

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, January 24, 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
13	8	Watershed Restoration Grant Applications
14	9	Utilities Mechanical Upgrades and Renovations
15	10	Electric Vehicle Charging Station Equipment
16	11	Davidson Street Bus Facility Change Order #1
17	12	Parking Decks Energy Efficient Lighting Replacement
18	13	Goodwill Industries of the Southern Piedmont, Inc.
19	14	Transit Financial Consultant Contract Amendment
43	41	Scaleybark Development Agreement Amendments
47	46	Electronic Auction for Disposal of Fire Trucks

CITY COUNCIL AGENDA
Monday, January 24, 2011

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing Conference Center			
1.	Mayor and Council Consent Item Questions	1	
2.	Towing and Booting Business Ordinance	1	
3.	Lynx Blue Line Extension Update	2	
4.	Council Retreat Planning Committee Report	2	
5.	Answers to Mayor and Council Consent Item Questions	2	
6:30 P.M. Citizen's Forum			
7:00 P.M. Awards and Recognitions Meeting Chamber			
6.	Charlotte's Crown Tree Awards	3	
7.	Trille Mendenhall Retirement	3	
Consent			
8.	Consent agenda items 26 through 53 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.	3	
Zoning			
9.	Rezoning Petition 2010-068	4	1
Policy			
10.	City Manager's Report	6	
11.	Plaza-Central Pedscape Plan	6	2
12.	Transitional Setbacks on Independence Boulevard Ordinance Amendments	7	
Business			
13.	Watershed Restoration Grant Applications	8	3

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
14.	Utilities Mechanical Upgrades and Renovations	9	
15.	Electric Vehicle Charging Station Equipment	10	
16.	Davidson Street Bus Facility Change Order #1	11	
17.	Parking Decks Energy Efficient Lighting Replacement	12	
18.	Goodwill Industries of the Southern Piedmont, Inc.	13	
19.	Transit Financial Consultant Contract Amendment	14	
20.	Business Investment Grant for Red F	16	4
21.	Business Investment Grant for SPX Corporation	17	5
22.	NASCAR Hall of Fame Advisory Board	19	6
23.	Nominations to Boards and Commissions	20	7-19
24.	Appointments to Boards and Commissions	22	20
25.	Mayor and Council Topics	22	
Consent			
26.	Transit Signal Priority System	24	
27.	Runway 18C/36C Reconstruction	26	21
28.	Colonial Village Sedgefield Neighborhood Improvement Project/Park Road Drainage Improvements	27	
29.	Police Ammunition Contracts	28	
30.	Police Oracle Software Purchase	29	
31.	Police Helicopter Camera Replacement and Upgrade	30	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
32.	Utility Relocation Design Services	31	
33.	McDowell Creek Wastewater Treatment Plant Digester Gas Condensate Drain Line Installation Change Order #1	32	
34.	Arc Flash Assessments for Various Utilities Facilities	33	
35.	Patton Avenue and West Elevated Water Storage Tanks Renovations Contract Amendment #3	34	
36.	FY2010 Water and Sewer Service Installations Contract Extension #1	35	
37.	Independence Boulevard Project Municipal Agreement	35	22
38.	Aircraft De-Icing and Anti-Icing Fluid	36	23
39.	Airport Flight Information Display Maintenance Contract Extension	38	
40.	Airport Fuel Farm Facility Expansion	39	24
41.	Airport Telecommunications Antenna Site Leases	40	
42.	Heavy Truck and Equipment Parts and Services Contract Amendment	40	
43.	Scaleybark Development Agreement Amendment	41	
44.	Brownfield Assessment Services	43	
45.	Muddy Creek Watershed Restoration Change Order #1	44	
46.	Vehicle Lift Equipment	45	
47.	Electronic Auction for Disposal of Fire Trucks	46	25
48.	Code Enforcement Office Sub-Lease	47	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
49.	Resolution of Intent to Abandon an Eight-foot Alleyway off N. Brevard Street	48	26
50.	In Rem Remedy	49	27-48
51.	Refund of Property and Business Privilege License Taxes	55	49
52.	Property Transactions	56	
53.	Meeting Minutes	61	

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. Towing and Booting Business Ordinance



Committee Chair: Patrick Cannon

Resources: Eric Campbell, City Manager's Office
Mark Newbold, Police
Eddie Levins, Police

Time: 30 minutes

Synopsis

- Citizen complaints of predatory towing practices, including excessive fees were brought to City Council. On November 23, 2009, City Council referred towing and booting to the Community Safety Committee.
- The presentation will discuss the proposed amendments to the towing ordinance, which were recommended by Council's Community Safety Committee on December 14, 2010.
- The proposed ordinance covers only tows from private property, including apartment and condominium parking lots.
- City staff sought feedback from citizens, towing companies, and parking lot managers and the proposed ordinance attempts to balance their concerns.
- Major Ordinance Provisions
 - Required signage in parking lots
 - Fees for trespass tows
 - Towing practices for trespass tows

Future Action

Staff recommends a public hearing on the proposed ordinance amendments be held on February 14, 2011 and City Council consider adoption of the proposed ordinance amendments on February 28, 2011.

3. Lynx Blue Line Extension Update

Resources: Danny Rogers, CATS
John Muth, CATS

Time: 30 minutes

Synopsis

- The impact of the economic recession on revenues from the transit sales tax has required the Metropolitan Transit Commission to review CATS' capital program. The reduction in revenues will not allow the expansion envisioned in the 2030 System Plan, adopted in 2006. The MTC conducted a workshop on November 17, receiving a report from financial consultant Jeff Parker.
- With regard to the Blue Line Extension (BLE) along the North Tryon corridor, Mr. Parker's analysis focused on the conditions that would allow the project to be implemented on or before the current completion schedule of 2017. The key finding was that current federal and state policies, along with a modest recovery of the economy and sales tax revenues, would allow the BLE project to continue, if the capital cost can be reduced approximately 20% and operating costs can be reduced approximately 6.5% from the current projections.
- The MTC directed CATS staff to work with the engineering consultant to develop a plan that would reduce the overall cost of the BLE project from approximately \$1 billion to \$800 million, with completion of construction and start of service in 2016. Staff will describe the changes to the scope of the project that could reduce the capital cost to fit the financial plan drafted by Mr. Parker.
- Public meetings for the project are scheduled for January 11 and 12, 2011.

4. Council Retreat Planning Committee Report

Committee Chair: Nancy Carter

Time: 10 minutes

Synopsis

- The Council Retreat Planning Committee will describe the plan and logistics for the January 31 – February 1 Retreat.
- Committee members are Mayor Foxx and Council members Carter, Cooksey, Howard, and Mitchell.

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 RECOGNITION
MEETING CHAMBER**

6. Charlotte's Crown Tree Awards

Action: Mayor Foxx to recognize the recipients of Charlotte's Crown Tree Awards. These awards recognize outstanding contributions to the community's crowning glory-the tree canopy, which has led to Charlotte's designation as "Tree City USA" for 30 consecutive years. The 2011 awards recognize citizens who contributed to the Tree Ordinance Revision Process.

7. Trille Mendenhall Retirement

Action: Mayor Foxx to recognize Ms. Trille Mendenhall's 45 years of service to the Charlotte community as she retires from Charlotte-Mecklenburg Utilities.

CONSENT

- 8. Consent agenda items 26 through 53 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 2010-068

Action: Render a decision on proposed rezoning 2010-068 by Lightway Properties, LLC for a change from R-3, single family residential and UR-2(CD), urban residential, conditional to O-1, office and O-1 (CD) office, conditional district for approximately 6.50 acres located on the north side of Ballantyne Commons Parkway between Annalexa Lane and Providence Promenade Drive.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this rezoning was deferred by Council at the January 18, 2011 Zoning Meeting.
- Since the public hearing, one of the two protest petitions has been removed, resulting in the remaining protest petition being insufficient.
- At their January 18, 2011 meeting, the Zoning Committee found this request to be inconsistent with the Providence/I-485 Area Plan Update but reasonable and in the public interest, by a unanimous vote.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
 1. The maximum square footage has been amended to reflect the proposed 37,000 square feet.
 2. The maximum square footages for the medical office (25,000 square feet) and general office (7,000 square feet) have been specified.
 3. The required 174 parking spaces have been shown on the site plan.
 4. The note under "Development Data" has been amended to state that the maximum number of buildings may be combined for a total of three buildings.
 5. A note has been added that the O-1(CD) portion of the site will not be developed until the proposed private street is provided.
 6. The short-term bicycle parking spaces have been removed from the site plan.
 7. A note has been added that site is a planned development.
 8. The storm water detention area has been labeled as "possible" location.
 9. The notes under "Signage" have been amended to prohibit exterior signage on the rear side of buildings abutting the 75-foot buffer/restricted building area.
 10. The second sentence of Note 1 under "General Provisions" has been deleted.
 11. The notes under "Streetscape & Landscaping" have been amended to clarify the size of trees at planting, timing of installation, and address supplements to buffer.
 12. Note 2 under "Environmental Features" has been deleted.
 13. One CDOT issue has been addressed by labeling 50-foot of right-of-way from the center line on Ballantyne Commons Parkway, and relocated the internal driveway that serves the financial institution.
 14. The petitioner provided proof of previous right-of-way dedication along Ballantyne Commons Parkway to allow a CIP sidewalk project across the site's frontage.

15. Note 2 under "Permitted Uses" states that no uses other than general and medical office uses and a financial institution shall be allowed on the site.
 16. Notes were added under "Architectural Standards" that address changes to elevations, state that roof-mounted equipment will be screened, and that buildings are limited to one-story.
 17. Notes were added under "Lighting" regarding no direct illumination to an abutting parcel and to state that wall-pak lighting is not permitted.
 18. The two proposed driveways along the western side of the bank site were consolidated into one two-way driveway.
 19. The proposed sidewalk and crosswalk to the bank site have been relocated to provide a direct pedestrian connection to Ballantyne Commons Parkway.
- Staff disagrees with the recommendation of the Zoning Committee. Staff is supportive of the proposed general office and medical office component, which would serve as a transition from the existing commercial uses located further east on Ballantyne Commons Parkway to the abutting residential uses. However, the proposed financial institution with a drive-through introduces a more intense office use that is not in keeping with the surrounding residential uses and should be eliminated.

Attachment 1

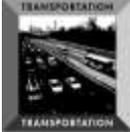
Zoning Committee Recommendation
Vicinity Map
Zoning Map
Site Plan

POLICY

10. City Manager's Report

- Small Business Web Portal Development Update

11. Plaza-Central Pedscape Plan Amendment



Action: Approve the Transportation and Planning Committee's recommendation to adopt the Plaza-Central Pedscape Plan Amendment.

Committee Chair: David Howard

Staff Resource: Michelle Jones, Planning

Explanation

- A property owner submitted a proposed amendment to the Plaza-Central Pedscape Plan in February 2010. The request proposes to amend the distance required between bars, nightclubs and lounges to residential zoning districts in the Plaza-Central Pedscape Plan from 400 feet to 225 feet.
- The Plaza-Central Pedscape Plan was adopted by City Council in 2003 and provides the policy guidance for land use and public investment decisions in the plan area. The plan area runs along Central Avenue and the boundaries are formed generally by I-277 on the West, Independence Boulevard to the South and Nandina Street to the East.
- The proposed amendment applies only to those properties located within the Plaza-Central Pedscape Plan boundary where the underlying zoning permits bars, nightclubs or lounges as a principal use. The proposed amendment does not exempt the use from having to comply with all other applicable ordinances, such as the noise ordinance.
- Planning staff has completed analysis of the amendment, working directly with interdepartmental staff, including the Charlotte-Mecklenburg Police Department, and neighborhood residents and business owners.
- Public meetings were held to receive feedback on the amendment in both July and September with approximately 10 to 15 people attending each of the meetings.
- Residents and property owners within 400-feet of the plan area boundary were notified via postcards and/or letters at least two weeks prior to the public meetings. Neighborhood leaders were also notified via phone and e-mail with notice posted on neighborhood websites.
- Based on input received at these public meetings, staff developed the attached Plaza-Central Pedscape Plan Amendment language.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comment at their October 19 meeting. One resident spoke in favor of the amendment, noting that it would benefit the neighborhood to have more nightlife permitted in the core business district and would give residents the opportunity to walk to these establishments. No one spoke in opposition of the amendment.
- The Planning Committee met on November 16 and voted unanimously to recommend that Council approve the plan amendment.

