

**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, June 13, 2011**

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

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**CITY COUNCIL AGENDA**  
**Monday, June 13, 2011**

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## 5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. Mayor & Council Consent Item Questions

**Resource:** Eric Campbell, City Manager's Office

**Time:** 5 minutes

**Synopsis**

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

### 2. Incentive Based Inclusionary Housing Action Plan

**Resources:** Debra Campbell, Planning  
Pamela Wideman, Neighborhood & Business Services

**Time:** 30 minutes

**Synopsis**

- There is a significant unmet need of affordable, multi-family rental housing units, according to:
  - Robert Charles Lesser & Company's Assessment of the Residential Rental Housing Supply and Demand in Mecklenburg County, NC
  - University of Charlotte Urban Institute, A Comprehensive Affordable Housing Market Study for Mecklenburg County
- Incentive Based Inclusionary Housing Policies are designed to be used as tools by the private sector to encourage and yield the development of affordable housing units.
- The City Council referred the issue of incentive based inclusionary housing strategies to the Housing and Neighborhood Development Committee for review and discussion
- At the April 6 Committee meeting, Mayor Foxx attended and discussed possible options, and staff provided a brief overview of the Housing Charlotte 2007 Incentive Based Inclusionary Housing Subcommittee's recommendations. At the May 25 meeting, the committee voted 3-1 to recommend to Council a list of regulatory and financial incentives to create affordable housing units in Charlotte (Kinsey, Barnes and Cannon – for; Cooksey – opposed).
- One of the major recommendations made by the Incentive Based Inclusionary Housing Policies Subcommittee was a voluntary density bonus program. A density bonus is a zoning tool used to increase the number of units over the base density allowed in the zoning district.
- In a November 2010 memo, the City Attorney's Office recommended that Council seek enabling legislation if Council wanted to pursue this strategy. While it remains their opinion that seeking enabling legislation would be the safest course of action, during the Housing and Neighborhood Development Committee's discussion of this matter, staff indicated the issue is more one of risk. Staff noted that it is unlikely that a developer would challenge a voluntary program since anyone opposed to the concept

would not have to participate. The June 1, 2011 memo from the City Attorney's Office is attached.

- Staff will brief Council on the Committee's recommended action plan. If adopted, the proposed action plan will provide the guidance necessary for staff to begin an in-depth process of review and solicit additional citizen input on the recommended strategies.
- The proposed schedule calls for specific policy proposals to be reviewed by the Housing and Neighborhood Development Committee in January 2012, with final Council adoption in April 2012.

#### **Future Action**

- Staff recommends City Council action on the Committee's recommended Action Plan at the June 27 Meeting.

#### **Attachment 1**

Proposed Incentive Based Inclusionary Housing Policies: Action Plan  
June 1, 2011 Memorandum from City Attorney's Office

### **3. Tree Canopy Coverage Goal**

**Resources:** Gina Shell, Engineering & Property Management  
Tom Johnson, Engineering & Property Management  
Don McSween, Engineering & Property Management

**Time:** 20 minutes

#### **Synopsis**

- Staff will brief Council on the draft Tree Canopy Coverage Goal.
- Council's FY2011 Environment Focus Area Plan calls for the City to establish a tree canopy goal.
- At its December 6 meeting, Council referred the work of setting a goal and developing a supportive strategy to the Environment Committee.
- The Environment Committee discussed the goal and strategy at three meetings, during which staff presented:
  - Research regarding other cities
  - Analysis of the tree canopy data received from American Forests following their 2010 Urban Ecosystem Analysis for Mecklenburg County and the City of Charlotte
  - Feedback received from interested citizens at four public meetings
- The goal will express the total tree canopy coverage which the City aspires to sustain, expressed as a percentage of land within the City. The goal is intended to:
  - Reflect and express the value the community places on the tree canopy as an element of its quality of life
  - Communicate a shared objective to ensure that a healthy tree canopy is sustained for the benefit of current and future citizens
  - Provide a shared measure so that Charlotte can chart its success in retaining the valuable canopy resource
  - Be the centerpiece of a communications effort to encourage citizens, neighborhoods, and community groups to take action by planting trees and maintaining the urban forest
- The tree canopy coverage goal for the City of Charlotte and its Sphere of Influence will be expressed as "50% Canopy in 2050".

- A communication effort will be initiated to communicate the goal to the community and to involve citizens and community groups in planting efforts and good tree maintenance.
- A dynamic set of strategies and tactics will be used to guide actions to direct City and community tree-planting efforts to parts of the City where the tree canopy might need to be increased. Initial strategies and tactics are described in the staff white paper, "City of Charlotte Tree Canopy Coverage Goal" (attached). Strategies and tactics will be continually refined and revised by staff in consultation with community partners.
- On May 23, the Environment Committee unanimously (Peacock, Carter, Burgess, Dulin and Howard) endorsed the goal and recommended its adoption by Council.

**Future Action**

Staff recommends City Council action at the June 27 meeting.

**Attachment 2**

Staff White Paper: City of Charlotte Tree Canopy Coverage Goal

#### 4. **Post-Construction Controls Ordinance Revisions**

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

**Time:** 15 minutes

**Synopsis:**

- The Post-Construction Controls Ordinance (PCCO) has been in effect since July 1, 2008.
- During implementation of the ordinance, staff has identified several areas that should be revised to provide more flexibility, to reflect recent changes in the Tree Ordinance, and to address housekeeping issues.
- The most significant of the proposed changes are:
  - Remove the applicability of natural area (tree) requirements. The tree save area required in the revised Tree Ordinance has removed the need for the PCCO to have similar requirements.
  - Allow more sites to be considered for a mitigation fee option for redevelopment. Staff has found that some redevelopment projects face substantial economic challenges accommodating water quality measures on the site. More flexibility is needed which will reduce compliance costs in many cases.
- Other less significant or housekeeping changes include:
  - Add language to prevent developers from ignoring State-required 30-foot buffers on some sites
  - Remove references to County watersheds not within our jurisdiction

**Future Action**

A stakeholder meeting and review with the Storm Water Advisory Committee is planned during June, with a tentative public hearing date of July 25.

## 5. Decorative Signs Ordinance Revisions

**Resources:** Bob Hagemann, City Attorney's Office  
Doreen Szymanski, Transportation

**Time:** 20 minutes

### Synopsis

- The current City Decorative Signs Ordinance allows decorative signs, such as banners, emblems, flags, and pennant flags, in the public rights-of-way only in the Uptown, Municipal Services Districts 1, 2, and 3.
- Staff will share with City Council proposed changes to the Decorative Signs Ordinance which includes:
  - Establishment of a Citywide program to be administered by the Charlotte Department of Transportation
  - Provides for temporary and permanent decorative signs in the public rights-of-way
  - Sets standards and guidelines for the donation and display of the signs
  - Sets standards and guidelines for size, materials, location, erection and removal of signs
  - Makes it clear that decorative signs are City messages and that the City does not intend for the program to create a forum for free speech under the 1<sup>st</sup> Amendment

### Future Action

Staff recommends City Council action at the June 27 meeting.

### Attachment 3

Key Provisions of Proposed Decorative Sign Ordinance and Guidelines

## 6. Answers to Mayor and Council Consent Item Questions

**Resource:** Eric Campbell, City Manager's Office

**Time:** 10 minutes

### Synopsis

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

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

**7. Cherry Garden Senior Apartments, LEED Award**

**Action: Mayor Foxx to recognize The Affordable Housing Group of North Carolina and StoneHunt Development for the Cherry Garden Senior Apartments. Cherry Garden has been awarded the first LEED Gold Certificate for multifamily housing in the state of North Carolina.**

**8. USO 70<sup>th</sup> Anniversary**

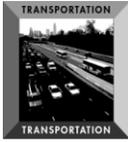
**Action: Mayor Foxx to present a Proclamation to the USO of North Carolina, Charlotte Center, in recognition of the 70<sup>th</sup> Anniversary of the USO (United Service Organizations).**

**CONSENT**

- 9. Consent agenda items 20 through 54 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.**

## PUBLIC HEARING

### 10. Public Comment on Transportation Action Plan Update



**Action:** Receive public comments on the Transportation Action Plan five-year update.

**Committee Chair:** David Howard

**Staff Resource:** Dan Gallagher, Transportation

#### Policy

Transportation Action Plan

#### Explanation

- The Transportation Action Plan (TAP), adopted in 2006, is the City's 25-year comprehensive transportation plan that describes the policies, projects and programs necessary to help Charlotte accommodate growth and improve transportation mobility and accessibility.
- The TAP calls for an update every five years, so that Charlotte residents are provided the latest information regarding the City's short-term and long-term transportation conditions, objectives and accomplishments.
- Since fall of 2010, City staff has worked with the Transportation & Planning Committee and citizens to prepare the update.
- The TAP update includes focused revisions to TAP policies, programs and transportation project costs, including recommendations for a \$100 million a year transportation funding level to provide roadway, bicycle and pedestrian improvements to keep pace with growth.
- As part of the community outreach for the TAP update, staff:
  - Hosted two public kick-off meetings in February 2011
  - Developed a TAP update video
  - Conducted an internet-based transportation survey
  - Received specific comments on the TAP Policy and Technical Documents (see attachment)
  - Hosted a final public workshop on April 27, 2011
- On May 9, 2011, the Transportation & Planning Committee (Howard, Carter, Cooksey, Kinsey) unanimously recommended the TAP Five-Year update be forwarded to City Council for public comment.
- The Wednesday, June 8 Council-Manager Memo packet will contain the following attachments:
  - Transportation Action Plan
  - Figure 4 – Locally Funded Transportation Programs and Improvements List
  - Transportation Action Plan Technical Document
  - Summary of Public Comments and Staff Responses

#### Next Steps

On July 25, 2011, the Transportation & Planning Committee will make their recommendation. Staff recommends City Council action at the August 22 meeting.

## POLICY

### 11. City Manager's Report

### 12. Airport Taxi Operating Agreements



**Action:** Approve the Community Safety Committee recommendation to execute agreements with Taxi USA, LLC d/b/a Yellow Cab, Crown Cab, Inc., and City Cab, LLC, for Airport Taxi Service effective July 18, 2011.

**Committee Chair:** Patrick Cannon

**Staff Resource:** Jerry Orr, Aviation

#### Committee Action

- On March 28, 2011, City Council referred a review of the Airport Taxi Service Request for Proposal (Airport Taxi RFP) process to the Community Safety Committee to review and provide a recommendation at the June 13, 2011 City Council business meeting.
- Staff provided the Community Safety Committee with copies of all nine proposals submitted for consideration by taxi companies.
- The Aviation Director discussed questions regarding the Airport Taxi Service Request for Proposal which included:
  - What was the selection process?
  - Did the Hospitality and Tourism Alliance influence the selection process?
  - Does City Cab have taxis?
  - Does City Cab have the capacity for Airport Operating Agreements?
  - Are 105 taxi permits sufficient for customer demand?
  - Are drivers going to be put out of work?
  - Are the taxi drivers going to have to pay more to their companies?
  - Are the drivers going to make more money?
  - Why select three companies instead of 12?
- After discussion, the Committee voted unanimously (Cannon, Kinsey and Peacock) to recommend Airport Taxi Operating Agreements (Operating Agreements) to Taxi USA, Crown Cab, and City Cab, consistent with the City Manager's recommendation.

#### Taxi Agreements

- In November 2008, staff presented a dinner briefing explaining the need to improve the quality of taxi service for Airport customers.
- Since the 2008 dinner briefing, a detailed analysis of the current operation was conducted. The findings are as follows:
  - Currently, 12 companies hold agreements for taxi service at the Airport, leading to inconsistent service.
  - The number of permitted vehicles typically far exceeds demand, except for a few peak times during the week.
  - There are often significant wait times for each permitted taxi between dispatches for Airport fares.
- Staff gathered input from the taxi industry.
  - Staff surveyed all Airport drivers and received 91 responses.
  - Staff met with all taxicab companies who operate at the Airport.

