigma" business process improvement services for the AMP. The original service contract for Optimum Holdings Inc. was approved by the City Manager for a one-year period for the amount of \$99,960.
- The contract renewal with Optimum Holdings Inc. in the amount of \$207,900 will provide project management services for implementation of technology projects and process change projects associated with the AMP for the next 18 months.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). Optimum is, however, a certified SBE with the City.

Funding

Technology Capital Account

33. Ultra Low-Sulfur Diesel and Unleaded Gasoline

- Action:**
- A. Approve the purchase of ultra low sulfur diesel and unleaded gasoline without competitive bidding, as authorized by the State contract exception of G.S. 143-129(e)(9), and**
 - B. Award a unit price contract to provide ultra low sulfur diesel and unleaded gasoline for a term of one year to Mansfield Oil per State contract #405 in the estimated annual amount of \$400,000.**

Staff Resource: Barry Gullet, Utilities**State Contract Exception**

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

Background

- Utilities participates in the Powershare Program with Duke Energy. Under the Powershare Program, water and wastewater treatment facilities receive credits to their account for time the generators are in use instead of electricity.
- During the summer, Duke frequently requested that Utilities use generators to power the water and wastewater treatment facilities due to the high residential electricity demand and unpredicted power outages due to summer storms.

Explanation

- The State's contracts for fuel products are awarded by region/county to ensure better pricing and availability. Mansfield Oil has the current State contract for unleaded gasoline and diesel fuel for Mecklenburg County.
- Mansfield Oil's unleaded gasoline complies with the low vapor pressure program, which is regulated by the Environmental Protection Agency in Mecklenburg County during the summer months, to reduce emissions.
- Because of Utilities' proximity to the railways, Mansfield Oil has agreed to provide Utilities with a lower price per gallon than the State's contract price.
- The per gallon price on the State contract with Mansfield Oil is based on the Oil Price Information Service, which is consistent with the Citywide gasoline contract with Fuelman.
- These fuels will be used by various Utilities divisions for electric generators, forklifts, off-road equipment, etc. and will be purchased in bulk quantities.
- Business Support (BSS), along with the Fleet Management Advisory team and stakeholders from various City KBUs, have solicited for a new Citywide agreement for fuel. BSS anticipates seeking Council approval for the new agreement in late 2011. Utilities will transition to the new contract at the time it becomes effective.

Small Business Opportunity

Contracts entered into under a State contract are exempt contracts (Appendix Section 23.2 of the SBO Policy).

Funding

Utilities Operating Budget

34. Discovery Place Renovations Amendment # 2

Action: Approve amendment #2 in the amount of \$238,000 to Rodgers Builders, Inc. for the Discovery Place Renovation Project.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- This amendment provides additional interior lighting that was value engineered from the original scope of work due to the uncertainty of the bids. The bids came in under budget and the original scope of work is now complete.
- Discovery Place and the Engineering Department recommended adding the interior lighting back into the renovation project.
- On September 22, 2008, City Council awarded a contract with Rodgers Builders, Inc. in the amount of \$13,800,554 for construction services for Discovery Place renovations.
- On September 28, 2009, City Council approved Amendment #1 to Rodgers Builders, Inc.'s original contract, establishing the Guaranteed Maximum Price of \$12,555,975. The reduced contract amount was transferred to Discovery Place's contract to cover exhibit infrastructure and the project budget to cover other project related costs. Rodgers Builders' total contract amount to date including amendment #2 will be \$12,793,975 and is included in the \$31.6 million project budget.
- The \$31.6 million was part of the Cultural Facilities Funding approved by City Council in 2006.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current prime contractor and their existing subcontractor(s). This change order complies with Part D: Section 6 of the SBO Program.

Funding

Government Facilities Capital Investment Plan

35. NC 29/49 Phase II Interchange Improvements

Action: Approve change order #1 in the amount of \$519,442.81, to Blythe Construction, Inc.

Staff Resources: Sonji Mosley, Engineering & Property Management
Bryan Tarlton, Engineering & Property Management

Explanation

- This change order will fund additional items added to the scope of the project.
- The additional work includes:
 - Concrete barrier wall required by NCDOT for the closure of the I-85 connector ramp
 - Necessary maintenance of traffic for a detour to a U-haul facility from NC 49 westbound to NC 29 northbound
 - Emergency access road requested by the Fire Department for access to Orchard Trace Condominiums, nearby apartments and adjacent neighborhoods
- In addition, the change order covers expenses due to unsuitable soils and materials. Unsuitable materials must be excavated and replaced with better material to ensure a stable roadway structure.
- Council awarded the \$14,983,503.15 contract in April 2010.
- The total contract amount, including this change order, is \$15,502,945.96.
- Funds are available in the project account to cover this work.
- The project is currently ahead of schedule and expected to be completed by October 31, 2011.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy). Blythe Construction, Inc. committed 9.94% (\$51,619) of this change order to the following SBE firms: Hazel Homes Trucking Inc. (Hauling), All Points Trucking, Inc. (Hauling & Asphalt) and Bullington Construction (Guardrail).

Funding

Transportation Capital Investment Plan

36. Contract Price Adjustment for Resurfacing

- Action:**
- A. Approve a contract price adjustment in the amount of \$630,000 to Blythe Construction, Inc. for Resurfacing FY2011–A,
 - B. Approve a contract price adjustment in the amount of \$630,000 to Ferebee Corporation, Inc. for Resurfacing FY2011–B, and
 - C. Adopt a budget ordinance appropriating \$700,000 from Powell Bill fund balance to Powell Bill operating budget. The remaining \$560,000 is available in Powell Bill operating budget for a total of \$1,260,000.

Staff Resources: Layton Lamb, Transportation
 Bryan Tarlton, Engineering & Property Management

Explanation

- In accordance with the resurfacing contracts, E&PM makes payment adjustments to contractors when the average terminal freight on board (F.O.B.) selling price of liquid asphalt fluctuates.
- The base price index for liquid asphalt for both of these resurfacing contracts was set at \$467 per ton at the time of bidding.
- This base price index represents an average selling price of liquid asphalt at supplier's terminals on January 1, 2011, as determined by the Department of Transportation from a survey of terminals located in North Carolina and adjacent states.
- The July 1, 2011 F.O.B. price for liquid asphalt is \$607.33 per ton.
- In February 2011, Council awarded contracts A and B for \$5,142,303.80 and \$4,978,435.40, respectively. With the liquid asphalt price adjustment, the new contract amount is \$5,772,303.80 for contract A and \$5,608,435.40 for contract B.