Transportation & Planning Committee

- The Transportation & Planning Committee received an overview of the plan amendment at their October 28 meeting and forwarded the plan to Council for public comment.
- Public comment was held at the November 22 City Council meeting, with three people speaking in favor of the amendment and no opposition. Discussion items included compliance with the noise ordinance and effects on the neighborhood.
- At their December 13 meeting, the Transportation & Planning Committee unanimously (Howard, Carter, Cooksey, Kinsey) recommended adoption of the Plaza-Central Pedscape Plan Amendment.

Attachment 2

Plaza-Central Pedscape Plan Amendment

Plaza-Central Pedscape Amendment Map

12. Transitional Setbacks on Independence Boulevard Ordinance Amendments



Action: Approve the Economic Development Committee recommendation to advance the public hearing for the Subdivision Ordinance text amendment 2011-013SUB and Zoning Ordinance 2011-14 from the March 21, 2011 Zoning meeting to the February 21, 2011 Zoning meeting.

Committee Chair: James Mitchell

Staff Resources: Debra Campbell, Planning
Danny Pleasant, Transportation

Explanation

- On December 16, 2010, City Council's Economic Development Committee voted unanimously (Cannon, Burgess, Dulin) to support staff filing text amendments to:
 - Remove the transitional setback on Independence Boulevard between I-277 and Albemarle Road
 - Eliminate the transitional setback between Albemarle Road and Sharon Forest Drive when North Carolina Department of Transportation certifies that the right-of-way acquisition is complete
- At the December 20, 2010 Zoning Meeting, Deputy City Manager Ron Kimble presented the proposed schedule to City Council. This proposed schedule requires that the public hearings for the text amendments be moved from March 21, 2011 to February 21, 2011.
- Staff recommends Council action on the amendments at the March 21 Zoning Meeting.

BUSINESS

13. Watershed Restoration Projects Grant Applications

- Action:**
- A. Approve two grant applications in an amount not to exceed \$937,500 from the North Carolina Clean Water Management Trust Fund (CWMTF) for construction of the McDonald Pond Rehabilitation (\$300,000) and the SouthPark restoration project in the Briar Creek watershed (\$637,500),**
 - B. Authorize the City Water Quality Manager to accept and administer the grant(s), and**
 - C. Approve a budget ordinance appropriating up to \$937,500 in grant funds to provide approximately 50% of the total estimated funding (\$1,875,000) required to construct these projects.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Policy

Pond projects are implemented according to the 2007 Council-approved Pond and Dam Rehabilitation Policy, with the goal to protect as many existing ponds as possible prior to removal by private development or structural failure.

Explanation

- Storm Water Services implements pond rehabilitation and watershed enhancement projects as part of the capital program.
- These projects are implemented in anticipation of future regulatory-required watershed restoration plans.
- These projects are similar to other watershed enhancement projects constructed as part of the stormwater capital program. Grant funds further improve the cost effectiveness of these measures.
- McDonald Pond is located in the Derita neighborhood, north of center city at Lake Drive and Elizabeth Road, and provides stormwater runoff control and treatment for approximately 98 acres of developed land.
- The SouthPark/Briar Creek watershed restoration project is located on Charlotte-Mecklenburg Schools' Myers Park Campus near the intersection of Runnymede Lane and Colony Road.
- Council will be asked to approve construction services for both projects in late 2011.
- The State's Clean Water Management Trust Fund (CWMTF) partners with local municipalities to help fund watershed restoration projects prior to them being mandated.
- Grant monies from CWMTF, if awarded, will be used to construct watershed rehabilitation/stormwater quality enhancement projects that will reduce storm water pollution, improve habitat, help facilitate a stable stream system and reduce flooding.

Budget Ordinance

- The budget ordinance appropriates \$937,500 in state grant funds to provide approximately 50% of the total estimated funding (\$1,875,000) required for construction of these projects.
- Matching funds are included in the Storm Water Services Capital Program.

Funding

Storm Water Services Capital Investment Plan and CWMTF Grants

Attachment 3

Budget Ordinance

14. Utilities Mechanical Upgrades and Renovations

Action: Award a low bid contract for \$1,931,762 to Camps Construction Company for the Charlotte-Mecklenburg Utilities Department Administrative Building mechanical upgrades and renovations.

Staff Resources: Jeff Furr, Engineering & Property Management
Barry Gullet, Utilities

Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program, which is part of the American Recovery and Reinvestment Act.
- This project was included in the City's Energy Strategy and the application to the DOE that was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed. In the following months, staff selected the consultant, designed improvements, and bid the project.
- According to the DOE grant requirements, funding must be obligated by February 4, 2011 and all projects must be completed by July 26, 2012.

Explanation

- The Charlotte-Mecklenburg Utilities Administration building located at 5100 Brookshire Boulevard is a 37,800 square foot, two-story facility that houses approximately 140 employees. The building was built in the early 1970's, and has been documented as one of the most energy inefficient buildings owned and maintained by the City. In addition to an HVAC system that has long exceeded its lifespan, the building is in need of other renovations that are included in this contract.
- This project targets much needed improvements to the HVAC systems, lighting replacement, associated code requirements, carpet replacement, tile repairs, and interior painting. Funds available from the EECBG energy grant program equal \$725,000 and will cover a portion of the overall construction costs. The remaining funding of \$1,206,762 will be provided by the Utilities Capital Investment Plan. Total cost of the project is \$1,931,762.
- This project consists of removing and replacing the entire mechanical system (except the boiler), replacing grilles, ductwork, controls, and installation of a new chiller unit.

- Interior light fixtures will be removed throughout the building and replaced with new energy efficient fixtures. Other items include installation of a new lay-in ceiling and a new fire alarm system.
- The work also includes removal of all wiring, installation of new wiring and cabling as required and replacement of the outdated public address system.
- It is estimated that energy operating costs will be reduced by 25%-35% as a result of reduced lighting loads, more efficient chillers, pumps and air handling systems. This converts into an annual energy cost savings of approximately \$20,000. Annual maintenance costs have also been estimated to be approximately \$10,000 less.
- Utilities received five bids ranging from \$1,931,762 to \$2,094,955. Camps Construction Company is located in Matthews, North Carolina.

Minority/Women/Small Business Opportunity

Established MWSBE Goal: 13%

Committed MWSBE Goal: 14.43%

Camps Construction Company committed 14.43% (\$272,727) of the total base bid amount to the following MWSBE firms: Privette Enterprises (sitework), C.A. Scism Construction Company (interior finishes), Twinstar Inc. (concrete) and E. Moore & Sons Electric (electrical).

Funding

EECBG Grant (\$725,000)

Utilities Capital Investment Plan (\$1,206,762)

15. Electric Vehicle Charging Station Equipment



Action: Award a low bid contract of \$176,390 to Lake Electric Co, Inc. for the installation of electric vehicle charging stations and related equipment.

Staff Resources: Rob Phocas, City Manager’s Office
David Smith, Engineering & Property Management

Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program.
- This project was included in the City’s Energy Strategy and the application to the DOE that was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed. Since then, staff has selected the consultant, finalized locations for charging stations, designed electrical improvements, and bid the project.
- According to the DOE grant requirements, funding must be obligated by February 4, 2011 and all projects must be completed by July 26, 2012.

Explanation

- The City is partnering with Charlotte Center City Partners (CCCP), Duke Energy, Bank of America, Wells Fargo and Mecklenburg County to prepare citizens for the arrival of electric vehicles. CCCP will be conducting a marketing campaign to educate the public about locations of charging

stations and entering locations into a nationwide charging station database.

- The City's portion of this project includes the procurement and installation of 26 electric vehicle charging stations and associated electrical infrastructure at seven sites in Mecklenburg County. The only site outside of the City is the CATS Park & Ride in Huntersville. The City worked with its partners to select these locations. The sites are:
 - CMGC Parking Deck, six charging stations in the public area of deck
 - CATS I-485 Station Park & Ride, five charging stations
 - CATS Park & Ride at Mallard Creek, five charging stations
 - CATS Gateway Park & Ride in Huntersville, four charging stations
 - North Tryon on-street parking near The Square, two charging stations
 - South Tryon on-street parking near Mint Museum, two charging stations
 - South Boulevard on-street parking near Circle at South End Apartments, two charging stations
- In addition to these grant funded charging stations, Bank of America, Duke Energy and Wells Fargo will be installing charging stations within privately owned parking decks, many of which will be available for public use. Mecklenburg County has been working with this group to streamline the permitting process.
- The City intends to purchase up to five electric vehicles, which will be available in mid-2011.
- During the grant period, the EECBG program will pay for the electricity. After the grant period, customers will be charged for the electricity.

Minority/Women/Small Business Opportunity

This contract is subject to federal Department of Energy requirements for participation. No goals were established for this contract because no subcontracting opportunities were identified.

Funding

EECBG Grant

16. Davidson Street Bus Facility Change Order #1



Action: Approve change order #1 with Clancy & Theys Construction Company in an amount not to exceed \$100,000, for the replacement of the exterior wall framing system at the Administration Building.

Staff Resources: Carolyn Flowers, Transit
Monifa Hendrickson, Engineering & Property Management

Explanation

- On April 27, 2009, City Council approved the renovation of the Davidson Street Bus Facility, as the City's primary project for transit capital investment funding under the American Recovery and Reinvestment Act (ARRA).
- On July 27, 2009, Council accepted the grant as approved by the Federal Transit Administration. The grant requires no local matching funds.
- On April 26, 2010, Council awarded a contract to Clancy & Theys Construction Company for the renovation of the Davidson Street Bus Facility's Administration Building for an amount not to exceed \$2,169,300.

- Change order #1 will provide for the complete replacement of the exterior metal wall framing system of the Davidson Street Bus Facility's Administration Building.
- The building's 30-year-old wall framing system shows severe deterioration along its entire length. Though some repair was anticipated, a complete replacement of the exterior wall framing system is necessary to support the exterior metal panel system and to protect against future deterioration. Until demolition was completed, this extent of replacement could not have been predicted.
- The additional scope will be funded through the existing Davidson Street Bus Facility ARRA grant funding.

Disadvantaged Business Opportunity

Established Project-wide DBE Goal: 11%

Committed DBE Goal: 3.87%

Clancy & Theys was found to be compliant with the federal DBE good faith requirements. The following certified DBE firms have been identified by Clancy & Theys as subcontractors scheduled to work on the project: Czechmate Lumber Corp. (lumber supplies), Traffic Control Safety Systems (fire control equipment), Vanerhall & Alexander Contractors (masonry), RJ Leeper Company (on-site supervision), Kelby Construction (site concrete), Perrin Enterprises (interior concrete), Kingdom Commercial Services (final site cleaning), and Mekki Modular (flooring).

