

**Mayor Anthony Foxx**

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

**Mayor Pro Tem Patrick D. Cannon**

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

**CITY COUNCIL MEETING**  
**Monday, June 28, 2010**

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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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30	30	Police DNA Equipment and Supplies
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**CITY COUNCIL AGENDA**  
**Monday, June 28, 2010**

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## 5:00 P.M. DINNER BRIEFING Conference Center (Room 267)

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### Synopsis

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

### 2. City Manager's Evaluation of Utilities' Customer Service

**Resources:** Kim Eagle, Budget & Evaluation  
Barry Gullet, Charlotte-Mecklenburg Utilities

**Time:** 20 minutes

#### Synopsis

- In January 2010, the City Manager initiated a comprehensive evaluation of Utilities' Customer Service operations.
- City staff and industry consultants are working together to conduct the evaluation. There are nine initiatives progressing on varying schedules.
- At the May 3 Council Workshop, staff presented an overview of the evaluation components, including a review of the Meter Reading Equipment Audit currently in progress.
- During the June 14 City Manager's Report, staff gave an update on the meter audit progress.
- The purpose of this presentation is to provide an update on results, including progress on the meter audit which is now over 50% complete. The comprehensive results of the evaluation will be reported to Council in September.

### 3. Sustainable Communities Initiative Planning Grant

**Resources:** Al Sharp, Executive Director, Centralina Council of Governments  
Rebecca Yarbrough, Assistant Director, Centralina Council of Governments

**Time:** 15 minutes

#### Synopsis

- The purpose of this presentation is to provide information to Council on the Sustainable Communities Initiative (SCI) Planning Grant, a key program of the partnership of U.S. Department of Housing and Urban

- Development (HUD), U.S. Department of Transportation (DOT) and U.S. Environmental Protection Agency (EPA). Outline the process, possible outcomes, potential regional partners/collaborators and likely schedule.
- The partnership's goal with this program is to promote greater regional sustainability, livability, and efficiencies by breaking down barriers to governmental and private/non-profit collaboration among regional jurisdictions.
  - The program is based on encouraging six "Livability Principles" as defined by HUD, EPA and DOT:
    - Provide more transportation choices
    - Promote equitable, affordable housing
    - Enhance economic competitiveness
    - Support existing communities
    - Coordinate policies and leverage investment
    - Value communities and neighborhoods
  - These Principles match up well with the CONNECT Core Values, recently adopted by the City Council.
  - The likely scope for an application submitted from the bi-state, 15-county Charlotte region would include:
    - A multi-step public engagement process to create regional development scenarios based on the CONNECT values, that fosters collaboration while enhancing the region's diverse and unique local identities
    - Modeling those scenarios against the current development trends, to facilitate understanding of the impacts of alternative development patterns, and to enable identification of "preferred development choices" that are more sustainable. Metrics also enable accountability on environmental, transportation, developmental, and fiscal/economic sustainability indicators.
    - Adoption of the most widely-selected choices into a Regional Sustainable Growth Framework for use by local governments in guiding development
    - Provides analysis and data to be used by MUMPO and other MPOs to better integrate land use decisions into long-range transportation plans
    - Demonstration projects that are transferrable and replicable throughout the region
  - An increasing number of metropolitan regions are undertaking processes of the kind now envisioned by the federal partnership. An example of a successful public engagement process and some of its outcomes is the Sacramento Region Blueprint. A copy of the executive summary of that process is attached.

### **Future Action**

The formal Notice of Funding Availability (NOFA) for this program, administered by HUD, has not been released; it is expected that once the NOFA is released, there will be a six to eight week application deadline. Up to \$5 million in total funds could be awarded to a region, with a 20% local match required (in some combination of regional public/private/non-profit cash or in-kind contribution). Staff recommends that the City participate with in-kind contribution. If City funds are necessary to augment the regional match, staff will bring that action for Council consideration.

### **Attachment 1**

CONNECT Resolution  
Sacramento Blueprint Executive Summary

#### 4. Police Youth Initiatives

**Resources:** Jeff Hood, Police Activities League  
Fran Cook, Gang of One

**Time:** 20 minutes

**Synopsis**

- The presentation will focus on changes that have been made to the Police Activities League (former Police Athletic League) to broaden the scope of the program to attract more youth. Emphasis will be placed on after school programs and activities that introduce participants to career options and appropriate life choices.
- The Gang of One presentation will focus on a new Gang Reentry and Intervention Team which will work with gang involved youth as they transition back into the community from a youth correctional center. Case managers will work with youth and their families to develop goal oriented reentry plans that include assistance from a wide variety of community resources. The presentation will also include an update on Gang of One's expansion of its partner base to include funding for more neighborhood based programs.

**Future Action**

The Police Activities League portion of the presentation is for information only. The contract with Mecklenburg County to fund Gang of One's Reentry and Intervention Team is item 29, page 29 of this agenda.

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

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

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

**6. Utilities EPA Safe Drinking Water Award and Wastewater Plant Performance Award**

**Action:** Mayor Foxx to recognize Charlotte-Mecklenburg Utilities' Director Barry Gullet and Utilities staff for two recent awards:

- 1. 2009 EPA Region IV Safe Drinking Water Excellence Award**
- 2. 2009 Peak Performance Award from the National Association of Clean Water Agencies**

**7. Charlotte International Cabinet/Sister Cities Cougars Basketball Team**

**Action:** Mayor Foxx to recognize Charlotte International Cabinet Cougars Basketball Teams. Two academic all-star youth basketball teams from Charlotte, a boys team and a girls team, traveled to the sister city of Limoges, France, to compete in an International Youth Basketball tournament and won the tournament.

**8. Dr. Andrew P. "Sam" Haywood 2010 Award**

**Action:** Mayor Foxx to recognize the winner of The Dr. Andrew P. "Sam" Haywood 2010 Award, Vadahl Torrence. Sam Haywood was an educator and volunteer for "Do the Right Thing" organization.

**9. Charlotte Douglas International Airport Eagle Award**

**Action:** Mayor Foxx to recognize Charlotte Douglas International Airport as the recipient of the Eagle Award, given by the International Air Transport Association for the "Best Airport" category.

## **CONSENT**

- 10. Consent agenda items 26 through 58 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

### 11. Public Hearing on FY2011-FY2015 Consolidated Plan and FY2011 Action Plan for Housing and Community Development

**Action:** Conduct a public hearing on the proposed FY2011–FY2015 Consolidated Plan and FY2011 Action Plan for Housing and Community Development.

**Staff Resource:** Pamela Lopez, Neighborhood & Business Services

#### Policy

- The FY2011-FY2015 Consolidated Plan (Plan) is the City's five-year strategy for providing housing and community development activities.
- The Plan supports the City's housing policy to preserve existing housing, expand the supply of low and moderate-income housing and support family self-sufficiency, as well as the City's neighborhood revitalization strategy.
- The U.S. Department of Housing and Urban Development mandates development of a Consolidated Plan in order to receive federal funding for housing and community development activities.

#### Explanation

- The Plan and FY2011 Action Plan include housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- The Plan also serves as the City's annual application to HUD to receive an estimated \$9 million in new federal grant program funds.

	<u>FY2011</u>
- Community Development Block Grant (CDBG)	\$ 5,195,468
- HOME Investments and Partnerships (HOME)	\$ 2,819,428
- Emergency Shelter Grants (ESG)	\$ 210,026
- Housing Opportunities for Persons with AIDS (HOPWA)	\$ 793,382
<b>Total</b>	<u>\$ 9,018,304</u>

- The proposed FY2011 federal fund allocation represents an increase of approximately \$474,044 over the FY2010 fund amount of \$8,544,260.

#### Community Input

- The City convened planning sessions with organizations such as the Charlotte Housing Authority, Charlotte Mecklenburg Housing Partnership, Homeless Services providers, Habitat for Humanity, Department of Social Services, Neighborhood & Business Services, Financial Partners and City departments (Police, Planning and Community Relations) to provide input into the Plan.
- Seven planning sessions were conducted from October 2009 to May 2010 to receive input into the development of the Plan.
- Over 180 persons representing private citizens, businesses, community groups and faith-based organizations responded to a survey and provided feedback on the Plan priorities.

- Neighborhood & Business Services advertised the public hearing in local newspapers and sent electronic invitations to neighborhood organizations, financial partners and interested individuals.
- A copy of the Draft Plan and FY2011 Action Plan are available in the Council library.

#### **Next Steps**

- City Council will be asked to adopt the Plans on July 26, 2010.
- The Plans will be submitted to HUD on July 29, 2010.

#### **Funding**

Funding comes from federal CDBG, HOME, ESG and HOPWA funds.

#### **Attachment 2**

Five Year Plan Executive Summary

## **12. Public Hearing on Resolution to Close a Portion of South Caldwell Street**

**Action:**   **A. Conduct a public hearing to close a portion of South Caldwell Street, and**

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

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

#### **Policy**

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

#### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

#### **Petitioner**

501 Associates, LLC and JFW Realty, Inc. - Susanne Todd

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

A portion of South Caldwell Street

#### **Location**

Located within the Dilworth Community; a portion of South Caldwell Street is a 50-foot wide right-of-way beginning at its intersecting point with East Morehead Street and continuing approximately 150 feet to its terminus at the I-277 John Belk Freeway right-of-way and consisting of 7,978 square feet

**Reason**

To incorporate the right-of-way into adjacent parcels to accommodate the construction of a parking lot for both of the petitioner’s businesses

**Notification**

In accordance with standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

Morehead Place, LLC- No objections

Neighborhood/Business Associations

Dilworth Community Development Association - No objections

Historic Southend-No objections

Wilmore Neighborhood Association, Inc.- No objections

Private Utility Companies – No objections

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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

**Attachment 3**

Map

Resolution

**13. Public Hearing on Resolution to Close a Portion of East 19<sup>th</sup> Street**

**Action: A. Conduct a public hearing to close a portion of East 19<sup>th</sup> Street, and**  
**B. Adopt a resolution to close.**

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

**Policy**

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

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

**Petitioner**

Marguerite K. Cooke

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

A portion of East 19<sup>th</sup> Street

**Location**

Located along the shared boundary of the Optimist Park and Belmont Community, a portion of East 19<sup>th</sup> Street is a 40-foot wide right-of-way beginning at its intersecting point with North Davidson Street and continuing approximately 150 feet southeastwardly to its terminus at Sugar Creek and consisting of 5,937 square feet

**Reason**

To incorporate the right-of-way into adjacent parcels for future home and land improvements

**Notification**

In accordance with standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

Joyce Davis Waddell- No objections

Neighborhood/Business Associations

Optimist Park- No objections

Belmont Community- No objections

Villa Heights Neighborhood Organization- No objections

Lockwood Neighborhood Association- No objections

Private Utility Companies – No objections

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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

**Attachment 4**

Map

Resolution

## 14. Public Hearing on Resolution to Close Two Residual Portions of Baxter Street

**Action:**   **A. Conduct a public hearing to close two residual portions of Baxter Street, and**  
                   **B. Adopt a resolution to close.**

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

### Policy

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

### Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

### Petitioner

Midtown Redevelopment Partners, LLC- Peter A. Pappas

### Right-of-Way to be abandoned

Two residual portions of Baxter Street

### Location

Located within the Cherry Community; a portion of Baxter Street lying between Kenilworth Avenue and Kings Drive, varying in width and approximately 437 feet long and consists of 24,514 square feet, and another portion of Baxter Street beginning at its intersecting point with South Kings Drive and continuing approximately 245 feet eastwardly to its terminus at the new dedicated Baxter Street right-of-way and consisting of 9,952 feet

### Reason

The residual right-of-way was left over from the realignment of Baxter Street to accommodate its new intersecting point with Metropolitan Avenue. The right-of-way is to be incorporated into the adjacent parcels owned by the petitioner.