- Staff had multiple discussions with the Independent Taxicab Owners & Operators Association, the Airport Taxi Association, and individual drivers.
- The Airport proactively increased the resources dedicated to managing the ground transportation system.
  - Appointed a Ground Transportation Manager
  - Increased the number of taxi inspectors
  - Invested in technology that will increase efficiency
- On several occasions in the fall of 2010 and on February 14, 2011, Aviation discussed with City Council the Airport Taxi RFP and the plan to improve taxi service.
- The new rules that will take effect along with the new Operating Agreements establish Airport standards, including the requirement for upgraded vehicles. These rules are part of the contract and will apply only to those taxi companies who hold Operating Agreements.
- The new taxi system will use an efficiency approach to taxi permits which will better balance supply and demand. The Airport will initially issue a total of 105 permits to serve the Airport in shifts of approximately 50 hours per week (Standard Permits). The Airport will also issue 51 permits to operate as needed during peak times (Peak Time Permits). It is anticipated that the companies will likely be asked to call in taxis holding Peak Time Permits for approximately 10-20 hours each per week.
- On September 20, 2010, the Airport issued the Airport Taxi RFP and received nine proposals by the October 11, 2010 deadline. The Selection Committee, comprised of Jerry Orr (Aviation), Drew Riolo (Airport Advisory Committee), Major Tim Danchess (Police), and Tim Newman (Charlotte Regional Visitors Authority), analyzed the proposals and decided to interview the five companies who had submitted the best proposals. After those discussions, the Selection Committee unanimously agreed that the three companies who should be recommended for Operating Agreements were Taxi USA d/b/a Yellow Cab, Crown Cab, and Kashmary Enterprises d/b/a King Cab.
- Subsequently, the Airport learned that two of the three current owners of Kashmary Enterprises had recent and relevant federal felony convictions dated 2006.
  - The Passenger Vehicle for Hire Unit (PVH) of the Charlotte-Mecklenburg Police Department had previously reviewed their records and determined that Kashmary Enterprises was eligible to continue to hold a Company Operating Certificate (COC). Since the company holds a valid COC from PVH, it was eligible to submit a proposal under the Airport Taxi RFP.
- The City Manager ultimately determined it would not be in the City's and the public's best interests to issue an Operating Agreement to Kashmary Enterprises and recommends instead the Selection Committee's first alternate, City Cab, LLC.
- The City Manager recommends that City Council consider approving agreements as follows:
  - Taxi USA, LLC d/b/a Yellow Cab for 45 Standard Permits and 24 Peak Time Permits
  - Crown Cab, Inc. for 45 Standard Permits and 24 Peak Time Permits
  - City Cab, LLC for 15 Standard Permits and 3 Peak Time Permits
- The number of standard and peak time permits for City Cab is directly related to its capacity to produce vehicles for service. City Cab, Inc. is a newly formed consortium of drivers, as allowed under the Airport Taxi RFP.

**Contract Terms**

- The Operating Agreements will be effective July 18, 2011 and may be renewed annually by the Aviation Director.
- The companies will pay the Airport a permit fee of \$500/year for Standard Permits but will pay no permit fee for the Peak Time Permits.
- The companies will pay the Airport a trip charge of \$1 per trip for both the Standard and Peak Time Permits for each trip the permitted taxi takes after being dispatched by the Airport to serve an on-demand customer.
- The Aviation Director can increase the number of permits during the term of the agreement and can increase or decrease upon renewal. The companies can opt to accept fewer permits than the number offered or issued and have those reallocated, with the concurrence of the Aviation Director.
- The companies will provide permitted taxis with a GPS system and backseat credit card technology. Permitted taxis will display a uniform Airport decal.
- The Companies will use vehicles that are of a model year no more than three years old when it enters Airport taxi service and that remain in service no more than three years. For example, if a 2008 vehicle received an Airport permit July 18, 2011, it would be eligible to retain that permit until July 17, 2014. By the end of its service, a taxi could be no more than six years old.
- Comparable airports have similar requirements. Raleigh/Durham International requires taxis to be new when they enter service and allows them to be used for five to six years. Baltimore/Washington International requires taxis to be no more than six years old.

### 13. FY2012 and FY2013 Operating Budget and FY2012-FY2016 Capital Investment Plan

**Action:** Approve FY2012 Appropriations and Tax Levy Ordinance, the FY2013 Operating Resolution, the Capital Investment Plan Resolution for Fiscal Years 2012-2016, the FY2012 Pay and Benefits Resolution and associated Human Resources contracts, and other items related to the Annual Ordinance adoption:

- A. The FY2012 Appropriations and Tax Levy Ordinance (Ruffin Hall),
- B. The FY2013 Operating Plan Resolution (Ruffin Hall),
- C. The FY2012-2016 Capital Investment Plan Resolution (Ruffin Hall),
- D. The FY2012 Pay and Benefits Plan Resolution and associated Human Resources contracts (Cheryl Brown),
- E. Outside Agencies Contracts (Ruffin Hall),
- F. Municipal Service Districts Contracts (Ruffin Hall),
- G. Job Training Contracts (Patrick Mumford),
- H. After-School Enrichment Contracts (Patrick Mumford),
- I. Housing Development and Support Contracts (Patrick Mumford),
- J. Storm Water Interlocal Agreement compliance (Jeb Blackwell)
- K. Other Budget Items (Ruffin Hall),
- L. Accept and appropriate an estimated \$50 million for the Federal Security Grant in support of the 2012 Democratic National Convention (Ruffin Hall and Chief Rodney Monroe)
- M. Charlotte Regional Visitors Authority Contract (Ron Kimble)
- N. Charlotte-Mecklenburg Housing Partnership Contract (Patrick Mumford)

**Committee Chair:** Michael Barnes

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

#### **Policy**

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

#### **Background**

- The City Manager's Recommended Budget was presented on May 9. Since March 2011, the Mayor and City Council held three budget retreats and the required public hearing to shape development of this budget. Additionally, Council held their Budget Adjustments meeting on May 18, and the Budget Straw Votes meeting on June 1.
- FY2012 marks the first year in three years that the City has developed a budget without an expectation of less revenue.
- The budget is characterized by the following:
  - Key Business Units did not have to go through a budget reduction exercise like last year
  - Revenue growth is applied to base budget operating needs such as fuel, utilities, risk, and health insurance
  - No changes in service levels, with only a few exceptions

**Approved Changes to the Manager’s Recommended Budget from Council Straw Votes**

- On June 1, 2011, Council approved the following budget amendments for the operating and capital budget:
  - Amendment 1: Restore funding for new streets lights program - \$445,446 funded in FY2012 by deleting the remaining balance in the Criminal Justice Technology Reserve.
  - Amendment 2: Defer implementation of increasing the proposed School Resource Officer program (SRO) payment formula - \$958,426 funded from the \$18.4 million in Capital Reserves, with the intention of replacing the \$958,426 Capital Reserves reduction from the \$1 million in General Fund Operating Reserves if there are no negative State budgetary impacts (either in the State budget or annexation). This amendment “skips” the first year increase to Charlotte-Mecklenburg Schools (CMS) and continues the cost sharing formula transition by FY2014 without extending the time period. For FY2013, CMS would pay an estimated increase of almost \$2 million. The following table lists the amended SRO payment formula:

<b>School Resource Officer Payment Formula</b>							
		<b>SROs</b>		<b>Difference</b>		<b>CMS %</b>	
<b>Year</b>	<b>Method</b>	<b>Total Cost</b>	<b>CMS pays</b>	<b>yr to yr</b>	<b>cumulative</b>	<b>% of cost</b>	<b>share</b>
FY11(current)	50% of 80%	\$6,098,025	\$2,439,210	-	-	50%	80%
FY12	50% of 80%	\$6,291,919	\$2,439,210	\$0	\$0	50%	80%
FY13	70% of 100%	\$6,330,643	\$4,431,450	\$1,992,240	\$1,992,240	70%	100%
FY14	80% of 100%	\$6,520,563	\$5,216,450	\$785,000	\$2,777,240	80%	100%
FY15	80% of 100%	\$6,716,180	\$5,372,944	\$156,494	\$2,933,734	80%	100%

- Amendment 3: Restore first year of phase out period for ImaginOn (Children’s Theatre), as part of three-year phase out - \$94,554 funded in FY2012 from FY2011 Council Discretionary funds to provide a funding level of \$283,662 in FY2012 (same as the current year FY2011); the three-year phase out plan provides \$94,554 in FY2013, with no payments beginning in FY2014. Council is approving a two year contract with ImaginOn consistent with the approved Amendment. The following table lists the amended contractual phase out plan:

<b>ImaginOn Contract Phase Out Schedule</b>			
<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>
\$283,662	\$283,662	\$94,554	\$0

- These budget amendments are incorporated in the Financial Partner contract approval, FY2012 Appropriations and Tax Levy Ordinance, and Capital Investment Plan resolution.

**A. Adopt the FY2012 Appropriations and Tax Levy Ordinance**

Budget Overview

- The total FY2012 recommended budget is \$1.67 billion, with \$1.06 billion for operating expenditures and \$606.8 million for capital expenditures (all funds). The total FY2013 recommended budget is \$1.71 billion, with \$1.08 billion for operating expenditures and \$624.2 million for capital expenditures (all funds). The General Fund operating budget totals \$463.3 million.
- Following the FY2011 property revaluation, the FY2012 and FY2013 budgets are based upon a revenue neutral property tax rate of 43.70¢ (down from 45.86¢).

- The recommended budget includes the following key revenues:
  - A revenue neutral property tax rate
  - A 6.5% impervious surface fee increase for Storm Water
  - A change in the rate structure in both water and sewer volumes and the fixed charges on both water and sewer, resulting in an average monthly water/sewer bill of \$56.23, an increase of \$4.59 per month

Property Tax Rate

- The property tax rate for FY2012 is recommended at 43.70¢ per \$100 of assessed valuation, a decrease of 2.16¢ to remain revenue neutral following the 2011 property revaluation. The FY2012 assessed value is estimated at \$84.3 billion, with an estimated collection rate of 96.80%.

<b>Purpose</b>	<b>Current FY2011 Tax Rate</b>	<b>Recommended FY2012 Tax Rate</b>	<b>Rate Decrease</b>
General Fund	37.73¢	36.00¢	(1.73¢)
Capital Debt Service	6.87¢	6.50¢	(0.37¢)
Pay-As-You-Go Capital	1.26¢	1.20¢	(0.06¢)
<b>Total</b>	<b>45.86¢</b>	<b>43.70¢</b>	<b>(2.16¢)</b>

**Attachment 4**  
Ordinance

**B. Adopt the FY2013 Operating Plan Resolution**

- The Manager’s Recommended Budget includes recommendations for the next two years of operating budgets. The first year, 2012, is listed in Section A of this action.
- A resolution is adopted at the beginning of each two-year plan. The resolution approves the FY2012 Operating Plan as recommended by the City Manager and as amended by Council on June 1. Adoption of the FY2013 Plan does not appropriate funds.

**Attachment 5**  
Resolution

**C. Adopt the FY2012-2016 Capital Investment Plan (CIP) Resolution**

- The resolution approves the five-year Capital Investment Plan expenditure and financing plan totaling \$3.3 billion (all funds)
- Since presentation of the Preliminary Budget, the City was notified of the final allocations for the federal CDBG and HOME grants. These final grant amounts are included in the attached ordinance.
- The capital program is based on property tax rates as follows:
  - 6.50¢ for the Municipal Debt Service Fund – a decrease of 0.37¢, reflecting the revised revenue-neutral tax rate
  - 1.20¢ for the Pay-As-You-Go Fund – a decrease of 0.06¢, reflecting the revised revenue-neutral tax rate
- The FY2012-2016 five year General Capital Investment Plan totals \$277.6 million, a 37.8% decrease from the current General CIP, and includes the following key programs and projects:
  - Housing Programs: \$71.5 million
  - Neighborhood Improvement Programs: \$41.5 million
  - Johnston-Oehler FTM Road Improvements: \$11.2 million

- Beatties Ford Road Street Improvements: \$9.1 million
- McKee Road/Providence Road Intersection: \$6.0 million
- Joint Communications Center (partial): \$6.0 million

#### Enterprise-Funded

- These programs are financially self-sustaining and do not rely on property tax or general government revenues
- Storm Water totals \$252.0 million and includes \$117.8 million for Flood Control Projects in neighborhood water basins
- Charlotte Area Transit System (CATS) totals \$1.3 billion and includes \$888.7 million for the LYNX Blue Line Extension
- Water and Sewer totals \$489.6 million which includes \$108.5 million for water and sewer line rehabilitation and replacement
- Aviation totals \$981.8 million which includes \$198.0 million for the Terminal Lobby Expansion

### **Attachment 6**

#### Resolution

#### **D. Adopt the FY2012 Employee Pay and Benefits Plan Resolution and associated Human Resources contracts**

- The recommendations included in the FY2012 Pay and Benefits Report include the following:

#### Pay Plans

- Due to the continued challenges associated with limited revenue growth and the uncertainty associated with the State budget, employee compensation adjustments were not recommended for FY2012.
- In the Public Safety Pay Plan, the recommended budget does not include increases for merit steps or any adjustment to the pay steps.
- In the Broadbanding Pay Plan, the recommended budget does not include funding for merit increases. Additionally, the recommended budget has no increases to the band minimum and maximum rates in the Broadbanding pay structure
- In lieu of a base pay compensation adjustment for employees for FY2012, the City Manager will be authorized to grant to employees a one-time lump sum payment, up to 1%, based on meeting organizational savings targets for FY2011

#### Benefits

- Increase the funding for the City's contribution to the 401(k) Plan for non-sworn law enforcement employees by 1% to a total of 3% (sworn law enforcement 401(k) contributions of 5% are mandated by State law)
- Conduct a medical claims audit and dependent eligibility audit during FY2012
- Dental premiums will not increase in FY2012 due to favorable claims experience
- The following medical plan design changes are effective January 1, 2012:
  - Increase the in-network deductible in the PPO A plan from \$300 to \$400
  - Increase the in-network out-of-pocket maximum in the PPO A plan from \$2,500 to \$3,000
  - Change the City's contribution strategy in the PPO A and PPO B plans over a three year period so that the PPO A plan becomes a buy-up option and the PPO B plan becomes the base medical plan
  - Employees currently participating in PPO B will experience no premium increase in 2012