Funding

Transit Stimulus Grant Fund

17. Parking Decks Energy Efficient Lighting Replacement



- Action:**
- A. Award a low bid contract of \$135,599 to Watson Electric Company, Inc. for the purchase and installation of energy efficient lighting fixtures at the Charlotte Mecklenburg Government Center parking deck, and**
 - B. Award a low bid contract of \$255,511 to Watson Electric Company, Inc. for the purchase and installation of energy efficient lighting fixtures at the LYNX Blue Line I-485 parking deck.**

Staff Resources: Rob Phocas, City Manager's Office
David Smith, Engineering & Property Management
Leonard Ganther, Transit

Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program, which is part of the American Recovery and Reinvestment Act
- These projects were included in the City's Energy Strategy and the application to the DOE that was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed.

- The project team has since selected the consultant, designed improvements and bid the projects.
- According to the DOE grant requirements, funding must be obligated by February 4, 2011 and all projects must be completed by July 26, 2012.

Explanation

- The Charlotte Mecklenburg Government Center (CMGC) parking deck is a five-story parking facility with access for City employees and the public.
- The I-485 parking deck located at 9508 South Boulevard is a three-story and surface lot parking facility with access for the public.
- The proposed grant projects include the following energy efficiency upgrades:
 - Replacement of existing, less efficient fixtures with high efficiency fixtures at both locations
 - In addition to the I-485 deck, fixtures at the adjacent surface lot and walkway areas will be replaced.
 - Installation of additional induction fixtures at the CMGC parking deck to upgrade lighting levels to Illuminating Engineering Society of North America standards
- Staff estimates that the City will save:
 - Approximately \$45,000 per year in energy costs
 - Approximately \$15,000 per year in maintenance costs
- Four bids were received for each project.
 - Bids for the CMGC project ranged from \$135,599 to \$218,254.
 - Bids for the I-485/S. Blvd. project ranged from \$205,912 to \$310,939.
- Watson Electric Company is located in Huntersville, North Carolina.

Minority/Women/Small Business Opportunity

These contracts are subject to federal grant requirements for outreach to small, minority, women-owned and disadvantaged firms. Over 200 notices about these opportunities were sent out to M/W/HUB and SBE vendors. The low bidder on both projects, Watson Electric Company, Inc., is a certified MWBE by the State.

Funding

EECBG Grant

18. Goodwill Industries of the Southern Piedmont, Inc.



Action: Approve a grant to Goodwill Industries of the Southern Piedmont, Inc. (Goodwill) in the amount of \$216,000 to provide Residential Energy Efficiency Improvements.

Staff Resources: Diane Adams, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Explanation

- In August 2009, the U.S. Department of Energy (DOE) allocated a \$6.78 million Energy Efficiency and Conservation Block Grant to the City.
- The City's Energy Strategy, developed with public input, community partners and staff, outlines the 17 energy strategy projects for which the City will spend its EECBG allocation. The Residential Energy Improvement partnership with Goodwill is included as one of the 17 projects.
- This grant will fund weatherization and energy improvements to homes

enrolled in the City's rehabilitation program.

- Examples of work include installation of insulation, caulking and weather stripping around windows and doors, sealing duct work, tuning, repairing and replacing HVAC systems, single door and/or window replacement, sealing building envelope and education of residents.
- Goodwill is a registered general contractor using the name "Goodwill Green Construction Services". Goodwill Green Construction Services employs a diverse employee base with wide ranging skill sets in the areas of home construction and renovation. Goodwill Green Construction Services currently offers energy efficiency services and will begin offering other residential construction services in 2011.
- The Residential Energy Improvements program will provide paid training experience for individuals in Goodwill's construction training program.
- Energy Efficiency improvements to a minimum of 36 houses will be completed under this contract.
- The City will provide referrals to Goodwill, approve the scope of work for each house, monitor all work, and approve final payment. Homes enrolled in City rehab programs, including Single Family Rehab and Lead Based Paint Hazard Reduction will be eligible for these services. All applications will be processed through the City.
- Energy savings will be evaluated by comparing one-year past energy bills to one-year future energy bills, as required by DOE.
- DOE funding must be obligated by February 4, 2011 and all projects must be completed by July 26, 2012.

Funding

General Stimulus Grant Fund

Minority/Women/Small Business Opportunity

This contract is subject to federal Department of Energy requirements for participation. No goals were established for this contract because no subcontracting opportunities were identified.

19. Transit Financial Consultant Contract Amendment

Action: Authorize the Manager to negotiate and execute a contract amendment with Jeffrey A. Parker & Associates, Inc. totaling \$650,000 for financial planning and analysis, construction delivery method analysis and support, and project presentation/legislative support for the Blue Line Extension and Red Line projects.

Staff Resources: Carolyn Flowers, Transit
Dymphna Pereira, Transit

Policy

2030 Corridor System Plan, Transportation Action Plan Goal 1-"Continue implementation of the Centers and Corridors strategy"

Explanation

- In July 2010, CATS advertised the Transit Financial Initiatives project publicly, soliciting offers from firms nationwide.
- In order to revise the 2030 Transit Corridor System Plan (2030 Plan), the project called for transit financial experts to research and analyze

innovative initiatives being used by others in the transit industry to advance transit projects, and to determine whether such initiatives can work in the Charlotte region.

- Five firms responded and Jeffrey A. Parker & Associates, Inc. (JPA Inc.) was selected as the most qualified firm.
- On September 27, 2010, City Council approved a first year contract with JPA Inc. in the amount of \$142,500.
- Council authorized the City Manager to negotiate and approve two, one-year renewals of the contract.
- The total contract amount was projected at \$445,000 over the entire potential three-year contract period.
- After JPA Inc. was selected, the Metropolitan Transit Commission (MTC) planned and scheduled a special workshop in November 2010 to review, and possibly revise, the 2030 Plan. To provide the information needed by the MTC, JPA Inc. had to complete in a matter of weeks, work that was planned to be done over the course of the entire contract period.
- This required CATS to accelerate the schedule of the consultant's work in order to provide the MTC with detailed information on the financial sustainability of the transit program for advancing the 2030 Plan, including various options for maintaining current services and advancing both the Blue Line Extension (BLE) and the Red Line projects.
- The MTC found JPA Inc.'s presentation very helpful and directed CATS Chief Executive Officer to further engage JPA Inc. to continue its work in defining the adjustments required to make the projects viable. That work includes the financial analysis and delivery method planning needed to create the affordable BLE option, as well as assisting the State funded consultant, as requested, in pursuing Red Line strategies.
- JPA, Inc.'s concepts were highly regarded by FTA and NCDOT officials who attended the MTC workshop.
- The Federal Transit Administration (FTA) requested CATS present the JPA Inc. recommendations to the FTA Regional staff at its meeting held in Atlanta on December 3, 2010. Federal officials expressed appreciation of the recommendations which would keep the Blue Line Extension project advancing in the Federal process.
- The North Carolina Department of Transportation (NCDOT) has requested a similar presentation to the N.C. Board of Transportation in early 2011.
- The insights and recommendations of JPA Inc. have assisted the MTC in defining the areas which need to be amended to adapt to current economic realities.
- The amount of services needed from JPA Inc. is now significantly greater than originally projected as the MTC has accepted JPA Inc's initial recommendations and now seeks greater detail for the projects.
- Funding for this contract will be provided by the BLE and Red Line project budgets.
- With this amendment, the new contract totals \$792,000.

Disadvantaged Business Opportunity

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

Funding

Transit Capital Fund

20. Business Investment Grant for Red F

- Actions:**
- A. Approve contracts with the NC Department of Commerce (NCDOC) and Red F for a \$60,000 One North Carolina Grant from the State to Red F,**
 - B. Adopt a budget ordinance appropriating \$60,000 from a One North Carolina Grant to Red F, and**
 - C. Approve the City's share of a Business Investment Grant to Red F for a total estimated amount of \$36,123 over three years (Total City/County grant estimated at \$102,186).**

Staff Resource: Brad Richardson, 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

- Red F is a Charlotte-based full service advertising agency, focused on both general and multicultural markets. Its primary customers are Fortune 1000 companies, and it has been recognized five times by INC magazine as one of the fastest growing companies in America.
- Red F currently employs 30 people at its corporate headquarters in Southpark, and expects to add 60 new jobs within the next three years.
- On December 23, 2010, the company announced it will purchase and renovate an office building located in Charlotte at 222 South Church Street, after initially considering sites in Lancaster County, SC.

One NC Grant

- On December 23, 2010, the State awarded a \$60,000 One North Carolina Grant to Red F as part of the company's expansion.
- By State statute, the City is required to administer a performance contract with Red F to ensure compliance with the State's job creation and capital investment standards.

Business Investment Grant

- One North Carolina Grants require a local match.
- Red F's expansion meets all of the Council-approved requirements for a three-year Business Investment Grant:
 - Capital investment of \$3 million in real estate and business personal property for the new office building
 - Creation of 60 new jobs over three years with an average annual wage of \$45,000 (107% of the local average)
- On September 13, 2010, City Council indicated its intent to approve its share of a Business Investment Grant to Red F in a closed session.
- On November 3, 2010, the Board of County Commissioners indicated its intent to approve its share of a Business Investment Grant to Red F in a closed session.
- If approved, the following schedule is an estimate of the Business Investment Grant payments to Red F. This estimate represents 90% of net new property taxes paid by the company over the three-year term:

Year	City	County	Totals
1	\$12,201	\$22,313	\$34,514
2	\$12,035	\$22,011	\$34,046
3	\$11,887	\$21,739	\$33,626
Total	\$36,123	\$66,063	\$102,186

- The project is estimated to have an annual direct economic impact of \$4.1 million on the local economy, generating an average of \$37,414 in annual property taxes to the City and County, and \$94,000 in direct and indirect annual taxes for the City.
- 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 three 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.
- The Board of County Commissioners will consider the County’s portion of the Business Investment Grant to Red F on January 19, 2011, which is after the distribution of this agenda.

Funding

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

Attachment 4

Budget Ordinance

21. Business Investment Grant for SPX Corporation

<p>Action: A. Approve contracts with the NC Department of Commerce (NCDOC) and SPX Corporation (SPX) for a \$350,000 One North Carolina Grant from the State to SPX,</p> <p style="padding-left: 40px;">B. Adopt a budget ordinance appropriating \$350,000 from a One North Carolina Grant to SPX, and</p> <p style="padding-left: 40px;">C. Approve the City’s share of a Business Investment Grant to SPX for a total estimated amount of \$1,708,331 over five years (Total City/County grant estimated at \$4,832,572).</p>

Staff Resource: Brad Richardson, 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

- SPX Corporation is a Charlotte-based Fortune 500 manufacturer in three primary areas:
 - Infrastructure for the global energy and power sector

- Process equipment for the food and beverage industry
- Diagnostic tools for the automotive industry
- 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.

One NC Grant

- On November 15, 2010, the State awarded a \$350,000 One North Carolina Grant to SPX as part of the company’s expansion.
- By State statute, the City is required to administer a performance contract with SPX to ensure compliance with the State’s job creation and capital investment standards.

Business Investment Grant

- One North Carolina Grants require a local match.
- SPX’s expansion meets all of the Council-approved requirements for a five-year Business Investment Grant:
 - Capital investment of \$65 million in real estate and business personal property for the new office building, and an additional investment of approximately \$68 million in corporate aircraft, which will be located at Charlotte-Douglas International Airport
 - Creation of 180 new jobs over five years with an average annual wage of \$82,000 (197% of the local average)
- On August 23, 2010, City Council indicated its intent to approve its share of a Business Investment Grant to SPX in a closed session.
- If approved, the following schedule is an estimate of the Investment Grant payments to SPX. This estimate 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	\$396,313	\$724,788	\$1,121,101
2	\$365,954	\$669,265	\$1,035,219
3	\$338,630	\$619,296	\$957,926
4	\$314,343	\$574,879	\$889,222
5	\$293,091	\$536,013	\$829,104
Total	\$1,708,331	\$3,124,241	\$4,832,572

- 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 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.
- 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 or action by the City.

