

**Mayor Anthony Foxx**

Michael D. Barnes  
Patrick D. Cannon  
Nancy Carter  
Warren Cooksey  
Andy Dulin

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, March 22, 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.

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
16	19	Dixie River Road Realignment

**CITY COUNCIL AGENDA  
Monday, March 22, 2010**

**TABLE OF CONTENTS**

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<b>5:00 P.M. Dinner Briefing Conference Center</b>			
1.	Mayor & Council Consent Item Questions	1	
2.	Business Equity Loan Program Revisions	1	
3.	Independence Boulevard Joint Task Force	2	
4.	Answers to Mayor and Council Consent Item Questions	2	
5.	Closed Session	3	
<b>6:30 P.M. Citizens' Forum</b>			
<b>Consent</b>			
6.	Consent agenda items 14 through 34 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.	5	
<b>Policy</b>			
7.	City Manager's Report	6	
8.	Business Equity Loan Program Revisions	6	1
9.	Youth Employment Programs Expansion	8	2
10.	Bull Run Road Connection	10	3
<b>Business</b>			
11.	Davidson Street Bus Facility's Parking Deck Construction	12	
12.	Purchase and Repair of TASER Devices	14	
13.	Mayor and Council Topics	15	

<b><u>Item No.</u></b>	<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>Consent</b>		
<b>14.</b> Resurfacing FY2010-B	17	4
<b>15.</b> Tuckaseegee Road Sidewalk	18	
<b>16.</b> Dixie River Road Realignment	19	
<b>17.</b> Thermoplastic Pavement Marking Material	20	
<b>18.</b> Bioxide Chemicals for Wastewater Treatment	20	
<b>19.</b> Airport Maintenance Shop Office	21	
<b>20.</b> Airport Sewer Line Extension	22	
<b>21.</b> Utilities' Corrosion Protection Services	23	
<b>22.</b> FY2009 Water Main Rehabilitation, Renewal #1	24	
<b>23.</b> Homeland Security Training and Exercise Services	24	
<b>24.</b> Eastwoods Neighborhood Improvement Project Design Services	25	
<b>25.</b> Airfield Pavement Rehabilitation Design Contract	26	5
<b>26.</b> Airport Terrazzo Maintenance Contract	27	
<b>27.</b> Transmission Line Relocation for New Runway	28	
<b>28.</b> Community Development Block Grant Project Application	29	
<b>29.</b> Certificates of Participation	30	6
<b>30.</b> In Rem Remedy	32	7-11
<b>31.</b> Resolution of Intent to Abandon a Portion of Eveningside Drive	34	12
<b>32.</b> Refund of Property Taxes	34	13

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>33.</b>	Property Transactions	35	
<b>34.</b>	Meeting Minutes	39	

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### 2. Business Equity Loan Program Revisions

**Committee Chair:** Susan Burgess

**Resources:** Tom Flynn, Neighborhood & Business Services  
Gail Whitcomb, Neighborhood & Business Services

**Time:** 30 minutes

**Synopsis:**

- On December 14, 2009, Council referred loan options for existing small business start-ups and entrepreneurs, including but not limited to those in targeted sectors, to the Economic Development Committee.
- A review of existing City loan programs was conducted to identify potential improvements to more effectively support small businesses and entrepreneurs in today's current economic climate.
- Existing City small business loan initiatives consist of two programs:
  - Small Business Enterprise (SBE) Loan Fund administered by Self Help
  - Business Equity Loan Program administered by Neighborhood & Business Services
- On February 25, 2010, the Economic Development Committee met to discuss revisions to the SBE Loan Fund and the Business Equity Loan Program. The Committee voted unanimously to recommend the revisions.

SBE Loan Fund

- The Economic Development Committee determined that the SBE Loan Fund is continuing to perform well in providing greater access to capital for small businesses and particularly start-ups and entrepreneurs. This is demonstrated in that 60% of the loans made in the program were made to start-ups. No revisions are recommended to this program.

Business Equity Loan Program

- The Economic Development Committee recommended approval of the following changes to the Business Equity Loan Program:
  - Geography - Expand geography city-wide for two years
  - Targeted Sectors - Limit loans outside of business corridor geography to targeted sectors
  - Personal Net Worth - Align personal net worth criteria to the Small Business Opportunity program guidelines

- Job Creation – Align job criteria with the federal Small Business Administration 504 loan program
- Loan Amounts - Adjust the maximum loan amounts allowed under the program

**Future Action**

This is item 8, page 6 of this agenda.