- For retiree only medical coverage, increase the retiree share from 32.5% to 37.5% of the total premium
- For retiree and dependent coverage, increase the retiree share from 45% to 47.5% of the premium
- The City Manager is authorized to approve changes including plan options, vendors, and future contracts/contract amendments to the fully insured medical and prescription drug plans for Medicare eligible retirees
- Since the plans for Medicare eligible retirees are fully insured, upon receipt of renewal rates from UnitedHealthcare and SilverScript, it is recommended that the City Manager/designee be authorized to approve rate increases as necessary to appropriately fund these plans.
- Increase premiums as outlined in the chart below:

<b>Medical Premiums for Active Employees and Retirees</b>		
Level of Coverage	FY2011 Monthly Premium PPO B Plan – PPO A Plan	FY2012 Monthly Premium PPO B Plan – PPO A Plan
Employee Only	\$81.19-\$90.25	\$81.19-\$109.01
Employee/Children	\$349.21-\$375.28	\$349.21-\$414.03
Employee/Spouse	\$365.27-\$399.06	\$365.27-\$445.15
Employee/Family	\$387.29-\$426.42	\$387.29-\$478.10
Retiree Only	\$131.94-\$146.66	\$152.24-\$183.50
Retiree/Children	\$448.98-\$482.52	\$473.92-\$536.80
Retiree/Spouse	\$469.63-\$513.07	\$495.72-\$574.21
Retiree/Family	\$497.94-\$548.25	\$525.60-\$615.28

Notes: Retiree premiums based on retirees with 20+ years of service for the PPO plans; Employees not participating in specified Wellness Program will have an increased cost of \$400 per year

- The City recently completed several request for proposal processes for group insurance services. This Action authorizes the City Manager/designee to execute the following contracts, to be funded with the overall health insurance budget:
  - Wellness Program: a) three-year service contract with Provant Health, effective October 1, 2011, to provide services for the Wellness Program at the rates set forth in the proposal, and b) extend such contract for up to two additional, consecutive, one-year terms on negotiated terms and conditions approved by the City Manager
  - Prescription Drug Plan: three-year service contract with CVS Caremark, effective July 1, 2011 to provide services for the Prescription Drug Plan at the rates set forth in the proposal
  - Group Life Insurance: five-year contract with Aetna Life Insurance Company, effective July 1, 2011 to provide Group Life Insurance at the rates set forth in the proposal

**Attachment 7**  
Resolution

**E. Approve Outside Agencies Contracts**

United Family Services (Victim Assistance) \$327,428

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

**Attachment 8**  
Scope of Services

Community Building Initiative (CBI) \$49,000

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

**Attachment 9**

## Scope of Services

Arts & Science Council (ASC) \$2,883,160

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

**Attachment 10**

## Scope of Services

Extend the Agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program and approval of the FY2012 Public Art Work Plan

- On May 27, 2003, the City Council adopted an ordinance pertaining to the allocation and administration of funds for public art. The ordinance directs that an amount equal to 1% of the construction costs of eligible capital projects be provided for public art.
- The agreement was updated to incorporate changes from the ordinance and approved by City Council in 2004.
- On January 10, 2005, City Council voted to improve communications between the Council and the Public Art Program. The Council also reaffirmed the 2003 ordinance of 1% of construction costs of eligible capital projects be provided for public art.
- On November 12, 2007, Council approved the Restructuring Government Committee's recommendation to establish administrative guidelines for the City's Public Art Ordinance.
- The FY2012 Allocations are:
  - General Government Total - \$148,400
    - Public Facilities - \$83,400
    - Business Corridors - \$65,000
  - Aviation - \$131,483
- The FY2012 Public Art Work Plan was scheduled for presentation to the City Council at the May 9, 2011 Dinner Briefing. Due to time constraints, the presentation was cancelled and the ASC sent information regarding the public art update and proposed FY2012 Work Plan in the May 13 Council-Manager Memo.
- In accordance with the Council approved policy, the Public Art Commission will present a mid-year update of projects and financials in November 2011. At that time, the Commission will provide additional information regarding the proposed process and types of projects contemplated for the FY2012 funding allocation.

**Attachment 11**

## Proposed FY2012 Public Art Work Plan

Charlotte Regional Partnership \$149,034

- The Partnership is a regional economic development organization that works with local governments, the Chamber and others, to enhance

economic activity in the region. The amount of City funding is derived on a per capita figure based on city population.

**Attachment 12**

Scope of Services

Charlotte International Cabinet \$153,060

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

**Attachment 13**

Scope of Services

ImaginOn (Children’s Theatre) FY2012 - \$283,662 FY2013 - \$94,554

- The Children’s Theatre formerly leased a City-owned facility at 1017 East Morehead Street for which the City paid general operation and maintenance costs.
- In October 2005, the Theatre relocated to ImaginOn: The Joe and Joan Martin Center, which is a Mecklenburg County facility
- On September 24, 2003, the City approved a contribution of up to \$270,000 in FY2006 to defray a portion of the Theatre’s maintenance and operating costs in the Center. Future funding contribution growth was linked to increases of City building maintenance expenditures.
- The City’s funding contribution for FY2012 is \$283,662.
- Council approved a budget Amendment to the Manager’s Recommended Budget at the June 1<sup>st</sup> Straw Votes meeting to restore first year funding of phase out period for ImaginOn
- The City’s contribution will be phased out beginning in FY2013 at a reduced funding level of \$94,554, and no contractual payments after FY2013. The following table lists the amended contractual phase out plan:

<b>ImaginOn Contract Phase Out Schedule</b>			
<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>
\$283,662	\$283,662	\$94,554	\$0

- Additionally, Council is approving a two year contract (FY2012 and FY2013) between the City and ImaginOn consistent with the funding allocation in the approved budget Amendment.

**F. Approve the Municipal Service District Contracts with Charlotte Center City Partners (\$3,076,933) and University City Partners (\$678,934)**

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

- Due to the 2011 property revaluation, the FY2012 revenue neutral tax rates in four of the five MSDs decreased. The revenue neutral rate for MSD 4 would have resulted in an increased tax rate of 7.05¢; therefore, the recommended FY2012 tax rate for District 4 remains unchanged from the FY2011 due to recognition of current economic conditions.

<b>Municipal Service Districts Summary</b>		
<b>District</b>	<b>FY2012 Tax Rate</b>	<b>FY2012 Contract Amount</b>
District 1-Center City	1.68¢	\$1,002,953
District 2-Center City	2.33¢	\$538,512
District 3-Center City	3.58¢	\$984,163
District 4-South End	6.68¢	\$551,305
District 5-University City	2.79¢	\$678,934

**Attachment 14**  
Scope of Services

**G. Approve the FY2012 Job Training Contracts**

Charlotte-Mecklenburg Workforce Development Board (WDB)  
Job Training Contract up to \$8,313,433

Source of Funds

Workforce Investment Act Grants \$6,042,368  
Carry-over of unexpended FY2011 Grants \$2,203,190  
General Fund \$67,875

- The WDB is responsible for implementing the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City serves as the fiscal agent for the program and contracts with the WDB on an annual basis to implement WIA services.
- These funds will be used to provide job search and placement assistance, including career counseling assessment of skills and needs and training from eligible providers such as community colleges and universities.
- Achievements thus far in FY2011:
  - Served over 32,000 customers through five JobLink Career Centers.
  - Assisted 35% of eligible adults and 65% of eligible dislocated workers transition to employment
  - Provided additional training funds to 12 local businesses to improve the skills of 194 existing workers
  - Served over 1,350 unemployed professional workers at the ProNet career center in Uptown
- The City's FY2012 contract with the WDB includes the following scope of services for the use of these funds:
  - Approve and begin implementation of the recommendations of the JobLink System Analysis to better serve customers
  - Serve 36,000 customers at the five existing JobLink Career Centers and through the ProNet Charlotte program
  - Provide training vouchers to 517 eligible adults and dislocated workers
  - Develop and refine a new community framework to address youth employment, within a broader context of youth development that includes education, health and safety, and housing, through a reconstituted Youth Council

- Monitor contracts of agencies charged with delivering direct training services, including the Employment Securities Commission, Charlotte Enterprise Community, Goodwill Industries, Arbor Education & Training and the Q-Foundation
- On May 9, 2011, Council approved an Economic Development Committee recommendation to request the WDB to redirect \$100,000 of federal WIA funds to support a jobs program for eligible youth. The WDB will consider this request at their August board meeting.

**H. Approve the FY2012 After-School Enrichment Contracts**

- The 2012 Consolidated Action Plan for Housing and Community Development, approved by Council on May 9, 2011 identifies priorities for federal housing and community development resources including the Community Development Block Grant (CDBG) and Innovative Housing Funds. Human services contracts for After-School Enrichment Programs are part of the projected FY2012 CDBG and Innovative Housing-funded activities.
- The contracts provide educational enrichment activities for elementary, middle, and high school students of families with low incomes who reside in the Housing and Neighborhood Development boundaries.
- The following contract is funded by the human/public services component of the CDBG program:
  - Greater Charlotte Enrichment Program \$605,854
- The following contract is funded by the human/public services component of the CDBG program as well as Innovative Housing funds.
  - Bethlehem Center \$199,207
- The following contracts will be funded with Innovative Housing Funds:
  - YWCA Central Carolinas After-School \$134,546
  - Charlotte-Mecklenburg Schools After-School Enrichment \$185,576
  - Charlotte-Mecklenburg Schools Northwest After-School Coalition \$60,000
  - St. Paul Enrichment Program \$57,735
  - YMCA Community Development \$48,699

**I. Approve the FY2012 Housing Development and Support Contracts**

- The 2012 Consolidated Action Plan for Housing and Community Development, approved by Council on May 9, 2011, establishes strategies to provide affordable housing and supportive services for low and moderate-income families and individuals as part of an overall community revitalization strategy.

Regional HIV/AIDS Consortium \$813,905

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

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

Crisis Assistance Ministry \$380,000

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

Community Link \$210,000

- Community Link provides housing counseling services with an emphasis in creating homeownership in CWAC and specifically the City’s targeted neighborhoods.
- The contract is a performance-based contract therefore funding is up to \$210,000. The goal in FY2012 is for 100 new homeowners to receive loans.

Consumer Credit Counseling Services \$240,000

- Consumer Credit Counseling Service (CCCS) provides counseling associated with mortgage default and rental delinquency.
- The contract is a performance-based contract therefore funding is up to \$240,000. The goal in FY2012 is to serve 830 clients through the program.

Workforce Initiative for Supportive Housing \$200,000

- Workforce Initiative for Supportive Housing (WISH) provides supportive housing solutions for homeless working families with children.
- The contract is a performance-based contract therefore the funding is up to \$200,000. The goal in FY2012 is to serve 50 families through the program.

**J. Approve the FY2012 Storm Water Interlocal Agreement**

- In accordance with the Interlocal Agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee. The County Commission will vote on storm water fee changes on June 21.
- The current long-range plan for the storm water program includes annual increases in the City's storm water fee, coupled with bond funding, in order to finance the ongoing response to new and backlogged citizen requests for service. The fees for FY2012 maintain the existing two-tier methodology and increase fees by 6.5% from FY2011 to FY2012:

	<b>FY2011 Monthly Fee</b>	<b>FY2012 Monthly Fee</b>
Detached homes with less than 2,000 sf impervious area	\$4.50	\$4.79
Detached homes with 2,000 sf or more impervious area	\$6.63	\$7.06
Other residential or non-residential development per acre of impervious area	\$110.50	\$117.68

- The 6.5% fee increase will result in additional revenue of \$2.8 million in FY2012. The additional revenue is reflected in the Pay-As-You-Go contribution to the capital program, which will increase the number of flood control projects started in FY2012 from three to four, and reduce the flood control project backlog from 19 to 13 years.
- In accordance with the Interlocal Agreement on storm water services, the Mecklenburg County Board of Commissioners conducted a public hearing on changes to the City's portion of the storm water fee on May 17, 2011. City Council also conducted a public hearing on storm water fees in conjunction with the FY2012 budget public hearing on May 23, 2011.
- The Charlotte-Mecklenburg Storm Water Advisory Committee has been presented the proposed FY2012 Storm Water program.

#### **K. Other Budget Items**

- The budget ordinance included is the City's annual budgetary operating ordinance. Sections 1 through 14 of this Ordinance reflect the items included in the Manager's Recommended Budget and all Council amendments that Council is approving with this action
- The remainder of the Annual Ordinance (Sections 15 through 52) serves to make budgetary corrections to the current fiscal year for technical, accounting and other "wind-up" tasks necessary prior to the fiscal year's end

#### Sections 15 through 22 General Capital Project Funds

- Sections 15 through 22 appropriate and consolidate funding to prepare existing accounts for transactions presented in the FY2012-16 CIP and make other capital project technical adjustments

#### Sections 23 through 25 CATS Operating and Capital Projects Funds

- Sections 23 through 25 adjust projects within the CATS Capital Project Funds to reflect revised funding amounts from grants and local resources.

#### Sections 26 through 28 Aviation Operating and Capital Projects Funds

- Section 26 adjusts projects within the Aviation Capital Project Funds to reflect revised appropriations for airport improvement projects including the Taxiway D Extension and Ticket Lobby Renovations.
- Section 27 appropriates \$1.5 million for the Access Road project.
- Section 28 transfers \$10.9 million in additional reserves to the Aviation Discretionary Fund for airport improvements.