Small Business Opportunity

All additional work involved in these change orders will be performed by the current contractors and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Powell Bill Fund Balance (Street Maintenance) and Powell Bill Operating Funds Budget (Street Maintenance)

Attachment 6

Budget Ordinance

37. Various Storm Water Repair and Maintenance Projects

- Action:**
- A. Approve a contract with Cole Jenest & Stone, P.A. in the amount of \$500,000 for engineering services, and**
 - B. Authorize the City Manager to renew the contract once for the original contract amount.**

Staff Resource: William Pruitt, Engineering & Property Management

Explanation

- The consultant will provide engineering analysis and design services for various storm water repair and maintenance projects ranging from single property repairs to area-based drainage problems.
- The firm was selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.
- Specific tasks associated with the services shall include but are not limited to:
 - Coordination with property owners
 - Site assessment activities
 - Hydrologic and hydraulic analysis
 - Determination of alternatives to address the applicable drainage issues
 - Recommendation of a preferred solution
 - Evaluation of downstream impacts
- Work assignments shall be generated in response to request for services received by City Storm Water Services from task orders issued by the project manager.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Cole Jenest & Stone, P.A. included the following SBEs as part of their supporting team, to be used as the project evolves: James Mauney & Associates, P.A. (surveying) and Armstrong Glen, P.C. (structural engineering).

Funding

Storm Water Capital Investment Plan

38. Various Stream Restoration Projects

- Action:**
- A. Approve a contract with Collins and Baker Engineering, P.A. in the amount of \$500,000 for stream restoration engineering services, and**
 - B. Authorize the City Manager to renew the contract twice for engineering services up to \$500,000 each renewal.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Background

- Stream restoration is the process of converting a degraded, eroded stream corridor to a stable condition.
- The Clean Water Act requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- In 2004, the City established a Stream and Wetland Mitigation Bank (The Bank) to hold mitigation credits that can be used by City and County public projects.
- The Bank allows mitigation dollars to remain local rather than be paid to a statewide fund, so the benefits of restoration projects are realized in Charlotte's watersheds.
- Mitigation credits are currently sold by The Bank to various local agencies that allow the Storm Water Program to recoup the majority of the cost associated with restoring streams.
- Storm Water Services begins feasibility analysis on new stream restoration projects that are the highest ranking projects in the program backlog each year. These projects will generate credits for The Bank.
- The feasibility analysis, preliminary and final engineering for the projects is performed by consulting firms that are selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task order basis.
- When consultants perform feasibility analysis well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to the firm.

Explanation

- Initial work under the contract will be used to complete the design phase of the Coulwood Branch Stream Restoration Project.
- The Coulwood Branch Stream Restoration project is roughly bounded by Valleydale Road to the east, Mount Holly Road to the south, Tom Sadler to the west and Gum Branch Creek to the north.
- The project area covers approximately 500 acres and includes single family residential land uses. The project will restore 4,400 linear feet of stream.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Collins & Baker

Engineering, PA, included the following SBEs as part of their supporting team to be utilized as the project evolves: Carolina Wetland Services, Inc. (environmental); On Target Utility Locate Services, Inc. (utility location); and The Survey Company, Inc. (surveying). Collins & Baker Engineering, PA is also a certified SBE.

Funding

Storm Water Capital Investment Plan

39. Airport Advertising Agreement

- Action:**
- A. Approve a one year advertising agreement for \$293,472 with Outdoor Media Alliance (OMA), and**
 - B. Authorize the City Manager to approve two, one-year extensions, with possible price adjustments as stipulated in the contract.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport operates the advertising program in the Terminal building through a partnership with the Charlotte Regional Visitors Authority.
- Advertising sales in FY2011 were \$1,800,000
- This contract includes:
 - Two banners
 - Four escalator dioramas
 - Eight terminal dioramas
 - One wall mural
 - 11 baggage belt ads
- Outdoor Media Alliance (OMA) represents Siemens, who is the advertising client.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Aviation Operating Budget

40. Airport Revenue Bonds

Action: Adopt a resolution setting a public hearing for September 12, 2011 regarding the issuance of up to \$175,000,000 in Airport Revenue Bonds for Airport Capital Investment Projects.

Staff Resources: Greg Gaskins, Finance
Jerry Orr, Airport

Explanation

- This action is the first of three to approve the issuance of up to \$175,000,000 in Airport Revenue Bonds for airfield improvements, terminal improvements and parking.
- The projects are a portion of a \$240,000,000 Airport financing scheduled to close in early November.
- The resolution sets a public hearing for September 12, 2011 at which time Council will also be asked to approve the initial resolution for the bonds.

Funding

Airport Debt Service Fund

Attachment 7

Resolution

41. Blue Line Extension Systems Plans Review Contract Amendment

Action: .Authorize the City Manager to amend the existing contract with LTK Engineering Services for a 65% Milestone Systems Plans Review for the Blue Line Extension (BLE), raising the total contract not to exceed amount to \$160,000.

Staff Resources: Carolyn Flowers, Transit
Danny Rogers, Transit

Explanation

- The original contract was approved under City Manager authority in May 2010, at a not to exceed amount of \$53,508.
- The request for qualifications was advertised in April 2010. Two firms responded with proposals.
- A selection committee consisting of transit staff, reviewed the proposals and approved LTK Engineering Services as qualified to perform the work. The criteria for selection included:
 - The consultant team’s experience in providing services for similar light rail projects
 - The team’s responsiveness to and understanding of subject matter defined in the scope of work
 - The team’s experience and proven knowledge in performing systems plans reviews
- The agreement requires LTK Engineering Services to conduct a peer review of LYNX Blue Line 30% milestone systems plans, which were provided by the project’s architectural engineering consultant team, STV/Ralph Whitehead Associates.
- The systems plans review includes:

- Traction Power
- Overhead Catenary
- Signals
- Communication and Corrosion Control
- The purpose of the review is to check plans for accuracy and consistency with the design criteria, and to ensure that the design meets capacity requirements.
- The same work, in greater detail, is now needed for the 65% milestone systems plans.
- City staff does not have the expertise to review the work provided by STV/Ralph Whitehead Associates.

Disadvantaged Business Enterprise Opportunity

No DBE goal was set for this amendment because no subcontracting opportunities are available.

Funding

Northeast Corridor Fund

42. NCDOT Municipal Agreement Appropriation

Action: Adopt a budget ordinance appropriating \$500,000 in Federal and State funding for Phase 3 of the Charlotte Region Fast Lanes Study.

Staff Resource: Timothy Gibbs, Transportation

Explanation

- A Municipal Agreement for Phase 3 of the Charlotte Region Managed Lanes Study was approved by City Council in May 2011, to allow the City to be reimbursed up to \$500,000 for managing the project.
- A budget ordinance is needed to appropriate the funds.

Background

- In November 2009, the City submitted a grant application for \$400,000 from the Value Pricing Program administered by the Federal Highway Administration (FHWA). The total project cost of \$500,000 included a non-federal match of 20% (\$100,000).
- In August 2010, FHWA notified the City that the funding request for \$400,000 was approved.
- In January 2011, the \$100,000 non-federal match was appropriated by NCDOT.