**3. Independence Boulevard Joint Task Force**

**Resources:** Danny Pleasant, Transportation  
Norm Steinman, Transportation

**Time:** 30 minutes

**Synopsis**

- On December 8, 2009, the North Carolina Secretary of Transportation, Gene Conti, met with Senator Clodfelter, Mayor Foxx, Curt Walton, the NCDOT Division Engineer, several Council members and other representatives of the City to discuss ways to better integrate NCDOT's upcoming project on Independence Boulevard with the City's draft Independence Boulevard Area Plan.
- At that meeting, City and NCDOT staff agreed to form a joint staff task force to take up to 90 days to review NCDOT's widening project and the City's draft Area Plan to insure their optimum compatibility.
- A technical team of City and NCDOT staff worked to define, evaluate, and recommend potential project changes that accomplish the objectives.
- The resulting recommendations are based on supporting the principles and integrated land use and transportation vision of the draft Area Plan.
- The Task Force recommends the widening of the next segment of Independence, from Sharon Amity to Conference Drive, proceed on schedule with minor modifications. This project is fully funded and NCDOT is preparing to begin right-of-way acquisition.
- A meeting of the Area Plan's Citizen Advisory Group will be scheduled for mid-April, with a public-at-large meeting tentatively scheduled for late April or May.
- Staff will present the Task Force's recommendations regarding access to businesses and design modifications to streets and bridges.

**4. 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.

## 5. Closed Session

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

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



## **CONSENT**

- 6. Consent agenda items 14 through 34 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.**

## POLICY

### 7. City Manager's Report

### 8. Business Equity Loan Program Revisions



**Action:** Approve the Economic Development Committee's recommendations to revise the Business Equity Loan Program in the following areas:

1. **Geography - Expand loan geography to city-wide for two years**
2. **Targeted Sectors – Limit loans outside of the business corridor geography to targeted sectors**
3. **Personal Net Worth – Align personal net worth criteria to the Small Business Opportunity Program guidelines**
4. **Job Creation – Align job criteria with the federal Small Business Administration 504 loan program**
5. **Loan Amounts - Adjust the maximum loan amounts allowed under the program**

**Committee Chair:** Susan Burgess

**Staff Resources:** Tom Flynn, Neighborhood & Business Services  
Gail Whitcomb, Neighborhood & Business Services

#### **Explanation**

- On December 14, 2009, Council referred loan options for existing small business start-ups and entrepreneurs, including but not limited to, those in targeted sectors to the Economic Development Committee.
- A review of existing City loan programs was conducted to identify potential improvements to more effectively support small businesses and entrepreneurs in today's current economic climate.
- Existing City small business loan initiatives consist of two programs:
  - Small Business Enterprise Loan Fund administered by Self Help
  - Business Equity Loan Program administered by Neighborhood & Business Services

#### **Recommended Business Equity Loan Program Revisions**

##### Program Geography

- Current program geography consists of the Business Corridor Revitalization Geography.
- Recommend expanding the program geography to city-wide for two years
- After two years, the city-wide expansion will end and the eligible program geography will revert to the Business Corridor Revitalization Geography.

##### Targeted Sectors

- Recommend that loans made outside of the Business Corridor Revitalization Geography must be in one of the following six targeted sectors:
  - Health
  - Defense
  - Energy/Environment

- Finance
- Motorsports
- Manufacturing

Personal Net Worth

- Current program guidelines limit personal net worth of business owners to \$300,000 or less. Owners can exclude up to \$500,000 in retirement funds and the value of the business.
- Recommend aligning personal net worth with the SBO Program
  - Owners must have less than \$750,000 of personal net worth.
  - Owners can exclude all retirement funds, value of the business and up to \$500,000 in equity in their primary residence.

Job Creation and Retention

- Current program guidelines require one new full-time equivalent job position be created within two years of making the loan for every \$10,000 of City loan funds. Job retention is not considered.
- Recommend aligning job criteria with the federal Small Business Administration 504 loan program.
  - One new full-time equivalent job must be created or retained within two years for every \$65,000 of City loan funds for non-manufacturing firms.
  - One new full-time equivalent job must be created or retained within two years for every \$100,000 of City loan funds for manufacturing firms.

Maximum Loan Amounts

- Current program guidelines establish the following maximum loan amounts:
  - City loan will not exceed 25% of the bank loan amount
  - \$100,000 maximum loan amount for non-manufacturing firms;
  - \$150,000 maximum loan amount for manufacturing firms
- Recommend adjusting the maximum loan amounts as follows:
  - City loan will not exceed bank loan amount
  - \$100,000 maximum loan amount for non-manufacturing firms
  - \$150,000 maximum loan amount for manufacturing firms (no change)
  - Up to 40% of total project costs for businesses inside the Business Corridor Revitalization Geography
  - Up to 25% of total project costs for businesses outside the Business Corridor Revitalization Geography

**Funding**

- The Equity Loan Program has a fund balance of \$1.4 million. Staff estimates that these changes will result in making 20 loans with an average value of \$35,000 during the next 12 months. This will leave \$700,000 in the fund balance.
- The estimated level of loan activity will also require a full-time loan program manager. Neighborhood & Business Services will use existing resources to meet this need.

**Committee Discussion**

- On February 25, 2010, the Economic Development Committee met to discuss revisions to the Small Business Equity (SBE) Loan Fund and Business Equity Loan Program.
- The Committee determined that the SBE Loan Fund is continuing to perform well in providing greater access to capital for small businesses

and particularly start-ups and entrepreneurs as demonstrated by over 60% of loans made in the program being to start-ups. No revisions are recommended to this program.

