

**Mayor Patrick L. McCrory**      **Mayor Pro Tem Susan Burgess**

Michael D. Barnes  
Nancy Carter  
Warren Cooksey  
Andy Dulin  
Anthony Foxx

Patsy Kinsey  
John Lassiter  
James Mitchell, Jr.  
Edwin Peacock III  
Warren Turner

**CITY COUNCIL MEETING**  
**Monday, June 22, 2009**

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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 22, 2009**

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### 2. Restructuring Government Committee - Small Business Opportunity Program Recommendations

**Resources:** Tom Flynn, Neighborhood & Business Services  
Nancy Rosado, Neighborhood & Business Services  
Alban Burney, Neighborhood & Business Services

**Time:** 30 minutes

**Synopsis**

- In July 2008, Council referred the Small Business Opportunity (SBO) Program to the Restructuring Government Committee for review due to questions about the Small Business Enterprise (SBE) goal setting commitments on major City projects.
- SBO Program staff was charged with developing recommendations to increase the ability for contractors to meet the established SBE goals, as well as restructuring the Good Faith Efforts (GFEs) that indicate a firm's willingness to negotiate with SBEs in good faith.
- The Committee discussed this SBO Program at seven meetings: September 22, 2008, October 30, 2008, December 1, 2008, January 22, 2009, February 26, 2009, April 22, 2009 and May 28, 2009.
- On May 28, 2009 the Restructuring Government Committee unanimously approved (Mitchell, Cooksey, Kinsey, Peacock) SBO Program staff recommendations for the following categories:
  - Goal Matrix
  - Personal Net Worth
  - Good Faith Efforts
  - Compliance Changes
  - Policy Changes
- SBO Program staff will present detailed information on these final recommendations.

**Future Action**

- The Restructuring Government Committee's recommendations will be on the July 27 business meeting agenda.

### 3. Neighborhood & Business Services Overview

**Resource:** Patrick Mumford, Neighborhood & Business Services

**Time:** 15 minutes

**Synopsis**

- Staff will provide an overview of the work to consolidate the Neighborhood Development and Economic Development key business units into the single Neighborhood & Business Services Key Business Unit, including:
  - Consolidation process
  - Mission and vision
  - Organizational structure
    - o Leadership
    - o Divisions
  - Collaborative opportunities

### 4. Answers to Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

### 5. Closed Session

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

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

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

**6. Senior Games and Silver Arts Recognition**

**Action: Mayor to recognize Larry Huelsman with Senior Games and Silver Arts to highlight the recent Breakfast of Champions and senior games which promotes active lifestyles among Charlotte area seniors.**

## **CONSENT**

- 7. Consent agenda items 20 through 47 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

### 8. Public Hearing on a Resolution to Close a 10-foot Alleyway off Dotger Avenue

**Action:**   **A. Conduct a public hearing to abandon a 10-foot alleyway running off of Dotger Avenue, and**

**B. Adopt a resolution to close.**

**Staff Resource:**   Jeff McSwain, Transportation  
Linda Poissant, Transportation

#### Policy

To abandon right-of-way that is no longer needed for public use

#### Explanation

- The 10-foot alleyway was petitioned for abandonment by One Randolph Place for the purpose of constructing a by-right, multi-family project.
- At the May 11, 2009 public hearing, the petitioner requested a 30 day continuation in order to continue working with the Elizabeth Community Association on the design of the proposed multifamily development.
- The petitioner was scheduled to meet with the Elizabeth Community Association on June 15, 2009 to present changes to the project design. The petitioner did not attend this meeting and as a result, the Elizabeth Community Association remains opposed to the abandonment.
- On April 20, 2009 the Elizabeth Community Association held a meeting with the petitioner and adjoining owners. At that time, the association opposed the abandonment for the following reasons:
  - It does not benefit the Elizabeth Community because proposed plans do not provide enough design detail.
  - The petitioner/developer, Mr. Avery, has not provided documentation as to his ability to complete the project as requested.
  - The petitioner/developer did not provide a written commitment to bury all overhead utilities as requested.
- The adjoining property owners Mr. Huffman and Mrs. Gilbert continue to object to the abandonment of the alleyway.
- If City Council adopts a resolution to close the 10-foot alleyway, City staff recommends that the abandonment be contingent upon an agreement signed by both Mr. Huffman and Mr. Avery. The agreement would transfer seven feet of the 10-foot alleyway to Mr. Huffman. The abandonment would also be contingent upon the petitioner/developer receiving plan approval from the Charlotte-Mecklenburg Planning Commission within one year of City Council approval.

#### Background

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- A Council decision to abandon removes land from public right-of-way status and attaches it to the adjacent property.
- City staff has circulated the abandonment petition to internal City departments, abutting owners, utility companies, and neighborhood associations within ½-mile radius for comments.

**Petitioner**

One Randolph Place, LLC – Mr. Darrell Avery

**Right-of-Way to be abandoned**

A 10-foot alleyway running off Dotger Avenue

**Location**

Located in the Elizabeth Community beginning from Dotger Avenue continuing approximately 390 feet northwestwardly to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed multifamily project

**Notification**

In accordance with City Policy, the Charlotte Department of Transportation sent information about the abandonment petition to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Dessie Gilbert – Objects  
Gregory Chad Huffman - Objects

Neighborhood/Business Associations

Elizabeth Community Association – Objects  
Briar Creek-Commonwealth – No objection  
Chantilly Neighborhood Association – No objection  
Commonwealth Morningside Neighborhood Association – No objection  
Commonwealth Park – No objection  
Crescent Heights Neighborhood Association – No objection  
Dwyer Solutions – No objection  
Eastover Resident's Association – No objection  
Grier Heights Economic Foundation – No objection  
Grier Heights Neighborhood Improvement Association – No objection  
Myers Park Homeowner's Association, Inc. – No objection  
Sedgewood Circle/Meadowbrook – No objection  
Sedgewood Lake Drive Home Owner's Association – No objection  
Wendover Hills Home Owner's Association – No objection

Private Utility Companies – No objection

City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

**Attachment 1**

Map  
Resolution

## ZONING

### 9. Rezoning Petition #2009-052

**Action:** Render a decision on proposed rezoning #2009-052 by Speedway Investment Group, LLC, for a change from R-MH, manufactured housing, BD, distributive business, I-1, light industrial, and I-2, general industrial to I-1(CD), light industrial, conditional district for approximately 135.38 acres located along Statesville Road and Old Statesville Road.

**Staff Resource:** Tammie Keplinger, Planning

#### Explanation

- On June 8, 2009 the City Council deferred the decision on this petition from June 15, 2009 to June 22, 2009.
- The petition is consistent with the Northeast District Plan.
- The Zoning Committee unanimously found this petition to be consistent with the Northeast District Plan and reasonable and in the public interest. The Committee unanimously recommended approval of this petition with the following modifications:
  1. Architectural commitments for the proposed multi-use building that fronts on Statesville Road are provided
  2. A 100-foot separation from any outdoor recreation area, i.e. outdoor camping and outdoor race track, and external property lines, including principal and accessory uses, is provided
  3. A note has been added indicating that noise mitigation recommended by the sound study will be applied to the site.
  4. The General Notes have been amended to state that the site will be developed as a unified planned development. The same verbiage has been included in the deeds for the subject properties.
  5. The Raceway note for Area A has been amended to state that "... there may be further subdivision of the property located within Area A, only if it is a part of a unified planned development as defined in the City of Charlotte Zoning Ordinance".
  6. A note has been added that the 50-foot landscaped setback along Old Statesville Road will include trees and shrubs, per Class C buffer standards.
  7. A cross-access easement for the proposed private drive located between Statesville Road and Old Statesville Road will be provided.
  8. A note has been added that only overflow parking will be permitted in the proposed right-of-way reserved for the Gibbon Street Extension. It will also be noted that this parking may not be used to meet the minimum parking requirements.
  9. The note under Section A has been amended to reflect a maximum of 7,050 seats in the raceway as indicated in the Traffic Impact Study (TIS).
  10. The note under Section A has been amended to reflect a maximum of 150 hotel rooms as indicated in the TIS.
  11. The note under "General Notes", Area B, has been amended to state that overnight camping is only permitted as an accessory to the raceway.
  12. A note has been added committing to the preparation of a traffic management plan in corporation with all appropriate agencies.

13. A note has been added indicating that the existing public street stubs that access Old Statesville Road will terminate as public streets. Turnaround areas will be located within the public right-of-way.

**Attachment 2**

Zoning Committee Recommendation  
Vicinity Map  
Locator Map  
Site plan  
Parking Calculations  
Elevations June 15, 2009

## POLICY

### 10. City Manager's Report

### 11. Carolina Theatre Seventh Amendment



**Action:** Approve the Economic Development & Planning Committee's recommendations to approve the seventh amendment to the Purchase and Sale Agreement for the Carolina Theatre with CMP Carolina Theatre LLC to extend the closing date until December 1, 2011, at no cost to CMP, and direct staff to negotiate a property maintenance agreement between CMP and the City.