Funding

FHWA and NCDOT

Attachment 8

Budget Ordinance

43. Oil Analysis Supplies and Services

- Action:**
- A. Approve the purchase of Oil Analysis Supplies and parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with On-Site Analysis for the purchase of supplies and services in the estimated annual amount of \$50,000 for the term of five years.**

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

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

Explanation

- On May 24, 2010, City Council approved the purchase of four On Site Oil Analysis machines under the sole source exemption. Business Support Services/Equipment Management Division (BSS/EMD) uses this equipment to analyze vehicle oils (engine, transmission, and hydraulic) to extend the oil change intervals.
- The supplies, parts, services, and annual software licensing for these machines are proprietary and exclusive to the manufacturer.
- In FY2011 oil analysis reduced the number of filters and the number of quarts of oil purchased and used. BSS/EMD used 5,724 less filters and 53,054 less quarts of oil as a result of oil analysis. This savings totaled \$286,386.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

44. Cellular Services

- Action:**
- A. Approve the purchase of Cellular Services, as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3),**
 - B. Approve Agreements with the following three vendors for the provision of Cellular Services in the estimated annual amount of \$2,000,000:**
 - **AT&T Mobility**
 - **Sprint/Nextel**
 - **Verizon Wireless, and**
 - C. Authorize the City Manager to extend the agreements for additional terms as allowed by the cooperative purchasing contracts with possible price adjustments at the time of annual renewal as authorized by the agreements.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- On March 4, 2010, the City Manager issued a memorandum which designated Business Support Services (BSS) as the responsible entity for administration of wireless telephone and data devices services.
- On June 14, 2010, City Council Approved Agreements with each of the three cellular vendors for the provision of cellular services in the aggregate annual amount of \$1,335,000. This did not include Police wireless and data services because of an existing contract.
- As part of the Corporate IT Consolidation Project, the administration of Police wireless and data services moved to BSS and will be consolidated into this new contract.
- After the initial year of cellular services, BSS anticipates the Corporate Pooled Minute Accounts will increase in volume, especially for wireless data services. BSS estimates the aggregate expenditures for these services in FY2012 to increase to \$2,000,000.
- This increased amount is based upon:
 - The actual consolidated cellular costs incurred during FY2011
 - The transition of the wireless accounts for air cards and modems used in support of the mobile data computers in public safety vehicles from separate accounts to the consolidated accounts
 - The estimated increase in wireless telephone and data devices and services by the various Key Business Units in FY2012
- In addition, a newly awarded State of North Carolina Contract has provided additional opportunities for cost savings with Verizon Wireless Cellular Services, as detailed below.

Cooperative Purchasing Exception

- North Carolina General Statutes authorize the exception to competitive bidding for competitive group purchasing.
- AT&T Mobility and Sprint/Nextel have national cooperative purchasing contracts through the Western States Contracting Alliance (WSCA) that guarantees their lowest prices.
- The WSCA contracts were competitively bid by the State of Nevada and awarded by the Nevada State Board of Examiners on October 9, 2006. The contract term has been extended through October 31, 2012.

- The WSCA Agreements allow for interested agencies to submit Participating Addendums to receive cellular services at the negotiated rates.
- Verizon Wireless has the following agreements in place to guarantee lowest prices:
 - Federal GSA Contract (GS-35F-0119P), which was awarded on December 03, 2003, with an extension through December 2, 2013. The GSA agreement allows for interested agencies to submit federal supply schedule purchase orders to receive cellular services at the negotiated rates.
 - State of North Carolina Contract (915), which was awarded on June 1, 2011, and is effective through May 31, 2012. The state of North Carolina agreement allows for interested agencies to submit purchase orders to receive cellular services at the negotiated rates.
- The GSA Agreement allows for interested agencies to submit federal supply schedule purchase orders to receive cellular services at the negotiated rates.
- The State of North Carolina agreement allows for interested agencies to submit purchase orders to receive cellular services at the negotiated rates.
- Both contracts are typically extended under the same terms and conditions. At the time of renewal or extension, in the event the terms change and are not deemed favorable to the City, the City would negotiate a new set of terms.

Small Business Opportunity

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

Funding

Key Business Units Operating Budgets

45. Union County Radio Service Interlocal Amendment

- Action:**
- A. Adopt a resolution amending the Interlocal Agreement with Union County for Public Safety Radio System Interoperability and Infrastructure Services, and**
 - B. Adopt a budget ordinance in the amount of \$711,157, appropriating additional program revenue.**

Staff Resource: Charles Robinson, Business Support Services

Background

- The City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte in December of 2003. The Interlocal Agreement anticipated the regionalization of the radio system.
- The City is the lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative 11 County region. As the lead agency, the City has completed establishing the infrastructure necessary for regional voice communications interoperability with the support of several grants. As highlighted in previous Council-Manager Memorandums, the City has received Agency Applications from

Union County and all of its municipalities, as well as from the cities of Gastonia, Belmont, and Mt Holly. Union County entered into an agreement to join the regional public safety radio network infrastructure in 2008.

Explanation

- The amendment to the radio services agreement includes additional radio maintenance services.
- All service provided by the City within the terms of the Amendment will be fully funded by Union County, including the funding of 2.25 full-time equivalents (FTEs). Two FTEs will be added upon execution of the agreement and the 0.25 FTE will be addressed upon execution of pending external agreements.
 - One FTE will provide network support for all of Union County's network equipment.
 - One FTE will provide subscriber equipment support for all radios.
 - The 0.25 FTE will represent Union County's portion of a Network Asset Manager position to manage all assets using the consolidated radio system.
- Projected revenue, including an increase of \$88,336 for full-time on-site technician support, is expected to total \$711,157.
- Union County approved the Amendment on June 20, 2011. The Mecklenburg County Board of County Commissioners is scheduled to consider the amendment on September 20, 2011.

Attachment 9

Resolution
Budget Ordinance

46. Business Investment Grant Amendment for SPX Corporation

Action: Approve an amendment to the City's share of a Business Investment Grant to SPX from a total estimated amount of \$1,708,331 over five years to \$2,031,621 (amended total City/County grant estimated at \$5,827,691).

Staff Resource: Peter Zeiler, Neighborhood & Business Services

Policy

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

Explanation

- On January 24, 2011, City Council approved a Business Investment Grant to SPX for an estimated amount of \$1,708,331. The total City/County grant was estimated at \$4,832,572.
- SPX currently employs 255 people at its corporate headquarters in Ballantyne, and expects to add 180 new jobs within the next five years.
- On November 15, 2010, the company announced it will construct a new 230,000 square foot office building in Ballantyne after initially considering sites in Lancaster County, SC.
- On November 15, 2010, the State awarded a \$350,000 One North Carolina Grant to SPX as part of the company's expansion.

- In setting the cap amount for Business Investment Grants, a straightline depreciation schedule is assumed for all taxable personal property.
- During the course of executing the agreements approved by both City Council and the County Board of Commissioners, it came to staff's attention that aircraft tax valuations do not follow a standard straightline depreciation schedule. The County Assessor's policy is to assess aircraft at accepted industry resale valuations.
- The year-to-year valuations of the aircraft owned by SPX have fluctuated, some years increasing by as much as 20%, other years dropping by as much as 30%. In order to more accurately estimate a cap, staff recommends leaving the values of the aircraft at a constant \$68,000,000.
- If the value of the aircraft rises above \$68,000,000, the City is protected by the new Grant cap amount from making larger grant payments.
- If the aircraft fall in value, the City will not be liable for any payments above what is available to SPX as the grant is based on actual taxes paid.
- If approved, the following amended schedule is an estimate of the Investment Grant payments to SPX. This estimate is the City and County share of the grant and represents 50% of net new property taxes on the office building and 90% of the net new taxes on the aircraft paid by the company over the five-year term:

Year	City	County	Totals
1	\$410,650	\$767,024	\$1,177,674
2	\$408,148	\$762,685	\$1,170,833
3	\$406,048	\$758,780	\$1,164,828
4	\$404,200	\$755,309	\$1,159,509
5	\$402,575	\$752,272	\$1,154,847
Total	\$2,031,621	\$3,796,070	\$5,827,691

- The project is estimated to have an annual direct economic impact of \$30 million on the local economy, generating an average of \$1.4 million in annual property taxes to the City and County, and \$615,000 in direct and indirect annual taxes for the City.
- The general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- SPX was also awarded a Job Development Investment Grant from the State valued at approximately \$4.9 million, which does not require a local match.
- On December 21, 2010, the Board of County Commissioners approved the County's portion of the Business Investment Grant to SPX.