#### Sections 29 through 34 Other Funds

- Section 29 transfers \$18.4 million from Capital Reserves in excess of 16% in the General Fund to technology investments and risk loss reserves.
- Section 30 amends Section 29 above if State budget actions impact the City's FY2012 budget; the \$18.4 million transfer will be decreased by the amount of the loss. If the City's scheduled June 30, 2011 Annexation is affected by State legislative action, the General Fund portion will be absorbed from within the \$1 million General Fund Operating Budget Reserve.
- Sections 31 through 33 appropriate funding from various grants and contributions including Hope of Israel Congregation (Elm Lane project), National League of Cities (Summer 2011 Conference), and the Office of the National Drug Control Policy (regional task force on black tar heroin).
- Section 34 reduces the General Government Grants Fund by \$2.0 million to reflect the actual amount of Public Safety grants such as UASI for FY2011.

- Section 35 appropriates \$122,400 for the Enterprise and Risk Operating Funds' share of PeopleSoft upgrade funding.

Sections 36 through 52

- Sections 36 through 37 include technical accounting changes necessary to clarify or correct FY2011 and other prior-year budgetary ordinances.
- Sections 38 through 52 give the Finance Director authority to make specific routine appropriations and transfers within the adopted budget.

**L. Accept and appropriate an estimated \$50 million for the Federal Security Grant in support of the 2012 Democratic National Convention**

- In September 2012, the City of Charlotte will host the Democratic National Convention (DNC).
- No City of Charlotte funds will be used to pay for security expenses from hosting the 2012 Democratic National Convention. This action accepts the anticipated Federal Security Grant and approves the budget ordinance to use federal grant funds in anticipation of the future grant authorization. This approach is consistent with the City's approach with other Public Safety Grants such as Urban Area Security Initiative (UASI) and Homeland Security. The Federal Security Grant for the DNC will be accounted and tracked in a separate grant fund from other City funds.
- The Federal Government provides security grants to host cities for the event administered by the U.S. Department of Justice.
- The Federal Security Grant provides reimbursement to the host city for security costs such as additional law enforcement staffing, equipment and logistical support. Previous Federal Security Grants have authorized up to \$50 million. The grant is only for security related expenses.
- The grant operates similar to other federal grants such as FEMA, UASI and Homeland Security. The City expends funds consistent with federal grant eligibility requirements and then is reimbursed by the grant.
- Charlotte-Mecklenburg Police Department will coordinate and manage the grant funds. Internal Audit will provide assistance and oversight to the Key Business Units to insure compliance with federal rules in the same manner as other federal grant processes.
- City staff is currently working with the City of Tampa, Florida (host of the 2012 Republican National Convention) and our federal lobbyist on the federal grant authorization.
- Staff recommends we approach the Federal Security Grant in the same manner as other Public Safety Grants by approving the grant budget ordinance in anticipation of federal grant authorization. The timing of Federal Security Grant final approval by the federal government is unknown, but the critical nature of both the Democratic and Republican National Conventions make authorization certain.
- Approving the budget ordinance in anticipation of the formal federal grant authorization allows City staff to begin ordering key equipment and materials with long purchasing notification periods as well as begin to properly track eligible security expenses.
- Staff recommends estimating a \$50 million grant amount based on prior year experiences, including Denver and St. Paul in 2008. Once the final amount is authorized by the federal government, staff will revise the grant authorization number (increase or decrease).
- Thus, staff recommends accepting and authorizing appropriation of the Federal Security Grant in an estimated amount of \$50 million for the purpose of providing security for the Democratic National Convention.

**Attachment 15**  
Budget Ordinance

**M. Approve the FY2012 Charlotte Regional Visitors Authority Contract**  
Charlotte Regional Visitors Authority (CRVA) \$10,056,507

- Tourism Marketing \$3,311,196
  - Funds the City’s general tourism marketing services contract with CRVA. The amount is based on a portion of projected collections of the occupancy tax.
- Convention Center Promotion and Business Development Activities \$6,745,311
  - Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.
- In addition to the marketing contract dollars listed above, for FY2012 the City also provides non-marketing financial support for City-owned buildings on behalf of the CRVA for \$6,713,662 for Convention Center Operating and Capital, \$1,253,079 for Ovens/Bojangles Capital Maintenance and Repair and \$1,043,866 for NASCAR Hall of Fame Maintenance and Repair

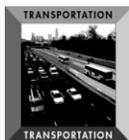
**Attachment 16**  
Scope of Services

**N. Approve the FY2012 Charlotte-Mecklenburg Housing Partnership Contract**

Affordable Housing Contract \$1,960,000

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

**14. Sidewalk Retrofit Policy Update**



**Action: Approve the Transportation and Planning Committee recommendation to adopt Sidewalk Retrofit Policy revisions.**

**Committee Chair:** David Howard

**Staff Resources:** Vivian Coleman, Transportation  
Malisa Mccreeedy, Transportation

**Policy** Transportation Action Plan Policy

**Explanation**

- Revisions to the Sidewalk Retrofit Policy have been developed to better align sidewalk construction priorities with public safety needs and community preferences.
- The primary revisions are:

- Rely on a petition based process for all non-thoroughfare projects. Valid petitions will require the signatures of a minimum of 60% of the property owners on both sides of the street.
- Increase the public input process for sidewalk construction including, but not limited to, two public meetings for thoroughfare and non-thoroughfare projects
- Formalize "reserved authority" for the CDOT KBE, which provides the CDOT KBE or his designee the ability to exempt a proposed sidewalk from the typical procedure (including the petition process) due to a variety of factors including, but not limited to, high traffic volumes and speeds and pedestrian safety reasons.
- In addition to these policy changes, staff will align the public input process for the different programs that lead to sidewalk construction: the Sidewalk Program, Area Plan Implementation, and the Neighborhood Improvement Program.

**Committee Action**

- The Transportation and Planning Committee reviewed the Sidewalk Policy on February 24, 2011. The Committee voted unanimously (Howard, Barnes, Cooksey, and Kinsey) to endorse the proposed policy changes on March 24, 2011.

**Background**

- The Charlotte City Council adopted the current Sidewalk Retrofit Policy in 2005.
- The Sidewalk Retrofit Policy states: The City, when constructing sidewalks on existing streets, will construct sidewalks on both sides of all thoroughfares, on one side of all collector streets and (when requested) on one side of all local streets, consistent with the sidewalk prioritization process.

**Attachment 17**

Sidewalk Retrofit Policy Document

## 15. Historic Landmarks Commission Process



**Action:** Approve the Economic Development Committee recommendation that City Council consider a resolution calling for a future public hearing on each property being considered for historic designation by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC), including a report on the historic characteristics of that property, with the following outcomes:

- If the resolution is approved, the property proceeds to public hearing.
- If the Resolution is not approved, then the HLC would either provide more information to achieve future support for the Resolution, or not proceed forward with the historic designation.

**Committee Chair:** James Mitchell

**Staff Resource:** Ron Kimble, City Manager's Office

### Background

- State statutes enable local governments to create a HLC to preserve individually significant historic properties, both real and personal, by designating them as historic landmarks.
- For properties within the City of Charlotte, the HLC's role is to present for Council's consideration the following:
  - Request for historical classification
  - All findings regarding what elements of the property qualify as historic
  - Tax base effect caused by classifying the property historic
- North Carolina state law requires that a public hearing be held before a local government can designate a property as an historic landmark, and properties designated as historic landmarks are entitled to a 50% deferment of taxable value.
- On October 19, 2009, City Council asked the Economic Development Committee to recommend improvements to the process by which the Historic Properties Commission (HLC) designates historic properties due to the impact of resulting property tax deferrals on such properties.
- In consultation with the Economic Development Committee at its March 11, 2010 meeting, staff administratively implemented a new process requiring an official letter from the HLC to the Mayor, City Council, City Manager County Commissioners, and County Manager (in advance of the public hearing on properties considered for designation) informing the City and County leaders of the property tax implications if properties achieve designation status.

### Explanation

- Following discussions with City staff, the HLC agreed that it would be helpful to supply City Council with more information concerning potential historic landmarks prior to the required public hearing.
- Since City Council is unable to hold formal discussions regarding a potential historic landmark outside of the required public hearing, the City Attorney's office advised that the HLC could request City Council to amend the current process by asking Council to adopt a resolution calling for a future public hearing for each property under consideration.

- Staff believes that the addition of this process step will provide City Council adequate time to request additional information regarding a property under consideration prior to the adoption of the resolution or the public hearing.
- If Council approves the resolution, the property proceeds to public hearing. If Council does not approve the resolution, then the HLC would either provide more information to achieve future support for the Resolution, or not proceed forward with the historic designation.

#### **Committee Action**

- On May 12, 2011, the Economic Development Committee voted unanimously (Mitchell, Burgess, and Dulin) to recommend the HLC's request that Council consider a resolution calling for a future public hearing on the proposed property (including a report on the historic characteristics of that property).

#### **Attachment 18**

Historic Landmarks Commission Process Recommendations

## **16. Four-Year Terms for Mayor and City Council**

**Action: Receive a report from the Citizen's Advisory Committee on four-year terms for the Mayor and City Council.**

**Committee Chairs:** Former Mayors Harvey Gantt and Richard Vinroot

**Staff Resources:** Bob Hagemann, City Attorney's Office  
Eric Campbell, City Manager's Office

#### **Explanation**

- During the March 28, 2011 City Council meeting, Council approved the Restructuring Government Committee recommendation to form a Citizen's Advisory Committee to consider and review potential four-year terms for the Mayor and City Council.
- Former Mayors Harvey Gantt and Richard Vinroot served as Co-Chairs of the Citizen's Advisory Committee.
- The Chair/President or their designees of the following organizations served as members of the Citizen's Advisory Committee:
 

<ul style="list-style-type: none"> <li>- American Indian Heritage Council, Kimberly Owen</li> <li>- Black Political Caucus, Dr. Gloria Rembert</li> <li>- Carolinas Asian-American Chamber of Commerce, Dr. Jian Zhang</li> <li>- Charlotte Chamber, Natalie English</li> </ul>	<ul style="list-style-type: none"> <li>- Democratic Party, Pam Gordon</li> <li>- International Cabinet, Dr. Maha Gingrich</li> <li>- League of Women Voters, Bettie Ann Hayes</li> <li>- Republican Party, Gideon Moore</li> </ul>
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- City Council directed the Citizen's Advisory Committee to report its recommendations to the Mayor and Council at the June 13, 2011 business meeting.

**Advisory Committee Discussion**

- The Citizen's Advisory Committee met on April 27, 2011 and May 10, 2011. City staff provided the Advisory Committee with reports and minutes from previous Council review of the issue, as well as Mayor and City Council election data from 1975 to 2009.
- The Advisory Committee reviewed and discussed their charge from City Council, as well as City Council's legal framework.
- The Advisory Committee also heard from Council members Warren Cooksey and James Mitchell, discussing their respective positions on four-year terms for the Mayor and City Council.
- The Citizen's Advisory Committee discussion included, but was not limited to the following questions:
  - What are the needs of the City and would citizens be better served by extending to a four-year term?
  - Will the extension of four-year terms increase the quality of decisions made by City Council?
  - Is there a compelling reason to change to a four-year term at this time?
  - Is the City better served with four-year terms given its growth and complex issues?
  - The Citizen's Advisory Committee voted not to recommend extending the terms for the Mayor and City Council to four-years by a vote of 6 not to recommend (Vinroot, Gantt, English, Hayes, Gingrich, Moore) and 4 in favor of recommending extending terms (Zhang, Owen, Rembert, Gordon).
  - Additionally, the Citizen's Advisory Committee voted unanimously to recommend that if the Council wishes to pursue four-year terms, the question should be put to the voters in a city-wide referendum.

**17. Redistricting Plan**

**Action: Consider the Redistricting Planning Committee's Proposed Redistricting Plan.**

**Committee Chair:** Nancy Carter

**Staff Resource:** Bob Hagemann, City Attorney's Office

**Explanation**

- On June 6, the Redistricting Planning Committee unanimously voted (Carter, Burgess, Cannon, Howard, Peacock) to recommend a redistricting plan to the full Council.
- The proposed plan makes the following adjustments to district boundaries:
  - Moves the portion of precinct 81 located in District 2 to District 3
  - Moves precinct 56 from District 4 to District 1
  - Moves precinct 8 from District 6 to District 1
  - Moves precinct 36 from District 5 to District 6
  - Moves precinct 93 from District 7 to District 6

**Attachment 19**

Resolution

Proposed 2011 Redistricting Plan

## BUSINESS

### 18. Appointments to Boards and Commissions

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

#### A. CHARLOTTE REGIONAL VISITORS AUTHORITY

- Two appointments for at-large representatives for three year terms, beginning July 1, 2011.
  - Doris Asbury by Council members Cannon and Mitchell
  - Darryl Broome by Council member Dulin
  - Carlton Crump by Council members Barnes, Burgess and Cannon
  - \* Jackie Ford by Council member Turner
  - Scott Jensen by Council member Peacock
  - T. Anthony Lindsey, incumbent, by Council members Burgess, Carter, Cooksey, Howard and Mitchell
  - Gary Roelke by Council members Carter and Cooksey
  - Lloyd Scher by Council members Barnes and Kinsey
  - Rebecca Stoddard by Council member Kinsey
  - Marilyn Sutterlin by Council member Peacock
  - Shelley Young by Council member Howard

\*Application not received.