- The Committee voted unanimously (Burgess, Carter, Dulin, Kinsey, and Mitchell) to recommend approval of changes to the Business Equity Loan Program.
- The Committee also directed staff to continue exploring small business access to capital issues and initiatives.

**Other Small Business Capital Access Issues**

- As shared with the Economic Development & Planning Committee, staff will continue to work on the following small business capital access issues:
  - Recommendations on City involvement in equity funding
  - Capital gap analysis
  - June 2010 "Access to Capital Conference" in partnership with the Charlotte Chamber

**Attachment 1**

February 25, 2010 - Economic Development Committee Presentation

**9. Youth Employment Programs Expansion**



**Action: A. Approve the Economic Development Committee recommendation to:**

- 1. Amend the City’s contract with Goodwill Industries by \$25,000 from the FY2010 Council Discretionary Fund to increase summer job development activities at the Youth Job Connection, and**
- 2. Authorize staff to use up to \$65,000 in existing Mayor’s Youth Employment Program funds to provide wage subsidies for participants, and**

**B. Adopt a budget ordinance appropriating \$25,000 from Council’s Discretionary Fund.**

**Committee Chair:** Susan Burgess

**Staff Resource:** Brad Richardson, Neighborhood & Business Services

**Explanation**

- On November 9, 2009, City Council referred the issue of expanding the City’s youth employment programs to the Economic Development Committee.
- The City operates two separate youth employment programs:
  - The Goodwill Industries Youth Job Connection (YJC) focuses on providing entry-level job skills training for Mecklenburg County youth ages 14-21. The YJC employs a part-time job developer to work with local employers to find job opportunities for its youth customers.
  - The Mayor’s Youth Employment Program provides internships for low-income youth ages 16-18 within Charlotte’s targeted growth industries as well as City government. Participants are referred from community partners, such as Communities in Schools and Right Moves for Youth.

Goodwill Industries Youth Job Connection (YJC)

- On November 9, 2009 City Council approved a \$200,000 contract with Goodwill Industries to operate the YJC, and established the following objectives for the summer of 2010:
  - Provide basic job skills training to 750 youth
  - Provide intensive career counseling to 300 youth with a 50% job placement rate (or 150 jobs)
- The Economic Development Committee recommendation would amend Goodwill's contract by using \$25,000 from Council's Discretionary Fund to increase the amount of resources dedicated to job development activities.
- If approved, Goodwill will use the additional resources for the following activities:
  - Host two additional job fairs to assist local employers to identify qualified youth candidates for summer work
  - Increase outreach to local employers for summer jobs to determine their need and interest in hiring youth
- Staff expects that these additional resources will assist Goodwill in placing 175 youth in jobs this summer.

Mayor's Youth Employment Program (MYEP)

- In the summer of 2009, the number of participating employers declined due to the economic recession, and the MYEP created 45 internships, compared with 174 in the summer of 2008.
- Currently, the City's goal is to provide 50 internships for the summer of 2010.
- The Economic Development Committee's recommendation would use up to \$65,000 in already-budgeted program funds to provide partial wage subsidies as employer incentives.
- The wage rate would be \$8 per hour. Staff's goal with the wage subsidies would be to provide 100 internships in the summer of 2010.
- If approved, the already budgeted program funds will come from the following sources:
  - \$52,000 – Savings from summer of 2009 due to a decrease in internships
  - \$13,000 – Reductions and efficiencies for summer of 2010

**Committee Discussion**Goodwill Industries Youth Job Connection:

- Staff presented the following options to the Economic Development Committee regarding expanding the YJC:
  - Increase the FY2010 contract with Goodwill to enable Goodwill to dedicate more resources to job development this spring.
  - Consider an increase in the City's FY2011 contract with Goodwill during the Council's budget discussions.
- Of these two options, Council discussed that amending the FY2010 contract with a portion of the Council Discretionary Fund would enable Goodwill to more quickly add resources to affect the success of the program in the summer of 2010.
- The Committee voted 2-1 (Burgess, Carter: for; Kinsey: against) to amend the City's contract with Goodwill using \$25,000 from Council's Discretionary Fund.

Mayor’s Youth Employment Program

- Staff presented the following options to the ED Committee regarding expanding or altering the MYEP:
  - Use a portion of program funds as partial wage subsidies as an employer incentive, similar to the American Recovery and Reinvestment Act Stimulus Youth Summer Jobs Program.
  - Explore a new program model with Charlotte-Mecklenburg Schools that would serve a younger and wider population
  - Discontinue funding the MYEP and re-allocate funds to Goodwill’s Youth Job Connection.
- Of the three options, the Committee directed staff to explore the use of the program funds to provide partial subsidies.
- The Committee voted unanimously (Burgess, Carter and Kinsey) to recommend use of up to \$65,000 in existing funds to provide partial wage subsidies.

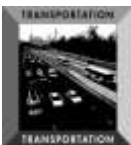
**Funding**

\$25,000 from Council’s Discretionary Fund. The unencumbered balance of the fund is \$55,668, prior to this action. After the budget ordinance is effective, the balance will be \$30,668.