Funding

State of North Carolina: One North Carolina Fund
Business Investment Grant Account; first payment is estimated to occur in FY2013.

47. Code Enforcement Commercial and Residential Demolition Services

- Action:**
- A. Approve contracts with Environmental Holdings Group, LLC., Jones Grading and Fencing, Inc., and W.C. Black and Sons Inc., for Commercial and Residential Demolition Services for an initial term of two years in the estimated annual amount of \$350,000, and**
 - B. Authorize the City Manager to approve a one-year renewal option as authorized by the contract, and contingent upon the company's satisfactory performance.**

Staff Resource: Walter Abernethy, Neighborhood & Business Services

Explanation

- The City of Charlotte Neighborhood & Business Services Code Enforcement Division is responsible for enforcing the City of Charlotte Non-Residential Building Code, which regulates commercial building structural and safety issues, and the Housing Code which regulates minimum standards for residential and abandoned commercial structures.
- Homes and commercial properties are ordered demolished if violations of these codes are not corrected.
- In the past, Procurement Services has requested quotes for demolition on each property sometimes resulting in the delay of project start dates.
- In an effort to make the solicitation process more efficient and cost effective, Procurement Services issued an RFP for these services in May 2011.

Selection Process

- In response to the Request for Proposals, the City received four proposals. One proposal was deemed non-responsive and removed from consideration; the remaining three proposals were fully evaluated.
- The Evaluation Team was comprised of staff from Business Support Services, Neighborhood & Business Services Code Enforcement and the Small Business Opportunity program. The following criteria were used to evaluate service providers:
 - Background and experience of the company, including references;
 - Operational qualifications such as equipment and personnel;
 - Willingness to comply with payment terms;
 - Cost of service provision; and
 - Ability to comply with SBO Requirements
- After thorough evaluation, the Evaluation Team unanimously decided that Environmental Holdings Group, LLC., Jones Grading and Fencing, Inc., and W.C. Black and Sons Inc. were qualified to render the required services.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Each contractor has included SBEs as part of their supporting teams to be used as projects evolve. Two of the firms are also certified SBEs with the City: Jones Grading & Fencing and W.C. Black & Sons.

Environmental Holdings Group, LLC included the following SBE: TWD Enterprises (hauling)

Jones Grading and Fencing, Inc. included the following SBEs: ABRAM Construction, Hazel Holmes Trucking, Express Logistics Services and TWD Enterprises (hauling)
W.C. Black and Sons Inc. included the following SBEs: AD Environmental (asbestos removal), Get The Lead Out (asbestos removal) and S & S Demolition (hauling)

48. Donation of Surplus Computers and Related Equipment to Goodwill

Action: Adopt a resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- City Council approved a partnership between the City and Goodwill Industries of the Southern Piedmont on April 11, 2011, for the donation of surplus electronic disposal.
- G.S. 160A-280 requires that City Council adopt a resolution approving all donations. A list of surplus computers and related electronic equipment for this donation cycle is attached for Council approval.

Attachment 10

List of computers and related equipment for donation
 Resolution

49. Public Auctions for Disposal of Equipment and Police Unclaimed Property

Action: A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and

B. Authorize said items for sale by public auctions on September 24, 2011, and October 1, 2011.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
 - On September 24, 2011 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment)
 - On October 1, 2011 at 10:00 a.m. to dispose of police unclaimed property
- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.

Background

- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company, Rogers Realty and Auction Company, Inc. will conduct each auction. Rogers Realty and Auction Company, Inc. is a woman-owned business.
- Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day, they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment: 9.50% of the total gross sale price
 - Police unclaimed property: 9.50% of the total gross sale price
 - Miscellaneous items: 9.50% of the total gross sale price

Small Business Opportunity

No SBE goal was set for this auction because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Business Support Services Operating Budget

Attachment 11

List of property to be declared as surplus
Resolution

50. 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 \$11,144.59, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$4,019.**

Staff Resource: Teresa Smith, Finance

Attachment 12

Resolution
List of property tax and business license refunds

51. In Rem Remedy

For In Rem Remedy #A-I, 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 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)

Complaint:

- B. 1001 Bannister Place (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)
- C. 729 Wabash Avenue (Neighborhood Statistical Area 113 – Westchester Neighborhood)

Field Observation:

- D. 959 N. Davidson Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood)
- E. 600 Pinoca Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- F. 1012 Pryor Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- G. 2900-1 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- H. 2900-2 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- I. 2805 Shamrock Drive (Neighborhood Statistical Area 48 – Plaza Shamrock Neighborhood)

Public Safety:

A. 2225 Dundeen Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2225 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 13

Complaint:

B. 1001 Bannister Place

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1001 Bannister Place (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood).

Attachment 14

C. 729 Wabash Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 729 Wabash Avenue (Neighborhood Statistical Area 113 – Westchester Neighborhood).

Attachment 15

Field Observation:

D. 959 N. Davidson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 959 N. Davidson Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood).

Attachment 16

E. 600 Pinoca Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 600 Pinoca Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 17

F. 1012 Pryor Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1012 Pryor Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 18

G. 2900-1 Seymour Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-1 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 19

H. 2900-2 Seymour Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-2 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 20

I. 2805 Shamrock Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2805 Shamrock Drive (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

Attachment 21

52. Exchange of Land Rights along the LYNX Light Rail Project with The Fountains at New Bern Station

- Action:**
- A. Adopt a resolution authorizing an exchange of real property rights with The Fountains at New Bern Station LLC or an affiliate thereof (Developer) involving Tax I. D. number 14702120, and**
 - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.**

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

Policy

- Guidelines for Contracting Services and Asset Management, 1994
- Administrative Policy Regarding Use of Rail Right-of-Way, 1999
- New Bern Transit Station Area Plan, 2008

Previous Council Action

- Council approved a similar land exchange on this site in May 2008 between the City and the property owner at the time, Broad Street Partners (BSP). BSP was not able to break ground before the recession. The property has since been purchased by The Fountains.