**Attachment 20**  
Applications

### 19. Mayor and Council Topics

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

## 20. Lawton Road Storm Drainage System Repairs

**Action:** Award the low bid contract of \$379,324 to Bullseye Construction for construction of the Lawton Road Storm Drainage System Repairs.

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

#### **Explanation**

- This project will include the replacement of a failing storm drainage system junction box. When storm water drainage pipes join or intersect, a manhole junction box is installed to accommodate changes in flow direction, pipe diameter and elevation. The new junction box will be built to accept a future culvert replacement.
- This project is located at the northeast corner of Lawton Road and Worth Place.
- Construction is expected to be complete fourth quarter 2011.

#### **Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities were not identified (Part B: Section 2.4 of the SBO Policy). Bullseye Construction, Inc. committed 3.16% (\$12,000) of the total contract to the

following SBE: On Time Construction, Inc. (concrete work). Bullseye is also a certified SBE with the City.

### **Funding**

Storm Water Capital Investment Plan

## **21. Browne Road/Hucks Road Improvements**

**Action: Award the low bid contract of \$695,830.75 to Ferebee Corporation for construction of the Browne Road/Hucks Road Improvements.**

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

### **Explanation**

- This project will include the realignment of the Hucks Road and Browne Road intersection and the construction of turn lanes and sidewalk. The installation of a traffic signal will also be included as part of the project.
- Council approved a Municipal Agreement in the amount of \$250,000 for NCDOT contribution to this project in November 2010. The City's portion will be \$445,830.75.
- Construction is expected to be complete by the end of 2011.

### **Minority and Women Business Opportunity**

Established MBE Goal: 4%

Established WBE Goal: 4%

Committed MBE Goal: 4.10%

Committed WBE Goal: 4.02%

It is a state requirement that recipients of state funds follow the Minority (MB) and Women (WB) Business Enterprise Program. Ferebee Corporation has committed 4.10% (\$27,200) of the total contract amount to the following MBE firm: Express Logistics Services, Inc. (hauling) and 4.02% (\$26,642) to the following WBE firms: ACS Pavement Marking, Inc. (pavement marking), D's Trucking Service, Inc. (hauling) and Stay Alert Safety Services (traffic control).

### **Funding**

NCDOT and Transportation Capital Investment Plan

## **22. Salome Church Road at Mallard Creek**

**Action: Award the low bid contract of \$453,396.49 to Red Clay Industries for the Salome Church Road at Mallard Creek Road Project.**

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

### **Explanation**

- This project will include the realignment of Mallard Creek Road at Salome Church Road to improve traffic flow and safety.
- Council approved a Municipal Agreement in the amount of \$250,000 for NCDOT contribution to this project in December 2010. The City's portion will be \$203,396.49.

- Construction is expected to be complete first quarter 2012.

#### **Minority and Women Business Opportunity**

Established MBE Goal: 4%

Established WBE Goal: 4%

Committed MBE Goal: 4.11%

Committed WBE Goal: 4.09%

It is a state requirement that recipients of state funds follow the Minority (MB) and Women (WB) Business Enterprise Program. Red Clay Industries committed 4.11% (\$18,650) of the total contract amount to the following MBE firm: Stinson Trucking, Inc. (hauling) and 4.09% (\$18,562) to the following WBE firm: Linwood Group, Inc. (pavement marking, grading).

#### **Funding**

NCDOT and Transportation Capital Investment Plan

### **23. FY2012 Sidewalks and Accessible Ramps**

**Action: Award the low bid contract of \$443,434.80 to Burney & Burney Construction Co., Inc. for the Sidewalks and Accessible Ramps FY2012 Project.**

**Staff Resource:** Becky Chambers, Engineering & Property Management

#### **Explanation**

- This project will construct various wheel chair ramps and sidewalks to fill in missing gaps as identified on a work order basis.
- The maximum duration of the original contract period will not exceed two years from the original notice to proceed date.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.22%

Burney & Burney Construction committed 7.22% (\$32,000) of the total contract amount to the following SBE firm: Union Paving Contractors (asphalt paving).

#### **Funding**

Transportation Capital Investment Plan

### **24. Sanitary Sewer Repairs at Mint and First Streets**

**Action: Award the low bid contract of \$99,521.40 to Blythe Development for sanitary sewer repairs at the intersection of Mint and First Streets.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- Sanitary sewer flows in the area of Mint and First Street have increased beyond the capacity of a section of the existing sewer due to additional development in the area over the past few years.

- This project replaces a short section of the sewer line in that area that is undersized and relocates a section of water line that is conflicting with the sewer line replacement.
- Although significant effort has been made to determine what other utilities are buried in the work site, experience has shown that there are often underground utilities and structures in the Central Business District (CBD) streets that are currently unknown as to their exact location or existence. Therefore, this work is at a higher risk than similar work outside the CBD to experience additional cost if such unknown conflicts arise during the excavation.
- To minimize disruptions in traffic, significant portions of this work will be done at night and over a weekend, but will affect weekday traffic for about two days.

#### **Small Business Opportunity**

Construction contracts under \$200,000 are informal contracts, and are exempt from SBE goals (Appendix Section 23.1 of the SBO Policy).

#### **Funding**

Utilities Capital Investment Plan

## **25. Water Meter Copper Tubing**

**Action: Approve a low bid contract with Murray Supply LLC, for the purchase of copper tubing in the estimated amount of \$275,520 for the term of one year.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- This copper tubing, in four different sizes, will be used for connecting and installing water meters.
- All tubing will be type K in size ¾", 1", 1½" and 2".
- Due to the volatility of the precious metals market, price adjustments will be made each quarter, based on the Comex Producer Price Index.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Operating Budget

## 26. FY2012 Utilities Concrete and Asphalt Repair

- Action:**
- A. Award the low bid unit price contract to Carolina Cajun Concrete, Inc., in the amount of \$495,684, for repair of concrete and asphalt throughout Mecklenburg County, and**
  - B. Authorize the City Manager to approve three renewal terms with price adjustments, based on the Construction Cost Index, as stated in the agreement.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- This contract provides for repairs to sidewalks, driveways, and streets that have been removed by Utilities' crews in the course of making system repairs.
- The road repairs covered by this contract will be primarily outside the Charlotte city limits because CDOT is responsible for roadway repairs within the city limits.
- Carolina Cajun Concrete is a City of Charlotte certified SBE firm.

### Small Business Opportunity

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

### Funding

Utilities Capital Investment Plan

## 27. Airport Truck Purchase

- Action:** Award a low bid contract of \$59,894.10 to Tindol Ford for the purchase of three, extended cab pickup trucks.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- This contract provides three, extended cab pickup trucks for airfield maintenance work crews. The new trucks will replace:
  - 1991 Chevrolet 2500 with 89,980 miles and \$13,238 in repair costs
  - 1992 Ford F250 with 94,556 miles and \$10,593 in repair costs
  - 2000 Chevrolet 2500 with 105,759 miles and \$7,259 in repair costs
- The contract requires City Council approval because total purchases with Tindol Ford exceed \$100,000. Earlier this year, Aviation purchased vehicles and equipment in excess of \$100,000.

### Small Business Opportunity

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

### Funding

Aviation Operating Fund

## 28. Airport Video Technology

**Action: Award the low bid contract of \$1,352,700 to The Bowers Group, LLC for replacing video displays throughout the terminal.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- This contract will provide updated video displays for gate, baggage claim, arriving and departing flight information, visual paging, and advertising displays throughout the terminal.
- The flight information portion of the package includes 215 video display monitors.
- The advertising portion includes two, 16-unit displays with overall dimensions of 12' x 7.5' that will be installed in the Atrium where they will displays a single image using all 16 units or multiple images as required. These units will also be able to convey important Airport messages as needed, such as visual paging.
- Electrical installation of the displays will be done in-house. The Airport maintenance team includes eight electricians, all of whom are licensed or hold journeyman certificates.
- The Airport has a contract with ComNet Software to handle maintenance of flight information displays, approved by Council on January 24, 2011.
- The project will be completed by the end of 2011.

### Small Business Opportunity

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

### Funding

Aviation Capital Investment Plan

## 29. Airport Telecommunications

**Action: Approve a contract with AT&T in the amount of \$137,935.94 for maintenance of the Airport's telecommunications system.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Since the new terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its AT&T Centrex telephone system, managing the lines and switches for the Airport's entire telecommunication system.
- The telephone system currently has over 3,100 lines.
- The cost of the technician is spread over all users of the Airport system, with the Airport paying AT&T and charging back to its tenants through rates and charges.
- This agreement will extend the contract with AT&T for another year at the same cost as last year's contract.

**Small Business Opportunity**

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

**Funding**

Aviation Operating Budget

**30. Airport Runway Reconstruction Change Orders**

- Action:**
- A. Approve Change Order #2 in the amount of \$2,939,920 with Hi-Way Paving, Inc. for additional scope items for the reconstruction of Runway 18C/36C,**
  - B. Approve Change Order #3 in the amount of \$2,905,667 with Hi-Way Paving, Inc. for acceleration of the construction schedule for the reconstruction of Runway 18C/36C, and**
  - C. Adopt a budget ordinance in the amount of \$5,845,587 from the Airport Discretionary Fund.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In January, City Council approved a contract with Hi-Way Paving, Inc. in the amount of \$17,864,856.80 for the reconstruction of Runway 18C/36C and Taxiway E, which runs parallel to the runway.
- In April, Council approved Change Order #1 in the amount of \$388,560 for LED centerline lighting, which was bid as an alternate but under a moratorium by the Federal Aviation Administration (FAA) when the base contract was approved. FAA lifted the moratorium in March 2011.
- Based on non-destructive testing methods, the design for the reconstruction anticipated maintaining some of the sub-surface pavement so the contractor did not have to expose the dirt under the runway during construction.
- The first phase of the contract reconstructed a portion of Taxiway E while it was closed for other work in the vicinity of the taxiway. During that work, the surface portion of the pavement had to be removed prior to repaving the taxiway. This condition prompted the engineer to do additional pavement testing in other locations to determine if some of the pavement could remain during the main phase of the project.
- The additional testing showed numerous areas on the runway and taxiway where the sub-surface pavement would need to be removed.
- Change Order #2 will cover the additional costs of removing all of the concrete on the runway and taxiway, and replacing it with new pavement.
- The main phase of the reconstruction will require a closure of the runway for 90 days starting August 15. US Airways has requested an acceleration of that schedule due to the extensive operational costs they will incur during the closure. All airlines will benefit from the accelerated schedule.
- Change Order #3 will cover the costs for the contractor to accelerate the schedule to reduce the closure to 70 days. This cost includes the additional equipment and man hours necessary to accelerate the work.

**Disadvantaged Business Opportunity**

All additional work involved in this change order will be performed by the current contractor and existing subcontractors.

**Funding**

Aviation Capital Investment Plan

**Attachment 21**

Budget Ordinance

**31. Lake Point Pond Improvement Project**

**Action: Award a contract to United Construction, Inc. in the amount of \$575,875 for the Lake Point Pond Improvement Project.**

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

**Award to Second Low Bidder**

- Staff recommends that the contract be awarded to the second low bidder, United Construction, Inc.
- Eagle Wood, Inc. contacted the City in writing (letter attached) on Tuesday, May 24, 2011, within 72 hours of the bid event, to inform the City that a substantial bid error had been made and they were withdrawing their bid.
- State statute G.S. 143-129.1 allows bidders 72 hours to withdraw a bid in the event of a substantial bid error without penalty.

**Policy**

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

**Explanation**

- Lake Point Pond is an 8.3 acre pond located north of Albemarle Road just east of W.T. Harris Boulevard. The pond is located within the Robinhood/Dooley Storm Drainage Improvement Project.
- Lake Point Pond drains to an unnamed tributary that eventually drains to McAlpine Creek which is identified as impaired by Clean Water Act standards.
- The improvements will make the pond more efficient at enhancing the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is an extremely cost-effective means of improving water quality, averaging only one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Enhancing the existing pond on private property provides public benefits by:
  - Removing pollutants
  - Reducing stream bank erosion
  - Reducing flooding (in conjunction with the Robinhood/Dooley Storm Drainage Improvement Project)

- If the existing pond fails, the City will realize greater impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.
- The construction includes improvements to the spillway, which will enhance the pond's water quality benefits and provide flood control benefits to support the Robinhood/Dooley Storm Drainage Improvement Project.
- Construction is expected to be complete fourth quarter 2012.

#### **Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.34%

United Construction Inc. committed 4.34% (\$25,000) of the total contract amount to the following SBE: Streeter Trucking (hauling).

#### **Funding**

Storm Water Capital Investment Plan

#### **Attachment 22**

Letter from Eagle Wood, Inc.

## **32. Animal Control Services Interlocal Agreements**

**Action: Adopt a resolution authorizing interlocal agreements with the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville for the provision of animal control services.**

**Staff Resources:** Ruth Story, Police  
Mark Balestra, Police

#### **Explanation**

- The City enters into agreements with the six towns in Mecklenburg County to provide animal control services.
- Under these agreements, Animal Care and Control provides full animal control services to the towns of Mint Hill and Pineville including:
  - Enforcement of all ordinances
  - Sheltering of animals
  - Licensing
  - Responding to all animal related calls for service
- Matthews, Cornelius, Davidson and Huntersville receive more limited services that include sheltering of animals and response to calls for service upon request of the towns. Those requests include emergencies such as injured animals and handling calls in the absence of the town animal control officer.
- The current agreements expire June 30, 2011.
- The new agreements will be in effect for five years with the price per call for service rate reviewed and adjusted annually.
- The fee for calls for service response in FY2012 will be \$112 per call, representing 100% fully allocated cost recovery for the City.