### Notification

In accordance with standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

### Adjoining Property Owners

Mecklenburg County- No objections

ACC/Midtown, LLC & HBW/Midtown, LLC- No objections

Neighborhood/Business Associations

Cherry Community Association- No objections  
 Friends and Residents of Historic Cherry- No objections  
 Myers Park Home Owners Association, Inc.- No objections  
 Elizabeth Community Association- No objections  
 Dilworth Community Development Association - No objections

Private Utility Companies – No objections

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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

**Attachment 5**

Map  
 Resolution

**15. Public Hearing on Resolution to Close Nesbitt Drive**

**Action: A. Conduct a public hearing to close Nesbitt Drive, and  
 B. Adopt a resolution to close.**

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

**Policy**

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

**Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk’s Office.

**Petitioner**

Retreat Charlotte West Development Partners, LLC. - Ted White

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

Nesbitt Drive

**Location**

Located within the Ponderosa Neighborhood, beginning at its intersecting point with Holabird Lane and continuing westward for approximately 446 feet

to its terminus at property owned by the petitioner and consisting of 22,297 square feet

**Reason**

To incorporate the right-of-way into adjacent parcels owned by the petitioner for the development of the new Covenant Retreat Subdivision

**Notification**

In accordance with Standard Procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners- None

Neighborhood/Business Associations

Ponderosa Community Association - No objections  
Capitol Drive Neighborhood Association - No objections  
Reid Park Association - No objections  
Wilmington Association - No objections  
Wingate Neighborhood Association - No objections

Private Utility Companies – No objections

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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

**Attachment 6**

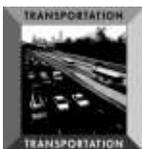
Map  
Resolution

## POLICY

### 16. City Manager's Report

- Fred D. Alexander Boulevard Improvements Update

### 17. Centers, Corridors and Wedges Growth Framework



**Action: Approve the Transportation & Planning Committee recommendation concerning the Centers, Corridors and Wedges Growth Framework.**

**Committee Chair:** David Howard

**Staff Resource:** Laura Harmon, Planning

#### Explanation

- The Transportation & Planning Committee met on June 24 and their recommendation will be included in the Friday, June 25 Council-Manager Memo.
- The Centers and Corridors concept was first introduced in 1994 as a tool to help identify a conceptual growth framework for the community.
- Since that time, much has changed in our community and there is a need to clearly define the concept and its role in helping to shape future development.
- In late 2008, staff began a process to update and expand on the original Centers and Corridors concept.
- The updated concept, the Centers, Corridors and Wedges Growth Framework, establishes a vision for future growth and development by:
  - Identifying three geographic areas in Charlotte - Activity Centers, Growth Corridors and Wedges
  - Outlining the desired characteristics of each of these geographic areas:
    - Activity Centers are focal points of economic activity, typically with concentrations of development. There are three types of Activity Centers - Center City, Mixed Use Activity Centers, and Industrial Centers. Today there are 22 Activity Centers. Many of these have the capacity for significant new growth in conjunction with enhancements to supporting infrastructure.
    - Growth Corridors stretch from Center City to the edge of Charlotte. Today they encompass a wide variety of places, from historic neighborhoods to employment and shopping districts. Many places within Growth Corridors, particularly the Transit Station Areas, are appropriate for significant new growth. Growth Corridors include four subareas:
      - Transit Station Areas
      - Established Neighborhoods
      - Interchange Areas
      - General Corridors Areas
    - Wedges are the large areas between the Growth Corridors consisting of mainly low density housing with a limited amount of moderate density housing and supporting facilities and services.
- Major changes to the updated concept include:
  - Redefined the concept as a vision for future growth and development
  - Added a goal statement and guiding principles

- Added an explanation of how Centers, Corridors and Wedges should be used. In particular, the document now emphasizes that adopted area plans will continue to provide specific guidance for development decisions, such as Council consideration of rezoning requests.
- Identified three types of Activity Centers
- Identified subareas of Growth Corridors, particularly the subarea for Established Neighborhoods, such as the Elizabeth Neighborhood. Guidance for ensuring these neighborhoods are protected and enhanced in the future is a key part of the updated document.
- Expanded guidance for Wedges
- Provided more guidance for integrating land use and transportation
- Added guidance for infrastructure, public facilities, urban design and the natural environment
- Added a glossary of planning terms

### **Public Input Opportunities**

- Three public meetings were held in the fall of 2008 to kick-off the update process.
- A 45-member Citizen Advisory Group worked with staff from December 2008 through January 2010 to refine the policy document.
- An online survey was available from October 2008 through January 2009 with 154 responses.
- A final Public Workshop was held on April 20, 2010.
- Public comment to the Planning Commission was invited on May 3, 2010; however, there were no citizen comments.
- Public comment to the City Council was held on June 14. Two people spoke. Discussion items included the boundaries of Center City and the importance of providing facilities for bicycling in Center City. A copy of the framework was included in the June 14 agenda. The framework may also be found on the City's website <http://www.charmeck.org/Departments/Planning/Area+Planning/Centers+Corridors+and+Wedges/Home.htm>.

### **Charlotte-Mecklenburg Planning Commission**

- The Planning Commission held a special meeting on May 3, 2010 to receive public comments on the Centers, Corridors and Wedges Growth Framework draft document. Although there were no speakers at the meeting, the Commission did discuss:
  - The draft document at length, and requested that staff provide them additional information at their June meeting including:
    - Boundaries of Free Trade Zones and State Economic Development Zones
    - Clarification on how various policy documents fit together and how the Centers, Corridors and Wedges document will be used
    - Clarification of how the Activity Centers and Growth Corridors were identified and how they connect to each other
    - Explanation of the overall vision and plan for the community
- The Planning Commission reviewed the draft document at their June 7, 2010 meeting and unanimously recommended adoption. The discussion focused on responses to questions raised at the Commission's May meeting, including:
  - How the Centers, Corridors and Wedges concept addresses economic development
  - How the boundaries of Activity Centers and Growth Corridors were established
  - How Comprehensive Planning is accomplished

- How the Growth Framework will be used in area planning
- One Commissioner recommended that staff develop an explanation of how all the City's various plans and policy documents fit together.

### **Transportation and Planning Committee**

- City Council's Transportation & Planning Committee received an update on the Centers, Corridors and Wedges Growth Framework at their March 25, 2010 meeting and a more in depth overview at their May 10, 2010 meeting. At these two meetings the Committee discussed:
  - The protection of established neighborhoods in Growth Corridors
  - How Corridors are defined
  - The need to clarify that density in the Wedges is lower than in Activity Centers and Growth Corridors
  - Density levels for the intown portions of Wedges
  - The possible use of Centers, Corridors and Wedges at a regional level.
- The Committee voted unanimously (Howard, Barnes, Kinsey and Cooksey) to forward the document to Council for public comment on June 14.
- The Transportation & Planning Committee met on June 24. Their recommendation will be included in the Friday, June 25 Council-Manager Memo.

## **18. University Research Park Area Plan**



**Action: Approve the Transportation and Planning Committee recommendation concerning the University Research Park Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.**

**Committee Chair:** David Howard

**Staff Resource:** Kathy Cornett, Planning Department

### **Explanation**

- The Transportation & Planning Committee met on June 24 and their recommendation will be included in the Friday, June 25 Council-Manager Memo.
- Charlotte-Mecklenburg Planning Department staff, in conjunction with University City Partners and their consultants, have worked with University Research Park (URP) property owners and neighbors to develop an area plan for the URP. The planning area is generally bounded by Mallard Creek Church Road to the north, I-85 to the east, IBM Drive to the south and Mallard Creek Road to the west.
- The plan will update the 1996 Northeast District Plan and provide policy guidance for future growth and development.
- A public kick-off meeting was held on October 1, 2009 with 50 people attending.
- Other public outreach efforts included stakeholder interviews, stakeholder meetings, a three day workshop and a Wikiplanning outreach effort during the duration of the planning process.
- A final public meeting was held on April 1, 2010 with 30 attending.
- City Council received public comments at their meeting on May 24, 2010 with Mary Hopper, Executive Director of University City Partners, speaking in support of the plan. A copy of the plan was included in the May 24 agenda. The plan and proposed changes may also be found on the City's website.

Plan:

[http://www.charmeck.org/Planning/Land%20Use%20Planning/URP/URP\\_Draft.pdf](http://www.charmeck.org/Planning/Land%20Use%20Planning/URP/URP_Draft.pdf)

Proposed Changes:

<http://www.charmeck.org/NR/rdonlyres/euzt5rnaqht5p4oii244rhjdi5tfuxgwb2hfw4pjhiemhie2qq5m26n6nbkt57syzqfwq7recki7gq32fcrmgrmzzie/ProposedDocumentChanges.pdf>

- The changes listed in this document predominantly correct typos and clarify the plan language.

### **Plan Recommendations**

- Land Use:
  - Most of the plan area is in an Activity Center, as defined by the City's Draft Centers, Corridors and Wedges Growth Framework. A small portion of the plan area is within a wedge. The plan proposes to introduce a variety of land uses consistent with a Mixed Use Activity Center, including residential, retail, office and recreation uses, while maintaining the area's role as an employment center in the region. Land use policies are divided into eight districts and the policies for each support a unique identity for each of the areas. This plan does not anticipate any corrective rezonings, but does recommend changes to the Research zoning districts to allow for development more consistent with a Mixed Use Activity Center.
- Transportation and Streetscape Design:
  - Street Connectivity:
    - Provide new street connections at key locations; and enhance existing street network
    - Enhance pedestrian and bicycle network
- Park and Environment:
  - Preserve approximately 120 acres of undeveloped land flanking Mallard Creek for the creation of a new community park and improved greenway

### **Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments at their May 18 meeting.
- Representatives from University City Partners and Land Design consultants spoke in support of the plan and its importance to the University area.
- At their June 15 meeting, the Planning Committee voted unanimously to recommend the draft plan.

### **Transportation & Planning Committee**

- City Council's Transportation & Planning Committee received an overview of the plan at their April 12 meeting. The Committee discussed URP's role as a job center, multiple property owners within the Park, restrictive covenants and the existing and future greenway connections through the Park. The Committee voted unanimously (Howard, Barnes, Kinsey and Cooksey) to forward the University Research Park Area Plan to the full Council for public comment on May 24.
- The Transportation & Planning Committee met on June 24 and their recommendation will be included in the Friday, June 25 Council-Manager Memo.

## 19. Catawba Area Plan



**Action:** Approve the Transportation & Planning Committee recommendation to adopt the Catawba Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

**Committee Chair:** David Howard

**Staff Resources:** Alberto Gonzalez, Planning Department  
Melony McCullough, Planning Department

### Explanation

- Planning staff has completed a draft plan for the area north of I-85, west of I-485, south of Mt. Holly Road, and east of the Catawba River, in collaboration with Charlotte Department of Transportation, as well as other City and County Departments.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- A final public meeting was held April 13, 2010 with 64 people attending. City Council received public comments on May 24, 2010, at which time a member of the Catawba Area Plan Citizen Advisory Group spoke on behalf of the plan, and stressed the importance of having strong regulations to help protect the environment. A copy of the plan was included in the May 24 agenda. The plan may also be found on the City's website <http://www.charlotteplanning.org/Departments/Planning/Area+Planning/Plans/Catawba-Whitewater/home.htm>

### Plan Recommendations

- Land Use:
  - The plan area lies partially within a Growth Corridor and partially within a Wedge as defined by the City's draft Centers, Corridors and Wedges Growth Framework. The focus of the plan is to guide growth and development in a way that protects the area's unique natural environment by focusing industrial and office development in the Growth Corridor along I-85, and strategically placing mixed use and moderate density residential development along major thoroughfares in the Wedge, while keeping the majority of the Wedge area as lower density residential, along with park and open space.
- Retail in the Wedge is recommended to be neighborhood serving. The former Clariant site is an existing large industrial use located within the Wedge along the Catawba River and Mt. Holly Road, and is recommended to remain industrial.
- Transportation & Streetscape Design:
  - Street Connectivity:
    - Provide new street connections at key locations and enhance existing street network
    - Expand transit service
    - Enhance the pedestrian and bicycle network
  - Streetscape:
    - Future cross sections and streetscape development standards are provided to help define the function and visual appeal of the proposed street network. These are intended to be used for City

initiated improvements, as well as for new development and major renovation projects.