Explanation

- The Developer proposes to build a new residential development, known as The Fountains at New Bern Station, containing approximately 200 apartment units at the intersection of Foster, New Bern Street and the rail corridor.
- The site has been sitting fallow for many years and the proposed apartment development will have a positive impact on the neighborhood.
- In order to construct the units adjacent to the rail corridor, the City will need to release its charter rights upon a portion of the unused right-of-way.
- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The land exchange is recommended for the following reasons:
The City receives from Developer:
 - Fee title to approximately 0.53 acres (valued at approximately \$16,000) which will convert the City's charter right-of-way to full fee ownership
 - Permanent easements for vehicular access to CATS' adjacent facilities
 - Additional security fencing around CATS' equipment and completion of streetscape improvements including decorative fence, sidewalk, planting strip and pedestrian lights facing rail corridor totaling approximately \$50,000
 - Indemnity related to any effects from the operation of the light rail system, including but not limited to noise and vibration
 - Secondary benefit - property tax revenues for the new development will increase from approximately \$6,800/year to approximately

\$350,000/year

Developer will receive from the City:

- Release of charter rights to approximately 0.201 acres, (valued at approximately \$31,000)
- Easements as needed to construct and maintain the new improvements

Background

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

Attachment 22

Resolution

July 2011 Business Journal Article

53. Exchange of Land Rights along the LYNX Light Rail Project with JLB Southline, LLC

- Action:**
- A. Adopt a resolution authorizing an exchange of real property rights with JLB Southline, LLC or an affiliate thereof (Developer) involving Tax I. D. numbers 12104101, 12104103-108, 12104110 and 12104111, and**
 - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.**

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

Policy

- Guidelines for Contracting Services and Asset Management, 1994
- Administrative Policy Regarding Use of Rail Right of Way, 1999
- New Bern Transit Station Area Plan, 2008

Explanation

- The Developer proposes to build a new residential development known as Southline Apartments, containing approximately 280 apartment units bounded by Remount Road, Dunavant, Hawkins and the rail corridor.
- The site has been sitting fallow for many years and the proposed apartment development will have a positive impact on the neighborhood.
- In order to construct the units adjacent to the rail corridor, the City will need to release its charter rights upon a portion of the unused right-of-way.

- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The land exchange is recommended for the following reasons:
 - The City receives from Developer:
 - Fee title to approximately 1.3 acres (valued at approximately \$48,134) which will convert the City's charter right-of-way to full fee ownership
 - New pedestrian/bicycle connection (approximately \$8,600) between Dunavant and the City's trail for public use across Developer's property. Developer will maintain this connection as well.
 - Completion of streetscape improvements including decorative fence, upgrade of City trail to concrete, planting strip, irrigation and pedestrian lights facing rail corridor totaling approximately \$400,000
 - Indemnity related to any effects from the operation of the light rail system, including but not limited to noise and vibration
 - Secondary benefit - property tax revenues for the new development will increase from approximately \$81,500/year to approximately \$338,000/year
 - Developer will receive from the City:
 - Release of charter rights to approximately 0.89 acres, (valued at approximately \$164,766)
 - Easements as needed to construct and maintain the new improvements and release of old rail spur track easements, as needed to clear title

Background

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

Attachment 23

Resolution

54. Eastland Transit Center Property Acquisition

- Action:**
- A. Approve acquisition of the Eastland Transit Center site and related easements for \$771,150, and**
 - B. Authorize the City Manager to execute a Purchase & Sale Agreement, Easement Agreements and related documents.**

Staff Resources: Carolyn Flowers, Transit
John Joye, City Attorney's Office

Policy

Countywide Transit Services Plan, Transportation Action Plan/Transportation Focus Area: Prioritize, design, construct and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices and meet land use objectives.

Project History

- The Countywide Transit Services Plan called for locating a Community Transit Center in the Eastland area, and a site totaling approximately 1.4 acres was secured through a Lease Agreement in 2005.
- The Transit Center opened in October 2006 at 5471 Central Avenue.
- The Center serves routes 9 and 40X that travel through the Northeast section of the City. Route 9 has some of the highest transit system ridership.

Explanation

- Rather than continue to lease the site indefinitely, the City now has the opportunity to purchase the site.
- Staff commissioned an appraisal of the Transit Center property. The fair market value estimated by the City's appraiser is \$771,150 which includes land and the value of improvements after depreciation.
- The property owner, 5471 Central Avenue, LLC (dba Boxer Properties), has agreed to sell for the amount of the City's appraisal.
- Additional easement rights will be obtained to secure pedestrian and vehicular access to the site.
- Acquisition of the site eliminates an annual lease expense of \$55,000.
- The payback period on purchasing versus leasing is approximately 14 years.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding, this is an exempt contract.

Funding

Transit Capital Fund

Attachment 24

Map

55. Real Estate Appraiser Services

Action: A. Approve contracts for real estate appraiser services with the following firms:

- John Bosworth & Associates, \$170,000,
- Bryant & Rutledge, LLC, \$235,000
- Fortenberry Lambert, Inc., \$260,000
- T.B. Harris, Jr. & Associates, Inc., \$290,000
- The Hopkins-McElhannon Group, Inc., \$185,000
- James M. Owens, \$145,000
- Integra Realty Resources-Charlotte, LLC, \$250,000
- Ray E. Crawford & Company, Inc., \$170,000
- The Hanes Group, Inc., \$145,000, and

B. Authorize the City Manager to approve amendments and/or renewals to the above contracts for a cumulative total amount up to \$1,850,000.

Staff Resource: Mark Boone, Engineering & Property Management

Explanation

- Real estate appraisal services are required during the real estate acquisition phase of public projects to establish the impact of a project on the value of real property.
- Certified independent real estate appraisers with specialized expertise in estimating the real estate market value for eminent domain appraisals and establishing fair and just compensation for property owners are required.
- The cost of the appraisal services are budgeted as part of Capital Investment Plan projects.
- Projects are assigned to the real estate appraisers on a work order basis using pre-established unit rates for services as needed.
- The real estate appraisers were chosen in compliance with North Carolina General Statutes and pursuant to the Council-approved qualifications based selection process.

Small Business Opportunity

John Bosworth & Associates

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Bryant & Rutledge, LLC

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Fortenberry Lambert, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

T. B. Harris, Jr. & Associates, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

T. B. Harris, Jr. & Associates, Inc. chose to subcontract work it would normally perform in-house and committed 20.00% (\$58,000) of the total

contract amount to the following SBE firm: Myers-Reich Company (real estate appraisal).

The Hopkins-McElhannon Group, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). The Hopkins-McElhannon Group, Inc. is an SBE.

James Owens Appraisal

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Integra Realty Resources – Charlotte

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Ray E. Crawford & Company, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

The Hanes Group, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Capital Investment Plans

PROPERTY ITEMS

56. Property Transactions

Action: Approve the following property transactions (A-J) and adopt the condemnation resolutions (K-AJ).