**Attachment 2**

Budget Ordinance

**10. Bull Run Road Connection**



**Action: Approve Transportation and Planning Committee recommendation to retain the connection of Bull Run Road between Getalong and Fernspray Roads.**

**Committee Chair:** David Howard

**Staff Resource:** Doreen Szymanski, Transportation

**Policy**

Subdivision Ordinance Policy and Connectivity Policy Statements

**Explanation**

- At the request of Getalong Road residents, City Council referred the potential Bull Run Road street closing to the Transportation and Planning Committee for review.
- CDOT staff presented information to the Committee and recommended retaining the connection based upon:
  - Subdivision Ordinance – Bull Run Road was stubbed for connection with Getalong Road and was subsequently built in accordance with the Subdivision standards. Since the 1950’s, the City has required hundreds of similar connections throughout the City.
  - Connectivity Policy Statements – the Policy Statements approved by City Council encourage preserving existing opportunities for connection, which in this case, led to the building of Bull Run Road when the Seven Oaks Subdivision development began. Another policy statement identifies protecting and mitigating traffic impacts. Speed humps were built on Getalong Road in the fall of 2009 to mitigate traffic impacts.

- Traffic Analysis – CDOT counted traffic in the area. When Seven Oaks Subdivision is fully built, CDOT projects 1,000-1,400 vehicles a day on Getalong Road. Since this constitutes a low volume street and mitigation measures are in place, CDOT supports retaining the connection.
- Charlotte Fire Department prefers the connection remain since it offers an alternative route to Getalong Road should Rocky River Road be blocked for any reason when a call for service is received.

**Committee Discussion**

- The Transportation and Planning Committee supported staff's recommendation to retain the connection of Bull Run Road (3-1, Howard, Kinsey, Cooksey for, and Barnes against.)
- Council member Barnes questioned the validity of the traffic counts. He was concerned with the increase of traffic from 200 vehicles per day prior to Bull Run Road connecting and the potential for over 1,000 vehicles a day when the Seven Oaks subdivision is fully built. He also noted that emergency response units only had one access to Getalong Road prior to Bull Run being built.

**Attachment 3**

Map  
Subdivision Ordinance Language  
Connectivity Policy Statements

**BUSINESS**

**11. Davidson Street Bus Facility’s Parking Deck Construction**



**Action:**   **A. Reject the apparent low bid of \$4,431,000 by R.J. Griffin & Company as non-responsive due to non-compliance with the requirements of the federal Disadvantaged Business Enterprise (DBE) program, and**

**B. Award a contract to Adolfson & Peterson Construction, the lowest responsive bidder, for the construction of the parking deck at the Davidson Street Bus Facility in an amount not to exceed \$4,459,203.**

**Staff Resources:**   Carolyn Flowers, Transit  
                                   John Trunk, Transit

**Previous Council Actions**

- On April 27, 2009, City Council approved a plan for Phase I renovations of the Davidson Street Bus Facility. The City Manager was authorized to apply for \$20,766,306 of American Recovery and Reinvestment Act (ARRA) funds for the Davidson Street Bus Facility renovations. ARRA required that all projects be “shovel ready” at the time of submission.
- The application for the federal ARRA funds was successful and required no local matching funds. Council authorized the acceptance of the ARRA funds on July 27, 2009.
- The Davidson Street Bus Facility Project is comprised of three primary components funded by ARRA:
  - Maintenance building renovation
  - Parking deck construction
  - Administrative building renovation
- On September 14, 2009, Council approved the award of the contract to construct and renovate the Maintenance Building to Clancy & Theys.
- This Adolfson & Peterson contract will provide for the construction of the Parking Deck to serve the Davidson Street Bus Facility.
- The updated breakdown of the grant allocation is as follows:

Maintenance Building Renovation	\$ 8,704,000
Owner Inspection Services	275,000
Parking Deck Construction	4,459,203
Administrative/Operations Building Renovation	3,700,505 (projected)
Technology, Project Management	3,627,598 (projected)
<b>Total</b>	<b>\$20,766,306</b>

**Project Background**

- The Davidson Street Bus Facility was constructed in 1981 to house 200 buses and staffing adequate for a bus fleet of that size.
- After 28 years of service, the overall facility requires renovations and improvements, and is being reconfigured to better meet current and future needs.
- This parking deck, with a capacity of 328 spaces, is required to accommodate the bus operators, mechanics and support staff that the renovated Davidson Street Facility will house.



- The new parking deck will create a safer working environment for employees by providing up-to-date security infrastructure, including electronic access into the parking facilities and use of a smaller horizontal footprint, as the deck will have multiple levels.
- The construction of the parking deck does not include the area of the Davidson Street Bus Facility campus recently approved by Council for rezoning.