- Community Design:
  - Because the plan area is entirely within a critical or protected watershed overlay district, context sensitive site design is especially important. The plan policies include:
  - Guidance for integrating environmentally sensitive design elements into development
  - Encouraging cluster development where appropriate
  - Creating a gradual transition between the open space and the built environment where development adjoins natural areas/open spaces
- Infrastructure and Environment:
  - The plan policies support new civic infrastructure such as the proposed regional waste water treatment facility on the southern portion of the former Clariant industrial site, as well as developing greenways along creeks and expanding park and open space when possible throughout the plan area.

#### **Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments at their April 20, 2010 meeting. Several residents and/or property owners were in attendance in support of the plan. The general discussion focused on how well the plan has been accepted by the residents/property owners, the status of the proposed renewable energy plant on the former Clariant industrial site, and Utilities' plans to minimize any negative impacts on the surrounding properties from the proposed regional waste water treatment facility.
- At their May 18, 2010 meeting, the Planning Committee voted unanimously to recommend adoption of the draft plan.

#### **Transportation & Planning Committee**

- City Council's Transportation & Planning Committee received an overview of the plan at their May 10, 2010 meeting. The Committee discussed:
  - The compatibility of the proposed ReVenture Industrial Park and Wastewater Treatment Plant project in the area
  - The ability to require additional trees around and within entire sites
  - How to make approved rezonings compatible with plan goals
  - Protection of industrially zoned land
  - Requiring environmentally sensitive development.
- Council members also requested additional information on several issues. The Committee voted unanimously (Howard, Barnes, Cooksey, and Kinsey) to forward the plan to Council for public comment on May 24.
- At their meeting on June 14, the Transportation and Planning Committee asked questions regarding the protection of the tree canopy, the impact of the proposed ReVenture Park as well as the proposed Utilities waste water treatment facility. The Committee voted 3-1 (Barnes, Howard, and Kinsey voted For; Cooksey voted Against) to recommend adoption of the draft plan. Council member Cooksey needed additional time to review the plan relative to Urban Street Design Guidelines.

## BUSINESS

### 20. Preliminary Applications for National Infrastructure Investment Grants Program

**Action:** Authorize the City Manager to submit six preliminary applications to compete for funds from the federal National Infrastructure Investment Grants Program.

**Staff Resources:** Carolyn Flowers, Transit  
Danny Pleasant, Transportation

#### Policy

- Transportation Action Plan; Centers, Corridors, & Wedges Growth Framework; and City Focus Area Initiatives:
  - Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services
  - Continue implementation of the Centers and Corridors strategy
  - Prioritize, design, construct and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices and meet land use objectives
  - Collaborate with local and regional partners on land use, transportation and air quality to enhance environmental quality and promote long-term regional sustainability

#### Background

- On June 1, 2010, the U.S. Department of Transportation (DOT) issued a Notice of Funding Availability (NOFA) for DOT's National Infrastructure Investments under the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for 2010. The program is also referred to as TIGER-II. A first round of the TIGER program occurred under the American Reinvestment and Recovery Act of 2009.
- This NOFA details the availability of \$600 million in competitive capital grants and announces selection criteria and pre-application and application requirements for these funds. Of the \$600 million, \$35 million is reserved for planning-and-design-only grants, \$140 million is reserved for rural areas, and \$25 million is reserved for USDOT's administrative costs.
- Pre-applications must be submitted by July 16, 2010, and final applications must be submitted by August 23, 2010.
- The selection criteria for final project applications is:
  - Primary Criteria
    - Long Term Outcomes:
      - State of Good Repair
      - Economic Competitiveness
      - Livability
      - Sustainability
      - Safety
    - Job Creation and Economic Stimulus
  - Secondary Criteria
    - Innovation
    - Partnership
- The earliest date for project award announcements is September 15, 2010.

- Each project proposal must range from \$10 million to \$200 million. The minimum project award is \$1 million. The federal share of projects can be up to 80%. Because of the \$10 million funding floor, projects that cost less than \$12.5 million (\$10 million is 80% of \$12.5 million) are ineligible. Projects submitted for planning-and-design-only funds are not subject to the \$10 million funding floor.
- Eligible Projects are:
  - Highway/Bridge under Title 23
  - Public Transportation under Chapter 53 of Title 49
  - Passenger/Freight Rail Transportation
  - Port Infrastructure Investment
- TIGER-II funds must be obligated on or before September 30, 2012.

### **Preliminary Applications/Proposals**

- None of the projects listed below are currently funded for construction. Receipt of a grant would permit a project to begin construction several years ahead of when it otherwise would have occurred without the grant.
- Staff recommends submittal of six Pre-Applications for funds from this program. Five projects are located in Charlotte and the sixth project is a CATS project in Davidson. All five Charlotte projects are located within a designated Center or Corridor per the Centers, Corridors, & Wedges growth framework; the project in Davidson is located adjacent to the future Red Line Commuter Rail:
  - LYNX Blue Line Infrastructure Compatibility with Blue Line Extension (scalable from \$14.5 million to \$67 million)
    - Increase the capacity of the current LYNX Blue Line by lengthening station platforms and adding power substations to accommodate three-car trains which will coordinate with plans for the Blue Line Extension
    - Local Matching Funds: NCDOT, Transit Capital Fund
  - LYNX Blue Line Extension to 9th Street Station (\$25 million)
    - Extend the LYNX Blue Line to add a 9<sup>th</sup> Street station serving the new UNC-Charlotte uptown campus and transit oriented development
    - Local Matching Funds: NCDOT, Transit Capital Fund
  - Multimodal Downtown Parking Deck in Davidson (\$12.5 million)
    - Construct a multi-story parking deck to serve existing bus routes, future LYNX Red Line commuters, and promote/sustain the viability/intensity of development in the Town of Davidson. Integrates a Farmers Market and Community Services facilities resulting in urban sustainability, economic development, and transportation choice (Request a partnership with Town of Davidson).
    - Local Matching Funds: NCDOT, Town of Davidson, Transit Capital Fund
  - University City Multimodal Transportation Connector With Bridge Over I-85 (\$13.1 million to \$14.6 million)
    - This project is also known as Shopping Center Drive. City Council awarded a planning-and-design contract for this project on November 23, 2009.
    - CDOT proposes to extend an existing two-lane public street with bike lanes and wide sidewalks across I-85 in northeast Charlotte and would link the University Research Park to North Tryon Street and the future Blue Line Extension.
    - A segment of the street has already been constructed by the developer of the new Wal-mart on North Tryon Street.

- Local Matching Funds: Street Connectivity Program in the Transportation Capital Investment Plan, Street Drainage Improvement Program in the Stormwater Capital Investment Plan and developer contributions
- Plan for US-74 Multimodal Corridor (\$1.5 million) (planning/design grant only)
  - The City of Charlotte and NCDOT will partner to revitalize the Eastside by transforming a semi-rural roadway into an urban corridor that supports a combination of transportation modes. By accompanying the reconstruction of Independence Boulevard with the construction of complementary streets, greenways, rapid transit and (possibly) tolled lanes, the partners intend to accomplish mutually reinforcing neighborhood livability, economic development and transportation service objectives. The partners will use the plan’s strategies and recommendations for public and private investments to implement the new nodal-development vision for this area.
  - Local Matching Funds: Future Road Planning and Design Funds in the Transportation Capital Investment Plan
- North Community House Road Bridge over I-485 (\$800,000) (planning/design grant only)
  - CDOT proposes to plan and design the missing segment of North Community House Road, a bridge over I-485 in Ballantyne. The street would be an alternate, lower-speed route parallel to the high-speed, controlled-access Johnston Road. This bridge would allow bicyclists and pedestrians to cross I-485.
  - Local Matching Funds: Street Connectivity Program in the Transportation Capital Investment Plan
- Each preliminary application will request up to 80% of the project cost from the federal grant program and identify the source of local matching funds.

**Funding**

Transit Capital Fund  
 Transportation Capital Investment Plan  
 Stormwater Capital Investment Plan  
 Developer Funding

**21. Renewable Energy Project Grant**



**Action:**   **A. Accept a Renewable Energy Project Grant from the North Carolina Department of Commerce in the amount of \$38,042, and**

**B. Adopt a budget ordinance appropriating \$38,042 for a solar energy project.**

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

**Explanation**

- In September 2009, the North Carolina Energy Office, part of the State’s Department of Commerce, solicited renewable energy proposals for the installation of solar, wind, biomass and hydropower systems that use commercially available technologies.

- The City was already planning to implement a pilot/demonstration solar project to provide educational opportunities for the public, serve as a catalyst for the expanded use of renewable energy technologies, and prepare staff on how to install and monitor the technology for potential future implementations.
- Grants were to be awarded to the winning proposals from the State Energy Program Fund, provided by the American Recovery and Reinvestment Act.
- The City submitted a proposal for an approximately ten kilowatt hour solar panel mounted on top of the Charlotte-Mecklenburg Government Center Parking Deck.
- On June 4, 2010, the State Energy Office notified the City that it had been selected as a grantee as a result of its submission. The grant is in the amount of \$38,042, one half of the estimated construction cost of the project.
- The project requires a 50/50 match of \$38,042 that will be provided by the City. These funds have already been budgeted in the building improvement fund.
- Educational materials on the solar installation and other citywide energy initiatives will be available in the Government Center lobby.
- The estimated completion date is late spring 2011.
- Due to the fact that the State project award had not been announced earlier, the City also allocated a portion of its \$6,530,000 in Federal Energy Efficiency and Conservation Block Grant (EECBG) funding to undertake this project. As a result of the State award, staff is working with Discovery Place to use the EECBG money for a similar project on the Discovery Place parking deck and an educational kiosk.

#### **Funding**

Federal Stimulus Fund (EECBG) and Government Facilities Capital Investment Plan

#### **Attachment 7**

Budget Ordinance

## **22. Energy Outreach and Education Campaign Services**



**Action: Authorize the City Manager to negotiate and execute a contract with WhiteSpace Creative for creative and technical services related to the Energy Efficiency and Conservation Block Grant Outreach and Education Campaign project for up to \$153,400.**

**Staff Resource:** Kim McMillan, Corporate Communications

#### **Explanation**

- City Council accepted the \$6,530,100 Energy Efficiency and Conservation Block Grant (EECBG) from the United States Department of Energy on April 26, 2010.
- The EECBG funds will be used to implement the 17 projects outlined in the City's Energy Strategy, which was created last fall and approved by Council on November 23, 2009.
- The Outreach and Education Campaign project is one of 17 projects in the EECBG.

- The goal of the Campaign is to promote the 16 other energy-efficiency projects, and the City's overall Energy Strategy. The Campaign will also complement the vision outlined in the Environment Focus Area Plan.
- WhiteSpace Creative was chosen from a field of four firms who responded to a City-issued RFP.

#### **Contract Scope**

- WhiteSpace Creative will provide creative and technical services for the outreach and education portion of EECBG effort.
- WhiteSpace Creative's services will include:
  - The creation of a strategy/block grant brand and logo to be used on all block grant related media
  - The development of a branding campaign to disseminate the brand/logo and information on the strategy and block grant
  - The development, hosting, and maintenance of a website that will include details on upcoming events, program progress, and an interactive map. The maintenance portion will be for a period of 24 months.
  - The design and creation of signs throughout the life of the grant including permanent placards for placement in retrofitted facilities
  - Assistance and support in the planning and advertising of open-houses and other public events held as part of the EECBG effort
- Grant funds must be obligated by February 2011, and expended by July 26, 2012.

#### **Funding**

Energy Efficiency and Conservation Block Grant

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

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

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

- Two appointments for three-year terms beginning August 1, 2010
  - Todd Fuller and Andrew Riolo are eligible and would like to be reappointed.

#### **Attachment 8**

Applications

#### **B. BUSINESS ADVISORY COMMITTEE**

During their discussion on the Small Business Plan, Council's Economic Development Committee asked staff to look at the membership of the Business Advisory Committee and bring back recommendations. Also, the Small Business Opportunity Task Force will recommend that Council charge the Business Advisory Committee with oversight of the SBO Program and adjust the membership appropriately. Council will receive the Task Force recommendation on July 26. Therefore, City Council may wish to leave these positions vacant until Council acts on adjusting the membership of the Business Advisory Committee.

- One appointment for an unexpired term beginning immediately and ending April 28, 2011.