- 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.
- 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:** Airport Master Plan Land Acquisition
Owner(s): Junior and Janice Westmoreland
Property Address: 3608 Marshall Avenue
Property to be acquired: .17 acres
Improvements: single family residence
Purchase Price: \$32,000
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: I2 Use: single family residence
Tax Value: \$40,500
Tax Code: 115-172-08
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Junior and Janice Westmoreland
Property Address: 3619 Marshall Avenue
Property to be acquired: .28 acres
Improvements: single family residence
Purchase Price: \$71,000

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: I2 Use: single family residence

Tax Value: \$89,100

Tax Code: 115-161-12

- C. **Project:** Airport Master Plan Land Acquisition
Owner(s): Marshall D Huffman
Property Address: 3625 Marshall Avenue
Property to be acquired: .25 acres
Improvements: single family residence
Purchase Price: \$61,000
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: I2 Use: single family residence
Tax Value: \$72,800
Tax Code: 115-161-13
- D. **Project:** Commonwealth Streetscape, Parcel # 2
Owner(s): Omni Venture, LLC
Property Address: 1800 Commonwealth Avenue
Property to be acquired: 1,733 sq. ft. (.040 ac.) in Sidewalk and Utility Easement, plus 2,607 sq. ft. (.060 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 081-176-04
Total Parcel Tax Value: \$100,900
Purchase Price: \$61,025
- E. **Project:** Commonwealth Streetscape, Parcel # 16
Owner(s): Betty Ziegler Mims
Property Address: 2008 Commonwealth Avenue
Property to be acquired: 314 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 1,179 sq. ft. (.027 ac.) in Temporary Construction Easement
Improvements: Sign & Parking
Landscaping: None

Zoned: B-2
Use: Commercial
Tax Code: 081-176-14
Total Parcel Tax Value: \$164,200
Purchase Price: \$24,150

- F. **Project:** Community House Road, Parcel # 45
Owner(s): Harris Teeter, Inc
Property Address: Community House Road and Bryant Farms Road
Property to be acquired: 4,617 sq. ft. (.106 ac.) in Fee Simple, plus 1,964 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 1,808 sq. ft. (.042 ac.) in Sidewalk and Utility Easement, plus 11,345 sq. ft. (.260 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Commercial
Tax Code: 223-201-22
Total Parcel Tax Value: \$4,188,000
Purchase Price: \$166,458
- G. **Project:** Freedom Drive Widening, Parcel # 446
Owner(s): Christ Resurrection Church, Inc.
Property Address: 4527 Freedom Drive
Property to be acquired: 20,639 sq. ft. (.474 ac.) in Fee Simple, plus 6,742 sq. ft. (.155 ac.) in Existing Right-of-Way, plus 5,464 sq. ft. (.125 ac.) in Sidewalk and Utility Easement, plus 37 sq. ft. (.001 ac.) in Utility Easement, plus 29,179 sq. ft. (.670 ac.) in Slope Easement, plus 10,976 sq. ft. (.252 ac.) in Temporary Construction Easement
Improvements: Parking Lots
Landscaping: Trees & Shrubs
Zoned: R-4
Use: Church
Tax Code: 059-061-04
Total Parcel Tax Value: \$774,200 (Exempt Status)
Purchase Price: \$503,300
- H. **Project:** McAlpine Stream Restoration, Parcel # 35
Owner(s): Village of Bishops Ridge IV Homeowners Association, Inc.
Property Address: 5737 Chalyce Lane
Property to be acquired: 181,387 sq. ft. (4.164 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-PUD
Use: Single Family Residential - Common
Tax Code: 213-363-61
Total Parcel Tax Value: \$0
Purchase Price: \$15,000

- I. **Project:** Thompson Road - Thompson Place Drive to Fairington Oaks Drive, Parcel # 6
Owner(s): Wayne H. Shirley and Wife, Carla Love Shirley
Property Address: 13701 Seaton Drive
Property to be acquired: 1,529 sq. ft. (.035 ac.) in permanent easement, plus 1,594 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees & Shrubs
Zoned: R
Use: Single Family Residential
Tax Code: 195-161-01
Total Parcel Tax Value: \$123,400
Purchase Price: \$11,475
- J. **Project:** Westpark/Kendly Plan, Parcel # 1
Owner(s): W. Edwin McMahn; William B. Little; Robert C. Carver; and Tyvola Associates, LP
Property Address: 5840 Westpark Drive
Property to be acquired: 28,096 sq. ft. (.645 ac.) in Fee Simple, plus 8,050 sq. ft. (.185 ac.) in Fee Simple Remnant
Improvements: A portion of a parking lot & fence
Landscaping: Trees
Zoned: I-1
Use: Office
Tax Code: 169-261-07
Total Parcel Tax Value: \$376,600
Purchase Price: \$145,075

Condemnations

- K. **Project:** City View Stream Restoration, Parcel # 2 and # 3
Owner(s): Thompson Brook Homeowners Association, Inc. And Any Other Parties Of Interest
Property Address: Dion Avenue and Fowler Springs Lane
Property to be acquired: 1,292 sq. ft. (.030 ac.) in Storm Drainage Easement, plus 159,014 sq. ft. (3.650 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-6(CD)
Use: Single Family Residential - Common
Tax Code: 165-073-86 and 165-073-66
Total Parcel Tax Value: \$0
Appraised Value: \$2,325
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- L. **Project:** City View Stream Restoration, Parcel # 7
Owner(s): Henry Holmes, Jr. and Wife, Pia Workcuff-Holmes and Any Other Parties of Interest
Property Address: 7220 Brighton Brook Drive

Property to be acquired: 2,021 sq. ft. (.046 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 165-071-51
Total Parcel Tax Value: \$110,000
Appraised Value: \$2,200
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

M. Project: City View Stream Restoration, Parcel # 14
Owner(s): Don F. Lloyd and Wife, Deborah Lloyd and Any Other Parties of Interest
Property Address: 7300 Brighton Brook Drive
Property to be acquired: 1,543 sq. ft. (.035 ac.) in Storm Drainage Easement, plus 1,220 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: Fencing
Landscaping: Trees
Zoned: R-4
Use: 100 Year Flood Plain - Lt
Tax Code: 165-071-38
Total Parcel Tax Value: \$140,500
Appraised Value: \$1,325
Property Owner's Counteroffer: None
Reason for Condemnation: Stream Restoration
 Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

N. Project: City View Stream Restoration, Parcel # 17
Owner(s): Hindu Center and Any Other Parties of Interest
Property Address: 7400 City View Drive and Dorn Circle
Property to be acquired: 54,232 sq. ft. (1.245 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 165-081-06
Total Parcel Tax Value: \$161,400
Appraised Value: \$12,575
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

- O.** **Project:** City View Stream Restoration, Parcel # 27
Owner(s): Eric Van Brooks and Wife, Julie P. Brooks and Any Other Parties of Interest
Property Address: 6919 Streamside Drive
Property to be acquired: 7,997 sq. ft. (.184 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 165-081-59
Total Parcel Tax Value: \$18,000
Appraised Value: \$8,100
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Staff has been unable to locate the property owner. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- P.** **Project:** City View Stream Restoration, Parcel # 29
Owner(s): Eric M. Dixon and Any Other Parties of Interest
Property Address: 6915 Streamside Drive
Property to be acquired: 2,715 sq. ft. (.062 ac.) in Conservation Easement, plus 819 sq. ft. (.019 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 165-081-58
Total Parcel Tax Value: \$89,100
Appraised Value: \$2,775
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Property owner has been non-responsive. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- Q.** **Project:** City View Stream Restoration, Parcel # 32
Owner(s): Robert L. Higginbotham and Wife, Peachie Higginbotham and Any Other Parties of Interest
Property Address: 7604 Campbell Creek Lane
Property to be acquired: 1,447 sq. ft. (.033 ac.) in Storm Drainage Easement, plus 1,430 sq. ft. (.033 ac.) in Conservation Easement, plus 182 sq. ft. (.004 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential

Tax Code: 165-081-55

Total Parcel Tax Value: \$103,800

Appraised Value: \$1,750

Property Owner's Counteroffer: None

Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Difficult to get property owner to respond and has now told staff to stay off his property. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

- R. Project:** City View Stream Restoration, Parcel # 40
Owner(s): Paul Thomas Morgan and Wife, Sherri W. Morgan and Any Other Parties of Interest
Property Address: 6111 And 6131 East Independence Boulevard
Property to be acquired: 6,402 sq. ft. (.147 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: B-2
Use: Commercial
Tax Code: 165-042-21
Total Parcel Tax Value: \$2,150,500
Appraised Value: \$11,025
Property Owner's Counteroffer: None
Reason For Condemnation: Stream Restoration Project to preserve, restore and enhance the physical, chemical, and biological integrity of the stream. Property owner has been non-responsive. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- S. Project:** Commonwealth Streetscape, Parcel # 1
Owner(s): 1801 Commonwealth, LLC
Property Address: 1801 Commonwealth Avenue
Property to be acquired: 19 sq. ft. in Storm Drainage Easement, plus 226 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 68 sq. ft. (.002 ac.) in Utility Easement, plus 2,707 sq. ft. (.062 ac.) in Temporary Construction Easement
Improvements: Parking Spaces
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 081-176-02
Total Parcel Tax Value: \$233,600
Appraised Value: \$57,350
Property Owner's Counteroffer: None
Reason for Condemnation: This project was identified in the Council adopted Plaza-Central Pedscape Plan. The City recently completed improvements along Central Avenue and this project will tie in to those improvements. The project purpose is to provide infrastructure improvements to a distressed business corridor area. The property owner is refusing to execute the

final agreements. In order to maintain the project schedule, condemnation is recommended.

- T. Project:** Community House Road, Parcel # 41
Owner(s): Merle T. Masters Jr, and Wife, Denise E. Masters and Any Other Parties of Interest
Property Address: 10200 Ventana Court
Property to be acquired: 1,101 sq. ft. (.025 ac.) in Fee Simple, plus 24 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 404 sq. ft. (.009 ac.) in Temporary Construction Easement
Improvements: Wall/monument
Landscaping: Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 223-192-09
Total Parcel Tax Value: \$338,700
Appraised Value: \$14,950
Property Owner's Counteroffer: None
Reason for Condemnation: The purpose of this project is to make improvements to the roadway in order to create a more "complete street" that better serves the community, including motorists, pedestrians, bicyclists, residents, transit users and commuters. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- U. Project:** FY07 Annual Sanitary Sewer Rehabilitation, Parcel # 1
Owner(s): Dennis L. Guthrie and Wife, Sherron B. Guthrie and Any Other Parties of Interest
Property Address: 3301 Sharon Road
Property to be acquired: 2,618 sq. ft. (.060 ac.) in Prescriptive Sanitary Sewer Easement, plus 1,357 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 181-133-01
Total Parcel Tax Value: \$464,100
Appraised Value: \$7,775
Property Owner's Counteroffer: \$58,000
Reason for Condemnation: To obtain easement of record for existing prescriptive easement. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- V. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 12
Owner(s): W. Randall Harris, IV and Wife, Lisa B. Harris; Mark Shane Butler and Wife, Susan H. Butler; and Marcus E. Yandle, Jr. and Wife, Kim B. Yandle And Any Other Parties Of Interest
Property Address: 5435 Milhaven Lane
Property to be acquired: 4,857 sq. ft. (.112 ac.) in Existing Right-of-Way, plus 2,123 sq. ft. (.049 ac.) in Storm Drainage Easement, plus 4,905 sq. ft. (.113 ac.) in Sidewalk and Utility

Easement, plus 26 sq. ft. (.001 ac.) in Utility Easement, plus 3,538 sq. ft. (.081 ac.) in Slope Easement, plus 2,497 sq. ft. (.057 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees

Zoned: R-4

Use: Single Family Residential - Rural Acreage

Tax Code: 041-181-22

Total Parcel Tax Value: \$140,700

Appraised Value: \$1,950

Property Owner's Counteroffer: \$6,000

Reason for Condemnation: This sidewalk will provide sidewalk on one side of Milhaven Lane from Sunset Road to Statesville Avenue. Staff and the property owner have yet to reach an agreement. In order to maintain the project schedule, condemnation is recommended.

- W. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 40
Owner(s): Charles H. Cochrane and Wife, Patricia L. Cochrane and Any Other Parties of Interest
Property Address: 5500 Milhaven Lane
Property to be acquired: 1,818 sq. ft. (.042 ac.) in Existing Right-of-Way, plus 58 sq. ft. (.001 ac.) in Utility Easement, plus 348 sq. ft. (.008 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-193-13
Total Parcel Tax Value: \$76,200
Appraised Value: \$150
Property Owner's Counteroffer: None
Reason for Condemnation: This project will provide sidewalk on one side of Milhaven Lane from Sunset Road to Statesville Avenue. Staff and the property owner have yet to reach an agreement. In order to maintain the project schedule, condemnation is recommended.
- X. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 42
Owner(s): Bascom V. Belk, Jr. and Wife, Harriet C. Belk and Any Other Parties of Interest
Property Address: Milhaven Lane
Property to be acquired: 384 sq. ft. (.009 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees
Zoned: CC
Use: Commercial
Tax Code: 041-242-03
Total Parcel Tax Value: \$1,823,700
Appraised Value: \$350
Property Owner's Counteroffer: None
Reason for Condemnation: This sidewalk will provide sidewalk on one side of Milhaven Lane from Sunset Road to Statesville Avenue. Staff and the property owner have yet to

reach an agreement. In order to maintain the project schedule, condemnation is recommended.

- Y.** **Project:** Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel # 84
Owner(s): Gregory R. Kilpatrick and Wife, Leisha Kilpatrick and Any Other Parties of Interest
Property Address: 801 Marble Street
Property to be acquired: 1,219 sq. ft. (.028 ac.) in Storm Drainage Easement, plus 353 sq. ft. (.008 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: 2 trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-082-03
Total Parcel Tax Value: \$73,200
Appraised Value: \$2,200
Property Owner's Counteroffer: None
Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Thomasboro/Hoskins NIP. After several contact attempts, the property owner did not respond. These were followed by a registered letter to which there was also no response. A condemnation letter was sent to the owner and the parcel was submitted for condemnation on July 11, 2010. On July 25, 2011 the owner finally responded, but no agreement has been reached. Agent will continue to try and settle this parcel.
- Z.** **Project:** Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel # 141
Owner(s): James Cecil Crump and Any Other Parties of Interest
Property Address: 4620 Willard Street
Property to be acquired: 1,792 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 654 sq. ft. (.015 ac.) in Sidewalk and Utility Easement, plus 766 sq. ft. (.018 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: 1 tree
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-081-59
Total Parcel Tax Value: \$71,500
Appraised Value: \$1,650
Property Owner's Counteroffer: None
Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Thomasboro/Hoskins NIP. Agent found that the remaining property owner is currently in a nursing home. The nursing home is trying to help with contacting family but to date has been unsuccessful, and due to privacy issues can't give the agent the contact information. As a result this parcel is being submitted for condemnation.