**Staff Resource:** Tom Flynn, Neighborhood & Business Services  
Peter Zeiler, Neighborhood & Business Services

#### Explanation

- In January 2006, the City entered into a Purchase and Sale Agreement with CMP Carolina Theatre, LLC for the Carolina Theatre for \$1,000,000.
- This Agreement provided for a closing in January 2007 and allowed for two extensions.
- Council approved a third extension June 2007, a fourth in October 2007, a fifth extension in July 2008 and a sixth amendment in January 2009. CMP has exercised all extensions to the previously approved amendments, with the last allowable closing date being July 17, 2009.
- All required payments have been made. These payments, along with the \$50,000 payment in the original Agreement, now total \$250,000 in non-refundable deposits to the City.
- CMP has made excellent progress on reaching pre-sale goals and other milestones such as securing preliminary permit approval, completing easement and air rights negotiations and licensing agreements with theater operators, but has faced continued volatility in the national credit market as well as real estate market uncertainty, due to recent mergers and acquisitions in the local economy. While much of the financing has been secured for the project, approximately 30% is still in negotiation.
- A recent appraisal values the site "as is" at \$2,530,000.

#### Committee Discussion

- The Economic Development & Planning Committee discussed the Carolina Theatre at two meetings: May 13, 2009 and June 15, 2009.
- On June 15, 2009, staff presented two options to the Committee:
  - Have CMP Carolina Theatre, LLC make a fair market value offer on Carolina Theatre subject to an upset bid process, or
  - Extend the existing option at no cost to the developer for two to three years
- The Committee discussed both options and unanimously voted (Lassiter, Carter and Kinsey) to extend the existing option at no cost to the developer until December 1, 2011 and directed staff to negotiate a property maintenance agreement between CMP Carolina Theatre, LLC and the City.

#### Attachment 3

June 15, 2009 Economic Development & Planning PowerPoint Presentation

## 12. Performance Evaluation Procedures for Solid Waste Services

**Action: Approve Privatization and Competition Advisory Committee (PCAC) and staff recommended performance measures for benchmarking/monitoring/auditing future City costs of garbage, yard waste and bulky item collections performed by Solid Waste Services under its reorganized service delivery model scheduled to begin July 1, 2010.**

**Staff Resource:** Joel Ford, PCAC  
Victoria Garland, Solid Waste Services

### Explanation

- On April 27, 2009, Council approved a three part action. The first part is a July 1, 2010 conversion to citywide bi-weekly recyclables collection where single family residential single-stream recyclables collection will be outsourced to a private contractor. Solid Waste Services will not bid to provide the recyclable collection service.
- The second part is a reorganization of the Solid Waste Services service delivery model where Solid Waste Services crews will provide the weekly collection of garbage, yard waste and bulky items citywide, including in the West Zone. The City will not seek private sector bids to perform garbage, yard waste and bulky item collection.
- The program changes will ensure that each residential household receives identical waste collection service since each residence will get curbside garbage, yard waste and bulky item collection services from Solid Waste Services crews and recyclables collection from private sector crews.
- This Request for Council Action addresses the third part of the April 27, 2009 item where staff was instructed to partner with the PCAC to develop, within 90 days, performance measures for use in evaluating future City costs of garbage, yard waste and bulky item collections.
- On June 11, 2009 the PCAC voted unanimously to recommend new performance measures to Council to replace managed competition guidelines which are currently used for service performance evaluations.
- The new evaluation guidelines include the following steps:
  - The City Auditor will conduct an annual financial audit of Solid Waste Services-performed garbage, yard waste and bulky item collections.
  - FY2010 operating costs will be used as the baseline for future cost evaluations.
  - City costs will be evaluated against collection cost of select peer-group cities using results from the UNC School of Government Annual Benchmark Report and International City/County Management Association surveys.
  - Examples of the performance measures include:
    - Waste collection per 1,000 homes
    - Cost per collection stop
    - Complaints per 10,000 homes
    - Garbage collection costs per capita
  - The guidelines will include intervention trigger points for taking corrective action.
  - The guidelines include a thorough re-evaluation of service performance at the five year mark.

**Attachment 4**

Guidelines for Performance Evaluation of Solid Waste Services Reorganized Service Delivery Model, Effective July 1, 2010

## BUSINESS

### 13. Neighborhood Stabilization Program



**Action: Authorize the City Manager to allow the City to be part of the North Carolina Department of Commerce – Division of Community Assistance’s application to the U.S. Department of Housing and Urban Development for Neighborhood Stabilization Program funds provided through the American Recovery and Reinvestment Act of 2009.**

**Staff Resources:** Richard Woodcock, Neighborhood & Business Services  
Stan Wilson, Neighborhood & Business Services

#### Policy

- The U.S. Department of Housing and Urban Development (HUD) established the Neighborhood Stabilization Program 2 under Title XII of the American Recovery and Reinvestment Act of 2009.

#### Explanation

- In February of 2009, the U.S. Congress appropriated \$1.92 billion for the Neighborhood Stabilization Program (NSP) under the American Recovery and Reinvestment Act of 2009 (Recovery Act). Regulations were published for the new round of funding on May 4, 2009. NSP funding will be distributed in a nationwide competitive process.
- The NC Department of Commerce – Division of Community Assistance contacted the City about becoming a part of its statewide NSP application to HUD requesting approximately \$100 million. The City will be seeking \$20 million from the State as part of the application. Being part of the statewide grant would allow the City to be included in a more competitive application.
- NSP grant applications are due to HUD by July 17, 2009. HUD has until December 1, 2009 to notify all selected applicants. To meet the application deadline, staff is requesting authorization for the City Manager to allow the City to be part of the North Carolina Department of Commerce – Division of Community Assistance’s application to the U.S. Department of Housing and Urban Development for NSP funding.
- The \$20 million grant will be used to acquire foreclosed and abandoned properties. The City and its partners will work with local lending institutions to acquire foreclosed properties. These properties will be rehabilitated and sold to homeowners, lease-purchasers, or used as rental property subject to the market. It is estimated that approximately 200 homes will be acquired and rehabilitated.
- The program will be implemented through a consortium of non-profits that could include but is not limited to:
  - Builders of Hope
  - Charlotte Housing Authority
  - Charlotte-Mecklenburg Housing Partnership
  - Habitat for Humanity
  - Mercy Housing
  - Self-Help CDC
  - The Affordable Housing Group

- Builder's of Hope is an Atlanta based non-profit organization that focuses on rescuing homes from demolition by rebuilding and selling them to low and moderate income families.
- Mercy Housing is a Chapel Hill based non-profit organization that provides affordable housing and supportive services for low income families, seniors and persons with special needs.
- The Self-Help Community Development Corporation is a partner with the City in the Peachtree Hills Foreclosure Initiative and a partner with the City's first Neighborhood Stabilization Program grant.
- The Affordable Housing Group is a Charlotte based non-profit developer of affordable housing that has received Housing Trust Fund dollars for senior housing development.
- The Charlotte Housing Authority, Charlotte-Mecklenburg Housing Partnership and Habitat for Humanity are long standing partners with the City of Charlotte.
- Staff will work with its partners to leverage the federal NSP dollars with other funds.

#### **Key NSP Program Requirements**

- The NSP is targeted to areas with high rates of foreclosures and abandoned housing. NSP grants can be used to acquire foreclosed and abandoned properties, redevelop vacant or demolished properties, or offer down payment and closing cost assistance to low-moderate-middle income homebuyers (household incomes not to exceed 120% of the area median income).
- Grantees may also create "land banks" to assemble, temporarily manage, and dispose of vacant land for the purpose of stabilizing neighborhoods and encouraging re-use or redevelopment of urban property.
- At least 25% of the NSP funds must be used to serve households earning 50% or below the area median income.
- The acquisition price of properties acquired under the NSP must be discounted from the current market appraisal. The average discount for all properties must be at least 5%, but the minimum purchase discount must be 1% on any one property.
- HUD requires that 50% of the NSP funds be expended within two years of the date of the grant agreement. 100% of the funds are to be expended within three years of the date of the grant agreement.

#### **Next Steps**

- If awarded NSP funds, staff will use a process to select the non-profits with capacity to meet the program requirements. Staff will bring the non-profit contracts to City Council for approval at a future business meeting.

#### **Current NSP funding**

- In the first round of NSP funding (NSP1) the City received \$5,431,777 from HUD and \$2,625,000 from the State of North Carolina. The contract with HUD was finalized on March 18, 2009 and the agreements with non-profit partner agencies have been negotiated. The contract with the North Carolina Department of Commerce's Division of Community Assistance was finalized on June 12, 2009.

#### **Attachment 5**

Map of Eligible Neighborhood Statistical Areas

## 14. Transit Security Grant Program Federal Stimulus Funds



**Action:** Authorize the City Manager to submit a proposal to the Department of Homeland Security (DHS) for an amount not to exceed \$3,000,000 from the Transit Security Grant Program (TSGP).