- Callie Glass Kelly resigned.
- One appointment for a three year term for an applicant recommended by the Charlotte Chamber beginning immediately and ending April 28, 2013.
  - Karen Henning resigned.

**Attachment 9**

Applications

- C. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION**
- One appointment for an unexpired term beginning immediately and ending June 30, 2011
    - Harvey Cohen resigned.

**Attachment 10**

Applications

- D. CHARLOTTE REGIONAL VISITORS AUTHORITY**
- One appointment for an unexpired term for an applicant recommended by the small towns beginning immediately and ending June 30, 2011
    - Tina Whitley resigned.

**Attachment 11**

Applications

- E. DOMESTIC VIOLENCE ADVISORY BOARD**
- Two appointments for three-year terms beginning September 22, 2010
    - Jacqueline Dienemann is eligible and would like to be reappointed.
    - An additional seat was approved by City Council May 24, 2010.

**Attachment 12**

Applications

- F. MINT MUSEUM BOARD OF TRUSTEES**
- One appointment for a three-year term beginning August 1, 2010.
    - Patricia Tracey is eligible and would like to be reappointed.

**Attachment 13**

Applications

- G. TREE ADVISORY COMMITTEE**
- One appointment for an unexpired term beginning immediately and ending December 13, 2010 and then continuing for a full three year term expiring December 13, 2013
    - Marilyn Wilson resigned.

**Attachment 14**

Applications

**H. TEN YEAR PLAN TO END AND PREVENT HOMELESSNESS  
ADVISORY BOARD**

- One appointment for a three year term beginning July 1, 2010 and ending June 30, 2013 for a representative of the donor/philanthropic community
  - Herb Gray has been nominated by Council member Turner.
  - City Council approved keeping this seat open for this meeting.

**Attachment 15**

Applications

**24. Appointments to Boards and Commissions**

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

**A. TEN YEAR PLAN TO END AND PREVENT HOMELESSNESS  
ADVISORY BOARD**

- Three appointments for staggered initial terms beginning July 1, 2010
- One appointment for a term ending June 30, 2012 for a representative of the community
  - Michael Clement by Council members Dulin and Peacock
  - Ken Szymanski by Council member Carter
  - Kenyatta Wheeler by Council members Barnes, Mitchell and Turner
  - Keith Wilson by Council member Cooksey
  - Moira Quinn Klein by Council members Howard and Kinsey
- One appointment for a term ending June 30, 2011 for a representative of the financial community
  - Michael Clement by Council members Dulin and Peacock
  - Abel Massalee, Jr. by Council members Mitchell and Turner
  - Keith Wilson by Council member Carter
  - Patrick Williams by Council members Barnes and Cooksey
- One appointment for a term ending June 30, 2013 for a representative of the real estate community
  - Renata Henderson by Council members Howard and Kinsey
  - William Miller by Council members Carter, Cooksey, Dulin, Peacock and Turner
  - Ken Szymanski by Council members Barnes, Cannon and Mitchell

**Attachment 16**

Applications

**25. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

## 26. Office Supplies

- Action:**
- A. Award the low bid unit price contract to Office Depot for the purchase of office supplies for the term of three years, and**
  - B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The annual expenditures are estimated to be \$700,000.**

**Staff Resource:** Charles Robinson, Business Support Services

#### **Explanation**

- City Council approved the current contract with Office Depot on May 24, 2004 to provide office supplies to all Key Business Units. This contract expires on June 30, 2010.
- A new solicitation was issued on April 12, 2010 for a City and County contract.
- Two bids were received on May 27, 2010. A third late submission was received after the bid deadline and rejected per N.C. State Statute 143-129.

- During evaluation of the bids, Business Support Services/Procurement Services discovered one vendor had altered the bid pricing sheet by inserting additional information and changing the unit of measure of some items that affected the unit prices. Per State Statute and the City's ITB requirements, this bid was deemed non-responsive.
- Office Depot offered the best discount structure for over 8,000 general office supply items (66% off catalog list price). In addition, Office Depot will provide the following:
  - On-line ordering with next day delivery at no additional cost
  - Over 3,000 environmentally friendly products are available for consideration when the quality, function, and cost are equal to or better than traditional products.
  - Customized monthly itemized reports that enable the City and County to monitor purchasing trends by department, product category, recycled products, and other City and County requested criteria
  - Special pricing on high use items and promotional prices on copy paper, which is an unstable and fluctuating market
  - Rebate structure that will result in an estimated annual \$40,000 in revenue generated through volume purchasing

#### **Small Business Opportunity**

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

#### **Funding**

KBU Operating Budgets

## **27. Wastewater Pumps**

- Action:**
- A. Award the low bid unit price contract to ITT Water and Wastewater-Flygt Products for the purchase of submersible pumps and parts for the term of one year, in the estimated annual amount of \$80,000, and**
  - B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- This contract will provide submersible, wastewater pumps and parts for Utilities' Neal Branch Lift Station, near Westinghouse Boulevard and Steele Creek Road, and Reverdy Glen Lift Station, off Pineville-Matthews Road near Providence High School.
- The contract also secures prices for any other pump replacement, as the need arises.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Capital Investment Plan

## 28. Police Uniforms Contract Extension

**Action:** Approve a contract extension with Best Uniforms to cover the time period from August 24, 2009 through April 30, 2011, for unit price purchases of uniforms and related equipment in an estimated amount of \$1,763,440.

**Staff Resources:** Ruth Story, Police  
Charles Robinson, Business Support Services

### Explanation

- In August 2004, City Council approved a three-year unit price contract with Best Uniforms with two one-year extensions at an estimated total expenditure of \$7,500,000. To date, the estimated expenditures are less than \$7 million.
- The bid process was initiated in January 2009 in anticipation of the contract expiration in August 2009.
- The bid process continued longer than anticipated. In April 2009, the Mecklenburg County Sheriff's Office joined in the bidding process, requiring a revision of initial specifications.
- City staff, together with the Sheriff's Office, issued an Invitation to Bid on October 9, 2009 for Police and Sheriff's uniforms. Two vendors, Showfety's and Best Uniforms submitted bids for the entire contract.
- Both vendors expressed concerns during the bidding process. Showfety's contended the specifications were initially vague and that revised specifications were overly restrictive. Best Uniforms contended that staff failed to conduct a thorough evaluation of Showfety's customer service component.
- The outcome of the bid evaluation was a staff recommendation that the City Manager reject all bids and authorize a new procurement process for the following reasons:
  - Both vendors expressed concerns about the procurement process
  - There was insufficient competition due to specification issues
  - The low bidder failed to comply with bid specifications by supplying non-compliant samples on two separate occasions
  - Police uniform needs changed during the extended bid process
- Staff desires to undertake a new procurement process that will maintain the high quality standards of Police uniforms and amend the specifications to allow for a more competitive process. This will entail testing and evaluation of a wider variety of uniform and equipment alternatives
- Staff estimates that it will take approximately seven months to complete the sample evaluation and conduct a bid process. It will then take a minimum of two additional months to manufacture and stock the uniforms if a new vendor is selected. Staff has requested an additional month to cover contingencies such as delays in the manufacture of fabric.
- In August 2009, while still working on the bid documents, City staff and Best Uniforms agreed to extend the Best Uniforms contract pending completion of the bid process. City staff failed to obtain City Council approval for that extension.
- When the City Manager was made aware of this failure he immediately informed Council in a May 20, 2010 email. The City Manager also directed Police to discontinue making any additional purchases under the expired contract.
- From August 24, 2009 to May 20, 2010, the Police spent \$863,439.15 on uniforms and equipment. Those funds were allocated for uniforms in the

police operating budget but, as previously indicated, the contract extension was not approved by Council. Staff requests that Council ratify these expenditures through approval of this contract extension.

- Best Uniforms has agreed to extend its contract through April 30, 2011 to allow time to complete a new bid process. Such extension would be at the same prices and under the same terms and conditions that were in effect as of August 24, 2009. Police estimates that necessary expenditures from now through April 30, 2011 will be \$900,000.

### **Funding**

Police Operating Budget

## **29. Police/Gang of One Contract with Mecklenburg County**

**Action: Approve a contract between Police/Gang of One and Mecklenburg County in the amount of \$567,985 for a Gang Reentry and Intervention Team.**

**Staff Resources:** Ruth Story, Police  
Fran Cook, Gang of One

### **Explanation**

- Mecklenburg County's Juvenile Crime Prevention Council (JCPC) has received a \$567,985 grant from the North Carolina Department of Juvenile Justice Delinquency Prevention (DJJDP) for gang prevention and intervention.
- DJJDP had decided that these funds should pass through JCPC to Gang of One for coordinated distribution in Mecklenburg County.
- The funds will be used to establish a multi-disciplinary Gang Reentry and Intervention Team that will primarily work with at-risk or gang involved youth transitioning back into Mecklenburg County from the Cabarrus Youth Detention Center. Youth can be referred from the Department of Juvenile Justice and Delinquency Prevention-District 26 and the Gang of One Hotline.
- Three case managers will be hired to work with the targeted youth and their families to develop individualized goal oriented reentry plans that address educational, social/emotional, family, criminal justice, employment/financial recreational, cultural, and health issues.
- Program participants will have access to a wide range of community service providers. Case managers will facilitate access to those services and monitor their delivery.
- Project funds will cover the cost of contracts with service providers.
- Under the contract, Gang of One will administer the funds for the Gang Reentry and Intervention Team and will submit monthly financial reports to the County.
- The contract was approved by the County Commission on February 16, 2010. From February to June, Gang of One staff developed all of the program components. Gang of One is now ready to execute the contract and implement the program.

### **Funding**

\$567,985 from the NC Department of Juvenile Justice and Delinquency Prevention

### 30. Police DNA Equipment and Supplies

- Action:**
- A. Approve the purchase of DNA equipment and supplies without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**
  - B. Approve a three-year contract with Applied Biosystems, Inc. for the purchase of DNA testing equipment and supplies in an amount not to exceed \$550,000.**

**Staff Resources:** Rick Williams, Police  
Matthew Mathis, Police

#### **Sole Source Exception**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available
  2. A needed product is available from only one source or supply
  3. Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary because Applied Biosystems is the only source capable of supplying the DNA testing kits and consumables that are compatible with the DNA testing equipment currently in use in the Crime Lab.
- The equipment and supplies provided by Applied Biosystems has been validated through an extensive testing process required for the Crime Lab's accreditation and for coordination with the FBI's national DNA data base.
- Purchases made under the sole source exemption require City Council approval.

#### **Explanation**

- The CMPD Crime Lab will purchase a 3130 Genetic Analyzer which is used to analyze DNA fragments in known and unknown samples. The machine is funded under a DNA Grant from the U.S. Department of Justice which was accepted by Council on October 12, 2009. The machine costs \$100,000.
- The Crime Lab anticipates spending \$150,000 per year for three years for DNA testing kits and related supplies for a total of \$450,000. The DNA grant will cover one-third, or \$150,000 of the supplies over the three-year period, or \$50,000 per year.

#### **Small Business Opportunity**

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

#### **Funding**

U.S. Department of Justice Grant and Police Operating Budget

### 31. Humane Society Contract Amendment #3

**Action: Approve a six-month amendment to the City's contract with the Humane Society in an amount not to exceed \$90,000.**

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

#### Contract History

- The City entered into a contract with the Humane Society of Charlotte to provide spay/neuter services at the animal shelter on January 31, 2005.
- The contract was amended on March 28, 2007 to return the mobile spay/neuter vehicle that was leased to the City to the Humane Society.
- The contract was scheduled to expire on January 1, 2010. The parties entered into a second amendment that extended the agreement to June 30, 2010 and amended the rates the Humane Society was allowed to charge the public for its services.

#### Amendment #3

- The Humane Society's Executive Director resigned on December 18, 2009. Four board members also resigned in the last six months.
- The Humane Society hired a search firm to do a national search for a new Director. The position has been filled and the new Director, Shelly Moore, will begin work on July 1, 2010.
- In order to give the new Director, the Humane Society Board, and Police time to evaluate the current working relationship and prepare a new five-year contract, the Humane Society has requested a six-month amendment of the current contract which will cover the period from July 1 - December 31, 2010. A new contract will be presented for Council approval prior to the expiration of the requested amendment.
- The rates established for spay/neuter and other related services in the second amendment will remain in effect during the six months covered by the third amendment.