**Bid Rejection Explanation**

- The apparent low bidder, R.J. Griffin & Company, did not meet the established DBE project goal at the time of bid opening, effectively committing to a DBE goal of 0%, as the only firm listed for utilization was not DBE certified. All bidders were required to submit documentation of their Good Faith Efforts to employ DBE subcontractors with their bid.
- In accordance with Title 49 CFR Part 26, a bidder must either meet a DBE contract goal or document good faith efforts (GFE) towards achieving that goal, whenever a DBE contract goal is assigned to a project.
- The federal standards provide that good faith efforts submitted should be intense, aggressive, and show a genuine desire to utilize DBE’s on the proposed project. If the efforts are determined to be superficial and not reasonable to produce sufficient DBE participation, the bidder’s efforts will be found to be insufficient and thus unresponsive.
- After review, CATS determined that the apparent low bidder’s good faith efforts did not demonstrate sufficient efforts to use DBE contractors on the project. As a result, their bid was found non-responsive under the Title 49 CFR Part 26 requirements.
- Under the federal rules, R.J. Griffin & Company was entitled to an administrative reconsideration by an official that did not participate in the initial DBE determination.
- The administrative reconsideration official designated for this matter was a City employee with the Engineering & Property Management Key Business Unit.
- An administrative reconsideration hearing was held on March 3, 2010 and R.J. Griffin & Company presented both documentation and argument that it had made adequate good faith efforts.
- The administrative reconsideration official determined that R.J. Griffin’s good faith efforts were insufficient.

**Disadvantage Business Enterprise Opportunity**

Established Project wide DBE Goal: 11%

Committed DBE Goal: 17.1%

Adolfson & Peterson committed to use the following DBE Firms: WGK, Inc. (demolition, misc. site concrete), TeeCee Corp. (fencing), Phillips & Cassell, LLC (landscaping) and Briegan Concrete (concrete).

**Summary of Bids**

<b>Bidders</b>	<b>Bid Amount</b>
R.J. Griffin & Company	\$4,431,000
Adolfson & Peterson Construction	\$4,459,203
D.H. Griffin Construction Co. LLC	\$4,620,000
Edison Foard, Inc.	\$4,624,200
Southside Constructors	\$4,645,664

Edifice Inc.	\$4,780,000
Choate Construction	\$4,816,350
Piedmont Construction Group	\$4,821,234
VCC	\$4,823,700
LeChase Construction Service, LLC	\$4,830,840
New Atlantic Contracting, Inc.	\$4,921,350
Matthews Construction	\$5,208,000

**Funding**

Transit Stimulus Grant Fund

**12. Purchase and Repair of TASER Devices**



**Action:**

**A. Approve the purchase and repair of TASER non-lethal weapons without competitive bidding, as authorized by the sole source exception of G.S. 143-129(f), and**

**B. Approve a contract with TASER International, Inc. for the purchase and repair of TASER X26 devices, holsters and cartridges in an amount not to exceed \$210,000.**

**Staff Resources:** Ken Miller, Police  
Greg Crystal, Police

**Sole Source Exception**

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available
  2. A needed product is available from only one source or supply; or
  3. Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since the non-lethal weapons used by Charlotte-Mecklenburg Police officers must be standardized for training, maintenance, and repair purposes.
- Purchases made under the sole source exemption require City Council approval.

**Explanation**

- To equip the new officers hired in FY2010, police needs to purchase 125 new TASER devices.
- In addition, Police has identified 25 existing TASER units that need to be replaced and another 54 units in need of repair.
- TASER International, the manufacturer of the units, makes both warranty and out-of-warranty repairs.
- TASER International patents the TASER X26 and does not have authorized distributors.
- Funding for the 125 new TASER devices was approved by Council as part of the budget for the 125 new police officers.
- Funds for the replacement and repair of existing units were included in the American Recovery and Reinvestment Act (ARRA) Justice Assistance grant.

**Small Business Opportunity**

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

**Funding**

Police Operating Budget and ARRA Justice Assistance Grant

**13. 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."

## PROCUREMENT ITEMS

### 14. Resurfacing FY2010-B

**Action: Award the low bid to Blythe Brothers Asphalt Co. LLC in the amount of \$7,687,435.50 for Resurfacing FY2010-B.**

**Staff Resource:** Layton Lamb, Transportation

#### **Explanation**

- This project consists of resurfacing approximately 79 miles of City streets.
- The work includes:
  - Traffic control
  - Asphalt and concrete pavement milling
  - Base failure repair
  - Asphalt surface treatment
  - Utility adjustments
  - Manhole frame and cover replacements
  - Wheelchair ramp construction and repair
  - Asphalt paving
  - Pavement marking

- This is the second of three resurfacing contracts for FY2010. Council approved the first contract in November 2009. The third contract will be submitted to Council for approval in early May 2010.
- The three contracts will focus on paving an estimated 160 to 190 street miles (mileage is dependent upon asphalt price stability) throughout the City.
- In FY2008, 104 miles were resurfaced. Another 100 miles were resurfaced in FY2009.
- The FY2009 contract was suspended on November 15, 2009 for the winter and resumed on March 15, 2010.
- The FY2010-B resurfacing contract will target many streets with pavement failures that contribute to the development of potholes.
- Pothole repair and snow/ice costs have not impacted the resurfacing budget because those activities are performed by City crews and their costs are budgeted separately from the resurfacing budget.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.22%

Blythe Brothers Asphalt Co. LLC committed 7.22% (\$555,380.50) of the total contract amount to the following SBE firm: Carolina Cajun Concrete (general construction services).