**Staff Resource:** John Muth, Transit

### Explanation

- On May 29, the Department of Homeland Security announced the availability of \$150 million in federal funding under the American Recovery and Reinvestment Act (Recovery Act) of 2009 for the Transit Security Grant Program (TSGP).
- TSGP will award grants for operating projects (\$100 million) and capital projects (\$50 million).
- Eligible transit agencies and law enforcement agencies were predetermined based upon previous Department of Homeland Security criteria.
- CATS is the only transit property in North Carolina deemed an eligible recipient for the capital funds associated with the TSGP program.
- The capital funds are for specific purposes as outlined in the TSGP publication.
- CATS has identified three projects, which will qualify under the TSGP, capital requirements:
  - Access control, intrusion detection, and yard lighting in conjunction with the North Davidson Garage Rehabilitation project
  - Upgrade of security cameras that meet current standards on all fixed route buses
  - Additional cameras on the ramps at the I-485 South Corridor Blue Line Parking Deck
- TSGP provides a 100% federal share.
- Proposals must be submitted to the Department of Homeland Security by June 29, 2009.
- Proposals will be screened by a National Review Panel and evaluated based upon on the following criteria:
  - Project readiness
  - Agency's risk score
  - Project effectiveness
  - Potential risk mitigation
- DHS will announce the award allocations within 45 days following the close of the application period or by August 13.
- If CATS is determined to be a recipient of DHS funds, the next step will include a Council action for acceptance of the grant funds.

### Funding

Department of Homeland Security

## 15. State Clean Water Stimulus Resolutions



**Action:** Adopt a resolution authorizing the Water Quality Manager to accept stimulus awards in an amount up to \$1,772,006 from the NC Division of Water Quality, thereby providing assurance to the State the City will comply with the terms set forth by the State and the American Recovery and Reinvestment Act.

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

### Explanation

- On March 9 and April 13, Council approved resolutions and applications to the North Carolina Division of Water Quality for federal Clean Water funding.
- On April 24 staff was notified of two projects receiving stimulus funding awards: The Muddy Creek/Campbell Creek Restoration and the Revolution Park Water Reuse project.
- The stimulus funding award amounts are \$2,194,000 and \$577,555 respectively, and 50% of these awards will be repaid interest free within 20 years.
- On June 8, Council approved a budget ordinance to appropriate funds totaling \$1,772,006 to the Storm Water Stimulus Grant Fund.
- Also on June 8, Council awarded construction contracts to 8 Star Construction Company and Shamrock Environmental Corporation for the two projects totaling \$1,772,006.
- Construction on both projects will begin in June to comply with federal requirements.
- Since the June 8 meeting, the NC Division of Water Quality has requested additional information, including a Council resolution. This resolution will enable the City to apply for reimbursement for the construction of these two projects under the terms set forth by the state and federal government.
- The resolution provides that the City will follow the rules set forth by the state and the Stimulus Act, will furnish additional information as requested, and will comply with applicable laws.

### Funding

Federal Stimulus Grant and Storm Water Capital Investment Plan

### Attachment 6

Resolution

## 16. 2009 Housing Trust Fund Project Recommendations

- Action:**
- A. Approve financial commitments of \$5,000,000 for five multi-family rental housing projects (new construction and rehabilitation),**
  - B. Approve financial commitments of \$2,300,000 for two Special Needs Housing Projects (new construction), and**
  - C. Approve a waiver of the Housing Locational Policy for the Savanna Woods multi-family development.**

**Staff Resource:** Stan Wilson, Neighborhood & Business Services

### Policy

- City's FY2006-FY2010 Consolidated Action Plan:
  - Approved by City Council on June 13, 2005
  - Identified the need for affordable, safe and decent housing for low and moderate-income families
  - Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

### Explanation

- On January 12, 2009 City Council approved the Housing Trust Fund (HTF) Advisory Board's recommendation for allocating \$9,300,000 available in Housing Trust Funds. The funding was allocated to the Multi-Family Rental and Special Needs Housing categories as follows: Multi-Family Rental (\$6,000,000) and Special Needs (\$3,300,000).
- Staff issued Requests for Proposals to developers. Staff received proposals from developers and evaluated and ranked them based on the Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- On June 1, 2009 City Council received a briefing on the FY2009 HTF Project Recommendations.
- At the request of the Charlotte Housing Authority (CHA) two projects Strawn Apartments and Charlottetown Terrace were approved on June 8, 2009 for funding to allow the CHA to meet the June 16, 2009 application deadline for Capital Fund Recovery dollars.
- Strawn Apartments received \$1 million from the Multi-Family Rental funding category and Charlottetown Terrace received \$1 million from the Special Needs funding category.

**Multi-Family Rental (New and Rehabilitation)**

<b>Project Score</b>	<b>Project Name</b>	<b>Developer</b>	<b>Aff. Units</b>	<b>Type</b>	<b>City Funding</b>
122	915 Caldwell	Charlotte Housing Authority	100	New Construction	\$800,000
122	Savanna Woods Apartments	Charlotte Housing Authority	83	New Construction	\$1,000,000
104	Strawn Tower Apartments*	Charlotte Housing Authority	170	Rehabilitation	\$1,000,000
98	Oak Park Apartments	Foundation For Affordable Housing	107	Rehabilitation	\$1,400,000
92	Willow Run Apartments	United Equities VI	51	New Construction	\$616,605
89	Steele Creek Seniors**	Wood Partners	120	New Construction	\$1,183,395
	<b>Total</b>		<b>631</b>		<b>\$5,000,000</b>

\*On June 8, 2009 City Council approved a loan in the amount of \$1 million to CHA for the rehabilitation of Strawn Tower as part of the FY2009 HTF multi-family housing requests for proposals.

\*\*Based on available funding the Steele Creek Seniors project would receive \$1,183,395 of the \$1,370,434 requested.

- The Savanna Woods Multi-Family Project is located in a prohibited area (NSA-68 Sedgefield) per the Housing Locational Policy. The area is prohibited because the homeownership rate is less than 50% (47%). Consequently, the Charlotte Housing Authority is requesting a waiver for this project. A letter of notification about the requested waiver was mailed to adjacent property owners on June 8, 2009 as required by the City's Housing Locational Policy.
- Savanna Woods was rezoned on March 19, 2009. The CHA has had multiple meetings with the neighborhood association and the neighborhood association has provided a letter of support for the project.
- All projects listed under the Multi-Family category, with the exception of Oak Park Apartments, have applied to the North Carolina Housing Finance Agency (NCHFA) for Low-Income Housing Tax Credits and Bond Allocation. Staff anticipates that not all projects will receive funding from NCHFA and there will be remaining funds in the Multi-Family category that could be reallocated to fund other projects. The NCHFA plans to announce tax credit awards in August 2009.

**Special Needs Housing (New and Rehabilitation)**

<b>Project Score</b>	<b>Project Name</b>	<b>Developer</b>	<b>Aff. Units</b>	<b>Type</b>	<b>City Funding</b>
112	Charlottetown Terrace*	Charlotte Housing Authority	161	Rehabilitation	\$1,000,000
108	Dove's Nest	Charlotte Rescue Mission	90	New Construction	\$1,500,000
106	Domestic Violence Facility**	United Family Services Inc.	80	New Construction	\$800,000
	<b>Total</b>		<b>331</b>		<b>\$2,300,000</b>

\*On June 8, 2009 City Council approved a loan in the amount of \$1 million to CHA for the rehabilitation of Charlottetown Terrace as part of the FY2009 HTF special needs housing requests for proposals.

\*\*Based on available funding Domestic Violence Facility project would receive \$800,000 of the \$1,500,000 requested.

**Funding**

City Housing Bonds (Housing Trust Fund)

**Attachment 7**

Dinner Briefing Presentation – June 1, 2009

Project Summary Reports and Sources and Uses for each project

**17. Water/Sewer Refunding and NASCAR Hall of Fame Permanent Financing Substitution****Action: Approve a series of resolutions that do the following:**

- 1. Make findings necessary for the Local Government Commission's approval of the refunding of a portion of the 2006B Water Sewer revenue bonds,**
- 2. Approve the form, content, execution and delivery of various documents necessary to complete the refunding of a portion of the 2006B Water Sewer revenue bonds and the issuance of 2009 Water Sewer revenue refunding bonds,**
- 3. Approve the substitution of an existing interest rate swap and the application to the Local Government Commission for a portion the swaps transfer to the NASCAR Hall of Fame (HOF) as part of the HOF's permanent financing plan, Series 2009D Certificates of Participation, and**
- 4. Authorize the City Finance Director to execute an Amendment to the 2007 Installment Purchase Agreement for the purpose of obtaining permanent financing of the NASCAR HOF in an amount not to exceed \$102 million.**

**Staff Resources:** Greg Gaskins, Finance  
Scott Greer, Finance

**Explanation**

- This financing plan will lower the overall debt service costs to the Water and Sewer system as the 2006B refunded bonds will be issued at lower market rates than were previously available.
- Additionally, this financing will lower the financing costs associated with the NASCAR Hall of Fame (HOF) as a portion of a preexisting swap will be transferred to the NASCAR HOF. This transfer benefits both the Water/Sewer system and the NASCAR HOF as both debt entities will receive a reduction in debt service.
- This action completes the debt issuance schedule and permanent financing plan for the NASCAR HOF.