#### Funding

Police Operating Budget

### 32. FY2011 General Obligation Bond Referendum

**Action: Approve a series of resolutions that authorize staff to proceed with the necessary actions to conduct a general obligation bond referendum on November 2, 2010.**

**Staff Resource:** Greg Gaskins, Finance

#### Explanation

- On June 7, 2010, Council adopted the FY2011 budget and FY2011-FY2015 Capital Investment Plan, which included a \$203.6 million bond referendum in 2010.
- The referendum includes \$156.6 million of street bonds, \$15 million of housing bonds and \$32 million of Neighborhood Improvement Bonds
- The resolutions specifically authorize:
  - Notice of intent to apply to the Local Government Commission

- Application to the Local Government Commission
- Certain statements of fact concerning the proposed bonds

#### **Next Steps**

- On July 26, 2010, the bond order will be introduced and Council will be asked to set a public hearing on the bond order for August 23, 2010.
- On August 23, 2010, Council will be asked to hold a public hearing, approve the bond order and set a special bond referendum.
- After November 2, 2010, Council will be asked to adopt a resolution certifying and declaring results of the special bond referendum after the Certificate of Canvass is signed by the Mecklenburg Board of Elections.

#### **Funding**

Municipal Debt Service Fund

#### **Attachment 17**

Resolution

List of Projects

### **33. 500 Dalton Avenue Demolition**

**Action: Award a low bid contract to Burney Construction Company, Inc., in the amount of \$440,421 for demolition of the subject property for the new Fire Administration facility.**

**Staff Resource:** William Haas, Engineering & Property Management

#### **Explanation**

- On October 12, 2009, City Council approved the purchase of five acres for a Fire Administration facility located at 500 Dalton Avenue and 1222 Statesville Avenue for \$3.3 million from First Industrial B & L, LLC.
- The structures on both properties have been evaluated for reuse in the campus plan. The office building on the larger parcel was initially deemed usable for Fire Department needs. However, engineering and geotechnical studies showed it is not financially feasible to salvage the building due to seismic design requirements, therefore it will be demolished and a new structure built in its place. The building on the northern, smaller parcel at 1222 Statesville Avenue is sound and may be kept as part of the campus.
- This new facility will consolidate multiple operation functions such as Fire Administration, Emergency Management, Fire Prevention, Information Technology and Emergency Operations Center.
- This contract includes asbestos abatement and demolition, and removing all buildings, debris, backfilling, grading, compacting and seeding.

#### **Environmental Considerations**

- This project will include proactive measures for waste management participation by all parties to the contract. Leadership in Energy and Environmental Design equivalent requirements will be met at no additional costs to the City. The purpose of this program is to ensure that during the course of the project, all diligent means are employed to pursue practical and economically feasible waste management and recycling options. Waste disposal to landfills shall be minimized.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 19.98%

Burney & Burney Construction Inc. committed 19.98% (\$88,000) of the total contract amount to the following SBE firms: Howdel Trucking (hauling) and Da'Plum Contracting Inc. (structural fill).

**Funding**

Government Facilities Capital Investment Plan

### 34. Safety Systems Maintenance Services for CATS Maintained Facilities

**Action: A. Approve a three-year contract with SimplexGrinnell for a not to exceed amount of \$450,000 (\$150,000 annually) to provide safety systems maintenance services for CATS facilities, and**

**B. Authorize the City Manager to approve two, one-year extensions (in amounts not to exceed \$150,000 per year).**

**Staff Resource:** Bryan Leaird, Transit

**Explanation**

- This contract will provide fire alarm monitoring center services, as well as maintenance, inspection services, and diagnostic testing of fire control panels, fire alarm detection systems, fire sprinkler systems, intruder detection systems, and blue light emergency phones. Blue light phones are connected directly to 911 and do not require monitoring services.
- The agreement will cover all CATS properties.

**Procurement**

- This agreement will be entered into pursuant to the United States General Services Administration (GSA) master contract with SimplexGrinnell.
- SimplexGrinnell was competitively awarded a national contract through the GSA. Local governments are encouraged to utilize such common purchasing agreements that offer volume discount pricing procured using full and open competition.
- Service contracts such as this one are not legally required to be competitively procured, however the competitive method used to establish the GSA contract resulted in favorable pricing terms.
- SimplexGrinnell has agreed to extend the same favorable pricing terms in the GSA contract to the City.

**Small Business Opportunity**

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

**Funding**

Transit Operating Budget

### 35. Parking Citation Management Software and Collections

- Action:** **A. Approve an initial one year contract with T2 Systems, Inc. for parking citation management software and peripherals in the amount of \$30,905, and authorize the City Manager to exercise three, one-year renewals in an annual amount of \$37,305, and**
- B. Approve an initial one-year contract with T2 Systems, Inc. for collection services at an estimated annual amount of \$50,000 and authorize the City Manager to exercise three, one-year renewals with the total amount for all four years not to exceed \$200,000.**

**Staff Resource:** Doreen Szymanski, Transportation

#### Park It! Program

- The Park It! program, a public/private partnership between the Charlotte Department of Transportation and Central Parking System Inc. (CPS), began operation in June 1997. The partnership manages approximately 1,000 Center City onstreet parking spaces. The onstreet spaces offer visitors short-term, inexpensive parking while they shop, dine and conduct business.
- In FY2009 total program revenue was \$1.8 million.

#### Explanation

- In March 2007, the City Council approved a contract with T2 Systems, Inc. for an initial term of 36 months for the provision of parking citation management software and peripherals.
- CDOT reviewed other parking software packages and has determined the T2 Flex Citation Management System continues to be the best overall solution based on the following reasons:
  - Requires no down time for converting to a new system
  - Increases efficiency with the new enforcement devices
  - Allows savings to the City with no transitional costs
  - Offers a customized web payment solution that meets City finance criteria
  - Provides a fully integrated collection solution that offers better customer service and less lag time for debt collections
- The contract with T2 Systems, Inc. includes the following:

<b>T2 Citation Management System</b>	
Citation Management Services	\$15,600
Permit Management Module	\$7,405
Web Payment Solution	\$1,500
Software Support for 10 new enforcement devices	\$6,400
<b>Software and Peripherals</b>	<b>\$30,905</b>

- Year one includes a warranty for the enforcement devices. Costs for years two, three and four will include annual hardware warranty/support for the enforcement devices in the amount of \$6,400, for a total annual cost of \$37,305.

**Collection Services**

- Annual collection service fees can vary each year dependent upon total dollars collected on unpaid citations 90 days or older. The estimated contract amount allows needed flexibility to pay what is owed each of the four years.
- Collections are currently handled through a separate collection agency. The integration of citation and collection software will post payments more quickly and reduce late notice mailings for higher customer satisfaction.
- Yearly costs are comparable to current provider.

**Selection Process**

- CDOT evaluated three citation management systems. FastTrack System by Complus Data Innovations, Inc., Citation Management System Solution by Duncan Solutions and Flex Citation Management System offered by T2 Systems, Inc.
- Other management systems offer only turnkey solutions that do not fit with the current Park It! business needs, do not meet the City's preferred financial process, and increases potential for unknown costs.

**Small Business Enterprise Opportunity**

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

**Funding**

Parking Revenues

**36. Credit Card Processing Agreement**

**Action: Authorize the City Manager to enter into a five year Merchant Service Agreement through the North Carolina Office of the State Controller under the North Carolina State contract fee schedule for acceptance of payments by customers using Visa, MasterCard, American Express and Discover.**

**Staff Resources:** Greg Gaskins, Finance  
Susan Walker, Finance

**Explanation**

- The City accepts credit card payments for many of its service as a convenience to its customers and to enhance revenue through increased payment channels.
- The City has consistently sought to minimize the per-transaction cost for accepting credit cards by consolidating the credit card business model across KBUs and utilizing the state contract vendor for its Merchant Service Agreement (MSA), which offers processing at the lowest available cost.
- Since 2002, the City has moved credit card programs from Park-It, Fire Prevention, Land Development, CMPD and Airport under the MSA.
- As more KBUs implement credit card programs and customers increase the frequency of credit card payments, the volume of credit card transactions has increased. This has led to significantly greater overall processing costs to the City, which will soon exceed the contract authority under the existing MSA.

- This action will increase the contract authority for the MSA, which will allow CATS to convert ticket vending machines to the contract from its current, higher-cost vendor.
- The amount paid by the City will depend upon the volume of customer credit card use.

### **Background**

- On June 5, 2002 the City entered into a merchant service agreement with Wachovia Merchant Services (the North Carolina State contract and predecessor of SunTrust Merchant Services) to provide credit card processing services for city transactions, primarily over the counter utility payments.
- The State contract provider was chosen after a competitive process reviewing several vendors showed them to have the lowest cost with good service quality. The underlying platform is provided by First Data Corporation, the leading provider of credit card processing services in the nation.
- On October 27, 2006, the City renewed the agreement with SunTrust Merchant Services LLC with expected transaction fees paid by the City to be less than \$25,000 per year going forward.

### **Small Business Opportunity**

Agreements through the NC State Contract are exempt (Appendix Section 23.2 of the SBO Policy).

### **Funding**

Various KBU Operating Budgets

## **37. Grier Road Sidewalk**

**Action:**   **A. Reject the low bid contract of \$199,999.25 from Alpha Development Company, Inc., for construction of Grier Road Sidewalk, and**

**B. Award the contract to W. M. Warr & Son Construction, the second lowest bidder, in the amount of \$256,704.28.**

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

### **Explanation**

- This project will construct 0.76 miles (3,991 linear feet) of new sidewalk near CPCC-University Campus, Joseph W. Grier Elementary School and Reedy Creek Park.
- The project will include sidewalk, planting strips, curb and gutter and bus pads on Grier Road from Rocky River Road East to Newell-Hickory Grove Road. Intersection enhancements at W.T. Harris Boulevard will also be included as part of this project.
- City staff worked with property owners during real estate acquisition and residents had no objections to the project.
- This is a Tier 1 sidewalk request for a thoroughfare/higher volume road where there is need for a sidewalk to separate pedestrians from higher traffic volumes and speeds.
- Construction is expected to be complete in the fourth quarter of 2010.

**Reject the low bid from Alpha Development Company, Inc.**

- Reject the low bid from Alpha Development Company, Inc.
- Alpha Development currently has three ongoing projects with the City. A meeting was held on June 4, 2010 with this contractor to determine if they had the capacity to perform a fourth project simultaneously. They were unable to show they had the capacity to complete the work. Their bid was informal and required no bid bond.

**Background**

- The City's adopted Transportation Action Plan (TAP) calls for 625 miles of new sidewalks by 2030.
- Under current funding levels, at least ten miles of new sidewalks are to be completed each year to help accomplish that goal.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.64%

W.M. Warr & Son, Inc. committed 7.64% (\$19,600) of the total contract amount to the following SBE firm: Whitesell Construction Inc. (clearing, grubbing, & hauling).

**Funding**

Transportation Capital Investment Plan

### 38. North Tryon Street Business Corridor Engineering Services

**Action: Approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$804,200 for planning and design services of the North Tryon Street Business Corridor Project.**

**Staff Resource:** Tom Russell, Engineering & Property Management

**Explanation**

- This project will provide infrastructure improvements that support redevelopment from Dalton Avenue to 30<sup>th</sup> Street.
- Project infrastructure improvements may include crosswalks, sidewalks, planting strips, planted medians, landscaping, decorative lighting and bicycle lanes.
- Kimley-Horn and Associates, Inc. was selected pursuant to the Council-approved, qualifications-based selection process in accordance with NC General Statutes.

**Background**

- This project is derived from recommendations proposed in the North Tryon Redevelopment Study completed by Frank Warren and Associates in November 2008.
- The project is intended to provide infrastructure to support future development, with improved aesthetics and increased safety for motorists, cyclists and pedestrians.
- The project will also support the recently adopted North Tryon Area Plan and will be implemented in coordination with North End Partners participation.