- 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.

Attachment 5

Budget Ordinance

22. NASCAR Hall of Fame Advisory Board

Action: Consider Council appointment of City Council member(s) to the NASCAR Hall of Fame Advisory Board, and choose from one of two options:

1. One Council-appointed City Council member serving in an ex-officio capacity, or
2. Two Council-appointed City Council members serving in an ex-officio capacity.

Resource: Patrick Cannon, Mayor Pro Tem

Explanation

- On December 13, 2010, the City Council asked that this item be scheduled for consideration on the January 10 meeting agenda, which was subsequently rescheduled to January 24.
- In March 2006, the NASCAR Hall of Fame Agreement was approved by City Council, NASCAR, and the Charlotte Regional Visitors Authority (CRVA).
- As part of that Agreement, Section 6(f) provides for the establishment of a NASCAR Hall of Fame Advisory Committee consisting of:
 - NASCAR – two members
 - Bank of America – one member
 - Wells Fargo – one member
 - Charlotte Regional Visitors Authority (CRVA) – two members
 - City of Charlotte – two members
- The purpose of the NASCAR Hall of Fame Advisory Board is to advise and report to the CRVA on fiscal and operational matters related to the Hall of Fame.
- The action adds a Council member(s) as a non-voting member with all other member rights.

Attachment 6

Section 6(f) language

23. Nominations to Boards and Commissions

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

For items A.1 through A.7, these are all new positions resulting from City Council's action on December 13 to change the structure and charge of the Business Advisory Committee.

A.1. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the National Association of Women Business Owners

Attachment 7

Applications

A.2. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Charlotte Mecklenburg Black Chamber of Commerce

Attachment 8

Applications

A.3. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Charlotte Mecklenburg Latin American Chamber of Commerce

Attachment 9

Applications

A.4. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Carolinas Asian-American Chamber of Commerce

Attachment 10

Applications

A.5. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a certified SBE member recommended by the Metrolina Minority Contractors Association

Attachment 11

Applications

A.6. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a certified SBE member recommended by the Hispanic Contractors Association

Attachment 12

Applications

A.7. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Metrolina Native American Association

Attachment 13

Applications

B. CHARLOTTE INTERNATIONAL CABINET

- One appointment for an unexpired term beginning immediately and ending June 30, 2012 in the open category
 - Timothy Fallon is now deceased.
- One appointment for an unexpired term beginning immediately and ending June 30, 2013 in the business category
 - Deborah Bell resigned.

Attachment 14

Applications

C. CHARLOTTE-MECKLENBURG HOUSING AUTHORITY

- One appointment for an unexpired term beginning immediately and ending December 17, 2012
 - Rodney Moore resigned.

Attachment 15

Applications

D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- Five appointments for two-year terms beginning March 2, 2011
 - Owen Sutkowski is eligible and would like to be reappointed.
 - Lee Johnson and Geoffrey Owen are eligible, but do not wish to be reappointed.
 - Thomas Dorsey and Joel Ford completed their second term of service and are not eligible to be reappointed.

Attachment 16

Applications

E. TRANSIT SERVICES ADVISORY COMMITTEE

- Two appointments for transit passengers for three-year terms beginning February 1, 2011
 - Terry Lansdell and George Schaeffer are eligible and would like to be reappointed.

Attachment 17

Applications

F. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for a three-year term beginning February 2, 2011
 - Brett Rhinehardt completed his second term of service and is not eligible to be reappointed.

Attachment 18

Applications

G. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2011
 - David Hoffman is eligible and would like to be reappointed.

Attachment 19

Applications

24. Appointments to Boards and Commissions

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

A. BUSINESS ADVISORY COMMITTEE

- The appointment for this vacancy, for which nominations were made June 28, 2010, was suspended pending the recommendations of the Economic Development Committee regarding changes to the structure of the Business Advisory Committee. City Council acted on the Committee's recommendations on December 13.
- One appointment for an unexpired term beginning immediately and ending April 28, 2011.
 - Wesley Carter by Council members Carter and Howard
 - Marc Friedland by Council member Barnes
 - Chaunta Jones-Hunter by Council member Kinsey
 - Ryan Licari by Council member Turner
 - Jason McGrath by Council member Dulin
 - Darrin Rankin by Council members Burgess, Cannon and Peacock
 - William Strong by Council member Cooksey
 - Angela Williams by Council member Mitchell

Attachment 20

Applications

25. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

26. Transit Signal Priority System

- Action:**
- A. Award a low bid contract of \$98,054.74 to Tritech S.E. Inc. for the installation of Opticom emitters on approximately 300 CATS buses,**
 - B. Approve a contract with Siemens Industry, Inc. in an amount not to exceed \$86,000 for system engineering services related to traffic signal software programming and testing, and**
 - C. Approve purchase of extended warranty for Opticom emitters through Temple, Inc. in an amount not to exceed \$40,000.**

Staff Resources: Larry Kopf, Transit
Debbie Self, Transportation
Rich Granger, Fire

Explanation

- The City received a 100% Congestion, Mitigation and Air Quality (CMAQ) grant in the amount of \$1.3 million to provide transit signal priority (TSP)

and emergency vehicle preemption. No local match funds are required for this grant.

- The TSP System will provide priority movement to emergency and transit vehicles at signalized intersections. Priority movements are determined by the traffic signal controller based on the detection (via an emitter) of an approaching transit or emergency vehicle.
 - Emergency vehicles receive the highest priority to safely move through the intersection on a green signal indication. This technology is currently used at approximately 50 signalized intersections.
 - Transit vehicles are assigned a priority movement depending on ability of the signal phasing to serve the approach based on predefined parameters, which has no disruption to traffic flow. For example, if a bus is running more than five minutes behind schedule, the traffic signal would provide a green signal indication to assist the bus to get back on schedule.
 - The first routes selected to deploy the TSP system are Central Avenue from 10th Street/Louise Avenue to Albemarle Road and Albemarle Road from Central Avenue to Lawyers Road.
 - Central Avenue and Albemarle Road ranked highly by the Fire Department and CATS in terms of improving emergency vehicle response time and providing reliable transit service.
- CDOT currently uses traffic signal software developed by Siemens to control the signals along Central Avenue and Albemarle Road.
- The systems engineering contract with Siemens will include programming each signalized intersection and testing to assure the transit signal priority system is functioning properly.
- The extended warranty provides ten years of coverage on more than 330 Opticom emitters at a cost of \$120 per emitter.

Background

- City Council approved a \$440,000 contract with Temple, Inc. on January 12, 2009 to purchase Opticom emitters, receivers and related parts. The contract allowed for two \$100,000 renewals.
- CDOT completed installation of all Opticom receivers along Central Avenue and Albemarle Road.

CMAQ Grant Funds

- The balance of CMAQ funds will be \$591,000 after purchases A, B and C of this agenda item.
- Additional routes under evaluation for transit signal priority include:
 - North Tryon Street from 16th Street to Mallard Creek Church Road
 - Beatties Ford Road from 5th Street to Sunset Road
 - South Tryon Street from Woodlawn Road to Shopton Road West

Disadvantaged Business Opportunity

No goal was set for these contracts because there are no participation opportunities.

Funding

CMAQ Grant

27. Runway 18C/36C Reconstruction

Action: **A. Award the low bid contract of \$17,864,856.80 to Hi-Way Paving, Inc. for reconstruction of Runway 18C/36C, and**

B. Adopt a budget ordinance in the amount of \$17,864,856.80 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- Runway 18C/36C was opened in 1979 and has been in continuous use since its opening. The typical pavement life for a concrete runway is 25 years.
- In 2005, and again in 2009, the Airport closed the runway for three days to replace specific concrete slabs that were deteriorating.
- These projects were done to temporarily extend the useful life of the pavement until the new runway was completed so that a longer runway shutdown could be done to rehabilitate the full length of the runway.
- In March 2010, City Council approved a contract with WK Dickson to design the rehabilitation project.
- This contract will remove and replace the center concrete lanes of the runway and parallel taxiway. It will also replace the in-pavement lighting system on the runway and taxiway. LED lighting will be used in areas that are approved by FAA to save energy.
- Small areas along the taxiway will be completed this spring, but the majority of the work will be completed during a 90-day shutdown of the runway starting August 1, 2011 and ending October 31, 2011.
- With the opening of the new runway in 2010, Charlotte's airfield has excess capacity, but will occasionally experience delays for various reasons. With the three-month closure of Runway 18C, staff does not anticipate delays in the course of normal operations. However, if delays do arise, those delays will be more pronounced than usual.

Disadvantaged Business Opportunity

Established DBE Goal: 8%

Committed DBE Goal: 8%

Hi-Way Paving, Inc. committed 8% (\$1,429,200) of their base bid amount to 3 certified DBE companies: All Points Trucking, Inc. (hauling); GC Electrical Solutions, LLC (electrical supplier at 60%) and Martin Landscaping Co., Inc. (seeding).

Funding

Aviation Capital Investment Plan

Attachment 21

Budget Ordinance

28. Colonial Village Sedgefield Neighborhood Improvement Project/Park Road Drainage Improvements

Action: Award a low bid contract of \$2,580,227.03 to Ferebee Corporation for the Colonial Village Sedgefield Neighborhood Improvement Project/Park Road Drainage Improvements.

Staff Resources: Lamar Davis, Engineering & Property Management
Corky Botkin, Engineering & Property Management

Explanation

- The contract will construct sidewalk, wheel chair ramps, planting strips, curb and gutter, landscaping and water line improvements.
- The NIP Boundaries are Scaleybark Road, Park Road, South Boulevard and Ideal Way.
- The contract also includes new storm drainage infrastructure along Park Road from Sunset Road to Kenilworth Avenue, including incidental sewer relocations.
- City staff coordinated the Park Road Drainage Improvements with the Park Road Sidewalk Project to avoid conflicts in the areas of disturbance.
- This project was funded in the 2008 Bonds.
- Construction is expected to be complete in the third quarter of 2012.

Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.17%

Ferebee Corporation committed 9.17% (\$236,608.50) of the total contract amount to the following SBE firm(s): Whitesell Construction, Inc. (Clearing/Grading), Bullington Construction (Fence Installation), Hemar, Inc. (Sidewalk/Driveway), D's Trucking Service, Inc. (Hauling) and Eco-Fx, Inc. (Erosion Control).

Funding

Neighborhood Investment Capital Plan and Utilities Capital Investment Plan

29. Police Ammunition Contracts

Action: A. Award the low bid unit price contracts for providing practice and duty ammunition for a term of one year to the following:

- Streicher's
- Keeps
- Parks & Son Inc.
- Lawmen's Safety Supply, Inc.

The FY2011 estimated expenditures are anticipated to be a combined total of \$275,000.

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

Staff Resource: Greg Crystal, Police

Explanation

- These contracts will provide Police with various types of ammunition for service and practice.
- An Invitation to Bid (ITB) was issued and included specifications for 16 types of ammunition for various weapons.
- Multiple contracts are recommended to ensure the availability of ammunition as required by Police. Due to current military requirements, stateside law enforcement has encountered extremely long delivery times over the past few years. The ITB included specification requirements for delivery of 90 to 180 days. No exceptions were taken with this requirement from any of the bidders.