**Background**

- This action calls for:
  - Refunding of a portion of the outstanding 2006 Water/Sewer Bonds and their reissuance under a fixed rate plan, and
  - Transferring of a portion of the above mentioned interest rate swap agreement to the NASCAR HOF taxable funding series (2009D/E).
- At the May 11<sup>th</sup> 2009 business meeting the Council approved a resolution to allow City staff to apply to the Local Government Commission (LGC) for Certificates of Participation (COPS) relating to the permanent financing of the NASCAR HOF and approved the authorization of the

2009C COPS which represent the tax-exempt portion of the NASCAR financing. This action is a furtherance of the previously approved financing schedule and is for the 2009D and 2009E debt series, which are for the taxable portion of the NASCAR financing. If approved, this would complete the permanent financing portion for the NASCAR HOF.

- Additionally, City Council previously authorized the issuance of \$300 million in Water and Sewer System Revenue Bonds, Series 2006B, of which \$289,795,000 is currently outstanding. In connection with the issuance of the 2006B Bonds, the City Council approved, and the City executed and delivered, an interest rate swap agreement with Wachovia Bank.
- If approved, staff will seek LGC approval to transfer a portion of the Water/Sewer interest rate swap to the NASCAR HOF project. Due to current market conditions, this transfer will have the effect of lowering the cost of debt service to both the Water/Sewer system and the NASCAR HOF project.
- This action will refund a portion of the outstanding variable Water/Sewer bonds in order to convert them to fixed rate financing.

### **Funding**

Municipal Debt Service Fund

### **Attachment 8**

Resolutions

## **18. Nominations to Boards and Commissions**

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

### **A. AIRPORT ADVISORY COMMITTEE**

- One appointment for a three year term for a Westside resident beginning August 1, 2009.
  - Crystal Jackson is eligible and would like to be reappointed.
- One appointment for a three year term for an individual with an aviation affiliation beginning August 1, 2009.
  - Dr. Henry Nicholson has completed his service and is not eligible for reappointment.

### **Attachment 9**

Applications

### **B. BUSINESS EXPANSION FUNDING CORPORATION**

- Two appointments for three year terms for members of community organizations responsible for economic development beginning immediately and ending April 30, 2012.
  - Jason Baker and David Swindell are eligible and would like to be reappointed.
- One appointment for a three year term for a representative of a government organization responsible for economic development beginning immediately and ending April 30, 2012.
  - Terry Bradley has completed his service and is not eligible for reappointment.

**Attachment 10**

Applications

**C. CHARLOTTE INTERNATIONAL CABINET**

- Nominees for reappointments to Charlotte International Cabinet are all former members of either Mayor’s International Cabinet or Sister Cities, merged by City Council in October 2008. All have served on the transitional Cabinet since the merger.
- Five reappointments for three year terms beginning July 1, 2009 and ending June 30, 2012.
  - Renee Etakisse, Tim Jones, George Andy Leonard, Shelly Pendleton and Wendy Shanahan are eligible and would like to be reappointed.
- Three reappointments for two year terms, the remainder of current terms, beginning July 1, 2009 and ending June 30, 2011.
  - Randall Eaton, Tom Flynn and Hal Markowitz are eligible and would like to be reappointed.
- Twelve reappointments for one year terms, the remainder of current terms, beginning July 1, 2009 and ending June 30, 2010.
  - Karim Azar, Jason Boone, Steve Goldberg, Sue Gorman, Charles Lansden , Jeff Linker, Judith Osei-Tutu, Jonathan Raymond, James Summers, John Austin Tate, Gail VanDerVeer, and Mary Ward are eligible and would like to be reappointed.

**Attachment 11**

Applications

**D. CITIZENS’ REVIEW BOARD**

- Five appointments for three year terms beginning August 1, 2009.
  - Alan Adler and Hope McKinney are eligible and would like to be reappointed.
  - John Lambert, Beverly Lawston and Carolyn Millen have completed their service and are not eligible for reappointment.

**Attachment 12**

Applications

**E. DOMESTIC VIOLENCE ADVISORY BOARD**

- One appointment for a three year term beginning September 22, 2009.
  - Debra Wideman is eligible and would like to be reappointed.

**Attachment 13**

Applications

**F. HISTORIC DISTRICT COMMISSION**

- One appointment for an unexpired term for a Dilworth business owner beginning immediately and ending June 30, 2011.
  - Jane McDermott resigned.

**Attachment 14**

Applications

**G. HISTORIC LANDMARKS COMMISSION**

- Two appointments for three year terms beginning July 17, 2009.
  - Zaundra Yolanda Johnson and Laura C. Smith have both completed their terms of service and are not eligible for reappointment.

**Attachment 15**

Applications

**H. HOUSING APPEALS BOARD**

- One appointment for a "City within a City" tenant for an unexpired term beginning immediately and ending December 31, 2009, then continuing for a full three year term, ending December 31, 2012.
  - Regina Tisdale resigned.

**Attachment 16**

Applications

**I. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for an unexpired term beginning immediately and ending June 30, 2011.
  - Lindsay Daniel resigned.

**Attachment 17**

Applications

**J. PASSENGER VEHICLE FOR HIRE BOARD**

- One appointment for a vehicle for hire company owner for a three year term beginning July 2, 2009.
  - Bhanu Contractor is eligible and would like to be reappointed.
- One appointment for a vehicle for hire vehicle owner for a three year term beginning July 2, 2009.
  - Andrew Thompson is eligible and would like to be reappointed.
- One appointment for a representative of the hospitality and tourism industry for a three year term beginning July 2, 2009.
  - Susan Schwint is eligible and would like to be reappointed.
- One appointment for a user of passenger vehicles for hire for a three year term beginning July 2, 2009.
  - Carolyn Carr is eligible and would like to be reappointed.
- One appointment for a person with a disability or a representative of an organization working with residents with disabilities for a three year term beginning July 2, 2009.
  - Robert Kimrey has served three terms of service and is not eligible for reappointment.

**Attachment 18**

Applications

**K. TRANSIT SERVICES ADVISORY COMMITTEE**

- One appointment for a neighborhood organization leader for an unexpired term beginning immediately and ending January 31, 2012.
  - Mark Francis did not meet the attendance requirement.

**Attachment 19**  
Applications

**19. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

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."

## CONSENT I

### 20. Various Bids

#### A. Resurfacing FY2009-B

CDOT

**Staff Resource:** Layton Lamb, Transportation

#### **Action**

Award the low bid of \$2,931,967.22 to Ferebee Corporation. This project consists of resurfacing approximately 25 miles of City streets and includes traffic control, asphalt and concrete pavement milling, resurfacing, manhole and water valve adjustments, wheelchair ramps and pavement markings. Construction completion is scheduled for fourth quarter of 2009. This is the second of two bids awarded for FY2009 street resurfacing. At the May 26 meeting, Council approved the Blythe

Construction bid of \$4,880,367.81 for Resurfacing FY2009-A, covering approximately 51 miles of resurfacing. This contract is funded from the FY2009 street resurfacing budget. Favorable bid prices have resulted in a remaining balance of FY2009 funds. Staff is currently evaluating options related to change orders for contracts A and B as a potential way of investing the remaining funds in additional resurfacing efforts. On June 8, City Council adopted the FY2010 budget from which FY2010 resurfacing will be funded.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.10%

Ferebee Corporation committed 8.10% (\$237,440) of the total contract amount to the following SBE firms: Marty Cambell Inc. and Conmat Development, Inc.

**Attachment 20**

List of Streets

**B. Beatties Ford Road Water Main**

**CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$328,894.57 by R.F. Shinn Contractor, Inc. This project consists of the installation of approximately 5406 linear feet of 16-inch water main along the west side of Beatties Ford Road, from north of Sample Road to Hopewell High School. Construction is scheduled to be completed by November 2009.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.56%

R.F. Shinn exceeded the SBE established goal and committed 4.56% (\$15,000) to the following SBE firm: D.E. Walker Construction.

**C. Manhole Rehabilitation and Point Repair**

**CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$3,748,556.10 by Atlantic Coast Contractors, Inc., for television inspection of approximately 85,000 linear feet of old sanitary sewer lines, repair of defective lines and laterals, manhole rehabilitation/repair and sewer lining of 30,000 linear feet of defective pipe. Sanitary sewer mains are repaired throughout the year based on sewer overflows and potential problems identified during inspection.

Also, authorize the City Manager to renew this contract for three additional terms. The renewals are at the City's option as an incentive to the contractor for good performance, productivity and quality work.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.03%

Atlantic Coast Contractors met the goal and committed 7.03% (\$263,441.25) to the following SBE firms: Central Carolina Underground Inc., Cover All Paving and Seal Coating, Yenrof Trucking, Jaamco Drain Cleaning & Video Inspection, Inc., The Carolina Landworks, Inc., The Huffstetler Group, Inc., Roberts Enterprises of NC, Boyle Consulting and Fernandez Construction Corp.