- The project is proposed for \$9.5 million funding in the 2010 Bond referendum.
- Funding for the \$804,200 planning and design contract will be obtained from existing appropriations in the Capital Investment Plan, including the Future Road Planning and Design Program and the Business Corridor/Pedscape Infrastructure Program. Upon approval of the 2010 Bond Referendum, funds will be returned to these programs from the \$9.5 million North Tryon Redevelopment bond appropriation.
- The project may require a future amendment for construction administration services.

#### **Small Business Opportunity**

For service based contracts the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Kimley-Horn and Associates Inc. committed 7.49% (\$60,270) of the total contract amount to the following SBE firms: Hinde Engineering, Inc. (utility coordination) and Boyle Consulting Engineers PLLC (geotechnical).

#### **Funding**

Economic Development and Transportation Capital Investment Plan

### **39. Geotechnical and Construction Materials Testing Services Contracts**

**Action:** Approve contracts for geotechnical and construction materials testing services with the following:

- A. Capstone Civil Group, P.A. in an amount not to exceed \$195,000,
- B. ESP Associates, P.A. in an amount not to exceed \$200,000,
- C. Froehling & Robertson, Inc., in an amount not to exceed \$500,000,
- D. MACTEC Engineering and Consulting, Inc., in an amount not to exceed \$200,000,
- E. S&ME, Inc., in an amount not to exceed \$350,000, and
- F. Terracon Consultants, Inc., in an amount not to exceed \$400,000.

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

#### **Explanation**

- These contracts provide geotechnical and construction materials testing services on various projects in support of the Capital Improvement Program (Transportation, Neighborhood, Sidewalk and Buildings).
- Testing services are provided to ensure that contract specifications are satisfied.
- Materials testing will include soil, asphalt and concrete on various City projects including Fred D. Alexander Boulevard and US 29/NC 49 Roadway Improvement Project.
- These six firms were selected pursuant to a Council-approved, qualifications-based selection process performed in accordance with NC General Statutes.

**Small Business Opportunity****A. Capstone Civil Group**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Capstone Civil Group, P.A. included the following SBE to be utilized as the project evolves: Roots Geotechnical & Environmental Services (construction materials testing). Capstone Civil Group is also a certified SBE.

**B. ESP Associates, P.A.**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). ESP Associates, P.A. included the following SBEs to be utilized as the project evolves: Roots Geotechnical & Environmental Services (construction materials testing) and AmeriDrill Corporation (geotechnical).

**C. Froehling & Robertson, Inc.**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Froehling & Robertson, Inc. included the following SBE to be utilized as the project evolves: Carolina Copy Services, Inc. (reproduction).

**D. MACTEC Engineering & Consulting, Inc.**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). MACTEC Engineering & Consulting, Inc. included the following SBE to be utilized as the project evolves: Capstone Civil Group, P.A. (construction materials testing).

**E. S&ME, Inc.**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). S&ME, Inc. included the following SBE to be utilized as the project evolves: Capstone Civil Group, P.A. (geotechnical).

**F. Terracon Consultants, Inc.**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Terracon Consultants, Inc. included the following SBEs to be utilized as the project evolves: Capstone Civil Group, P.A. (concrete testing) and AmeriDrill Corporation (geotechnical).

**Funding**

Transportation Capital Investment Plan

**40. Various Stream Restoration Projects**

**Action:** Approve a contract with Stantec Consulting Services, Inc. in the amount of \$540,000 for stream restoration engineering services.

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

**Explanation**

- Stream restoration is the process of converting a degraded, eroded stream corridor to a stable condition.

- The Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- The Newell Stream Restoration Project is bound by East W.T. Harris Boulevard to the north, Old Concord Road to the east, Toby Creek to the west and Knollwood Circle to the south.
- In 2004, the City established a Stream and Wetland Mitigation Bank to hold mitigation credits that can be used by City and County public projects.
- The Bank allows mitigation dollars to remain local rather than be paid to a statewide fund, so the benefits of restoration projects are realized in Charlotte's watersheds.
- Mitigation credits are currently sold by The Bank to various local agencies, which allows the Storm Water Program to recoup the majority of the cost associated with restoring streams.

### **Background**

- The contract with Stantec Consulting Services, Inc. will provide engineering services for the Newell Stream Restoration project and potentially other stream and wetland restoration and water quality projects as needed.
- This restoration project is located in an area that has been impacted by storm water runoff and has been identified by the State as impaired.
- Work will include the preparation of feasibility studies as well as planning and design plans for the Newell Stream Restoration project and potentially other stream restoration projects for mitigation credit.
- This contract will support the City's Stream and Wetland Mitigation Bank.
- If the consultant performs well, then additional contract amendments may be requested to start other work under this contract.

### **Small Business Opportunity**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Stantec Consulting Services, Inc. included the following SBE to be utilized as the project evolves: Habitat Assessment & Restoration Program, Inc. (ecological).

### **Funding**

Storm Water Capital Investment Plan

## 41. Airport Roof-Mounted Solar Energy System

- Action:**
- A. Approve an agreement with Narenco Corporation of Charlotte to design, construct and operate a Solar Energy Collection System that they will lease to the City for \$49,360 per year for a period of 20 years,**
  - B. Approve a contract with Narenco Corporation of Charlotte in the amount of \$600,000 for a roof replacement on the Airport Maintenance Facility,**
  - C. Adopt a budget ordinance appropriating \$660,000 (including \$60,000 for design and contingency) from the Airport Discretionary Fund to be repaid with future Airport Bonds and/or Passenger Facility Charge (PFC) revenues, and**
  - D. Approve a Power Purchase Agreement with Duke Energy.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In April 2009, the Airport implemented a study on potential locations and approaches to create a significant photo voltaic (PV) power generation capacity for one of the airport buildings.
- In June 2009, the Airport retained Optima Engineering to do a specific evaluation of the Airport Maintenance Facility to determine the feasibility of installing PV panels as well as other energy conservation measures.
- Based on the report received in July 2009, staff decided to develop a 250 kilowatt hour capacity on a portion of the building roof. The 250 kilowatt per hour will produce enough electricity to provide lighting for Concourse A for one year.
- The Airport retained Attorney Larry Ostema to prepare a request for proposals (RFP) to solicit teams interested in doing the project and proposing several alternative methods for financial investment and gaining potential tax benefits not available to the City.
- In August 2009, the Airport issued a RFP to provide the proposals.
- In the pre-proposal conference, many questions were asked, including structural capacity of the roof structure, condition of the existing roof and financial and tax treatment issues.
- The decision was made to withdraw the RFP and do further work prior to re-advertising the project.
- Firms were retained to do structural analysis, roof evaluation, and examine alternative project approaches.
- Following these efforts, a revised RFP was issued in March 2010 and seven proposals were received in May 2010.
- Initial evaluation of qualifications, experience, and financial information led to a short list of three teams and Narenco Corporation was selected following interviews of the three teams.
- As part of the project, Narenco will replace the roof (a needed project) on a portion of the building. The Airport will pay \$600,000 for the new roof.
- The additional \$60,000 will pay for roof design costs and provide an allowance for unforeseen conditions encountered during construction.

**Project Lease Terms**

- Narenco will design, construct, operate and maintain a Solar Energy Collection System at their cost. The City will then lease that system from Narenco for \$49,360 per year for a period of 20 years.
- The City may opt out any time after the initial five-year lease period upon payment of the unamortized portion of Narenco's investment.
- The Power Purchase Agreement with Duke Energy obligates them to buy the energy generated at a fixed rate for 20 years and is estimated to generate in excess of \$50,000 per year for the Airport.

**Small Business Opportunity**

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

**Funding**

Aviation Capital Investment Plan

**Attachment 18**

Budget Ordinance

**42. Airport Telecommunications Agreement**

**Action: Approve an agreement with AT&T in the amount of \$137,935.33 for maintenance of the Airport's telecommunications system.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Since the new terminal opened in 1982, the Airport has contracted for a dedicated full-time, on-site technician to maintain its AT&T Centrex telephone system.
- The telephone system currently has over 3,100 lines.
- The cost of the technician is spread over all users of the Airport system.
- This agreement will extend the contract with AT&T for another year.

**Small Business Opportunity**

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

**Funding**

Aviation Operating Budget

### 43. Wastewater Treatment Facilities Landscape Management Contracts

**Action:**

**A. Award service contracts to the following companies to provide landscape management at four of Utilities’ wastewater treatment plants in the combined estimated amount of \$722,700 for an initial term of one year:**

- **Carolina Commercial Landscaping, LLC**
- **Single Oak Farm Grading and Landscaping**
- **The Carolina’s Landworks, Inc., and**

**B. Authorize the City Manager to renew the contracts for two additional one-year terms at the same price as year one.**

**Staff Resource:** Barry Gullet, Utilities

**Explanation**

- A Request for Proposals for landscaping services was issued on May 7, 2010. Seven proposals were received.
- Selection was based on:
  - Experience providing similar services at industrial sites
  - Availability of necessary equipment
  - Adequate staffing
  - References
- The three contracts provide for routine mowing at Utilities’ four wastewater treatment plants.
- The terms of these contracts are for one year with two, one-year renewal options at the same price as year one.

<b>Facility</b>	<b>Selected Firm</b>	<b>Total three-year Contract Amount</b>
McDowell	Carolina Commercial Landscaping, LLC (SBE)	\$180,000
Irwin Creek	Single Oak Farm Grading & Landscaping	\$106,200
Mallard Creek	The Carolina’s Landworks, Inc. (SBE)	\$108,000
McAlpine Creek	Single Oak Farm Grading & Landscaping	\$328,500
<b>TOTAL</b>		<b>\$722,700</b>

**Small Business Opportunity**

No SBE goal was established for these contracts because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). Two of the three selected vendors were, however, certified SBEs, yielding 39.85% in SBE commitments.

**Funding**

Utilities Operating Budget

## 44. Water Transmission Main Emergency Repair

**Action:** Approve direct payment to Sanders Utility Construction Company Inc. in the not-to-exceed amount of \$275,000, for the emergency repair of the 66-inch water transmission main located adjacent to Billy Graham Parkway.

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- Utilities completed construction of the first phase of the southwest water transmission main project and placed this pipe into service in April 2008. This phase of the water main was constructed by S.J. Louis Construction.
- On February 28, 2010, Utilities observed a leak from the 66-Inch welded steel pipeline near where it crosses Billy Graham Parkway near the airport exit.
- Investigation determined that one of the field welded joints had failed and at least two others needed additional reinforcement. There was also evidence of pipe deformation beyond the allowable limits in a couple of areas. Correction of this problem may require replacing a short section of pipe at a later date.
- Sanders Utility Construction Company, Inc. was working in the area on another phase of the Southwest Water Transmission Main project and had the expertise and resources available to make the emergency repair.
- Utilities is continuing to study the cause of the failure, while working with the City Attorney's Office to determine if there are defect claims against the original contractor or engineer, allowing us the opportunity to file a claim to recover some or all of these repair costs.
- The water transmission main was repaired on June 3, 2010.

### Small Business Opportunity

Sanders Utility Construction used their existing subcontractors to make repairs.

### Funding

Utilities Capital Investment Plan

## 45. Briar Creek Relief Sewer Change Order #1

**Action:**   **A. Approve Change Order # 1 in the amount of \$3,230,640 with Oscar Renda Contracting, Inc. for the Briar Creek Relief Sewer Phase 1A Project for tunneling difficulties under Myers Park High School, and**

**B. Authorize City Attorney to execute Settlement Agreement and Release with Oscar Renda Contracting to resolve issues related to claim for differing site conditions.**

**Staff Resources:**   Barry Gullet, Utilities  
                               Jude Starrett, City Attorney's Office

### Explanation

- The Briar Creek Relief Sewer Phase 1A Project included tunneling activities to install a 72-inch and 60-inch sanitary sewer main from the Sugar Creek Wastewater Treatment Facility to Sharon Road.
- Charlotte City Council approved a contract with Oscar Renda Contracting, Inc. on June 11, 2007, in the contract amount of \$28,906,070.
- During the course of constructing one of three tunnels, significant fractured rock was encountered and ultimately the tunnel collapsed, trapping the tunnel boring machine on the Myers Park High School campus.
- Attempts to tunnel from the exit shaft were unsuccessful due to the safety hazards caused by the falling rock and the lack of progress made with the alternate construction methods. The decision was made to complete the work by trenching which would also facilitate extraction of the tunnel boring machine.
- On February 23, 2010, Utilities received approval from Charlotte Mecklenburg Schools to open-cut the remainder of the tunnel alignment so the Project could be completed. In April 2010, the remainder of the pipeline was installed and now the overall Project is nearing completion.
- Due to the tunneling difficulties, Oscar Renda has been at work on the project more than a year longer than planned and filed a claim for the extra work due to the rock conditions totaling just over \$7.5 million.
- Through a pre-litigation mediation, Utilities has negotiated a settlement with Oscar Renda Contracting to cover the costs of the extra work in the amount of \$3,230,640.
- The total project cost, including this change order, will be within the project budget when completed.