**Funding**

Powell Bill Street Maintenance Fund

**Attachment 4**

List of streets to be resurfaced

**15. Tuckaseegee Road Sidewalk**

**Action: Award the low bid of \$105,035.25 to CMI Contracting for the construction of sidewalk along Tuckaseegee Road.**

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

**Explanation**

- This project will improve pedestrian facilities along Tuckaseegee Road between Forestbrook Drive and J. Julian Lane.
- The project will include the construction of sidewalk, wheel chair ramps, bus stop waiting pads and pedestrian refuge islands.
- Construction is expected to be complete in third quarter 2010.

**Small Business Opportunity**

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal-setting process, therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy). Eight SBEs bid on this contract, however none were the low bidder.

**Summary of Bids**

CMI Contracting	\$105,035.25
On Time	\$114,402.00
Alpha Development	\$119,912.62

ECON International	\$120,019.75
Blythe Brothers Contracting	\$124,737.05
Twin Star	\$125,819.20
Husky Construction	\$130,894.15
Red Clay Industries	\$132,997.04
Horsepower Site Services	\$140,119.45
MH Graves	\$144,152.50
Showalter Construction	\$145,070.20
United Construction	\$146,783.70
Carolina Cajun	\$150,058.90
7 Star Construction	\$153,627.35
Oliver Paving	\$161,011.50

**Funding**

Transportation Capital Investment Plan

**16. Dixie River Road Realignment**

**Action: Award the low bid to Siteworks, LLC in the amount of \$4,500,725.75 for the construction of the Dixie River Road Realignment Project.**

**Staff Resource:** Derrel Poole, Engineering & Property Management

**Explanation**

- This project will widen Steele Creek Rd (NC 160) to a four-lane, median-divided roadway and construct a new roadway to connect existing Dixie River Road to a new location on NC 160 south of I-485. The limits of the Steele Creek Road widening are from Riverdale Drive to I-485.
- The work includes, but is not limited to:
  - Erosion control
  - Traffic control
  - Grading
  - Drainage
  - Asphalt pavement widening and overlay
  - Curb and gutter
  - Concrete sidewalk
  - Landscaped median
  - Pavement markings
  - Driveway construction
  - Drainage structures
  - Utility relocation
  - Utility adjustments
- Construction is anticipated to be completed in the fourth quarter of 2010.

**Background**

- This project was identified in the Dixie-Berryhill Strategic Plan adopted by Council in April 2003.
- Originally designed as a four-way intersection, the configuration was changed after traffic analysis revealed potential congestion problems.

**Small Business Opportunity**

Established SBE Goal: 10%  
Committed SBE Goal: 10.06%

Siteworks LLC committed 10.06% (\$295,519.62) of the base bid amount to the following SBE firms: B&B Concrete Construction (curb/sidewalk), All Points Trucking (hauling) and ACS Pavement Marking (pavement marking). Siteworks, LLC is also a certified SBE.

### **Funding**

Transportation Capital Investment Plan

## **17. Thermoplastic Pavement Marking Material**

- Action:**
- A. Award the low bid unit price contract of \$84,680 to Interstate Supplies & Services, Inc., for the purchase of thermoplastic pavement marking material for the term of one-year, and**
  - B. Authorize the City Manager to extend the contracts for four additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

**Staff Resource:** Scott Putnam, Transportation

### **Explanation**

- This contract will provide yellow and white thermoplastic pavement marking material for the Department of Transportation Operations Division. This material is ordered in bag and block form, and is used for street marking.
- All material must meet NCDOT specifications.
- The FY2010 expenditures are anticipated to be \$84,680.

### **Small Business Opportunity**

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

### **Funding**

Transportation Operating Budget

## **18. Bioxide Chemicals for Wastewater Treatment**

- Action:**
- A. Award the low bid, unit price contract of \$121,707.08 to Siemens Water Technologies, Inc., for the purchase of Bioxide for the term of three years, and**
  - B. Authorize the City Manager to extend the contracts for two additional one-year terms with a 3% price escalation each year at the time of renewal as authorized by the contract.**

**Staff Resources:** Barry Gullet, Utilities  
Charles Robinson, Business Support Services

### **Explanation**

- Bioxide is used to remove hydrogen sulfide, thereby preventing odor and corrosion within the wastewater collection system.



- Bioxide is environmentally safe and contains no hazardous substances as defined by the Occupational Safety and Health Administration.
- The FY2010 expenditures are anticipated to total \$121,707.08.

**Small Business Opportunity**

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

**Funding**

Utilities Operating Budget

## 19. Airport Maintenance Shop Office

**Action: Award the low bid of \$582,900 to MV Momentum Construction, LLC. for the construction of office space and restrooms.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In December 2004, the Airport acquired a vacant 121,640 square foot "big box" building on Wilkinson Boulevard.
- In September 2008, City Council approved a design contract with C Design for the renovation of 4,500 square feet of office and support space in the building.
- This construction contract will provide restroom facilities and office space for the Aviation Department's parking division.
- The work will be completed in 90 days.