#### **D. Airport Terrazzo Maintenance Contract**

**Aviation**

**Staff Resource:** Jerry Orr, Aviation

##### **Action**

Award the low bid of \$749,798 by American Facility Services for a three year cleaning and maintenance contract for the Airport's terrazzo flooring. This contract will provide specialized trained personnel for continuous cleaning and maintenance of approximately 141,049 square feet of terrazzo flooring on a schedule set by the Airport's Housekeeping Manager.

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

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

### **21. 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 \$299.58, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$213.25.**

**Staff Resource:** Teresa Smith, Finance

##### **Attachment 21**

List of property tax and business license refunds  
Resolution

**22. Resolution of Intent to Abandon Two Portions of Horne Drive**

**Action:**   **A. Adopt the resolution of intent to abandon two portions of Horne Drive, and**  
**B. Set a public hearing for July 27, 2009.**

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

**Attachment 22**

Map  
Resolution

**23. Resolution of Intent to Abandon a Portion of Two 10-foot Alleyways Bound by Allen Street, East 15<sup>th</sup> Street, Harrill Street, and Belmont Avenue**

**Action:**   **A. Adopt the resolution of intent to abandon a portion of two 10-foot alleyways bound by Allen Street, East 15<sup>th</sup> Street, Harrill Street, and Belmont Avenue, and**  
**B. Set a public hearing for July 27, 2009.**

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

**Attachment 23**

Map  
Resolution

## 24. 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. 2325 Barry Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)
- B. 3019 Shenandoah Avenue (Neighborhood Statistical Area 55 – Briarcreek/Woodland Neighborhood)

**Complaint:**

- C. 2726 Duncan Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)
- D. 1114 Montcalm Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

**Field Observation:**

- E. 3051 Reid Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood)
- F. 2120 W. Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- G. 10816 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- H. 10820 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- I. 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- J. 10830 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- K. 10849 aka 10845 Walkers Ferry Road (Neighborhood Statistical Area 107- Dixie/Berryhill Neighborhood)

**Public Safety:**

**A. 2325 Barry Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2325 Barry Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).**

**Attachment 24**

**B. 3019 Shenandoah Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3019 Shenandoah Avenue (Neighborhood Statistical Area 55 – Briarcreek/Woodland Neighborhood).**

**Attachment 25**

**Complaint:**

**C. 2726 Duncan Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2726 Duncan Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).**

**Attachment 26**

**D. 1114 Montcalm Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1114 Montcalm Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 27**

**Field Observation:**

**E. 3051 Reid Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3051 Reid Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood).**

**Attachment 28**

**F. 2120 W. Trade Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2120 W. Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).**

**Attachment 29**

**G. 10816 aka 10824 Walkers Ferry Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10816 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 30**

**H. 10820 aka 10824 Walkers Ferry Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10820 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 31**

**I. 10824 Walkers Ferry Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 32**

**J. 10830 aka 10824 Walkers Ferry Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10830 aka 10824 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 33**

**K. 10849 aka 10824 Walkers Ferry Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 10849 aka 10845 Walkers Ferry Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 34**

## CONSENT II

### 25. Amended and Restated Agreement for Operation of a Single Storm Water System

**Action:** Approve the amended and restated Agreement for Operation of a Single Storm Water System in Mecklenburg County.

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

#### History

- In October 1993, Council approved the original agreement with Mecklenburg County for the joint operation of a single storm water utility within the City limits.
- In June 2002, Council approved the Amended and Restated Agreement for operation of a single storm water system in Mecklenburg County.
- In March 2005, Council approved a resolution amending the 2002 agreement to clarify public hearing requirements for rate adjustments.
- The Agreement defines the operation of a consolidated storm water program in Mecklenburg County. State law requires coordination among storm water programs operating in the same geographic area; specifically, the legislation prohibits the imposition of fees for storm water services by more than one entity in a given area. The Agreement enables the City and the County to meet these statutory requirements by defining the allocation of roles and funding.

#### Explanation

- The revisions include language that:
  - Aligns the responsibilities of the Storm Water Advisory Committee to hear and make decisions on appeals and variances to be consistent with adopted City Ordinances
  - Aligns program responsibilities as stated in NC General Statute §153A-274
  - Clarifies the use of the fixed fee for billing systems
  - Provides the City, the County and the Towns the authority to set rates based on more than two tiers as determined by their elected officials
  - Clarifies length of terms for Storm Water Advisory Committee members
  - Extends the term of the initial agreement from July 1, 2009 until June 30, 2010, which shall be automatically renewed each fiscal year thereafter unless notice of non-renewal is given
- Charlotte Storm Water Services, City of Charlotte Finance Department and Mecklenburg County Storm Water Services have reached consensus on the content of the agreement.
- The proposed Agreement was approved by the Mecklenburg County Board of County Commissioners on June 16, 2009.

#### Funding

The proposed amendments to the Agreement for Operation of a Single Storm Water System in Mecklenburg County will not impact the Storm Water budget or the general fund.

**Attachment 35**

Agreement for Operation of a Single Storm Water System in Mecklenburg County  
 Cost Allocation Methodology Document

## 26. Independence Boulevard/Harris Boulevard Intersection Improvements

**Action:**   **A. Rescind award made to United Construction Company, Inc. on May 23, 2009, and**

**B. Award to United Construction Company, Inc. in the amount of \$358,787.10.**

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

**Explanation**

- This project will be constructed as part of a Congestion Mitigation and Air Quality (CMAQ) agreement between CDOT and NCDOT and will include the installation of a right turn lane off Independence Boulevard at Harris Boulevard. NCDOT is responsible for 80% of the cost of this project.
- This project was awarded by Council for \$337,084.65 on March 23, 2009; however, the NCDOT Davis-Bacon Contract Wage Decision was inadvertently omitted from the original bidding documents, which required the work to be re-bid.
- Construction completion is scheduled for fourth quarter of 2009.

**Disadvantaged Business Enterprise**

Established DBE Goal: 10%

Committed DBE Goal: 10.38%

United Construction met the DBE goal and committed 10.38% (\$37,241) to the following DBE firms: ACS Pavement Marking, Inc., D's Trucking Service, Inc., GATC Contracting, and James A. Streeter (doing business as Streeter Trucking).

**Funding**

NCDOT and Transportation Capital Investment Plan

## 27. Elevator Maintenance Services

- Action:**
- A. Approve the purchase of elevator maintenance services, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
  - B. Approve a five year contract with Otis Elevator Company for \$896,566.09 to provide elevator maintenance services in City-owned and cultural facilities maintained by Engineering & Property Management Building Services.**

**Staff Resource:** Candie Leyvas, Engineering & Property Management

### Explanation

- This contract will provide maintenance and repair services for all elevators in facilities maintained by Engineering & Property Management Building Services. It includes a 5% contingency to cover parts and repairs beyond the contract scope.
- There are currently 45 elevators under contract.
  - Eight elevators (CATS South Corridor) will be added in October 2009 when warranty periods expire.
- This contract commits to unit pricing for maintenance of additional equipment, such as elevators and escalators in the new Cultural Arts Facilities, when warranty periods expire.

### U.S. General Services Administration (GSA) Agreement

- NC General Statute 143-129(e) authorizes competitive group purchasing. This contract is based on a GSA purchasing schedule.
- Otis Elevator Company has a national contract through a U.S. General Services Administration (GSA) purchasing agreement that offers volume discount pricing procured using full and open competition.
- Under the GSA Cooperative Purchasing Program, state and local government entities may purchase facility management systems (such as elevator maintenance) and related services from contracts awarded under GSA Federal Supply Schedule.
- This contract represents the best value in terms of cost, quality and service, with no increase in cost per facility compared to existing pricing.
- The existing contract expires June 30, 2009.

### Small Business Opportunity

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

### Funding

Engineering & Property Management Operating Budget

## 28. Life Safety Systems Maintenance Services

- Action: A. Approve the purchase of life safety systems maintenance services, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
- B. Approve a five year contract with SimplexGrinnell for \$358,419.30 to provide life safety systems maintenance services in City owned and cultural facilities maintained by Engineering & Property Management Building Services.**

**Staff Resource:** Candie Leyvas, Engineering & Property Management

### Explanation

- This contract will provide maintenance, inspection services, diagnostic testing and monitoring of fire extinguishers, fire alarm detection systems and fire sprinkler systems in facilities maintained by Engineering & Property Management Building Services. It includes a 5% contingency to cover parts and repairs beyond the contract scope.
- There are currently 56 facilities under contract.
- This contract commits to unit pricing for maintenance of additional equipment when warranty periods expire.

### U.S. General Services Administration (GSA) Agreement

- NC General Statute 143-129(e) authorizes competitive group purchasing. This contract is based on a GSA purchasing schedule.
- SimplexGrinnell has a national contract through a U.S. General Services Administration (GSA) purchasing agreement that offers volume discount pricing procured using full and open competition.
- Under the GSA Cooperative Purchasing Program, state and local government entities may purchase facility management systems (fire alarm system preventative maintenance & repair) and related services from contracts awarded under GSA Federal Supply Schedule.
- This contract represents the best value in terms of cost, quality and service, with a 6% decrease in cost per facility compared to existing pricing.
- The existing contract expires June 30, 2009.