Small Business Opportunity

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

Funding

Police Operating Budget

30. Police Oracle Software Purchase

- Action:**
- A. Approve the purchase of Oracle software as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and**
 - B. Approve the purchase of Oracle software, in an amount not to exceed \$160,000, from Mythics, Inc., per a contract with GSA.**

Staff Resources: Katrina Graue, Police
Ron Horton, Police

Cooperative Purchasing Exception

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception for cooperative group purchasing.
- General Services Administration (GSA) contract GS-35F-0153M provides federally approved pricing for software purchases for government customers.
- The GSA contract term is from December 19, 2001 through December 18, 2011.
- Cooperative purchasing exceptions require City Council approval.

Explanation

- Police uses Oracle software to operate its Records Management System.
- A yearly maintenance fee is paid for the Oracle software to ensure its operation. For FY2011, the fee will be \$58,879.
- During FY2011, Police will purchase an additional \$160,000 in Oracle software products from the vendor, Mythics, Inc., making the total purchases from the vendor over \$100,000.
- The software enhancements will update the software so that the Records Management System may use the latest available features and operate more efficiently.

Small Business Opportunity

Contracts using cooperative group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Police Operating Budget

31. Police Helicopter Camera Replacement and Upgrade

- Action:**
- A. Approve the purchase of equipment to upgrade/replace the cameras in the two Police helicopters by the sole source exception of G.S. 143-129(e)(6) from L3 Communications in an estimated amount of \$341,311, and**
 - B. Authorize the purchase and installation of ancillary equipment to support the replacement and upgrade of the cameras, from various vendors, in an estimated amount of \$20,000.**

Staff Resources: Ruth Story, Police
Jeff Dulin, Fire

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition is not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing of the cameras will ensure compatibility with current downlink equipment and interoperability with equipment currently installed in the helicopters.
- Purchases made under the sole source exception require City Council approval.

Explanation

- The sole source purchase from L3 Communications will upgrade the camera on the 1998 model helicopter to ensure that the thermal camera can be read at all times. It will also replace the camera on the 1997 model helicopter with an updated camera model and mounting system that will make it compatible with what is currently on the 1998 helicopter.
- Sole sourcing this purchase will ensure that parts for the cameras can be located and ensure interoperability with the current downlink system that broadcasts feeds from the helicopters to Police and Fire equipment.
- The installation of the items for the 1998 helicopter will be done in house and has no associated cost.
- The ancillary equipment and installation in action B will be for the camera replacement for the 1997 helicopter. This purchase will include items such as: camera mount, cabling and associated installation. The items and installation costs will be across three different vendors.

Background

- The Police Aviation Unit currently operates two Bell 407 helicopters equipped with dual sensor camera systems.
- These cameras assist all emergency service units in the area with the ability to view on board and broadcast thermal imaging scans and color camera video during emergency missions, such as SWAT operations, pursuits, searches for subjects, missing person searches, etc.
- Currently, both systems are either degraded or inoperable due to the age of the cameras.
- The 1997 helicopter is equipped with a 1993 Inframetrics IRTV-455G MKII Camera. The day camera does not have a functional iris and is only functional on sunny days. The thermal camera is currently not functional.

Repairs last year only allowed the camera to function for an additional year and resulted in the same issues. The camera has not been produced for many years, thus only used parts are available.

- The 1998 helicopter is equipped with a 2004 Wescam 12DS200 camera. The day camera is functional. The thermal camera is currently degraded and unreadable at times. This camera model is also no longer produced, but parts and upgrades are available by the manufacturer.

Small Business Opportunities

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

Funding

2010 UASI Grant Funds

32. Utility Relocation Design Services

Action: Approve an agreement with Hinde Engineering Inc. in the amount of \$1,300,000 for design of water and sewer infrastructure related to transportation projects.

Staff Resource: Barry Gullet, Utilities

Explanation

- This agreement provides for the design of water and sewer infrastructure within NCDOT, CDOT, and CATS roadway and rail projects.
- NCDOT has agreed to reimburse the City in the estimated amount of \$724,000 for Hinde Engineering's services on seven of their upcoming roadway projects. The NCDOT projects are:

- I-485	\$206,650
- I-485/I-85 Interchange	\$ 92,830
- Mallard Creek	\$219,520
- I-485/Weddington Road Interchange	\$ 97,000
- Bridge over Mallard Creek	\$ 35,000
- Bridge over Gar Creek	\$ 35,000
- Bridge over Irvin Creek	\$ 38,000
- The remaining contract balance of \$576,000 is appropriated in the Utilities Capital Investment Plan and will be used for design services for any other City or NCDOT projects that require the relocation of water and sewer lines.
- This is an hourly contract to be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- Hinde Engineering was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals during the contract negotiation phase (Part C: Section 2.2 of the SBO Policy). On this contract, Hinde Engineering committed 12.00% (\$156,000) of the total contract amount to the following firms: Barry D. Davis Surveying (construction surveying services) and Lyons Utility Locating (utility locating services). Hinde Engineering is also a certified SBE engineering firm.

Funding

Utilities Capital Investment Plan

33. McDowell Creek Wastewater Treatment Plant Digester Gas Condensate Drain Line Installation Change Order #1

Action: Approve Change Order #1 for \$76,798.67 with Kemp, Inc. for additional work required to repair two digester gas pipelines for Charlotte-Mecklenburg Utilities at the McDowell Creek Wastewater Treatment Plant.

Staff Resource: Barry Gullet, Utilities

Explanation

- In August of 2009, an informal contract was awarded to Kemp, Inc totaling \$75,000 for spot repairs and the installation of several drain lines on the digester gas lines at the McDowell Wastewater Treatment Plant.
- The original contract was a time and materials repair contract, which covered the removal and reinstallation of 450 feet of 10-inch digester gas line.
- The digester gas line was damaged by leaking hot water pipelines, causing sags in the gas line. The sags were causing excessive maintenance in the digester gas system. The hot water pipelines have been repaired/replaced under a separate approved contract.
- Once the line was excavated, staff discovered that the sags were more extensive than anticipated and there were drainage problems that required correction. In order for the line to work properly, these issues needed to be corrected.
- A byproduct of the sludge digestion process is methane gas, which is used to power critical plant equipment. When the gas system cannot operate, diesel fuel must be used to power the equipment.
- Since the digester gas line was out of service and the process heating was being accomplished by diesel fuel at a cost of about \$10,000 per month, it was more cost effective to quickly complete the repairs needed beyond the original scope in order to minimize the diesel fuel costs. The work has been completed and the gas line restored to service.
- Change Order #1 covers the following additional work:
 - Additional pipeline repair kits and rental of equipment
 - Removal and replacement of existing fence and concrete aprons
 - Additional labor and materials
- The new contract total with this change order is \$151,798.67.

Funding

Utilities Capital Investment Plan

34. Arc Flash Assessments for Various Utilities Facilities

Action: Approve a professional services contract with Southeastern Consulting Engineers, Inc. in the amount of \$546,850 for Arc Flash Assessments.

Staff Resource: Barry Gullet, Utilities

Explanation

- Arc Flash is a potentially dangerous electrical arc that can occur under certain conditions when operating or maintaining high voltage equipment. This assessment will determine what Utilities equipment may have a potential to arc flash and develop the work procedures to protect employees from those conditions.
- Utilities is proposing an arc flash assessment of 58 sewage lift station sites, three wastewater treatment plants, three water treatment plants, seven water pump stations, and ten water storage tanks in order to provide electrical safety for its employees.
- The National Fire Protection Association (NFPA) provides guidance on implementing appropriate work practices that are required to safeguard workers from injury while working on or near electrical equipment.
- The Occupational Safety and Health Administration considers the NFPA standard a recognized industry practice and uses it to enforce safety procedures related to arc flash.
- This project involves 81 locations and will take approximately two years to complete. For each work location, Southeastern will determine the level of arc flash potential and develop the appropriate warning labels for the equipment and work procedures to be used by employees when energizing or de-energizing that equipment.
- Southeastern Consulting Engineers was selected in accordance with the Council approved qualifications-based selection process.

Small Business Opportunity

For professional service-based contracts, the City negotiates SBE goals after the proposal selection process. No SBE goal was set for this project because subcontracting opportunities were not identified. Southeastern Consulting Engineers, Inc. is, however, a certified SBE firm.

Funding

Utilities Capital Investment Plan

35. Patton Avenue and Vest Elevated Water Storage Tanks Renovations Contract Amendment #3

Action: Approve amendment #3 to the Kimley Horn and Associates, Inc., contract in the amount of \$109,000, for design and construction administration for the Patton Avenue and Vest Elevated Water Storage Tanks Renovations.

Staff Resource: Barry Gullet, Utilities

Explanation

- On June 9, 2008, Council awarded a contract to Kimley Horn in the amount of \$160,000, for design and inspection of the Patton and Vest elevated water storage tanks refurbishment project.
- The contract to repair and paint the tanks was awarded by City Council in August 2009 to Corfu for \$1,719,881. The work was to be complete in May 2010.
- The painting was actually completed in October 2010 and additional tank foundation repairs completed in December 2010.
- The contractor's work fell severely behind schedule due to a lack of personnel, materials and equipment mobilized early in the project and due to changes in their management personnel.
- These delays required substantial additional contract administration and inspection work on the part of Kimley Horn.
- A dispute has also arisen relative to the specifics of a 15-year warranty required in the contract specifications, which Kimley Horn has been assisting the City with resolving.
- The contractor is being assessed liquidated damages, which will offset all amendments to Kimley Horn's contract. The City is currently withholding approximately \$600,000 in liquidated damages pending resolution of these issues.

Contract History

- Amendment #1, in the amount of \$70,120, funded an extension of the construction management services from April 3, 2010 through June 1, 2010.
- Amendment #2, in the amount of \$121,300, funded an extension of the construction management services through September 1, 2010.
- Amendment #3 will fund construction management services through December 31, 2010.
- Kimley Horn's total contract amount is now \$460,420 for design, inspection, and assisting with the warranty dispute resolution.

Small Business Opportunity

All additional work involved in this amendment will be performed by the consultant and their existing subcontractors. This amendment complies with Part D: Section 6 of the SBO Program.

Funding

Utilities Capital Investment Plan

36. FY2010 Water and Sanitary Sewer Service Installations Contract Extension #1

Action: Approve contract extension #1 with Dallas 1 Construction, LLC in the amount of \$250,000 for the installation of water and sewer services throughout Mecklenburg County.

Staff Resource: Barry Gullet, Utilities

Explanation

- New water and sewer service installations for residential and commercial customers are installed using private contractors.
- This is a unit-price contract that allows the assignment of customer tap installation requests to the contractor for construction.
- The contract was awarded January 25, 2010 for one year for a total amount of \$1,539,911.50.
- Based on the number of new water and sewer connection requests received in 2010, it is projected that sufficient funds are available in the current contract to last until approximately April 2011.
- Under the contract provisions, the contract can be renewed with unit prices to be adjusted by the Construction Cost Index.
- The contractor agreed to extend the existing contract until the end of the fiscal year, June 30, 2011, with no increase in the existing unit prices.
- The adjusted contract price would be \$1,789,911.50.

Small Business Opportunity

No SBE goal was set for this project because no subcontracting opportunities were identified (Part C: Section 2.4 of the SBO Policy). Dallas 1 is also a certified SBE firm.

Funding

Utilities Capital Investment Plan

37. Independence Boulevard Project Municipal Agreement

Action: Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Independence Boulevard Project in the amount of \$881,314.

Staff Resources: Danny Pleasant, Transportation
Timothy Gibbs, Transportation

Explanation

- The 2009-2015 North Carolina State Transportation Improvement Program calls for improvements to Independence Boulevard (US 74) in Charlotte from Albemarle Road (NC 27) to just east of Conference Drive.
- The project consists of widening US 74 and constructing interchanges at Sharon Amity and Idlewild roads, and a grade separation with Conference Drive.