### Small Business Opportunity

All additional work was performed by the contractor and their existing subcontractors.

### Funding

Utilities Capital Investment Plan

## 46. CATS Security Services Contract Amendment

**Action: Approve an amendment to increase the annual not to exceed amount of the Allied Barton Security Services, Inc. contract from \$1,985,000 to \$2,500,000, for additional sworn company police officers to be located at various CATS locations.**

**Staff Resource:** Bryan Leaird, Transit

### Previous Council Action

- On August 27 2007, City Council approved a contract with Allied Barton to provide for sworn company police officers and unarmed security officers, to be located at various CATS locations at an annual not to exceed amount of \$1,985,000.
- At the March 3 Council Budget Retreat, CATS informed Council of plans to modify Transit's security force to focus on increasing fare enforcement. These plans included adding additional sworn company police officers to the force, while decreasing the number of police officers.
- On May 24 and June 7, 2010 (as part of the budget adoption), City Council accepted and approved the FY2011 transit operating budget including the line item authorizing the transition to additional sworn company police officers within transit's security force.

### Sworn Company Police Officers

- Sworn Company Police Officers must be certified under North Carolina Law. Training for certification is 600 hours as opposed to 16 hours for unarmed guards.
- Sworn company police officers are considered "officers of the law" in the State of North Carolina. They have powers:
  - To make arrests for felonies and misdemeanors
  - To issue citations for infractions and motor vehicle violations
  - Restricted to the private contracted property. In this case, City of Charlotte transit designated real property.
- All security and police officers assigned to CATS are trained in all areas relevant to providing security to the transit system, including anti-terrorism.
- The contract requires strict adherence to all applicable laws, City customer service and courtesy guidelines.
- Sworn company police officers are currently deployed throughout CATS' facilities.

### Contract Amendment Terms

- This contract amendment will add an additional nine sworn company police officers increasing the number from the current 24 to 33.
  - CATS FY2011 budget reduces the number of CMPD Transit Police from the current 12 to four.
  - This change will result in a net increase of one officer and a savings of \$300,000.

	FY2010 Staff	FY2011 Staff	Employer
Unarmed Security	5	5	Allied Barton
Fare Inspectors	5	5	City of Charlotte
CMPD Officers	12	4	City of Charlotte
Sworn Company Police	24	33	Allied Barton
Total Transit Security Force	46	47	

- The City maintains the full ability to terminate the contract immediately for any default including any violation of the law and may terminate without cause upon 30 days notice to the vendor. The authority to terminate or modify the contract is delegated to the City Manager.

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

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

#### **Funding**

Transit Operating Budget

## **47. Scaleybark Road, South Boulevard and Whitton Street Improvements Infrastructure Reimbursement Agreement**

<b>Action</b>	<b>Approve an Infrastructure Reimbursement Agreement with Crosland Greens, LLC for improvements to Scaleybark Road, South Boulevard and Whitton Street, in an amount not to exceed \$2 million.</b>
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**Staff Resource:** Mike Davis, Transportation

#### **Explanation**

- Crosland Greens, LLC plans a commercial mixed-use development at the corner of South Boulevard and Scaleybark Road, consistent with the Scaleybark Transit Station Area Plan and the approved rezoning petition #09-036.
- The Scaleybark Transit Station Area Plan calls for improved infrastructure to support access to the Scaleybark transit station for pedestrians and motorists, and to support economic development.
- This improvement project includes widening and streetscape improvements on Scaleybark Road, South Boulevard, and Whitton Street and construction of two local street connections to Hartford Avenue.
- Under the terms of the agreement, the City would reimburse Crosland Greens, LLC up to \$2,000,000 less the City's cost for a new traffic signal installation (approximately \$375,000) on Scaleybark Road and right-of-way for the proposed local street extensions to Hartford Avenue (not to exceed \$50,000).
- Crosland Greens, LLC has asked the City to approve the infrastructure reimbursement agreement to give their equity partner evidence of the City's financial commitment to the project
- Reimbursement is contingent upon voter approval of the planned 2010 Transportation Bonds.

- Crosland Greens, LLC will comply with the public advertising and bidding process requirements of G.S. 143-129.

#### **Small Business Opportunity**

The Infrastructure Reimbursement Agreement contains a 10% SBE utilization goal.

#### **Funding**

Transportation Capital Investment Plan (2010 Bonds)

### **48. IKEA Boulevard Extension Infrastructure Reimbursement Agreement Amendment #3**

**Action: Approve Amendment #3 to the IKEA Boulevard Infrastructure Reimbursement Agreement with Crescent Resources LLC, extending the road construction completion date by two years to April 1, 2014.**

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

#### **Explanation**

- In January 2008, City Council authorized the City to enter into an Infrastructure Reimbursement Agreement with Crescent Resources LLC to construct a new road associated with the new IKEA store and its associated mixed-use developments. The road extension was to be completed by the second anniversary of an issuance of certificate of occupancy (COO) to the IKEA store, which was issued April 1, 2009.
- A maximum reimbursement amount of \$5,387,449 was established for the road and is to be paid through a ten-year, 90% tax increment reimbursement.
- Amendment #1 to the Agreement, authorized by City Council in January 2009, allowed for additional expenditures of \$35,000 to redesign the intersection of IKEA Boulevard and McCullough Drive as a roundabout intersection.
- Amendment #2 to the Agreement, authorized by City Council in August 2009, extended the required completion date of the road from the second anniversary of the issuance of the certificate of occupancy to the third anniversary year of the issuance of the COO (April 1, 2011 to April 1, 2012).
- Current economic conditions have significantly slowed development activity at this site. Commencing construction in the fall of 2011 without associated redevelopment activity would pose significant challenges to the viability of the project and create financing difficulties for the developer.
- Amendment #3 to the agreement would extend the required completion date of the road from within three years of the issuance of the COO to within five years of the issuance of the COO, which is April 1, 2014.

#### **Small Business Opportunity**

The Infrastructure Reimbursement Agreement established a 10% SBE goal for this project.

#### **Funding**

The project is funded through a ten-year, 90% tax increment reimbursement with a maximum amount of \$5,387,449

## 49. Closures of S. Crigler Street and Marvin Smith Road at CSX Railroad

**Action: Approve closures of S. Crigler Street and Marvin Smith Road Crossing at CSX Railroad.**

**Staff Resource:** Tim Gibbs, Transportation

### Explanation

- CSX Railroad requested the closures of S. Crigler Street and Marvin Smith Road in order to construct a second track parallel to the existing one from north of Interstate 85 to the Pinoca Yard, located just north of the Hoskins and Rozzelle's Ferry roads' intersection.
- State statute requires that the municipality must agree to close any road at a railroad crossing.
- CSX operates an intermodal truck to rail transfer terminal at the Pinoca Yard on Hovis Road.
- Population and business growth over the past few years necessitates the need for increased overall corridor capacity and assistance with moving trains into and out of the Pinoca Yard.
- Track construction requires the following roadway changes:
  - Permanent closure of the S. Crigler Street crossing of the CSX Railroad. This closure is part of a statewide safety effort to reduce the vehicular/train conflict points when there are other nearby crossings.
  - Permanent closure of existing Marvin Smith Road at Hoskins Road. This closure is necessary because the new railroad track will be too close to the current Hoskins Road/Marvin Smith Road intersection for safe vehicular movement. The project includes constructing a new access off Goff Street for property owners at no cost to the City.
- There have been two public meetings: February 25, 2010 and June 3, 2010. City of Charlotte, NCDOT Rail Division, and CSX Railroad representatives presented the project and responded to questions. A smaller, less formal meeting with community leaders took place on June 11, and existing citizen concerns are:
  - Existence of a second track once project is complete
    - The railroad is adding a second track completely within its existing right of way.
  - Hoskins Road being closed for an extended period of time
    - CDOT is committed to working with the railroad to keep closure times to a minimum during project construction and also to look at other access alternatives beyond the construction period.
- The anticipated schedule is as follows:
  - June 28, 2010 – Charlotte City Council considers street closings
  - December 2010 – Begin construction
  - June 2011 – Construction complete

### Attachment 19

Map

## 50. Airport Supplemental Agreement with NCDOT

**Action:** Approve a Supplemental Agreement with the North Carolina Department of Transportation to extend the completion time by two years for an extension of West Boulevard from New Dixie Road to the I-485 interchange.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- An extension of West Boulevard from New Dixie Road to the I-485 interchange needs to be constructed as part of the road relocations necessitated by the construction of the new runway.
- To expedite the road relocation, the Airport is managing the road design and construction.
- In November 2006, City Council approved a Municipal Agreement with NCDOT in the amount of \$1,700,000 in state funding for a portion of the construction of the West Boulevard extension.
- The total estimated cost of this project is \$7,300,000. Upon completion of the project, NCDOT will reimburse the City for \$1,700,000 of that total.
- This Supplemental Agreement extends the time to complete the construction by two years from the date of execution of the agreement.
- In September 2009, Council awarded a \$1,649,946.06 contract for site preparation and grading.
- City Council will be asked to approve a construction contract for the paving of the West Boulevard extension in July, with completion of the road in spring 2011.

## 51. Hazard Mitigation Plan

**Action:** Adopt a resolution adopting the 2010 Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan, and designate the Charlotte-Mecklenburg Emergency Management Office with the authority to implement, review and carry out the objectives of the Hazard Mitigation Plan.

**Staff Resources:** Jeff Dulin, Fire  
Wayne Broome, Charlotte-Mecklenburg Emergency Management

### Explanation

- State and federal regulations require that local government units adopt a Hazard Mitigation Plan in order to be eligible for federal and state assistance in the event of a disaster declaration.
- Federal regulations require that a community Hazard Mitigation Plan must be reviewed and updated annually, and re-adopted every five years.
- The City of Charlotte, as well as the other municipalities within Mecklenburg County performed a comprehensive review and evaluation of each section of the previously approved 2005 Multi-jurisdictional Hazard Mitigation Plan. The 2010 plan was updated in accordance to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

- The public was allowed to comment on the plan through a public meeting held on January 21, 2010 at the Charlotte-Mecklenburg Government Center. There was also a website for the plan ([www.charmeckem.net](http://www.charmeckem.net)) where the public could enter comments.
- The attached resolution will authorize the following:
  - Adopt the 2010 Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan
  - Vest the Charlotte-Mecklenburg Emergency Management Office with the responsibility, authority and the means to communicate the plan's adoption and cooperate with federal, state and local agencies as well as private firms regarding floodplains
  - Appoint the Charlotte-Mecklenburg Emergency Management Office as the Office responsible for ensuring that the Hazard Mitigation Plan is reviewed and updated in accordance to federal and state requirements
  - Commit City Council to review and take official action on future objectives of the Hazard Mitigation Plan when required

### **Attachment 20**

Resolution

## **52. Settlement of Workers' Compensation Claim**

**Action: Approve a payment of \$145,000 in full and final settlement of a Workers' Compensation claim for Neighborhood & Business Services' employee Denise Reid.**

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

### **Explanation**

- This payment will be a full and final settlement.
- On August 11, 2009, Ms. Reid was injured in a work-related accident.
- Further explanation is provided to the Mayor and Council in a separate confidential attorney-client privileged memo.