### Small Business Opportunity

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

### Funding

Engineering & Property Management Operating Budget

## 29. Storm Water Pipe Video Inspection Services

- Action:**
- A. Approve a contract for pipe video inspection services with HAZ-MAT Environmental Services in the amount up to \$102,300, and**
  - B. Authorize the City Manager to approve three, additional one year renewals for the Pipe Video Inspection Services contract.**

**Staff Resource:** Scott Hudson, Engineering & Property Management

### Explanation

- This contract will provide funding for remote video camera inspection of underground storm drainage systems at various locations throughout the City.
- This service will be used for the purpose of assessing pipe conditions on an as-needed basis.
- This contract document provides one year of service and allows for three renewals. Renewals are at the City's option and are used as an incentive to the Contractor for productivity and quality work.
- Storm Water Services competitively selected this vendor through a Request for Proposal process. Ten firms were solicited, of which three submitted proposals.

### Small Business Opportunity

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

### Funding

Storm Water Capital Investment Plan

## 30. On-Street Parking Contract

- Action:**
- A. Approve a contract with Central Parking System for management of On-Street Parking for an initial term of five years, and**
  - B. Authorize the City Manager to approve up to two, one year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.**

**Staff Resource:** Doreen Szymanski, Transportation

### Explanation

- Charlotte's Center City on-street parking program was created in 1997, and the management of the program has been outsourced by Charlotte's Department of Transportation (CDOT) since that time.
- Overall management of the on-street parking is a turn-key operation and includes parking enforcement, booting, citation processing, the appeals process, collections, meter maintenance, sales of parking tokens and commemorative coins, and residential parking permits.
- A Request for Proposals (RFP) was issued on March 5, 2009, resulting in five proposals received on April 15, 2009.

- The Evaluation Team consisted of staff from Procurement Services, CDOT, Neighborhood and Business Services and CMPD.
- Evaluation Criteria included:
  - Background and experience of the company, including references
  - Operational qualifications such as equipment and personnel
  - Customer service approach
  - Business processes
  - Financial viability
  - Insurance requirements
  - Willingness and ability to comply with the RFP and contract terms and conditions
- The new contract compensation will be the same as the current contract, in which the City reimburses at cost all of the contractor's reasonable expenses incurred in carrying out the on-street program.
- Typical expenses include the actual cost of employees and benefits, parking meters/pay stations, maintenance equipment and signage. These costs must be pre-approved by the City's project manager.
- The contractor will also receive a management fee of 10% of all meter and permit revenue collected, and 3% of all ticket revenue collected. In FY2008, the management fees totaled \$108,000. Total revenue for the program was approximately \$1.9 million.
- City Council approves the on-street parking expenses through the budget process.
- The program currently is responsible for approximately 1,200 metered parking spaces and enforcement of the neighborhood parking permit program. Altogether, the firm will oversee and enforce approximately 4,000 parking spaces, monitor special events, and ensure the turnover of parking spaces to serve visitors, Center City businesses and residents.
- To ensure quality services in a timely manner, the City solicits for these services through a Request for Proposals process.
- The current contract with Central Parking expires on September 30, 2009.

#### **Small Business Opportunity**

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

#### **Funding**

Self funded through parking revenues

### **31. NASCAR Hall of Fame Advisory Board Appointments**

**Action: Reappoint City representatives to the NASCAR Hall of Fame Advisory Board for a second, three-year term.**

**Staff Resource:** Stephanie Kelly, City Clerk

#### **Explanation**

- The NASCAR Hall of Fame Agreement established an eight-member advisory board for Hall of Fame related issues.
- Two members from each of the following organizations serve three-year terms:
  - City of Charlotte
  - Charlotte Regional Visitors Authority
  - NASCAR

- Financial Institution Partners (Wachovia and Bank of America)
- Ron Kimble and Jim Schumacher have served as the City's representatives, and are recommended for reappointment to a second, three-year term.

### 32. Charlotte Center City Partners Board Appointments

**Action: Appoint the Charlotte Center City Partners Board of Directors for FY2010 as nominated by the existing Center City Partners Board.**

**Staff Resource:** Emily Westbrook, Neighborhood & Business Services

#### Explanation

- Charlotte Center City Partners (CCCP) is a nonprofit organization contracted by the City to provide services and promotional activities in Uptown and Historic South End.
- CCCP's services and activities are funded through special property tax assessments in four Municipal Service Districts (MSDs) in Uptown and Historic South End.
- CCCP's bylaws require annual City Council reappointment of existing Board members and appointment of new members nominated by the Board.
- The following existing members are recommended for reappointment to the Board:

Jennifer Appleby	Mary MacMillan
Debra Campbell	Todd Mansfield
Ronald Carter	Michael Marsicano
Ann Caulkins	Bob Morgan
Bobby Drakeford	Tim Newman
Phil Dubois	Ernie Reigel
David Furman	Pat Riley
Art Gallagher	Jennifer Roberts
Peter Gorman	Krista Tillman
Bob Hambright	Jim Turner, Chair
Steve Harris	Curt Walton
Tom Hughes	Fred Whitfield
Harry Jones	Darrel Williams
John Lassiter	Tony Zeiss

- Seven new members are replacing seven existing member positions.
- The following members have completed their Board terms:

Lyn Boggs	Lee Keesler
Lance Drummond	John Stamas
Jim Dulin	Ben Williams
Harvey Gantt	

- The following individuals are recommended for appointment to the Board:

Fred Buckman	Scott Provancher
Rob Cummings	Laura Schulte
Al De Molina	Rich Thurmond
Carol Hevey	

- CCCP's Board approved the attached slate of nominees at its May 13, 2009 meeting. Council can either appoint this slate of nominees or request a revised slate of nominees from CCCP.

### Attachment 36

CCCP FY2010 Board of Directors Slate

## 33. NCDOT Municipal Agreement for Relocation of Utility Lines along Lebanon Road

**Action:**

**A. Adopt a resolution authorizing the Utilities Key Business Executive to execute a municipal agreement with the NC Department of Transportation in the estimated amount of \$211,948, and**

**B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

**Staff Resource:** Doug Bean, Utilities

### Explanation

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT road way projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- Once completed, Utilities reviews the invoice, validating the charges and making corrections when needed.
- This Agreement is for the relocation of municipally owned water and sewer lines for a new bridge on Lebanon Road in Mint Hill. The relocation expense is Utilities responsibility.
- At the end of the project, Utilities will reimburse NCDOT for actual construction costs associated with the utility relocation.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a supplementary agreement for the cost differential. Final invoice differences can be attributed to:
  - Actual unit price bids being higher than estimated
  - The length of time between when the estimate was prepared and the completion of the project
  - Required design modifications resulting from NCDOT project changes
- The format and cost sharing philosophy is consistent with past municipal agreements.

### Funding

Utilities Capital Investment Plan

**Attachment 37**

Resolution

**34. Synagro-WWT, Inc. Contract Extension**

**Action: Approve a five year extension to the contract with Synagro-WWT, Inc. for disposal of solids produced at the water and wastewater treatment plants for a total five year estimated cost of \$21.8 million.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- This action allows for a five year extension of the existing contract from July 1, 2009 to June 30, 2014.
- The unit prices have been adjusted for fuel and chemical cost inflation.
- Benchmarking with 12 other similar Utilities throughout the southeast confirmed the contract extension prices compare favorably. These prices ranged from \$32 to \$46 per wet ton.
- The lowest cost of \$32 per wet ton did not include sampling and reporting, as required by the City's contract. The City's cost will be \$35.96 per wet ton.
- This contract extension has been reviewed by the Privatization and Competition Advisory Committee and the Utilities Advisory Committee.
- Contract extension is recommended for the following reasons:
  - Nature and scope of this environmentally sensitive work
  - Specialized regulatory procedures
  - Good performance with no compliance violations
- Federal environmental regulations require water and wastewater solids left over from treatment be removed from facilities.

**History**

- A ten year professional services contract was approved with Synagro, WWT, Inc. on May 24, 1999 for management of all water and wastewater solids after a year-long competitive process.
- The contract allows for two, five year extensions.
- On May 8, 2000, Council approved an amendment to the contract to include additional solids disposal options.

**Small Business Opportunity**

For service based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). For this contract extension, no subcontracting opportunities were identified, however, should opportunities arise as the contract evolves, Synagro will attempt to identify qualified SBE firms.

**Funding**

Utilities Operating Budget

## 35. McAlpine Creek Relief Sewer Phase 2

**Action:**   **A. Reject the low bidder, S. J. Louis Construction, Inc. for failure to comply with the requirements of the NC Licensing Board for General Contractors, and**

**B. Award the responsive low bid of \$11,802,918.86 to Oscar Renda Contracting, Inc. for construction of the McAlpine Creek Relief Sewer, Phase 2.**

**Staff Resource:**   Doug Bean, Utilities

### **Bid Rejection**

- The NC Licensing Board for General Contractors requires that contractors have a person on their payroll at the time of bid opening, who has passed the NC General Contractor's examination. S.J. Louis did not have such a person on staff at the time bids were opened; therefore, the Licensing Board prohibits the City from considering their bid.