- The City has requested the following project improvements and will reimburse NCDOT for these costs:
 - Four-feet of additional right-of-way for future managed lanes between Sharon Amity and Idlewild Roads at \$615,000
 - Six-foot sidewalks on Independence Boulevard, Sharon Amity and Idlewild roads within the project limits. Typically, NCDOT pays for five-foot sidewalks. The existing five-foot sidewalks will be replaced at NCDOT's cost. The City is responsible for covering the additional requested width along these streets at \$160,598.
 - Six-foot new sidewalks on other streets within the project limits at \$98,049
 - Additional median width for a future potential grade separation where Farmingdale and Glendora drives currently intersect US 74. The cost for accommodating this request is \$7,667.
- By approval of this resolution, the City agrees to reimburse NCDOT up to \$881,314 for the work.
- Two additional agreements will require Council action for this project. One will address utilities and the other Transit related items.
- A Municipal Agreement between the City and NCDOT is necessary for NCDOT to be reimbursed.

Funding

Transportation Capital Investment Plan – Participation in State Roadway Projects

Attachment 22

Resolution

38. Aircraft Deicing and Anti-icing Fluid

- Action:**
- A. Adopt a resolution finding the procurement of aircraft deicing and anti-icing fluids to be an emergency,**
 - B. Approve change order #1 to an existing purchase order with Clariant Corporation in the amount of \$519,700,**
 - C. Award the low-bid contract in the amount of \$783,000 to Ascent Aviation Group for the acquisition of Type I Deice fluid,**
 - D. Approve the purchase of Type IV Anti-ice fluid as authorized by the sole source purchasing exception of G.S. 142-129 (e)(6), and**
 - E. Award a sole-source contract with Clariant Corporation in the amount of \$600,000 for the acquisition of Type IV Anti-ice solution for the remainder of the winter season.**

Staff Resource: Jerry Orr, Aviation

Emergency Procurement for Change Order #1

- The Citywide Procurement Policy addresses procurements conducted under emergency circumstances.
- The policy requires staff to obtain a resolution from Council that reviews the facts of the situation and finds that it was an emergency.

- Emergency procurements greater than \$100,000 require Council approval, but such approval is a ratification of staff emergency actions already taken, as opposed to an authorization for staff to take action.
- In order to support aircraft deicing operations, the airport must purchase and maintain a supply of Type I and Type IV de-/anti-ice fluids to be available during adverse weather conditions.
- On September 13, 2010, City Council approved a three-year contract with Contego Systems LLC to operate a consolidated aircraft deicing facility for the airport and approved the purchase by the airport of airline owned deicing and anti-icing fluids at a cost of \$662,705.
- A purchase order in the amount of \$94,500 was issued in December 2010, for additional anti-icing fluid.
- During the months of December and January to date, seven significant deicing and/or anti-icing events occurred, culminating on January 10–11, with almost 1,000 aircraft having been treated with either deice or anti-ice fluid.
- In order to have enough fluid reserve to provide coverage before a major purchase could be approved, the airport issued change order #1 for additional fluid at a cost of \$519,700 from Clariant Corporation.
- Clariant Corporation was the lowest cost supplier of deicing fluid.

Type I Deice Fluid

- In a formal Invitation to Bid (ITB) dated January 7, 2011, the Airport solicited bids from companies to provide the deice Type I fluid.
- Three companies initially responded to the ITB – Clariant Corporation, Octagon Chemical and Ascent Aviation Group. Clariant and Ascent submitted bids.

Sole Source Exception for Purchase of Type IV Anti-ice Fluid

- G.S. 143-129(e)(6)(ii) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source of supply
 - Standardization or compatibility is the overriding consideration
- Purchases made under sole source exception require City Council approval.
- Sole Source approval has been granted by Business Support Services for Clariant's Safewing MP IV Launch in order to maintain compatibility with Type IV fluid purchased from the airlines as approved on September 13, 2010 by City Council.
- Type IV fluids must meet a minimum specification and performance varies with product. Clariant's Safewing MP IV Launch provides the greatest holdover time (more than twice the specification minimum) of any of the Type IV competitive products and has been selected by the airlines for use at the Airport.
- This action will authorize the purchase of an additional \$600,000 of Type IV fluid from Clariant Corporation.

Small Business Opportunity

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

Funding

Airport Operating Budget

Attachment 23

Resolution

**39. Airport Flight Information Display Maintenance
Contract Extension**

Action: Approve a one-year contract extension with Signature Technologies, Inc. d/b/a ComNet in the amount of \$128,400 for maintenance of the Airport's Flight Information Display System.

Staff Resource: Jerry Orr, Aviation

Explanation

- Signature Technologies, Inc. is the sole source provider for maintenance of this proprietary, flight information display system.
- The estimated value of the system is \$5 million. There are no plans to replace the system until there is a demonstrated business need to replace it.
- Aviation staff prefers one-year contract extensions in order to provide flexibility to modify the contract based on need.

Contract History

- In September 2003, Council approved a three year contract with Signature Technologies, Inc. d/b/a ComNet, to provide proprietary parts and maintenance at a cost of \$270,000. In January 2007, Council approved a one year contract extension with Signature Technologies in the amount of \$114,360 for maintenance on 525 devices.
- In December 2007, Council approved a one year contract extension with Signature Technologies in the amount of \$114,420 for maintenance on 489 devices.
- In November 2009, Council approved a one year contract extension with Signature Technologies in the amount of \$118,800 for maintenance of 497 devices.
- This contract extension will provide the proprietary parts and maintenance service on the 497 devices for a period of one year at a cost of \$128,400.

Small Business Opportunity

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

Funding

Aviation Operating Budget

40. Airport Fuel Farm Facility Expansion

- Action:**
- A. Approve contract with Robert & Company in the amount of \$142,600 for design services related to the expansion of the Airport fuel farm facility for the Hourly/Rental Car Parking Deck, and**
 - B. Adopt a budget ordinance in the amount of \$142,600 from the Contract Facility Charge Fund to the Airport Capital Investment Plan.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1982, the Airport constructed a fuel farm for the purpose of providing fuel to the air carriers operating at the Airport. The fuel farm supplies fuel to the aircraft through an in-ground fueling system around the terminal building and includes six, 10,000 barrel storage tanks.
- As discussed at the September 7, 2010 Council Workshop, the Airport is currently designing a new hourly/rental car parking deck, which includes fueling facilities for rental cars on the bottom floor of the deck. The fueling facilities require storage tanks for the gasoline to operate the system.
- Staff determined the best option for fuel storage is to modify one of the existing tanks in the Airport Fuel Farm Facility to store unleaded gasoline rather than jet fuel. The gas will be pumped via pipeline from the fuel farm to the parking deck.
- This contract includes the retrofit of one of the existing 10,000 barrel jet fuel tanks so it can be used to store unleaded gasoline. Funds for this contract are available from the Contract Facility Charge Fund.

Small Business Enterprise

For professional service based contracts, the City negotiates SBE goals during the contract negotiation phase (Part C: Section 2.2 of the SBO Policy). On this contract, Robert & Company committed 4.00% (\$5,704) of the total contract amount to the following firm: Richa Graphics (printing).

Funding

Aviation Capital Investment Plan

Attachment 24

Budget Ordinance

41. Airport Telecommunications Antenna Site Leases

Action: **A. Approve a five-year extension to the lease with Nextel South Corporation for a telecommunications antenna site on the Airport's rotating beacon, and**

B. Approve a five-year extension to the lease with NewCingular Wireless PCS, LLC for a telecommunications antenna site on the Airport's rotating beacon.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1999, the Airport constructed the rotating beacon, which is a navigational aid required by the Federal Aviation Administration. The beacon tower was designed to accommodate the antenna and related equipment for up to four telecommunication service providers.
- Council approved a five-year Telecommunications Antenna Site Lease with Nextel South Corporation on November 14, 2005 for a telecommunications antenna site on the rotating beacon. The lease is presently set to expire on March 14, 2011. This amendment would:
 - Extend the lease term for an additional five years beginning on March 15, 2011
 - Increase the rent from \$3,000 per month to \$3,500 per month with 3% annual escalations.
- Council approved a five-year Telecommunications Antenna Site Lease with NewCingular Wireless PCS, LLC on June 12, 2006 for a telecommunications antenna site on the rotating beacon. The lease is presently set to expire on August 31, 2011. This amendment would:
 - Extend the lease term for an additional five years beginning on September 1, 2011
 - Increase the rent from \$3,000 per month to \$3,500 per month with 3% annual escalations

42. Heavy Truck and Equipment Parts and Services Contract Amendment

Action: **Amend a contract with Covington Power Services for the purchase of Allison Transmissions and parts and services for Detroit Diesel and Mercedes Benz engines from the estimated annual amount of \$125,000 to an estimated annual amount of \$250,000 for the term of five years.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City's fleet currently includes fire trucks, Special Transportation Service buses, Solid Waste Service collection trucks, dump trucks, sewer rodder trucks, street excavators and other equipment and trucks that are built with the applicable engines, transmissions and drive-train components.
- On April 12, 2010, City Council approved a sole source contract with Covington Power Services in the estimated annual amount of \$125,000.

- In its original analysis, based on historical financial trends, BSS/Equipment Management Division could not predict the impact of Fire apparatus life cycle extensions (from ten to 15 years) or the impact of the reduced number of spare collection vehicles in the Solid Waste fleet used to implement their new business model. These two changes are contributing to an increase in power-train repairs and expenditures for this contract.
- The majority of trucks over 26,000 gross vehicle weight and all Chevrolet trucks with a diesel engine are built with Allison transmissions.
- Currently, the City has the following number of units that are built with the required specialized parts:
 - Allison Transmissions (554 units in fleet)
 - Detroit Diesel engines (80 units in fleet)
 - Mercedes Benz engines (20 units in fleet)
- There are no Mercedes Benz vehicles in the City fleet.
- The ages of these units range from one to 22 years, with varying combinations of engines and drive trains.
- Original equipment manufacturer parts are required for equipment repairs to maintain manufacturer warranty and equipment performance standards.
- Covington Power Services is the exclusive authorized distributor and service provider for Allison Transmission, Detroit Diesel, and Mercedes Benz engine parts in North Carolina.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

43. Scaleybark Development Agreement Amendment

- Action:**
- A. Approve the second amendment to the General Development Agreement and the sixth amendment to the Purchase and Sale Agreement with Scaleybark Partners, LLC, and**
 - B. Authorize the City Manager to execute any additional documents necessary to implement the amendment.**

Staff Resources: Peter Zeiler, Neighborhood & Business Services
Tina Votaw, Transit

Explanation

- Scaleybark Partners, LLC has requested an extension of deadlines to the four specific activities listed below as they work to complete streetscape and linear park designs as required in their Purchase and Sale Agreement (PSA) with the City.
- In 2009, Scaleybark Partners joined Cherokee South End LLC, the adjacent property owner, to create a larger project site. As a result, Scaleybark Partners has been engaged in new site planning activity, including modification of proposed street networks. Continued market challenges created by economic stagnation have also driven modifications to their site design.
- The sixth amendment to the PSA and the second amendment to the General Development Agreement (both documents need to be updated) would extend the deadlines by adding one year to the linear park

construction and streetscape commencement, one year to the required premarketing expenditures and two years to the completion of the CATS Park and Ride parking deck.

- Staff recommends approval of the date extensions as identified below. The extension to complete the parking deck at the Scaleybark Station does not impact CATS or transit riders as they will continue to use the existing parking lot at the Scaleybark Station until such time as the parking deck is available.