**Small Business Opportunity**

Established SBE Goal: 9%

Committed SBE Goal: 3.17%

MV Momentum did not meet the SBE goal, but exceeded the minimum required 165 points with 180. They committed 3.17% (\$18,458) of the total contract amount to the following SBE firms: Gastonia Iron Works (steel supply) and Mekki Modular (carpet/tile). In addition, subsequent to the bid opening, MV Momentum committed an additional 4.73% (\$27,600) to the following SBE firm: Men in Motion, LLC (walls/ceiling).

**Funding**

Aviation Capital Investment Plan

## 20. Airport Sewer Line Extension

**Action:**   **A. Reject the low bid from Landsdown Earth & Pipe as non-responsive due to non-compliance with the requirements of the federal Disadvantaged Business Enterprise (DBE) program, and**

**B. Approve a contract with Scurry Construction in the amount of \$284,607.90 for the installation of a sewer line.**

**Staff Resource:**   Jerry Orr, Aviation

### **Project Explanation**

- In June 2009, City Council approved a land exchange between the Airport and DavidLand, LLC, which allowed DavidLand to move forward with an industrial development at the corner of Steele Creek Road and Byrum Drive.
- As part of that development, DavidLand would construct a sewer line extension from the property to an existing sewer line that connects to the Coffey Creek outfall, but not until a tenant is secured for the building.
- The Airport intends to connect to this new line with the sewer line currently under construction that will serve the new fire station on the airfield.
- Since the Airport will need to have sewer service for the fire station prior to DavidLand securing a tenant for their building, the Airport will install the sewer line extension for DavidLand.
- DavidLand will pay half the cost of installation at the time their building taps into the line.
- This contract will install the line as designed by DavidLand's engineer.

### **Low Bid Rejection**

- This project included a 12% DBE goal. Landsdown Earth & Pipe did not meet the goal, having no participation at the time of the bid, nor did they perform adequate good faith efforts to obtain DBE participation, therefore, their bid was deemed non-responsive.

### **Disadvantaged Business Opportunity**

Established DBE Goal: 12%

Committed DBE Goal: 6.6%

Scurry Construction did not meet the goal, but did meet the Good Faith Efforts necessary to comply with the program. Scurry committed to using D's Trucking Service (Hauling) and Herndon, Inc. (Seeding).

### **Funding**

Aviation Capital Investment Plan

## CONTRACT ITEMS

### 21. Utilities' Corrosion Protection Services

- Action:**
- A. Award a contract with Russell Corrosion Consultants, Inc., in the not-to-exceed amount of \$200,000 for design of corrosion control systems related to the water and sanitary sewer system throughout Mecklenburg County, and**
  - B. Award a contract with Rummel, Klepper & Kahl, LLP, in the not-to-exceed amount of \$250,000 for inspection and repair of existing corrosion control systems and development of directional drilling technical specification, in addition to the above corrosion control design services.**

**Staff Resource:** Barry Gullet, Utilities

#### Explanation

- Corrosion control is needed to prevent the deterioration of metal pipe caused by reactions between the pipe and corrosive soils.
- Without corrosion control, metal pipe will lose its outer layers and get thinner until it eventually ruptures.
- Studies performed at individual construction sites measure the risk of corrosion, and allow for a custom-designed protective system. The specific type of system will depend on the kind of pipe material being used and the severity of the corrosive soil.
- Typical corrosion control systems include:
  - Installation of a polyethylene casing around the pipe
  - Installation of electrodes to attract corrosive forces away from the pipe
- These contracts provide funding for the following items:
  - Appropriate corrosion control measures for water and sewer pipelines and facilities, including field and laboratory analysis
  - Development of specifications, plans and details for corrosion control systems for specific utility projects
  - Corrosion control system field inspection services and performance of minor repairs and maintenance-related work on existing corrosion protection systems
- In addition to the corrosion control field services, Rummel, Klepper & Kahl will develop standard performance specifications for horizontal directional drilling (HDD) and develop a Utilities design guide for all future HDD installations.
- Both firms were selected using the Council approved qualifications-based selection process.

#### Small Business Opportunity

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

#### Funding

Utilities Capital Investment Plan

## 22. FY2009 Water Main Rehabilitation, Renewal #1

**Action: Approve renewal #1 of the contract with Heitkamp, Inc., in the amount of \$1,501,530.22, for cleaning and epoxy lining of aged water mains throughout Mecklenburg County.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- In June 2009, Council awarded a contract in the amount of \$1,484,752.52, for cleaning and epoxy lining of aged water mains throughout Mecklenburg County.
- Rehabilitation is done throughout the year, typically on lines that have reached the end of their service life, and based on water quality complaints received from customers.
- The contract provides for three annual renewal terms, at the sole discretion of the City, with unit price adjustments based on the Construction Cost Index. This index indicates a 1.13% cost increase since award of the contract in June 2009, which would equate to a \$16,778 increase.

### Small Business Opportunity

Heitkamp had a committed goal of 5.54% during the initial term of the contract. To date, they have attained a goal of 11.5% (\$110,632.50) with the following SBE firms: Central Carolina Underground, (water main repairs), Conmat Development, Inc. (sidewalk and driveway repairs) and Victor Melton Construction, (storm drain repairs).