### **Bid Award**

- This project consists of the installation of 17,700 linear feet of 72 and 66 inch diameter sewer outfall adjacent to McAlpine Creek. This phase begins at Highway 51 in Pineville and ends at Colony Road
- The contract for Phase 1 of this project, in the amount of \$18,247,890.66, was awarded by Council in December 2007. Phase 1 began at Ballantyne and ended at Highway 51.

### **Summary of Bids**

S.J. Louis Construction	\$11,396,578.40
Oscar Renda	\$11,802,918.86
Garney Companies	\$12,325,408.78
Central Builders	\$12,706,028.90
Thalle Construction	\$13,253,253.31
John D. Stephens	\$13,291,674.14
Morgan Contracting	\$13,832,481.20
Moorhead Construction	\$14,607,038.60
Reynolds	\$14,883,365.86
BRS/Sanders Joint Venture	\$14,772,155.08
Rockdale Pipeline	\$14,944,506.66
Gary's Grading	\$15,500,140.40
Ruby Collins	\$15,590,942.33
State Utility Contractors	\$15,949,035.26
D.H. Griffin	\$17,881,663.94

### **Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 1.18%

Oscar Renda failed to meet the goal, but earned the minimum Good Faith Effort Points. They committed \$139,000 to the following SBE firms: D's Trucking Carolina Wetland Services, SafetyMart, W.C. Black & Sons and Professional Communications

### **Funding**

Utilities Capital Investment Plan

## 36. Vest Water Treatment Plant Repairs

- Action:**
- A. Reject the low bidder, MV Momentum Construction, LLC for failure to comply with the requirements of the Small Business Program, and**
  - B. Award the responsive low bid of \$2,196,128 to Prestige Building Company for upgrades and improvements to the Vest Water Treatment Plant (WTP).**

**Staff Resource:** Doug Bean, Utilities

### **Bid Rejection**

- At the time of bid opening, MV Momentum submitted an SBE Committed Goal of 0%, which then required that they earn a minimum number of Good Faith Effort Points (GFEs).
- The minimum GFEs required were 155 out of a possible 375. MV Momentum earned only 90.

### **Bid Award**

- This project involves the replacement of all exterior windows, upgrades to the laboratory for OSHA compliance, replacement of the roof and associated asbestos abatement, improvements to the ventilation system, concrete repairs, pressure washing the exterior and application of new stucco.
- Construction of the Vest WTP began in 1927 and was completed in 1930. It is on the National Register for Historic Water Treatment Plants.

### **Summary of Bids**

MV Momentum Construction, LLC	\$2,177,000
Prestige Building Company	\$2,196,128
Hickory Construction Co.	\$2,368,000
Gilbert Engineering Co.	\$2,395,500
Morlando-Holden Construction	\$2,419,000
Streamline General Contracting	\$2,668,000
Structural Group, Inc.	\$2,986,057

### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 8.97%

Prestige Building Company exceeded the established SBE goal and committed 8.97% of their total bid (\$196,980) to Corporate Painting, Inc.

### **Funding**

Utilities Capital Investment Plan

### 37. Griffith Street Pump Station Design Upgrades

**Action: Approve a contract for design of upgrades to the Griffith Street Pump Station contract with McKim & Creed in the amount of \$140,200.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- On June 23, 2008 Council approved a contract with McKim & Creed, in the amount of \$285,300, for final design of upgrades to the Griffith Street Pump Station, located in Davidson, NC.
- This Contract provides funding for preparation of construction permits, construction-phase surveying, and resident field representation.
- McKim & Creed was chosen using the Council approved qualifications-based selection process.

**Small Business Opportunity**

For service based contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). McKim & Creed committed 7.85% (\$11,000) of the total contract amount with the following certified SBE: Gavel Engineering.

**Funding**

Utilities Capital Budget

### 38. West Water Transmission Main Change Order

**Action: Approve change order #1 for the West Water Transmission Main construction contract, in the amount of \$950,000.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- West Water Transmission Main is a 64-inch water main from the Charlotte Douglas Airport to the intersection of South Tryon Street and Remount Road.
- The City entered into a contract with Thalle Construction Company on August 27, 2007, in the amount of \$18,485,104.50.
- The project is expected to be completed during the summer of 2009.
- \$925,000 of the change order amount is the result of there being significantly more rock to excavate on this project than was in the original estimates.
- The remaining change order amount is the result of changes in the tunnel work crossing I-77 and unusually wet soil conditions encountered in Remount Road.
- Change order #1 also includes a 100 calendar day contract time extension due to the additional rock excavation and other changes.

**Small Business Opportunity**

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

**Funding**

Utilities Capital Investment Plan

**39. Stonewall Street 24-Inch Water Main**

- Action:**
- A. Reject the low bidder, Propst Construction Co. for failure to comply with the requirements of the Small Business Program; and**
  - B. Award the low responsive bid of \$927,935 to Blythe Development Co. for construction of 24-inch water main along Stonewall Street.**

**Staff Resource:** Doug Bean, Utilities**Bid Rejection**

- Propst Construction failed to meet the SBE established goal of 5% and failed to earn the required minimum Good Faith Effort Points.
- The minimum GFEs required were 155 out of a possible 375. Propst Construction earned only 100 and their SBE Committed Goal was 1.72%.

**Bid Award**

- This project consists of the installation of a 24-inch water main, and associated pavement repairs, along Stonewall Street from the intersection of the light rail line to the Church Street intersection. Completion of this project is scheduled to coincide with the opening of the Harvey B. Gantt Center for African-American Arts + Culture.

**Summary of Bids**

Propst Construction Co.	\$911,572.80
Blythe Development Co.	\$927,935.00
Buckeye Construction Co.	\$985,423.50
Dellinger, Inc.	\$991,750.80
R. H. Price, Inc.	\$997,838.90
Mainline Contracting, Inc.	\$1,025,317.00
State Utility Contractors, Inc.	\$1,172,282.63
Paul Howard Construction Co., Inc.	\$1,247,063.17
Sealand Contractors Corp.	\$1,317,929.90
R. F. Shinn Contractor, Inc.	\$1,737,880.00

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.01%

Blythe Development met the SBE Goal and committed 5.01% (\$46,500) with the following SBE firms: Ground Effects and HowDel Trucking.

**Funding**

Utilities Capital Investment Plan

## 40. Air National Guard Lease Amendment

**Action: Approve a lease amendment adding 6.77 acres of land to the North Carolina Air National Guard's lease premises for an Aircraft Rescue and Firefighting Facility.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- The North Carolina Air National Guard (NCANG) currently leases 103.30 acres of land at the Airport for their base for which they pay \$1 per year, plus \$19,200 yearly for use of the airfield. The acreage includes 4.0 acres added in a lease amendment approved by Council on May 12, 2008.
- In December 2004, Council approved an amendment to the lease extending the lease expiration date from June 30, 2032 to June 30, 2055.
- In April 2008, Council approved an agreement with the National Guard Bureau to reimburse the City \$420,000 for the cost of designing a new fire station at the Airport.
- Fire Station design is nearing completion and construction is expected to begin in August, with additional National Guard Bureau funding of \$6.6 million.
- This amendment to the NCANG lease adds 6.77 acres of additional land on the west side of the airfield on which the facility will be located.

## 41. Corporate Aviation and Fuel Facility Leases

**Action: Approve assignment of Corporate Aviation and Fuel Facility Leases from Wells Fargo & Company to SPX Corporation and terminate Hangar Lease with SPX Corporation.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Wells Fargo & Company leases a Corporate Aviation Facility and Fuel Facility from the City of Charlotte at the Airport. Wells Fargo is the successor to Wachovia Corporation.
- Wells Fargo has elected to close its Corporate Aviation operation in Charlotte and has reached an agreement to assign the leases to SPX Corporation.
- SPX occupies a Corporate Aviation Facility constructed at its expense on site it leased from the City at a different location on the Airport. Upon assuming the Wells Fargo leases, SPX will surrender its existing leasehold back to the City. Under the terms of the SPX lease, the City will purchase the unamortized SPX investment in the leasehold improvements in the amount of \$203,302.99.
- SPX will assume all of Wells Fargo's obligations under the leases. The Airport will operate the SPX hangar as part of the Wilson Air Center FBO.

## 42. Upgrade and Expansion of Airport Flight Monitors

**Action:** Approve a \$156,439.37 upgrade and expansion of the Flight Information Display System (FIDS) with Com-Net Software as authorized by the Sole Source Exemption under NCGS 143-129(e)(6).

**Staff Resource:** Jerry Orr, Aviation

### Sole Source Exemption

- G.S. 149-129(e)(6)(ii) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A need product is available from only one source of supply
  - Standardization or compatibility is the overriding consideration
- Com-Net software and components are proprietary and only available from one source.