Activity	Original Date per PSA	Amended Dates per 5th Amendment	New Proposed Amended Dates per 6th Amendment
1. Linear Park construction start	February 15, 2009	January 15, 2011	January 15, 2012
2. Streetscape Improvement construction start	May 15, 2009	January 15, 2011	January 15, 2012
3. Pre-marketing expenditures of \$500,000	February 15, 2009	January 15, 2011	January 15, 2012
4. CATS Park and Ride Deck completion	February 28, 2013	February 28, 2014	February 28, 2016

Background

- In June 2007, City Council approved a PSA for the sale of approximately 16 acres of land along South Boulevard for \$6,985,000 to Scaleybark Partners, LLC. Council approved four subsequent Amendments to the PSA which:
 - Extended the buyer's examination period
 - Extended the closing date
 - Adjusted the final purchase price to \$5,185,000 upon discovery of detrimental subsurface conditions during due diligence
- The City and Scaleybark Partners closed on the property transaction on Feb. 29, 2008.
- Scaleybark Partners has since satisfied all payment obligations due to the City for the property.
- In June 2010, Council approved a sixth amendment for certain technical changes to the PSA to help accommodate a low income tax credit application made by the Charlotte-Mecklenburg Housing Partnership in cooperation with Scaleybark Partners. They were denied for the 2010 application and will reapply for 2011 per the PSA and Development Agreement. The June 2010 sixth amendment was thereby voided. This new request therefore becomes the sixth amendment.

44. Brownfield Assessment Services

- Action:**
- A. Approve a contract with Hart and Hickman, P.C. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area,**
 - B. Approve a contract with Terracon Consultants, Inc. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area,**
 - C. Approve a contract with S&ME, Inc. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area, and**
 - D. Authorize the City Manager to amend the above contracts in an amount not to exceed \$130,000 each.**

Staff Resources: David Wolfe, Engineering & Property Management
Tom Warshauer, Neighborhood & Business Services

Explanation

- The U.S. Environmental Protection Agency (EPA) awarded the City \$400,000 through the Community-Wide Brownfield grant program. Council accepted the grant on August 23, 2010. A portion (\$10,000) of the grant supports limited administration expenses for the City.
- Hart & Hickman, Terracon and S&ME were chosen using the Council-approved, qualifications-based selection process for professional services in accordance with NC Statutes.
- The City will use EPA grant funds to conduct Phase I and Phase II environmental site assessments, perform remediation and redevelopment planning and provide community outreach.
- The City is targeting the Business Corridor Revitalization Area for the use of grant funds. This work supports the goals of the Business Corridor Revitalization Strategic Plan (adopted by Council in 2008) which are to eliminate blight, create strong local economies, support corridor revitalization and promote environmentally sustainable development.
- Grant funds may be used to support both public and private developments within the designated geography. Neighborhood & Business Services will coordinate an outreach and marketing program to potential community and business leaders.
- By authorizing the City Manager to amend the contracts, the City will be prepared to continue working should the EPA award a future Brownfield grant to the City.

Minority and Women Business Opportunity

Established MBE Goal: 7%

Established WBE Goal: 9%

Hart and Hickman, P.C.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

Hart and Hickman, P.C. committed 9% to the following WB firms: Prism Laboratory (lab analyses) and Probe Technology (drilling services). They will

also use the following MB firms as the project evolves: Comprehensive Business Consultants (public relations), Mistri-Hardaway Architects, Inc. (architect and public relations), RTI Laboratories (lab analyses), TPM, Inc. (printing), and Xenco Laboratories (lab analyses).

Terracon Consultants, Inc.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

Terracon Consultants, Inc. committed 7% to the following MB firms: Comprehensive Business Consultants (public relations), Mistri-Hardaway Architects, Inc. (architect & public relations), RTI Laboratories (lab analyses), TPM, Inc. (printing) and Xenco Laboratories (lab analyses). They committed 9% to the following WB firms: Aerobiology Laboratory (lab analyses), Enviro-Equipment (field equipment rental), Planning Communities (public relations), Prism Laboratories (lab analyses) and Probe Technology (drilling services).

S&ME, Inc.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

S&ME, Inc. committed 7% to the following MB firms: Comprehensive Business Consultants (public outreach), RTI Laboratories (lab analyses) and TPM, Inc. (printing). They committed 9% to the following WB firms: Aerobiology Laboratory (lab analyses and air samples) and Prism Laboratories (lab analyses).

Funding

Environment Capital Investment Plan

45. Muddy Creek Watershed Restoration Change Order #1

Action: Approve change order #1 in the amount of \$395,564.84 to Shamrock Environmental Corporation for the Muddy Creek Watershed Restoration Improvements.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- This project includes the restoration and enhancement of 7,373 linear feet of stream and 6.1 acres of wetland along Muddy Creek and Eastland Branch, tributaries to Campbell Creek in the McAlpine Creek watershed. It also includes one pond and three wetlands to address pollutants in a highly urbanized area.
- The project area is roughly bounded by Albemarle Road to the north, Independence Boulevard to the west, Idlewild Road to the south and Farm Pond Lane to the east.
- The predominant reasons for the change order fall into the following areas:
 - Additional borrow backfill material was needed because excessive unsuitable subsurface materials were encountered during construction and significant inclement weather conditions occurred during the winter of 2009.
 - Extra stone items were needed to address design adjustments due to field conditions encountered during construction.

- Additional sanitary sewer and water utility items were needed to address subsurface conflicts discovered during construction.
- Storm drainage improvements were added during construction to address drainage concerns from Reddman Road.
- The original contract amount of \$1,440,496.05 was awarded by City Council on June 8, 2009 and included federal stimulus funding. The total contract amount to date, including this change order, is \$1,836,060.89. The change order will be financed entirely by Storm Water capital funds.
- This change order will allow funding for the completion of all work by the end of first quarter 2011.

Disadvantaged (MBE/WBE) Business Opportunity

All additional work involved in this change order will be performed by the current contractor and existing subcontractors. Shamrock Environmental Corporation committed 19.97% (\$79,998) of the total change order amount to the following WBE firms: On Time Construction (incidental concrete), Bullington Construction (fencing), and D2 Construction (trucking).

Funding

Storm Water Capital Investment Plan

46. Vehicle Lift Equipment

- Action:**
- A. Approve the purchase of 14 vehicle lifts as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and**
 - B. Approve a contract with Rotary Lift for the purchase of 14 vehicle lifts and related services in the amount of \$322,256.**

Staff Resources: William Haas, Engineering & Property Management
Karen King, Equipment Management Division

Cooperative Purchasing Exception

- The U.S. General Services Administration (GSA) has a national contract with Rotary Lift that guarantees their prices to be the lowest available to a government entity.
- NC Senate Bill 914, effective January 1, 2002 authorizes local governments to purchase from competitive group purchasing programs.
- The GSA awarded a contract to Rotary Lift to provide building materials and industrial supplies to federal, state and local agencies through June 29, 2013.

Explanation

- The vehicle lifts will be located at the new Light Vehicle Maintenance Facility, located at 1031 Atando Avenue.
- The contract with Rotary Lift will include the equipment purchase, on-site installation and extended warranty.
- The 14 Rotary lifts include three, four-post surface mounted lifts; nine, two-post surface mounted lifts; and two in-ground lifts.
- The four-post lifts will be used for general maintenance and repair of vehicles weighing up to 30,000 pounds. These lifts will help provide service to medium duty equipment for Charlotte-Mecklenburg Utilities and CDOT's Street Maintenance Division in the northern part of the county.

- The two-post lifts will service all marked police units, City staff vehicles and other light equipment weighing up to 16,000 pounds. Services to be performed include lubrication and under chassis inspection.
- The in-ground lifts will serve multi-functions from oil changing to tire replacement. These lifts support the vehicles' undercarriage, allowing for tire removal. The in-ground lift has a 60,000 pound capacity allowing servicing of heavy trucks and equipment.

Background

- The Light Vehicle Maintenance Facility project includes site development and improvements for construction of a 40,932 square foot facility.
- The facility will consist of a light truck and emergency response vehicle repair garage equipped with oil change bays, a parts storage mezzanine and 29 maintenance bays. This facility also serves as the City vehicle commissioning and decommissioning center.
- This project is scheduled for completion in third quarter 2011.

Small Business Opportunity

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

Funding

Government Facilities Capital Investment Plan

47. Electronic Auction for Disposal of Fire Trucks

**Action: A. Adopt a resolution declaring specific vehicles as surplus, and
B. Authorize said items for sale by electronic auction beginning February 7, 2011 and ending March 7, 2011.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(c) approval is requested for an electronic auction as follows:
 - Beginning February 7, 2011 and ending March 7, 2011, two units of fire equipment will be offered for electronic auction. The attachment lists the fire trucks to be auctioned.
- The fire trucks were removed from service due to age, mileage or repair history.
- City staff believes that the use of electronic auction will provide a larger audience of qualified bidders and return maximum revenue from these fire units.
- Any truck not sold during this electronic auction will be sold at the on-site auction in April.

Background

- The City currently contracts with Rogers Realty and Auction Company for all auction services associated with rolling stock, police unclaimed items, and miscellaneous items for both on-site and electronic auctions at a commission rate of 9.5% as approved by City Council on August 25, 2009.

- The Rogers Realty contract is non-exclusive and allows the City to use other acceptable service providers, such as Publicsurplus.com, for electronic auctions when in the City's best interest.
- Publicsurplus.com, with a commission rate of 7%, is an electronic auction service that provides only a hosted website to advertise and auction off end-of-life assets, with no additional on-site services.
- Publicsurplus.com was located through an informal survey of electronic auction service providers in the spring of 2009 in an effort to find a lower commission rate that fit a similar level of service required. Publicsurplus.com has been used successfully over the past year to perform electronic auctions for large equipment, and was used in 2010 for the auction of Solid Waste Services recycling truck e-auctions.
- General maintenance services, which are performed by Rogers Realty, are not performed on fire trucks before auction. The fire trucks will be sold "as is" by electronic auction with Publicsurplus.com, which yields a 2.5% commission savings.

Small Business Opportunity

No SBE goal was set for this auction because subcontracting opportunities are not anticipated (Part C; Section 2.4 of the SBO Policy).

Attachment 25

List of Fire Trucks for Disposal
Resolution

48. Code Enforcement Office Sub-Lease

Action: Approve a sub-lease with Park Property Management for a Code Enforcement office at 800 Briar Creek Road, not to exceed \$124,050 over the five-year period.

Staff Resources: Richard Woodcock, Neighborhood & Business Services
Robert Drayton, Engineering & Property Management

Explanation

- The office location is the former Merchandise Mart property at Independence Boulevard and 800 Briar Creek Road.
- The property is owned by University Park Baptist Church, which is a non-profit entity. The property has been master-leased to Park Property Management, the Church's for-profit management entity.
- Code Enforcement has leased this space since 2008.
- Eight Code Enforcement staff members work out of this office that serves east and south Charlotte. This location offers easy access to the area served by Code Enforcement staff.