- AA. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 24
Owner(s): Kevin Brown and Michael M. Keeler and Any Other Parties of Interest
Property Address: 415 Norris Avenue
Property to be acquired: 1,294 sq. ft. (.030 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 079-076-01
Total Parcel Tax Value: \$63,600
Appraised Value: \$225
Property Owner's Counteroffer: None
Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Tryon Hills NIP. After having had initial meetings with one of the property owners the owner has stopped responding to the agent. As a result of this lack of response, this parcel is being submitted for condemnation.
- AB. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 30
Owner(s): Mabel Coaxum and Any Other Parties of Interest
Property Address: 2733 Dogwood Avenue
Property to be acquired: 655 sq. ft. (.015 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 085-044-25
Total Parcel Tax Value: \$77,000
Appraised Value: \$100
Property Owner's Counteroffer: None
Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Tryon Hills NIP. This owner lives in South Carolina. Letters have been sent including registered receipt requested. Owner has received these letters but has not responded. Recently, a phone number was found for the property owner and the agent is still trying to establish contact. However, due to the lack of response, this parcel is being submitted for condemnation.
- AC. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 97
Owner(s): Christopher Dennis and Any Other Parties of Interest
Property Address: 722 Norris Avenue
Property to be acquired: 204 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,508 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-5

Use: Single Family Residential

Tax Code: 085-043-14

Total Parcel Tax Value: \$114,100

Appraised Value: \$2,400

Property Owner's Counteroffer: None

Reason for Condemnation: This is a Neighborhood Improvement project. City staff recently has established contact with this property owner and has already had two meetings on site with the owner present. The property owner requested a few design concessions regarding the driveway and trees which were approved by the project managers. However due to remaining title issues, the owner prefers to proceed with a 'friendly condemnation' for title.

AD. Project: Tryon Hills Neighborhood Improvement Project, Parcel # 145

Owner(s): Richard Daniel Guiney, Jr. and Wife, Rita Shipes Guiney and Any Other Parties of Interest

Property Address: 613 Franklin Avenue

Property to be acquired: 567 sq. ft. (.013 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-5

Use: Single Family Residential

Tax Code: 079-097-04

Total Parcel Tax Value: \$67,200

Appraised Value: \$100

Property Owner's Counteroffer: None

Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Tryon Hills NIP. Owner has been contacted and an offer was presented to them. They asked for some time to consider the offer. For the last two months the agent has tried to re-establish contact but the owners have been unresponsive. As a result, this parcel is being submitted for condemnation

AE. Project: Tryon Hills Neighborhood Improvement Project, Parcel # 152

Owner(s): Heirs of Williams John Moore, Jr.; John Douglas Moore, Nezzie Moore Russell, Barbara Lucinda Moore and William Tony Moore and any Other Parties of Interest

Property Address: 511 Franklin Avenue

Property to be acquired: 14 sq. ft. in Sidewalk and Utility Easement, plus 735 sq. ft. (.017 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: 1 shrub

Zoned: R-5

Use: Single Family Residential

Tax Code: 079-096-02

Total Parcel Tax Value: \$70,400

Appraised Value: \$250

Property Owner's Counteroffer: None

Reason for Condemnation: To secure property right-of-way and/or easements requested for the construction of the Tryon

Hills NIP. Owner was contacted and has no problem with the sidewalk project and would sign the easement agreement. However, the title abstract shows substantial issues around ownership and taxes. As a result, this parcel is being submitted for condemnation for title.

- AF. Project:** W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel # 7
Owner(s): Betty M. Johnson; William E. Hampton; and David E. Fuller, Sr. and Wife, Margaret B. Fuller And Any Other Parties Of Interest
Property Address: 7214 The Plaza
Property to be acquired: 440 sq. ft. (.010 ac.) in Storm Drainage Easement, plus 778 sq. ft. (.018 ac.) in Sidewalk and Utility Easement, plus 3,549 sq. ft. (.081 ac.) in Temporary Construction Easement
Improvements: Exterior Light, Driveway Closure
Landscaping: Trees & Shrubs
Zoned: B-1
Use: Commercial
Tax Code: 107-081-08
Total Parcel Tax Value: \$1,719,000
Appraised Value: \$14,650
Property Owner's Counteroffer: None
Reason For Condemnation: To install features that will improve capacity for all types of transportation including motorists, bicyclist and pedestrians. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- AG. Project:** W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel # 10
Owner(s): DBNCH Circle, LLC And Any Other Parties Of Interest
Property Address: 7301 The Plaza
Property to be acquired: 261 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 952 sq. ft. (.022 ac.) in Temporary Construction Easement
Improvements: Exterior Light
Landscaping: None
Zoned: B-1
Use: Single Family Residential
Tax Code: 105-091-15
Total Parcel Tax Value: \$1,167,200
Appraised Value: \$4,075
Property Owner's Counteroffer: None
Reason For Condemnation: To install features that will improve capacity for all types of transportation including motorists, bicyclist and pedestrians. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- AH. Project:** W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel # 11

Owner(s): Betty M. Johnson; William E. Hampton; And David E. Fuller, Sr. and Wife, Margaret B. Fuller And Any Other Parties Of Interest

Property Address: 4201 East W.T. Harris Boulevard

Property to be acquired: 121 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 377 sq. ft. (.009 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: B-1

Use: Commercial

Tax Code: 107-091-05

Total Parcel Tax Value: \$783,100

Appraised Value: \$1,225

Property Owner's Counteroffer: None

Reason For Condemnation: To install features that will improve capacity for all types of transportation including motorists, bicyclist and pedestrians. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

AI. Project: W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel # 12

Owner(s): Clark Road Estate, LLC; David E. Fuller, Sr.; and Anthony A. Windell And Any Other Parties Of Interest

Property Address: 7320 The Plaza

Property to be acquired: 184 sq. ft. (.004 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: B-1(CD)

Use: Commercial

Tax Code: 107-091-10

Total Parcel Tax Value: \$3,111,800

Appraised Value: \$175

Property Owner's Counteroffer: None

Reason For Condemnation: To install features that will improve capacity for all types of transportation including motorists, bicyclist and pedestrians. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

AJ. Project: W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel # 14

Owner(s): Betty M. Johnson; William E. Hampton; and David E. Fuller, Sr. and Wife, Margaret B. Fuller And Any Other Parties Of Interest

Property Address: 4221 East W.T. Harris Boulevard

Property to be acquired: 139 sq. ft. (.003 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: B-1(CD)

Use: Commercial

Tax Code: 107-091-11

Total Parcel Tax Value: \$395,200

Appraised Value: \$225

Property Owner's Counteroffer: None

Reason for Condemnation: To install features that will improve capacity for all types of transportation including motorists, bicyclist and pedestrians. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

57. Meeting Minutes

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

- May 9, 2011
- May 16, 2011
- May 18, 2011 Budget Adjustments
- May 23, 2011
- June 1, 2011 Budget Straw Votes
- June 6, 2011