### Explanation

- The Airport provides a series of flight information displays (FIDs) in the terminal. The monitors display arrival and departure information for more than 640 flights a day.
- The industry model for this technology function is that the Airport provides the infrastructure and the airlines feed the appropriate data into the system.
- There are 20 banks of displays and an existing FIDs infrastructure supplied by Com-Net Software that is an approximate \$4 million investment of monitors, servers, software and cabling. The complete system is designed by Com-Net, including their proprietary software and specific components to provide the current flight information. They also maintain the system once installed.
- The FIDs currently in use have been in place since 1998. The 196 monitors currently being used are a CRT technology and can no longer be purchased. In addition to unavailable technology, the terminal building has been expanded and the FIDs have not. However, the cabling network, software and servers have been upgraded and can support new display technology.
- This upgrade and expansion will:
  - Consist of a first phase of 44 LCD displays (40 inch monitors) together with software, licenses, processors, video cards and labor for loading, testing, modifying software and installation that will create seven flight banks with two spares
  - Improve the quality of the monitor from the current to a LCD which has an estimated life of seven to ten years
  - Enable four of the banks of monitors to meet the need for newly constructed areas lacking this service
  - Visually upgrade the overall quality of the FIDs product offering a much higher quality and modernized product to the end user

### Small Business Opportunity

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

### Funding

Airport Capital Investment Plan

### 43. Navigational Aid Installation Change Order

**Action: Approve Change Order #1 with Brooks, Berry, Haynie & Associates, Inc. in the amount of \$732,975 for the installation of low visibility navigational aid lights.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In September 2008, City Council awarded a contract to Brooks, Berry, Haynie & Associates, Inc. for the installation of navigational aids for the new runway.
- As part of the navigational aids project, the new runway will have a lighting system that alerts pilots to the entrance of the runway that will be used when visibility is low, such as foggy days.
- As part of the runway commissioning, FAA is requiring the installation of low visibility lighting on the existing runways as well.
- This change order funds the installation of the equipment so they are operational in time for the runway commissioning by the FAA in February 2010.
- Permanent funding for this contract comes from a combination of future FAA Airport Improvement Program grants and proceeds of the upcoming 2009 General Airport Revenue bond issue, the debt service of which will be paid for with Passenger Facility Charge revenues.

**Disadvantaged Business Opportunity**

Brooks, Berry, Haynie & Associates, Inc. maintains their original contract goal of 13% with the addition of this change order.

**Funding**

Airport Capital Investment Plan

### 44. Airport Electrical Supplies Purchase

**Action: A. Approve the purchase of various electrical parts, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**

**B. Approve a contract with Graybar, Inc. for the purchase of electrical parts in the amount of \$160,000.**

**Staff Resource:** Jerry Orr, Aviation

**Cooperative Purchasing Agreement**

- Graybar has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a government entity.
- US Communities pools the purchasing power of 87,000 public agencies.
- The Graybar contract was competitively bid by Los Angeles County, California and awarded by the Los Angeles Board of Commissioners through January 1, 2011.

- NC Senate Bill 914, effective January 1, 2002, authorizes cooperative group purchasing.

#### **Explanation**

- This contract will provide for various electrical parts to maintain the facilities throughout the Airport complex.
- The Airport purchases a wide variety of electrical parts and recommends utilizing a national contract with Graybar, which the City has established through its membership in the US Communities Purchasing Alliance.

#### **Small Business Opportunity**

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

#### **Funding**

Airport Operating Budget

## **45. Airport On-site Parts, Warehouse and Supply System**

- Action:**
- A. Approve a contract with Management Consulting, Inc. (MANCON) to supply and staff an on-site parts warehouse for the Airport's Vehicle Maintenance Facility. This contract is for three years with an option for the City Manager to renew for two, one year terms. The total amount of the contract for parts and labor over a three year term will be \$2,700,000, and**
  - B. Approve a two month extension to Genuine Auto Parts Co. (NAPA) in the amount of \$165,000 to continue the current contract until transition of the new vendor is completed.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- On February 27, 2006 Council awarded a contract to Genuine Parts Company, doing business as NAPA Auto Parts for managing and supplying the on-site vehicle parts warehouse at the Airport. That contract will expire on June 30, 2009.
- A Request for Proposals was advertised on April 29, 2009. A pre-proposal conference was held on May 5, 2009 and attended by three companies.
- Proposals were received from Management Consulting, Inc. and Genuine Parts Company, dba NAPA Auto Parts on May 13, 2009.
- After review of the proposals, MANCON provides the best financial and operational proposal and will save the Airport approximately \$158,000 over the base three year contract.
- The contract will provide one full-time, on-site person for inventory management and control and includes pick-up and delivery service of all parts.
- Using a vendor for parts management provides the following benefits:
  - It eliminates inventory investment. MANCON will maintain whatever inventory is necessary for an efficient operation. The City will be charged for parts only when used.
  - It reduces the costs of parts and supplies.

**Small Business Opportunity**

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

**Funding**

Airport Operating Budget

**46. Property Transactions**

**Action: Approve the following property transactions (A-F) and adopt the condemnation resolution (G-H).**

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

**Acquisitions**

- A. Project:** Freedom Drive Widening, Parcel #303  
**Owner(s):** Adam Richard Cook  
**Property Address:** 4716 Freedom Drive  
**Property to be acquired:** 9,954 sq. ft. (.229 ac.) in Fee Simple, plus 4,721 sq. ft. (.108 ac.) in Existing Right-of-way, plus 253 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 1,924 sq. ft. (.044 ac.) in Sidewalk and Utility Easement, plus 92 sq. ft. (.002 ac.) in Utility Easement, plus 6,919 sq. ft. (.159 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$24,050  
**Remarks:** This acquisition was negotiated and settled with property owner(s).  
**Zoned:** R-5  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 057-062-50  
**Total Parcel Tax Value:** \$191,200
- B. Project:** Freedom Drive Widening, Parcel # 317  
**Owner(s):** James Dwight McCall and Wife, Mary McCall  
**Property Address:** 4330 Freedom Drive  
**Property to be acquired:** 1,023 sq. ft. (.023 ac.) in Fee Simple, plus 1,300 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 2,749 sq. ft. (.063 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$16,783  
**Remarks:** This acquisition was negotiated and settled with property owner(s).  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 057-043-02  
**Total Parcel Tax Value:** \$94,800
- C. Project:** Freedom Drive Widening, Parcel # 325  
**Owner(s):** Linda Carol King  
**Property Address:** 4258 Freedom Dr.

**Property to be acquired:** 788 sq. ft. (.018 ac.) in Fee Simple, plus 1,027 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement, plus 1,623 sq. ft. (.037 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$11,925

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

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 063-091-25

**Total Parcel Tax Value:** \$71,300

- D. Project:** Freedom Drive Widening, Parcel # 326  
**Owner(s):** Linda Carol King  
**Property Address:** 4250 Freedom Dr.  
**Property to be acquired:** 796 sq. ft. (.018 ac.) in Fee Simple, plus 1,036 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 1,760 sq. ft. (.040 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,500  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-091-26  
**Total Parcel Tax Value:** \$66,500
- E. Project:** Freedom Drive Widening, Parcel # 452  
**Owner(s):** Kathy A Sherman  
**Property Address:** 4727 Freedom Drive  
**Property to be acquired:** 3,942 sq. ft. (.090 ac.) in Fee Simple, plus 1,006 sq. ft. (.023 ac.) in Existing Right-of-way, plus 1,769 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 1,392 sq. ft. (.032 ac.) in Sidewalk and Utility Easement, plus 19 sq. ft. in Utility Easement, plus 2,742 sq. ft. (.063 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$17,000  
**Remarks:** This acquisition was negotiated and settled with property owner(s).  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 059-061-07  
**Total Parcel Tax Value:** \$103,600
- F. Project:** Freedom Drive Widening, Parcel # 318  
**Owner(s):** Lincoln-Morehead II, LLC  
**Property Address:** 1001 Morehead Square Drive  
**Property to be acquired:** 508 sq. ft. (.012 ac.) in Permanent Utility/Access Easement, plus 15,814 sq. ft. (.363 ac.) in Temporary Construction Easement

**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$258,000  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review.  
**Zoned:** UMUD  
**Use:** Commercial  
**Tax Code:** 123-011-01  
**Total Parcel Tax Value:** \$19,004,800

## Condemnations

- G. Project:** McAlpine Creek Relief Sewer Phase 2, Parcels # 18, 23, 131, 132, 133  
**Owner(s):** Carmel Country Club, Inc. And Any Other Parties Of Interest  
**Property Address:** 5945 Green Rea Road  
**Property to be acquired:** Total Combined Area of 734,311 sq. ft. (16.857 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$832,125  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Golf Course Class 1 - Championship  
**Tax Code:** 211-223-38, 211-223-33, 211-671-30, 211-661-01  
**Total Parcel Tax Value:** \$20,101,000
- H. Project: Airport Drive- Storm Water Easement**  
**Owner(s):** VP Charlotte, LLC  
**Property Address:** 5751 Airport Drive  
**Easement SF to be acquired:** 4,767 Square Feet  
**Improvements to be acquired:** None  
**Purchase Price:** \$21,100  
**Remarks:** The purchase price was determined by an independent MAI appraiser and reviewed by an MAI appraiser.  
**Zoned:** R17MF  
**Use:** Multi-Family units  
**Tax Code:** 115-064-03  
**Total Parcel Tax Value:** \$1,007,900

## 47. Meeting Minutes

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

- April 27, 2009
- May 4, 2009
- May 11, 2009