Lease Terms

- Rentable area: 2,000 square feet of office space
- Term: Commencing March 1, 2011 for five years
- Rental Rate:
 - Initial rate \$11.50 per square foot per year (\$1,916.67 per month), full service
 - 3% annual rent increase July 1
 - Total lease payments not to exceed \$124,050

Funding

Neighborhood & Business Services Operating Budget

49. Resolution of Intent to Abandon an Eight-foot Alleyway off N. Brevard Street

Action: **A. Adopt the resolution of intent to abandon an eight-foot alleyway off N. Brevard Street, and**
B. Set a public hearing for February 28, 2011.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Attachment 26

Map
Resolution

50. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from three categories:

1. Public Safety – Police and/or Fire 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. 420 W. Tremont Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood)
- B. 832-1 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- C. 832-2 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- D. 832-3 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)

Complaint:

- E. 1550 Jennings Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- F. 4014 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- G. 1001 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- H. 2153 Camp Greene Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- I. 423 Leland Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood)
- J. 2720 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- K. 116 S. Gregg Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Field Observation:

- L. 1306/08 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- M. 800 W. Morehead Street (Neighborhood Statistical Area N/A)
- N. 1119 Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- O. 3916 The Plaza (Neighborhood Statistical Area 48 – Plaza/Shamrock)

- P. Neighborhood)
206 1-5 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood)
- Q. 2124 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- R. 208 S. Bruns Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood)
- S. 2901 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)
- T. 12501 Oakhaven Drive (Neighborhood Statistical Area 102 – Griers Fork Neighborhood)
- U. 4529 N. Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood)
- V. 3506 Tuckasegee Road (Neighborhood Statistical Area 1

Public Safety:

A. 420 W. Tremont Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 420 W. Tremont Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

Attachment 27

B. 832-1 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-1 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 28

C. 832-2 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-2 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 29

D. 832-3 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-3 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 30

Complaint:

E. 1550 Jennings Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1550 Jennings Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

Attachment 31

F. 4014 Rozzelles Ferry Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4014 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 32

G. 1001 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1001 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 33

H. 2153 Camp Greene Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2153 Camp Greene Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 34

I. 423 Leland Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 423 Leland Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 35

J. 2720 Mayfair Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2720 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 36

K. 116 S. Gregg Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 116 S. Gregg Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 37

Field Observation:

L. 1306/08 Kennon Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1306/08 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 38

M. 800 W. Morehead Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 800 W. Morehead Street (Neighborhood Statistical Area N/A).

Attachment 39

N. 1119 Pegram Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1119 Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 40

O. 3916 The Plaza

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3916 The Plaza (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

Attachment 41

P. 206 1-5 Walnut Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 206 1-5 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 42

Q. 2124 West Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2124 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 43

R. 208 S. Bruns Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 208 S. Bruns Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 44

S. 2901 New Pineola Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2901 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

Attachment 45

T. 12501 Oakhaven Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 12501 Oakhaven Drive (Neighborhood Statistical Area 102 – Griers Fork Neighborhood).

Attachment 46

U. 4529 N. Sharon Amity Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4529 N. Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood).

Attachment 47

V. 3506 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3506 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 48

51. 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 \$50,289.41, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$46,978.01.**

Staff Resource: Robert Campbell, Finance

Attachment 49

Resolution

List of property tax and business license refunds

PROPERTY ITEMS

52. Property Transactions

Action: Approve the following property acquisitions (A-D) and adopt the condemnation resolutions (E-M).

- 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:** Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel # 79
Owner(s): Darrell W. Drum and Wife, Shirley T. Drum
Property Address: 415 Gum Branch Road
Property to be acquired: 7,909 sq. ft. (.182 ac.) in Storm Drainage Easement, plus 4,244 sq. ft. (.097 ac.) in Temporary Construction Easement
Improvements: Iron Gates, Stone Columns
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 031-073-05
Total Parcel Tax Value: \$154,400
Purchase Price: \$13,050
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
- B. Project:** Freedom Drive Intersection Project, Parcel # 505
Owner(s): H. E. Fletcher and Wife, Ines M. Fletcher
Property Address: 6403 Freedom Drive
Property to be acquired: 2,057 sq. ft. (.047 ac.) in Fee Simple, plus 2,253 sq. ft. (.052 ac.) in Existing Right-of-way, plus 2,325 sq. ft. (.053 ac.) in Temporary Construction Easement
Improvements: Septic System
Landscaping: Trees
Zoned: R-3

Use: Single Family Residential

Tax Code: 059-231-15

Total Parcel Tax Value: \$108,600

Purchase Price: \$14,600

Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

- C. Project:** Rea Road Widening/Improvements, Parcel # 116
Owner(s): Jeffery L. Walker and Wife, Emily Blanchard Walker
Property Address: 4400 Carmel Estates Road
Property to be acquired: 2,088 sq. ft. (.048 ac.) in Fee Simple, plus 288 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 73 sq. ft. (.002 ac.) in Temporary Road Easement, plus 4,954 sq. ft. (.114 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Mature Trees/Bushes/Berm
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-235-08
Total Parcel Tax Value: \$349,800
Purchase Price: \$92,500
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
- D. Project:** Rea Road Widening/Improvements, Parcel # 120
Owner(s): Maurice E. Rapp and Wife, Paula T. Rapp
Property Address: 4808 Rea Rd
Property to be acquired: 10,392 sq. ft. (.239 ac.) in Fee Simple, plus 13,792 sq. ft. (.317 ac.) in Storm Drainage Easement, plus 4,648 sq. ft. (.107 ac.) in Utility Easement, plus 1,029 sq. ft. (.024 ac.) in Slope Easement, plus 8,661 sq. ft. (.199 ac.) in Temp Access Rd easement 4664 and Wall easement 3997, plus 11,203 sq. ft. (.257 ac.) in Temporary Construction Easement
Improvements: brick walls
Landscaping: large trees, bushes
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-235-10
Total Parcel Tax Value: \$388,200
Purchase Price: \$140,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- E. Project:** Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel # 37
Owner(s): Kathy Hipp Smith and Janey McPherson Smith, et al And Any Other Parties of Interest
Property Address: 235 Gum Branch Road
Property to be acquired: 431 sq. ft. (.010 ac.) in Sidewalk and Utility Easement, plus 73 sq. ft. (.002 ac.) in Utility Easement, plus 2,869 sq. ft. (.066 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential

Tax Code: 031-072-04

Total Parcel Tax Value: \$122,200

Appraised Value: \$725

Property Owner's Counteroffer:

Reason for Condemnation: Property owners are in agreement; however, due to many title issues, condemnation is recommended in order to obtain clear title.

- F. Project:** Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel # 51
Owner(s): Robert Michael Kinnett and Wife, Karen K. Kinnett and Any Other Parties of Interest
Property Address: 405 Gum Branch Road
Property to be acquired: 524 sq. ft. (.012 ac.) in Fee Simple, plus 12,051 sq. ft. (.277 ac.) in Storm Drainage Easement, plus 1,688 sq. ft. (.039 ac.) in Sidewalk and Utility Easement, plus 289 sq. ft. (.007 ac.) in SUE & SDE, plus 3,928 sq. ft. (.090 ac.) in Temporary Construction Easement
Improvements: driveway will need to be tied back into street
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 031-073-04
Total Parcel Tax Value: \$185,100
Appraised Value: \$7,425
Property Owner's Counteroffer:
Reason for Condemnation: Property owners are in agreement; however, due to many title issues, condemnation is recommended in order to obtain clear title.
- G. Project:** Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel # 53, #74 and #75
Owner(s): 42 Owners in Coulwood Oaks Townhomes and Any Other Parties of Interest
Property Address: 8407 Coulwood Oak Lane
Property to be acquired: 5,677 sq. ft. (.130 ac.) in Fee Simple, plus 3,963 sq. ft. (.091 ac.) in Existing Right-of-way, plus 263 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 8,910 sq. ft. (.205 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Bushes
Zoned: R-15
Use: Town House Common Area
Tax Code: 031-271-04 and 031-271-05
Total Parcel Tax Value: \$0
Appraised Value: \$4,850
Property Owner's Counteroffer:
Reason for Condemnation: These parcels make up a portion of the common area of the Coulwood Oaks Townhomes and are jointly owned by 42 separate owners. The Homeowners Association's bylaws require 2/3 of the owners and 75% of the first mortgages to sign the easement documents. Condemnation is recommended in order to obtain clear title.

- H. Project:** Glassy Creek Restoration, Parcel # 5
Owner(s): Huey M. Rowe-Anderson and Any Other Parties of Interest
Property Address: 3115 Barringer Drive
Property to be acquired: 5,098.85 sq. ft. (.117 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-082-10
Total Parcel Tax Value: \$74,100
Appraised Value: \$1,125
Property Owner's Counteroffer: None
Reason for Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has been unable to locate the property owner and due to many title issues, condemnation is recommended in order to obtain clear title.
- I. Project:** Glassy Creek Restoration, Parcel # 8
Owner(s): Donald Andrews and Any Other Parties of Interest
Property Address: 3133 Barringer Drive
Property to be acquired: 15,815.25 sq. ft. (.363 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-082-13
Total Parcel Tax Value: \$76,600
Appraised Value: \$2,025
Property Owner's Counteroffer: None
Reason for Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. A verbal agreement has been reached with the property owner; however, City staff has yet to receive the signed documents. In order to maintain the project schedule, condemnation is recommended. City staff will continue to work with the property owners to complete the acquisition process until the condemnation filing.
- J. Project:** Glassy Creek Restoration, Parcel # 12
Owner(s): 77 Corporate Park, LLC And Any Other Parties of Interest
Property Address: 3420 St. Vardell Lane
Property to be acquired: 40,427.8 sq. ft. (.928 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: B-D
Use: Office
Tax Code: 145-061-22
Total Parcel Tax Value: \$11,324,600
Appraised Value: \$22,750

Property Owner's Counteroffer: None

Reason for Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has diligently attempted to communicate with the property owners and the property owner will no longer respond to our efforts. In order to maintain the project schedule, condemnation is recommended.

- K. Project:** Glassy Creek Restoration, Parcel # 15
Owner(s): 77 Corporate Park, LLC And Any Other Parties of Interest
Property Address: Trade Park Court
Property to be acquired: 5,176.26 sq. ft. (.119 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: B-D
Use: Commercial
Tax Code: 145-061-27
Total Parcel Tax Value: \$1,528,800
Appraised Value: \$3,450
Property Owner's Counteroffer: None
Reason for Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has diligently attempted to communicate with the property owners and has received little response. In order to maintain the project schedule, condemnation is recommended.

- L. Project:** Rea Road Widening/Improvements, Parcel # 64
Owner(s): Bruce C. Werder and Wife, Marlena M. Werder and Any Other Parties of Interest
Property Address: 5000 Rea Road
Property to be acquired: 2,706 sq. ft. (.062 ac.) in Fee Simple, plus 4,598 sq. ft. (.106 ac.) in Storm Drainage Easement, plus 10,449 sq. ft. (.240 ac.) in Temporary Construction Easement
Improvements: stone wall
Landscaping: trees/shrubbery
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-232-41
Total Parcel Tax Value: \$759,400
Appraised Value: \$99,000
Property Owner's Counteroffer: None
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve sight distance at intersections and along the road. City staff has worked diligently to address the property owner's concerns by making revisions to the project design. The property owner has obtained an attorney who has yet to submit a counter offer. In order to maintain the project schedule, condemnation is recommended.

- M. Project:** Rea Road Widening/Improvements, Parcel # 122
Owner(s): Reacraft Property Owners' Association, Inc, a/k/a Reacraft Property Owners Association and Any Other Parties of Interest
Property Address: 4600 Rea Road
Property to be acquired: 3,678 sq. ft. (.084 ac.) in Fee Simple, plus 4,165 sq. ft. (.096 ac.) in Storm Drainage Easement, plus 512 sq. ft. (.012 ac.) in Utility Easement, plus 2,535 sq. ft. (.058 ac.) in Temporary Road Easement, plus 9,744 sq. ft. (.224 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: trees/bushes
Zoned: R-3
Use: Single Family Residential - Common
Tax Code: 211-571-09
Total Parcel Tax Value: \$0
Appraised Value: \$3,900
Property Owner's Counteroffer: None
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve sight distance at intersections and along the road. The Homeowners Association's covenants and by-laws require 2/3 of the homeowners' signatures regarding property transfers. Condemnation is recommended in order to obtain clear title.

53. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- November 8, 2010