#### **Small Business Opportunity**

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

**Attachment 23**

Resolution

**33. Humane Society Contract and Leases**

- Action:**
- A. Approve a five-year contract with the Humane Society of Charlotte to provide spay-neuter services to the City in an amount not to exceed \$180,000 per year,**
  - B. Approve a five-year lease of a spay-neuter facility at 8315 Byrum Drive to the Humane Society for \$1 per year, and**
  - C. Approve a five-year lease of facilities at 2646 and 2700 Toomey Avenue to the Humane Society for \$1 per year.**

**Staff Resources:** Ruth Story, Police  
Mark Balestra, Police

**Explanation**

- The City contracts with the Humane Society of Charlotte to provide spay/neuter services at the animal shelter.
- The current contract took effect on January 31, 2005 and has been amended four times. The contract expires on June 30, 2011.
- The Police Department's Animal Care and Control Bureau recommends a new five-year contract with the Humane Society of Charlotte. Under the terms of the contract, the Humane Society would perform spay/neuter services for the City at a cost of \$60 for canine spays, \$50 for canine neuters, \$40 for feline spays and \$25 for feline neuters. The cost of these services would not exceed \$180,000 per year. The contract specifies the documentation the Humane Society must provide for each procedure performed for the City.
- The contract also requires the Humane Society of Charlotte to operate a public spay/neuter clinic at its Toomey Avenue facility. The Humane Society is required to perform a minimum of 400 spay/neuter procedures per calendar month. Public rates are \$75 for canine spays, \$60 for canine neuters, \$50 for feline spays and \$30 for feline neuters.
- The Humane Society of Charlotte recently had an efficiency study conducted by an outside agency, the Humane Alliance of Asheville. The study focused on best practices and found the Humane Society of Charlotte operates in an effective and efficient manner.
- Animal Care and Control reviewed supply costs for the Humane Society and found them to be comparable to the prices the City pays for Animal Care and Control supplies.
- The City leases space to the Humane Society to operate a spay/neuter clinic at the Animal Care and Control facility at 8315 Byrum Drive. This clinic is primarily used for services provided to the City although some spay/neuter procedures for public clients may be performed there. The lease provides for the Humane Society to lease the space for \$1 per year for five years.
- The City also leases the buildings at 2646 and 2700 Toomey Avenue, formerly occupied by the Animal Control Bureau, to the Humane Society for its public spay/neuter clinic, shelter and administrative offices. Those

facilities are also leased to the Humane Society for \$1 per year for five years.

#### **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).

#### **Funding**

Police Operating Budget

### **34. Raw Water Main Easement Clearing**

- Action:**
- A. Award service contracts to the following companies to provide water main easement clearing located throughout Mecklenburg County, in the combined estimated amount of \$75,000 for an initial term of one year:**
    - **Single Oak Farm Grading and Landscaping \$40,000**
    - **North American Lawn & Landscapes \$35,000, and**
  - B. Authorize the City Manager to renew the contracts for two additional one-year terms with price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- A Request for Proposals for landscaping services was issued on March 2, 2011. Seven proposals were received.
- Selection of the recommended firms was based on:
  - Cost effectiveness
  - Experience providing similar services
  - Availability of necessary equipment
  - References
- These contracts provide for the clearing of grass, brush and trees along specific raw water mains.
- The terms of these contracts are for one year with two, one-year renewal options. Price adjustments will be allowed at the time of the renewal based upon the Producer Price Index for Refined Petroleum Products.
- The County is divided into three areas:
  - Area 1, from the Catawba River Pump Station to Franklin Water Treatment Plant, approximately five miles and averages 70 feet in width
  - Area 2, from Franklin Water Treatment Plant to Vest Water Treatment Plant, approximately three miles, and averages 50 feet in width
  - Area 3, around the Lee S. Dukes Water Treatment Plant, approximately 30 acres
- Areas 1 and 3 will be awarded to Single Oak Farm Grading and Landscaping. Area 2 will be awarded to North American Lawn & Landscapes.

#### **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).

**Funding**

Utilities Operating Budget

**35. Technology Managed Security Service**

**Action:**   **A. Approve a three-year contract with Solutionary for managed technology security services, and**

**B. Authorize the City Manager to approve one, one-year renewal term. The four year cost of the contract is estimated at \$850,000.**

**Staff Resources:**   Jeffrey W. Stovall, Chief Information Office  
                               Randy Moulton, Chief Information Office

**Explanation**

- The City requires monitoring and co-management of several firewalls, allowing 24/7 system monitoring at various City facilities.
- Co-management will give both the City and/or the contracted Company the ability to:
  - Create rules in the firewalls to address internet security needs
  - Perform software upgrades on the firewalls
- The contracted company will monitor application firewalls 24/7 to ensure:
  - Real-time response and provide notifications of security-related events originating on the City's application firewall(s)
  - Notify the City of alerts from the intrusion prevention sensors
  - Perform software upgrades as required
  - Provide the City with related real-time security vulnerability alerts
- The contracted Company will provide a security portal that maintains security events, vulnerability trends, and a ticket system to be used to communicate information regarding alerts, project status, etc.
- The current contract expires on July 31, 2011 and the new contract will start July 1, 2011. The contracts overlap one month to allow transition from the current company to the new company.

**Selection Process**

- In response to a Request for Proposals issued on March 4, 2011, the City received two proposals.
- After thorough evaluation, the Evaluation Team, comprised of staff from the Chief Information Office and Business Support Services, determined Solutionary to be the service provider best meeting the established requirements with regard to qualifications, experience, cost effectiveness and value.

**Small Business Opportunity**

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

**Funding**

Chief Information Officer Operating Budget

### 36. Agreements for Using Mecklenburg County Information Technology Staff Resources

- Action:**
- A. Authorize City Manager to approve agreements with Mecklenburg County for temporary use of Mecklenburg County Information Technology (IT) Services employees to work on City of Charlotte technology projects for an initial term of one year and not to exceed \$150,000, and**
  - B. Authorize City Manager to renew the Mecklenburg County IT staff resource agreements on an annual basis for two additional years.**

**Staff Resources:** Jeffrey Stovall, Chief Information Office  
David North, Chief Information Office

#### **Explanation**

- Currently Mecklenburg County has skilled and experienced IT services employees that are not fully funded within the County's Budget.
- The City currently has several technology projects that need external human resources.
- In order to benefit both organizations, staff recommends temporary agreements with Mecklenburg County for County IT staff to provide services for City projects.
- The City's co-sourcing approach with the County proved to be very successful in previous fiscal years.
- The City is in need of Information Technology services assistance on a temporary basis. The County is seeking to protect its investment in highly skilled and trained personnel that may otherwise be laid off and/or seek employment elsewhere.
- The County has developed expertise in project management, business process management and application development that are consistent with City practices.
- The information technology services agreements will be for assistance in the following area:
  - Provide project management services to the Enterprise Resource Planning (ERP) effort. The ERP project targets business process improvements in the areas of financial management, procurement, and project/grant cost accounting.

#### **Small Business Opportunity**

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

#### **Funding**

Enterprise Resource Planning Capital Account

### 37. 911 Emergency Communications Back-up Center

- Action:**
- A. Approve the purchase of digital radio consoles as authorized by the sole source exception of G.S. 143-129(e)(6),**
  - B. Approve a contract with Motorola for the purchase of digital radio consoles in an estimated amount of \$3,000,000, and**
  - C. Authorize the City Manager to expend an estimated additional \$1,000,000, for ancillary hardware, software and services including but not limited to audio recording logger, video switch, and data cabling for the implementation and configuration of the back-up 911 center as necessary with various vendors to complete the project.**

**Staff Resources:** Jeff Dulin, Fire  
Katrina Graue, Police

#### **Sole Source Exception**

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available;
  2. A needed product is available from only one source or supply; or
  3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because standardization and compatibility is the overriding consideration for this purchase.
- The City Council must approve purchases made under the sole source exception.

#### **Explanation**

- Completion of a permanent back-up center will create a fully redundant consolidated back-up center to support 911 dispatch for Police, Fire and Medic.
- A fully functional back-up center is a key component to support the implementation of the new e911 systems and consolidated computer aided dispatch (CAD) system.
- The Police Department is currently using older analog technology for their respective 911 call systems at Police headquarters as well as at the back-up communications center at the Police-Fire Training Academy, and need to upgrade to digital.
- The timeline for this project has escalated to accommodate e911 and CAD consolidation schedules.
- Council approved a six month contract extension with Motorola on May 23, 2011 in an estimated amount of \$2,200,000 for equipment only. The contract extension does not include consoles.

#### **Small Business Opportunity**

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

#### **Funding**

911 Funds

Technology Investments Capital Investment Plan

### 38. Utility Relocation Agreement for Freedom Drive Widening

**Action: Approve a utility relocation agreement with AT&T Corporation in an amount not to exceed \$212,500.**

**Staff Resource:** Theresa Watley, Engineering & Property Management

**Explanation**

- AT&T owns overhead and underground facilities (telephone poles, cables and conduits) that are in conflict with the Freedom Drive Widening Project.
- AT&T's facilities are generally located on property outside but running along the Freedom Drive right-of-way from Bradford Drive to Lundy Lane.
- The City and AT&T have negotiated and reached a cost-sharing agreement.
- AT&T's cost will be \$997,000.
- The City's cost will not exceed \$212,500.
- Funds for these utility relocations were included in the original project budget.
- Payment of these utility relocation expenses is consistent with City practices for relocating existing AT&T facilities that are outside of the road right-of-way, but in conflict with the proposed project.
- The AT&T utility relocations are estimated to last 12 months.

**Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan

### 39. Various Storm Drainage Improvement Projects

**Action: Approve a contract renewal with Armstrong Glen, P.C. in the amount of \$600,000 for storm water engineering services.**

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

**Explanation**

- Storm Water Services begins preliminary engineering for new storm drainage improvement projects that are the highest ranking projects in the program backlog each year. The projects may include storm drainage improvements that reduce house and street flooding or repair failing infrastructure.
- The preliminary and final engineering for the projects is performed by consulting firms that are selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task order basis.
- When consultants perform preliminary engineering well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are

renewed at the discretion of the City as necessary to complete the projects assigned to the firm.

- Under this contract, Armstrong Glen, P.C. has performed the following work:
  - Planning for Gaynor Storm Drainage Improvement Project (SDIP). The Gaynor SDIP area is roughly bordered on the north by Hartness Avenue and Randolph Middle School, to the south by Brook Forest Lane, to the east by Addison Drive and Whitby Lane and to the west by Randolph Road.
  - Planning for the Celia Avenue culvert. The culvert being considered for replacement is located on Celia Avenue off Beatties Ford Road between Highway 16 and LaSalle Street.
  - Planning and design of storm water improvements within the East Forest Neighborhood Improvement Project (NIP) area. Storm Water funded efforts are within the Phase II portion of the East Forest NIP, and located on Old Post Road, McLaughlin Drive and Coatbridge Lane, which are south of East Mecklenburg High School.
  - Planning and design of storm water improvements within the Pawtuckett NIP area. The Pawtuckett NIP is bounded by Little Rock Road on the east, Pawtuckett Road and Sullins Road to the west, Moores Chapel Road to the north and Paw Creek to the south.
- The original contract was approved by City Council on September 28, 2009 in the amount of \$1,000,000. This renewal will bring the total contract amount to \$1,600,000.
- This renewal will allow for completion of all projects started under this contract and there will be no additional renewals.

### **Small Business Opportunity**

All additional work involved in this renewal will be performed by the current consultant, Armstrong Glen, P.C., and their existing subconsultants (Part D: Section 6 of the SBO Policy). Armstrong Glen, P.C. included the following SBEs as part of their support team to be used as the project evolves: Habitat Assessment & Restoration Program, Inc. (environmental and ecological), On Target Utility Locate Services, Inc. (utility locate), R. Joe Harris & Associates, PLLC (surveyor), and Survey & Mapping Control, Inc. (surveyor). Armstrong Glen, P.C. is also an SBE.

### **Funding**

Storm Water Capital Investment Plan

## 40. Traffic Signal System and Related Services

- Action:**
- A. Approve a contract with Aegis ITS, Inc. in the amount of \$1,849,200 for the provision of a Traffic Signal System and related implementation and maintenance services for an initial term of five years, and**
  - B. Authorize the City Manager to approve up to two, one-year renewal terms at a cost of \$45,000 per year for maintenance services.**

**Staff Resource:** Debbie Self, Transportation

### Explanation

- The City has been planning to replace its Central Business District traffic signal controllers and central system software.
- The current system has been in place for approximately 15 years and is being phased out by the manufacturer.
- Aegis ITS, Inc. will provide necessary hardware, software, installation, implementation, training and maintenance services.
- This traffic system will allow CDOT to respond quicker to atypical congestion problems.
- This traffic system will unify all of CDOT's traffic signals into one integrated central system.
- This system will allow CDOT to proactively diagnose and repair equipment malfunctions that will lessen the average citizen's delay at our traffic signals.