## **53. Charlotte Center City Partners Board Appointments**

**Action: Appoint the Charlotte Center City Partners Board of Directors for FY2011 as nominated by the existing Center City Partners Board.**

**Staff Resource:** Emily Cantrell, 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 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:

Todd Mansfield, Chair	Patsy Kinsey
Jennifer Appleby	Mary MacMillan
Fred Buckman	Michael Marsicano
Debra Campbell	Bob Morgan
Ronald Carter	Tim Newman
Ann Caulkins	Scott Provancher
Rob Cummings	Ernie Reigel
David Darnell	Pat Riley
Al De Molina	Jennifer Roberts
Bobby Drakeford	Laura Schulte
Phil Dubois	Rick Thurmond
David Furman	Krista Tillman
Art Gallagher	Jim Turner
Peter Gorman	Curt Walton
Bob Hambright	Fred Whitfield
Steve Harris	Darrel Williams
Carol Hevey	Tony Zeiss
Harry Jones	

- The following individuals are recommended for new appointments to the Board:

Pierre Bader	Eulada Watt
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- This slate maintains CCCP’s 25 voting members and adds one ex-officio member, bringing the total of ex-officio members to 12.
- CCCP’s Board approved the attached slate of nominees at its May 20, 2010 meeting.
- City Council must either appoint this slate of nominees or request a revised slate of nominees from CCCP.

**Attachment 21**  
CCCP FY2011 Board of Directors Slate

## 54. In Rem Remedy

**For In Rem Remedy #A-J, 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. 2914 Beech Nut Road (Neighborhood Statistical Area 8 – West Blvd. Neighborhood)
- B. 1711 Long Paw Lane (Neighborhood Statistical Area 115 – Coulwood Neighborhood)
- C. 1053 White Plains Road (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)

**Field Observation:**

- D. 1650 Browns Avenue (Neighborhood Statistical Area 112 – Toddville Neighborhood)
- E. 203 A & B Mill Road (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- F. 5800 aka 5710-5 Orr Road (Neighborhood Statistical Area 141 – Hampshire Hills Neighborhood)
- G. 518 State Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- H. 309 1, 2 South Turner Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- I. 4513 Wildwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- J. 2814 Yahtzee Lane (Neighborhood Statistical Area 112 – Toddville Road Neighborhood)

**Public Safety:**

**A. 2914 Beech Nut Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2914 Beech Nut Road (Neighborhood Statistical Area 8 – West Blvd. Neighborhood)**

**Attachment 22**

**B. 1711 Long Paw Lane**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1711 Long Paw Lane (Neighborhood Statistical Area 115 – Coulwood Neighborhood)**

**Attachment 23**

**C. 1053 White Plains Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1053 White Plains Road (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)**

**Attachment 24**

**Field Observation:**

**D. 1650 Browns Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1650 Browns Avenue (Neighborhood Statistical Area 112 – Toddville Neighborhood)**

**Attachment 25**

**E. 203 A & B Mill Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 203 A & B Mill Road (Neighborhood Statistical Area 26 – Biddleville Neighborhood)**

**Attachment 26**

**F. 5800 aka 5710-5 Orr Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5800 aka 5710-5 Orr Road (Neighborhood Statistical Area 141 – Hampshire Hills Neighborhood)**

**Attachment 27**

**G. 518 State Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 518 State Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)**

**Attachment 28**

**H. 309 1, 2 South Turner Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 309 1, 2 South Turner Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)**

**Attachment 29**

**I. 4513 Wildwood Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4513 Wildwood Avenue (Neighborhood Statistical Area 19 –Thomasboro/Hoskins Neighborhood)**

**Attachment 30**

**J. 2814 Yahtzee Lane**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2814 Yahtzee Lane (Neighborhood Statistical Area 112 – Toddville Road Neighborhood)**

**Attachment 31**

## 55. Airport Land Acquisition – 5606 Denver Avenue

**Action: Approve the acquisition of 10.353 acres of property at 5606 Denver Avenue for the negotiated purchase price of \$225,000.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Since 1989, the Airport has been acquiring property impacted by noise under the FAR Part 150 Noise Compatibility Program, which is approved and funded 80% by the Federal Aviation Administration (FAA).
- Using this program, the Airport purchased 42 parcels totaling 33.877 acres along Mulberry Church Road on the north side of Wilkinson Boulevard; however, because the Part 150 Program is voluntary, the Airport did not purchase all the parcels in that neighborhood.
- The Charlotte Mecklenburg Development Corporation (CMDC) has been working to redevelop this area as an industrial park, which would make the land compatible with Airport development.
- The Airport is willing to sell CMDC the parcels currently owned by the Airport to establish the park.
- CMDC has worked with Charles Michael and Janet Elaine Blanchard, the land owners at 5604 Denver Avenue (tax parcel #061-081-38), to acquire that parcel, which is adjoined by parcels owned by the Airport on both sides, in an effort to assemble enough acreage to develop the park.
- CMDC has asked the Airport to purchase this parcel for the negotiated price of \$225,000. The Airport would then sell the parcel to CMDC at the same time the other parcels are sold.
- Additionally, some of this land is located within the floodplain. An easement will be reserved on this floodplain and adjoining streams to allow for stream preservation and restoration by Storm Water Services.
- CMDC is contemplating further investments in the area to facilitate a larger industrial park that could require up to \$2,000,000 in additional City investments.

### Funding

Aviation Capital Investment Plan

## 56. McAlpine Creek Relief Sewer Phase 2 Condemnation Additional Deposit

**Action: Approve an additional deposit of \$508,550.95 in the condemnation case City of Charlotte v. Carmel Country Club, Inc., 09-CVS-15851.**

**Staff Resources:** DeWitt McCarley, City Attorney's Office  
Gretchen Nelli, City Attorney's Office

### Explanation

- On July 8, 2009, City Council authorized the condemnation of permanent sewer and temporary construction easements at 5945 Green Rea Road, the site of Carmel Country Club. These easements were necessary for the construction of the McAlpine Creek Relief Sewer, Phase 2.

- Based on an appraisal of the land value, the approved condemnation amount was \$832,125. This amount did not include the estimated cost of restoring the golf course after completion of the project, because the City had no basis for estimating restoration costs at that time.
- Since the case was filed in court, the City and Carmel Country Club have worked through construction details for the restoration of the golf course.
- The City has now obtained an estimate of the cost for the restoration and is seeking approval for an additional deposit of \$508,550.95.
- By making this additional deposit, the City will cut off the accrual of statutory interest.
- This action is not a settlement with Carmel Country Club. If the City is able to successfully negotiate a settlement, Council may be asked to approve additional compensation. If the parties cannot reach an agreement, the courts will determine just compensation.

## 57. Property Transactions

**Action: Approve the following property transactions (A-B) and adopt the condemnation resolutions (C-M).**

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

### Acquisitions

- A. Project:** 2009 Annexation - Eastfield South, Parcel # 9  
**Owner(s):** John Kirk Killian and Wife, Betsy Christensen Killian  
**Property Address:** 3225 Beard Road  
**Property to be acquired:** 18,914 sq. ft. (.434 ac.) in Sanitary Sewer Easement, plus 41,761 sq. ft. (.959 ac.) in Permanent Easement in R/W, plus 12,426 sq. ft. (.285 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$38,500  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 029-221-08  
**Total Parcel Tax Value:** \$283,500
- B. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 25  
**Owner(s):** Phillips Investment Properties, LLC  
**Property Address:** 4701 Statesville Road  
**Property to be acquired:** 5,520 sq. ft. (.127 ac.) in Fee Simple, plus 271 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 71 sq. ft. (.002 ac.) in Utility Easement, plus 22,373 sq. ft. (.514 ac.) in Temporary Construction Easement  
**Improvements:** 60% of Commercial Building  
**Landscaping:** None  
**Purchase Price:** \$134,804  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 041-151-05  
**Total Parcel Tax Value:** \$393,500

### Condemnations

- C. Project:** Conway/Briabend Storm Water Improvements, Parcel # 2, # 3 and # 24  
**Owner(s):** Conway Associates, L.P. And Any Other Parties Of Interest  
**Property Address:** Conway Avenue  
**Property to be acquired:** Total Combined Area of 45,031 sq. ft. (1.034 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Conservation Easement, plus Easement to be Abandoned, plus Temporary Construction Easement

**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$56,600  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** TOD  
**Use:** Multi Family  
**Tax Code:** 149-061-01, 149-094-13 and 149-115-61  
**Total Parcel Tax Value:** \$8,127,100

- D. Project:** Conway/Briabend Storm Water Improvements, Parcel # 8,  
**Owner(s):** Fonville & Co. And Any Other Parties Of Interest  
**Property Address:** 4444 South Boulevard # 4446  
**Property to be acquired:** Total Combined Area of 1,336 sq. ft. (.031 ac.) of Sanitary Sewer Easement, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$6,850  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 149-073-17  
**Total Parcel Tax Value:** \$3,039,100
- E. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 19 and # 20  
**Owner(s):** Timmy R. Cook and Wife, Roni R. Cook and Any Other Parties of Interest  
**Property Address:** 601 Dawn Circle  
**Property to be acquired:** Total Combined Area of 2,700 sq. ft. (.062 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$350  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 089-211-01 and 089-211-02  
**Total Parcel Tax Value:** \$89,600
- F. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 22  
**Owner(s):** Mirna Machuca Ramos and Any Other Parties of Interest  
**Property Address:** 621 Dawn Circle  
**Property to be acquired:** Total Combined Area of 1,560 sq. ft. (.036 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,700  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 089-211-04  
**Total Parcel Tax Value:** \$87,200

- G. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 42  
**Owner(s):** Heirs of Walter Dean Humphries and Any Other Parties of Interest  
**Property Address:** 514 Dawn Circle  
**Property to be acquired:** Total Combined Area of 1,616 sq. ft. (.037 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$875  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 089-212-08  
**Total Parcel Tax Value:** \$93,200
- H. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 43  
**Owner(s):** Juventina Peralta and Israel Peralta and Any Other Parties of Interest  
**Property Address:** 508 Dawn Circle  
**Property to be acquired:** Total Combined Area of 2,500 sq. ft. (.057 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$375  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 089-212-09  
**Total Parcel Tax Value:** \$92,700
- I. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 48  
**Owner(s):** Heirs of Earl Junior Green and Any Other Parties of Interest  
**Property Address:** 426 Dawn Circle

**Property to be acquired:** Total Combined Area of 3,200 sq. ft. (.073 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$550

**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 089-212-14

**Total Parcel Tax Value:** \$18,000

- J. Project:** Hidden Valley Neighborhood Improvement Project Phase 6, Parcel # 50  
**Owner(s):** Wiggins Investments, LLC and Any Other Parties of Interest  
**Property Address:** 414 Dawn Circle  
**Property to be acquired:** Total Combined Area of 3,225 sq. ft. (.074 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Overlapping Storm Drainage and Sidewalk Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$900  
**Remarks:** Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 089-212-16  
**Total Parcel Tax Value:** \$64,200
- K. Project:** Kimmerly Glen Lane Acquisition, Parcel # 1  
**Owner(s):** Carmel Investment Corporation and Any Other Parties of Interest  
**Property Address:** Kimmerly Glen Lane  
**Property to be acquired:** Total Combined Area of 3,022 sq. ft. (.069 ac.) of Fee Simple  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,200  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-17MF  
**Use:** Multi Family  
**Tax Code:** 099-281-93  
**Total Parcel Tax Value:** \$2,700
- L. Project:** McKee Creek Interceptor - Mecklenburg County, Parcel # 99  
**Owner(s):** Carolina Commerce Bank and Any Other Parties of Interest

**Property Address:** 12970 John Bostar Lane  
**Property to be acquired:** Total Combined Area of 1,611 sq. ft. (.037 ac.) of Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$250  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 111-081-04  
**Total Parcel Tax Value:** \$197,700

**M. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 54  
**Owner(s):** Charles Herbert Cochrane, Jr. And Wife, Patricia Lynn Cochrane and Any Other Parties of Interest  
**Property Address:** 5138 Statesville Road  
**Property to be acquired:** Total Combined Area of 16,158 sq. ft. (.371 ac.) of Fee Simple, plus Existing Right-of-way, plus Storm Drainage Easement, plus Utility Easement, plus Combined Utility and Sidewalk Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$30,925  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Rural Homesite  
**Tax Code:** 045-312-06  
**Total Parcel Tax Value:** \$106,000

**58. Meeting Minutes**

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

- May 3, 2010 Legislative Breakfast
- May 3, 2010
- May 12, 2010 Budget Adjustments