### Vendor Selection

- In response to a Request for Proposals issued on November 12, 2010, the City received five proposals.
- After thorough evaluation of the three short-listed vendors, the Evaluation Team, comprised of staff from CDOT and a third party consultant (Mekuria Engineering), determined Aegis ITS, Inc. to be the service provider best meeting the established requirements with regard to qualifications, experience, cost effectiveness and value.

### Small Business Opportunity

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

### Funding

Transportation Capital Investment Plan

## 41. LED Blank-Out Signs

- Action:**
- A. Approve the purchase of Tassimco LED Blank-Out Signs as authorized by the sole source exception of G.S. 143-129(e)(6),**
  - B. Approve a one-year unit price contract for the purchase of LED Blank-Out Signs and related commodities to RAI Products in the estimated annual amount of \$60,000, and**
  - C. Authorize the City Manager to extend the contract for two additional, one-year terms.**

**Staff Resource:** Charles Abel, Transportation

### **Sole Source Exception**

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available, or
  - A needed product is available from only one source or supply, or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because RAI is the exclusive distributor for Tassimco Signs.
- Purchases made under the sole source exemption require City Council approval.

### **Explanation**

- LED (light emitting diode) blank-out signs are electronic traffic control signs, which can be turned on and off based on the need to provide instruction, such as no left turn while train crosses.
- The blank-out signs manufactured by Tassimco are the standard used by the Charlotte Department of Transportation due to reliability, interchangeability of parts and compatibility with existing equipment.

### **Small Business Opportunity**

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

### **Funding**

Transportation Capital Investment Plan

## 42. South Crigler Street/CSX Railroad Crossing Closure Municipal Agreement

**Action:** Adopt a resolution to authorize the Key Business Executive of Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the South Crigler Street/CSX Railroad Crossing Closure.

**Staff Resources:** Veronica Wallace, Transportation  
Timothy Gibbs, Transportation

### Explanation

- A Memorandum of Understanding was signed in January 2007 by NCDOT and CDOT outlining projects to improve grade crossing safety within the City of Charlotte.
- This agreement allows for the closure of the CSX at-grade crossing at South Crigler Street at such time as construction of an additional railroad track is completed. Construction is expected to be complete by the end of the calendar year.
- City Council voted to support the crossing closing on July 26, 2010.
- There were three public meetings in 2010 where the community's concerns regarding the closing were addressed.
- No City funding is required to implement this project.

### Small Business Opportunity

Municipal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

### Attachment 24

Resolution

## 43. West Charlotte Area Corridor Study Municipal Agreement

**Action:** Adopt a resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) and the Norfolk Southern Railroad for the West Charlotte Area Corridor Study.

**Staff Resource:** Timothy Gibbs, Transportation

### Explanation

- In 2009, NCDOT created the Charlotte Rail Improvement Safety Program (CRISP) to identify and implement improvements on rail corridors citywide. The improvements defined to-date include building new bridges, establishing a new rail transportation hub in Uptown, realigning rail lines, establishing new rail connections and closing rail crossings.
- Since 2009, NCDOT has further identified projects that will be programmed and funded through separate agreements as part of NCDOT's Crossing Hazard Elimination Program.

- NCDOT, Norfolk Southern Railroad and the City plan to undertake a comprehensive study to evaluate existing safety conditions at public highway-rail grade crossings along the Norfolk Southern Railroad corridor from the Donald Ross Road area east to Fourth Street in Uptown.
- When completed, this study will recommend immediate, near-term, and long-term safety improvements, including but not limited to crossing closures, grade separations, and roadway and traffic control devices.
- The Study is expected to cost \$150,000. NCDOT will contribute \$120,000. The City and Norfolk Southern Railroad will contribute \$15,000 each.
- A Municipal Agreement between the City, NCDOT and Norfolk Southern Railroad is necessary for NCDOT to be reimbursed up to \$15,000 by the City.
- The Study will begin in summer 2011 and will take approximately one year to complete.
- NCDOT last made a presentation to City Council about the CRISP project in April 2010.

#### **Small Business Opportunity**

Municipal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

#### **Funding**

Transportation Capital Investment Plan

#### **Attachment 25**

Resolution

## **44. Albemarle Road (NC 27) Reimbursement Agreement Municipal Agreement**

**Action: Adopt a resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Albemarle Road (NC 27) connectivity mitigation project.**

**Staff Resource:** Timothy Gibbs, Transportation

#### **Explanation**

- NCDOT completed a project in 2008 to add a third outbound lane on Albemarle Road from Pierson Drive to Reddman Road. As a part of this project, a median was added along Albemarle Road between Pierson Drive and Sharon Amity Road that precluded access to some businesses along this segment of the roadway.
- To mitigate the connectivity issues caused by the median, NCDOT and the City have proposed the following two modifications along Albemarle Rd. (NC 27):
  - Building a limited movement crossover on Albemarle Road (NC 27) to allow eastbound drivers to make left-turns and u-turns at Pierson Drive
  - Extending the radius on the westbound approach of Albemarle Road (NC 27) at Sharon Amity Road to better accommodate u-turns and minimize curb damage
- By approval of this resolution, the City agrees to reimburse NCDOT up to \$150,000 for the work. The total project cost of the work to be performed by NCDOT is estimated at \$400,000.

- Funding for this project has been included in the "Participation in State Roadway Projects" Capital Investment Plan account, the Business Corridor Fund and Pedestrian and Traffic Safety funds.
- A Municipal Agreement between the City and NCDOT is necessary for NCDOT to be reimbursed.

### **Small Business Opportunity**

Municipal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

### **Funding**

\$75,000 from the Business Corridor Fund

\$45,000 Participation in State Roadway Projects Account

\$30,000 from the Pedestrian & Traffic Safety Funds

### **Attachment 26**

Resolution

## **45. Ethernet Switches**

**Action:**

**A. Approve a contract with NWN Corporation for a three-year term in an amount up to \$250,000 for the purchase of Ethernet Switches and related parts, and**

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

**Staff Resource:** Debbie Self, Transportation

### **Explanation**

- The City developed an updated Intelligent Transportation System (ITS) Communication Master Plan in 2008. A key component of the Master Plan is migration from serial communications (older technology) to an Ethernet/Internet Protocol (IP) based communication infrastructure.
- The Ethernet/IP communication infrastructure will:
  - Create communication redundancy by re-routing data in the event of electronic device failures and physical damage to fiber optic cable
  - Support future expansion of the transportation network including traffic signals, traffic management cameras and dynamic message signs
  - Support the migration from analog video to digital video which allows for inter-agency and future public viewing of the cameras
- Ethernet switches are computer networking devices used to connect the transportation system, including traffic signals and traffic management cameras. The switches allow for high speed transmission of data.
- A formal Request for Proposal process was used to evaluate Ethernet switches. A selection team with representatives from CDOT, Business Support Services, NCDOT and CDOT's consultant reviewed seven vendor proposals. The proposals were evaluated using more than 20 criteria such as reliability, price, configuration, maintenance and ease of expansion.
- NWN Corporation's proposal is recommended as the most cost effective, reliable and best selection for the Cisco Ethernet switches and related parts.

**Small Business Opportunity**

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

**Funding**

Transportation Capital Investment Plan

**46. Budget Ordinance to Appropriate Private Developer Funds**

**Action: Adopt a budget ordinance appropriating \$83,000 in private developer funds for traffic signal improvements and repairs.**

**Staff Resource:** Scott Putnam, Transportation

**Explanation**

- The budget ordinance estimates and appropriates \$83,000 in private developer funding for traffic signals and work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
  - North Lake Investors, LLC contributed \$5,000 for the relocation of a fiber optic cable pull box at the Ashton Reserve.
  - The Housing Authority of the City of Charlotte contributed \$18,000 for the relocation of fiber optic cable on 10<sup>th</sup> Street.
  - Evans, Mechwart, Hambleton & Tilton, Inc. contributed \$28,500 for the signal modifications at the intersections of Hoskins and Rozzelles Ferry roads and Hovis and Rozzelles Ferry Roads.
  - UNC Charlotte contributed \$31,500 for the signal upgrade by the addition of a fourth leg at the intersection of JW Clay Boulevard and N. Tryon Street (US 29).
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- Any funding contributed by the developer for these signal projects that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

**Funding**

Developer Contributions

**Attachment 27**

Budget Ordinance

## 47. Railway Intrusion Detection System

- Action:**
- A. Approve the purchase of an Intrusion Detection System as authorized by the state contract exception of G.S. 143-129 (e)(9a), and**
  - B. Approve the purchase of an Intrusion Detection System for the LYNX Blue Line from Simplex Grinnell (under GSA Contract #GS-07F-0396M) in an amount up to \$326,693.**

**Staff Resource:** Bryan Leaird, Transit

### Policy

- Prioritize, design, construct, and maintain convenient and efficient transportation facilities to improve safety
- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services
- Decrease crime throughout Charlotte Mecklenburg through enforcement and problem solving strategies that target criminal activity

### Sole Source Exception

- NC General Statute 143-129(e)(9a) and the Federal Local Preparedness Acquisition Act authorizes local governments to purchase from General Services Administration (GSA) contract holders.
- The system will be purchased from Simplex Grinnell using their federal GSA contract, which offers volume discount pricing procured using a competitive procurement process.

### Explanation

- The Department of Homeland Security (DHS) awarded to the City a grant in the amount of \$326,693. The grant will fund improved security and detection devices along the LYNX Blue Line to detect unauthorized intrusion of the rail system. This grant covers 100% of the project's cost.
- This intrusion detection system will enhance the overall security of the rail system through the installation of detection devices that will monitor and alert CATS Security of unauthorized access in areas such as the South Boulevard CATS' facility and along the track alignment. The use of these detection devices will minimize the need to install physical barriers to discourage trespassers.

### Minority/Women Business Opportunity

The City is purchasing from an existing federal contract. This contract is subject to federal grant requirements for outreach to small, minority, women-owned and disadvantaged firms.

### Funding

Transit Capital Investment Plan

## 48. Charlotte Gateway Station Project Budget Ordinance

**Action: Adopt a budget ordinance appropriating \$13,196,680 for the Charlotte Gateway Station (CGS) from federal, state and local fund sources.**

**Staff Resources:** Dee Pereira, Transit  
John Muth, Transit

### Policy

Transportation Action Plan Goals 5, Focus Area Initiative 5

- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services

### Grant Background

- In February 2010, the U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA) awarded \$10,557,344 to the City as part of Title 49, Section 5309 Capital Funding Grants for the costs associated with engineering, right-of-way, and construction to advance the development of the Charlotte Gateway Station project.
- This federal grant requires a 20% local match. Half of the local matching funds will be requested from the North Carolina Department of Transportation (NCDOT) with the other half from the ½% Sales & Use Tax in the Transit Operating Fund.

### Explanation

- The Charlotte Gateway Station project is a multimodal station project of the North Carolina Department of Transportation (NCDOT) in which the City will have a physical presence and a financial partnership.
- On April 13, 2009, Council authorized the City Manager to execute a Municipal Agreement with NCDOT to partner in design, real estate use and acquisition for the CGS.
- Between 2005 and 2009, the City has been awarded \$22.3 million in federal grants for the CGS project. \$11.7 million of the \$22.3 million has been executed and is available for expenditure by the City.
- The current action will appropriate the balance of \$10,557,344 million in the federal grant awards. In total, \$13,196,680 will be made available for the Charlotte Gateway Station project including local and state matching funding. The budget ordinance appropriates:

in federal grant funds	\$10,557,344
in state grant funds	\$1,319,668
in local funds	\$1,319,668
<b>Total Budget Ordinance</b>	<b>\$13,196,680</b>

- Under the Municipal Agreement, the City is responsible for acquiring the Greyhound parcel located on the primary project block. Staff anticipates bringing that action on a Council agenda this fall.
- Per Council approval on August 2, 2010, CATS has completed a study examining integration of transit services between the Uptown Transit Center and the CGS, using federal grants funds awarded for the CGS project. The study identifies the space programming needs of CATS to be included in the overall master development.
- NCDOT advised the City that they plan to solicit bids for a master developer for the project as early as the fall of 2011.

- Appropriating the balance of federal grant funds together with the local matching funds ensures the City has funds available to participate in the CGS project.

**Funding**

FY2008 and FY2009 Bus Discretionary Grant Funds and Transit Capital Investment Plan

**Attachment 28**

Budget Ordinance

**49. Bus Purchases Budget Ordinance**

**Action: Adopt a budget ordinance transferring \$5,000,000 from the Davidson Street Bus Facility project account to CATS' Bus Purchase account, due to lower than anticipated project awards and funding transfer authorization from the Federal Transit Administration (FTA).**

**Staff Resources:** Dee Pereira, Transit  
Eric Hershberger, Transit

**Policy**

Transportation Action Plan Goals 5, Focus Area Initiative 5

- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services

**Explanation**

- On May 11, 2011, the Federal Transit Administration approved a budget revision to the FY2009 CATS Federal Formula Grant which reallocated \$5 million that was previously programmed for the North Davidson Maintenance Facility project to the purchase of CATS buses.
- The American Recovery and Reinvestment Act of 2009 (ARRA) allocated \$20.7 million to the City for rehabilitation of the North Davidson Bus maintenance Facility. Two of four projects at this location were originally covered by this amount. The two projects are the rehabilitation of the Maintenance building and the construction of an employee parking deck.
- The third and fourth projects at the North Davidson Campus are the rehabilitation of the Fuel and Wash facility and the Administration building. These projects were programmed for funding through CATS FY2009 Federal Formula Grant.
- Construction bids for the ARRA funded projects came in approximately \$5 million under original budget estimates. Therefore, the third and fourth projects, the rehabilitation of the Fuel & Wash facility and the Administration building, can now be funded with the \$5 million balance of ARRA funds.

<b>Davidson Project</b>	<b>Original Funding</b>	<b>Post-Council Action Funding</b>
Maintenance building	ARRA	ARRA
Employee parking deck	ARRA	ARRA
Fuel and Wash facility	Federal Formula Grant	ARRA
Administration Building	Federal Formula Grant	ARRA

- This will free up \$5 million that was programmed in the FY2009 Formula Grant to be used for other eligible projects e.g. purchase of buses.
- The \$5 million transfer will fund the purchase of 12 replacement buses.
- These purchases are part of CATS current fleet replacement program.

**Funding**

Transit Capital Investment Plan

**Attachment 29**

Budget Ordinance

**50. Automobile Liability Claim Settlement**

**Action: Approve a payment of \$200,000 in full and final settlement of a bodily injury claim for Mark E. Payne from a Solid Waste Services truck accident.**

**Staff Resource:** Daniel Pliszka, Finance**Explanation**

- This payment will be a full and final settlement.
- On July 1, 2008, Mark Payne sustained injuries to his back and neck.
- A confidential memo has been sent to City Council with the necessary details.

**Funding**

Risk Fund

**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 \$330,049.85, and**

**B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$5,662.75.**

**Staff Resource:** Dan Pliszka, Finance**Attachment 30**Resolutions  
Lists of refunds

**52. Resolution of Intent to Abandon Residual Portions of Smithfield Church Road**

**Action:**   **A. Adopt the resolution of intent to abandon residual portions of Smithfield Church Road, and**  
**B. Set a public hearing for July 25, 2011.**

**Staff Resources:**   Linda Poissant, Transportation  
                              Jeff Boenisch, Transportation

**Attachment 31**

Map  
Rezoning Plan  
Resolution

## 53. In Rem Remedy

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

**Public Safety:**

- A. 1009 Allen Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- B. 1328 W. Rocky River Road (Neighborhood Statistical Area 139 – Newell South Neighborhood)
- C. 7705 Treyford Lane (Neighborhood Statistical Area 168 – Oxford Hunt Neighborhood)
- D. 2812 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

**Complaint:**

- E. 816-1 Prince Street (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood)
- F. 3630 Trull Street (Neighborhood Statistical Area 121 – Sunset Neighborhood)

**Field Observation:**

- G. 4228 Dinglewood Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)
- H. 2831 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)
- I. 3933 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- J. 10216 Providence Road, W. (Neighborhood Statistical Area 186 – Ballantyne East Neighborhood)
- K. 1807 Vinton Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)

**Public Safety:**

**A. 1009 Allen Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1009 Allen Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 32**

**B. 1328 W. Rocky River Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1328 W. Rocky River Road (Neighborhood Statistical Area 139 – Newell South Neighborhood).**

**Attachment 33**

**C. 7705 Treyford Lane**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7705 Treyford Lane (Neighborhood Statistical Area 168 – Oxford Hunt Neighborhood).**

**Attachment 34**

**D. 2812 Tuckaseegee Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2812 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 35**

**Complaint:**

**E. 816-1 Prince Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 816-1 Prince Street (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood).**

**Attachment 36**

**F. 3630 Trull Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3630 Trull Street (Neighborhood Statistical Area 121 – Sunset Neighborhood).**

**Attachment 37**

**Field Observation:**

**G. 4228 Dinglewood Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4228 Dinglewood Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).**

**Attachment 38**

**H. 2831 New Pineola Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2831 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).**

**Attachment 39**

**I. 3933 Plainview Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3933 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 40**

**J. 10216 Providence Road, W.**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10216 Providence Road, W. (Neighborhood Statistical Area 186 – Ballantyne East Neighborhood).**

**Attachment 41**

**K. 1807 Vinton Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1807 Vinton Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 42**

## PROPERTY ITEMS

### 54. Property Transactions

**Action: Approve the following property transactions (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:** Browne Road/Hucks Road Improvements, Parcel # 1, #3 and #4  
**Owner(s):** James W. Brown and Wife, Ann Boyles Brown  
**Property Address:** 7601 Browne Road  
**Property to be acquired:** 22,426 sq. ft. (.515 ac.) in Fee Simple, plus 14,255 sq. ft. (.327 ac.) in Existing Right-of-Way, plus 74 sq. ft. (.002 ac.) in Utility Easement, plus 5,955 sq. ft. (.137 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 027-153-07, 027-153-17 and 027-153-02  
**Total Parcel Tax Value:** \$258,900  
**Purchase Price:** \$27,000
- B. Project:** Browne Road/Hucks Road Improvements, Parcel # 5  
**Owner(s):** Helen L. Allen  
**Property Address:** 4300 Hucks Road  
**Property to be acquired:** 12,781 sq. ft. (.293 ac.) in Fee Simple, plus 5,920 sq. ft. (.136 ac.) in Existing Right-of-Way, plus 5,947 sq. ft. (.137 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3

**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 027-641-05  
**Total Parcel Tax Value:** \$413,300  
**Purchase Price:** \$15,500

- C. Project:** Community House Road, Parcel # 33  
**Owner(s):** Tiffany M. Copen and Spouse, Mark B. Copen  
**Property Address:** 10010 Community House Road  
**Property to be acquired:** 4,472 sq. ft. (.103 ac.) in Fee Simple, plus 4,001 sq. ft. (.092 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 229-041-12  
**Total Parcel Tax Value:** \$496,400  
**Purchase Price:** \$15,450
- D. Project:** Steele Creek Pump Station Replacement, Parcel # 4  
**Owner(s):** Anna B. Holbrook and Anna B. Holbrook and Marsha F. Holbrook, Co-Trustees of the William M. Holbrook Family Trust  
**Property Address:** Carowinds Boulevard  
**Property to be acquired:** 36,756 sq. ft. (.844 ac.) in Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** Wooded Area  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 203-152-06  
**Total Parcel Tax Value:** \$233,200  
**Purchase Price:** \$30,000

### Condemnations

- E. Project:** Browne Road/Hucks Road Improvements, Parcel # 7  
**Owner(s):** Amber Leigh, LLC and Any Other Parties of Interest  
**Property Address:** 7836 Browne Road  
**Property to be acquired:** 5,059 sq. ft. (.116 ac.) in Fee Simple, plus 4,671 sq. ft. (.107 ac.) in Existing Right-of-Way, plus 205 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,990 sq. ft. (.046 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 027-103-02  
**Total Parcel Tax Value:** \$228,400  
**Appraised Value:** \$5,625  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This project will improve safety and congestion at the Hucks Road and Browne Road intersection. Real Estate staff and the project manager met with the property owner to explain the project, answer

questions and address their concerns. However, staff and the property owner have not been able to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.

- F. Project:** Browne Road/Hucks Road Improvements, Parcel # 10, # 12 and # 13  
**Owner(s):** Amber Leigh, LLC and Any Other Parties of Interest  
**Property Address:** Browne Road and Amber Leigh Way Drive  
**Property to be acquired:** 655 sq. ft. (.015 ac.) in Fee Simple, plus 1,998 sq. ft. (.046 ac.) in Sidewalk and Utility Easement, plus 150 sq. ft. (.003 ac.) in Utility Easement, plus 9,996 sq. ft. (.229 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential - Common  
**Tax Code:** 027-602-18 and 027-602-01 and 027-603-22  
**Total Parcel Tax Value:** \$0  
**Appraised Value:** \$22,600  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This project will improve safety and congestion at the Hucks Road and Browne Road intersection. Real Estate staff, the project manager and CDOT met with the property owner to explain the project and the project's impacts to the property and addressed the property owner's concerns by agreeing to multiple special provisions. However, staff and the property owner have not been able to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.
- G. Project:** Community House Road, Parcel # 3  
**Owner(s):** Claudia T. Ross and Robert D. Ross and Any Other Parties of Interest  
**Property Address:** Community House Road  
**Property to be acquired:** 5,970 sq. ft. (.137 ac.) in Fee Simple, plus 5,342 sq. ft. (.123 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** Horticultural - Commercial Production  
**Tax Code:** 229-011-23  
**Total Parcel Tax Value:** \$7,414  
**Appraised Value:** \$19,400  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** The purpose of this project is to make improvements to the roadway in order to create a more "complete street" that better serves the community, including motorists, pedestrians, bicyclists, residents, transit users and commuters. Staff and the property owner have not been able to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.

- H. Project:** Community House Road, Parcel # 15  
**Owner(s):** Claudia T. Ross and Robert D. Ross and Any Other Parties of Interest  
**Property Address:** 9414 Community House Road  
**Property to be acquired:** 170 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 190 sq. ft. (.004 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Horticultural - Commercial Production  
**Tax Code:** 229-057-98  
**Total Parcel Tax Value:** \$9,632  
**Appraised Value:** \$250  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** The purpose of this project is to make improvements to the roadway in order to create a more "complete street" that better serves the community, including motorists, pedestrians, bicyclists, residents, transit users and commuters. Staff and the property owner have not been able to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.
- I. Project:** Community House Road, Parcel # 16  
**Owner(s):** Robert D. Ross and Any Other Parties of Interest  
**Property Address:** 9424 Community House Road  
**Property to be acquired:** 1,181 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 1,122 sq. ft. (.026 ac.) in Temporary Construction Easement  
**Improvements:** Fence  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 229-057-97  
**Total Parcel Tax Value:** \$182,100  
**Appraised Value:** \$2,575  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** The purpose of this project is to make improvements to the roadway in order to create a more "complete street" that better serves the community, including motorists, pedestrians, bicyclists, residents, transit users and commuters. Staff and the property owner have not been able to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.
- J. Project:** McKee Creek Outfall - Mecklenburg County, Parcel # 20 and # 21  
**Owner(s):** Turtle Rock Homeowners' Association a/k/a Turtle Rock Owners Association, Inc a/k/a Turtle Rock Owner's Association, Inc. And Any Other Parties Of Interest  
**Property Address:** 5123 Timbertop Lane  
**Property to be acquired:** 24,251 sq. ft. (.557 ac.) in Sanitary Sewer Easement, plus 26,549 sq. ft. (.609 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Wooded Area

**Zoned:** R-3

**Use:** Single Family Residential - Common

**Tax Code:** 111-522-14 and 111-524-71

**Total Parcel Tax Value:** \$0

**Appraised Value:** \$7,300

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This project will provide sanitary sewer to the McKee Creek Basin in Cabarrus County. The title abstract indicates issues that may prevent obtaining clear title. Therefore, condemnation is recommended.

- K. Project:** McKee Creek Outfall - Mecklenburg County, Parcel # 22
- Owner(s):** Andre M. Simmons and Meredith T. Smith and Any Other Parties of Interest
- Property Address:** 9204 Tiger Lily Lane
- Property to be acquired:** 659 sq. ft. (.015 ac.) in Sanitary Sewer Easement, plus 976 sq. ft. (.022 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-3
- Use:** Single Family Residential
- Tax Code:** 111-524-42
- Total Parcel Tax Value:** \$123,900
- Appraised Value:** \$650
- Property Owner's Counteroffer:** None
- Reason for Condemnation:** This project will provide sanitary sewer to the McKee Creek Basin in Cabarrus County. The title abstract indicates issues that may prevent obtaining clear title. Therefore, condemnation is recommended.
- L. Project:** McKee Creek Outfall - Mecklenburg County, Parcel # 30
- Owner(s):** Palladian Homes, Inc. And Any Other Parties Of Interest
- Property Address:** 7806 Denbur Drive
- Property to be acquired:** 7,119 sq. ft. (.163 ac.) in Sanitary Sewer Easement, plus 6,506 sq. ft. (.149 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** Wooded Area
- Zoned:** R-3
- Use:** Single Family Residential
- Tax Code:** 111-111-07
- Total Parcel Tax Value:** \$2,200
- Appraised Value:** \$625
- Property Owner's Counteroffer:** None
- Reason for Condemnation:** This project will provide sanitary sewer to the McKee Creek Basin in Cabarrus County. The title abstract indicates issues that may prevent obtaining clear title. Therefore, condemnation is recommended.

- M. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 31  
**Owner(s):** Benjamin Chapman  
**Property Address:** 4809 Statesville Road  
**Property to be acquired:** 281 sq. ft. (.006 ac.) in Fee Simple, plus 998 sq. ft. (.023 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-151-14  
**Total Parcel Tax Value:** \$132,600  
**Appraised Value:** \$18,050  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This project will widen Statesville Road from Starita Road to Sunset Road. The improvements will include four lanes, planted median, left turn lanes, bike lanes, sidewalks and street lighting. This property transaction was originally approved as an acquisition on the November 23, 2009 Council Agenda. The closing attorney has not been able to get required consent forms from the mortgage holder. In order to maintain the project schedule, condemnation is now recommended.