### Funding

Utilities Operating Budget

## 23. Homeland Security Training and Exercise Services

**Action: A. Approve a contract with Joseph Sorrentino, Inc for Urban Search and Rescue Training and Exercises for a term of two years, in the amount not to exceed \$130,000, and**  
**B. Approve a contract with Rescue Training Associates, Inc for Medical Specialist Training per FEMA standards for a term of two years in the amount not to exceed \$120,000.**

**Staff Resource:** Jeff Dulin, Fire

### Explanation

- The 2009 Urban Area Security Initiative (UASI) and State Homeland Security Grant Programs require that at least 25% of the funding received by the state and local jurisdictions be used to provide planning, training and exercise activities.
- After reviewing the needs for Charlotte-Mecklenburg and the UASI, staff determined the following focus areas be set:
  - Training: Offerings will include Urban Search and Rescue Task Force position classes, and Disaster Medical Specialist classes.
  - Exercises: Exercises will test and evaluate current plans and protocols for disaster events using special operations teams. Once complete, a

corrective action plan will be provided with recommended plan and protocol changes, and training recommendations.

- Joseph Sorrentino Inc. will conduct Urban Search and Rescue Training and Exercises.
- Rescue Training Associates will conduct the Disaster Medical Specialist Training.

#### **Small Business Opportunity**

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

#### **Funding**

2009 UASI Grant Funding; 2009 State Homeland Security Grant Funding; 2009 U.S. Health Resources and Services Administration Funding

## **24. Eastwoods Neighborhood Improvement Project Design Services**

**Action: Approve a contract with US Infrastructure of Carolina, Inc. in the amount of \$338,500 for design services for Eastwoods Neighborhood Improvement Project.**

**Staff Resources:** Keith Carpenter, Engineering & Property Management  
Carl Jarrett, Engineering & Property Management

#### **Explanation**

- The Eastwoods Neighborhood Improvement Project (NIP) is located in East Charlotte and is bounded by Albemarle Road, Wilgrove-Mint Hill Road, Wilson Grove Road and tributaries of McAlpine Creek.
- During the planning phase, two public meetings were held for residents to voice concerns, ask questions and prioritize improvements for their neighborhood. The majority of attendees supported the project.
- Specific improvements selected by the residents include sidewalk, curb and gutter and storm drainage improvements.
- Funding for planning and design was included in the 2008 Neighborhood Improvements Bonds.
- The real estate acquisition and construction funds for this project are expected to be included in the 2010 Neighborhood Improvement Bonds.
- On August 25, 2008, City Council approved the planning phase contract in the amount of \$137,400. Planning work is now complete.
- US Infrastructure of Carolina, Inc., was selected pursuant to a Council-approved, qualifications-based process performed in accordance with NC General Statutes.
- This design contract will carry forward the planning phase work.

#### **Small Business Opportunity**

The City negotiated a SBE goal with US Infrastructure of Carolina, Inc., after the proposal selection process (Part C Section 2.2 of the SBO Policy). US Infrastructure of Carolina, Inc. committed 4.22% (\$14,300) of the total contract amount to the following SBE firms: Joel E. Wood & Associates, PLLC (geotechnical) and On Target Utility Locate Services, Inc. (utility location).

#### **Funding**

Neighborhoods Capital Investment Plan

## 25. Airfield Pavement Rehabilitation Design Contract

- Action:**
- A. Approve a contract with WK Dickson & Company, Inc. in the amount of \$1,819,482 for airfield pavement rehabilitation design services, and**
  - B. Adopt a budget ordinance in the amount of \$1,819,482 from Airport discretionary funds to be repaid with future Airport Improvement Program (AIP) grants, General Airport Revenue Bonds, and/or Passenger Facility Charge (PFC) revenues.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Runway 18C/36C was opened in 1979 and has been in continuous use since its opening. The typical pavement life for a concrete runway is 25 to 30 years.
- In 2005, and again in 2009, the Airport closed the runway for three days to replace specific concrete slabs that were deteriorating.
- These projects were done to temporarily extend the useful life of the runway pavement until the new runway was completed so that a longer runway shutdown could be done to rehabilitate the full length of the runway.
- In June 2009, the Airport accepted qualifications from interested firms to provide design services for the Rehabilitation of Runway 18C/36C. Six firms submitted qualifications.
- A selection committee comprised of Airport Advisory Committee members and Airport Staff selected WK Dickson for the project.
- The contract will provide design, bidding, and construction administration services for the project.
- WK Dickson will also:
  - Analyze the pavement condition for the remainder of the airfield, minus the new runway, through non-destructive testing
  - Design a concrete replacement for the asphalt on the northern section of Runway 18L to extend the useful life of that runway

### Disadvantaged Business Opportunity

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its DBE goal through a mix of contract-specific goals and race-neutral means. This is a professional services contract which requires no goal.

### Funding

Aviation Capital Investment Plan

### Attachment 5

Budget Ordinance

## 26. Airport Terrazzo Maintenance Contract

**Action:**   **A. Reject the low bid from Greens Cleaning Service as non-responsive concerning experience requirements, and**

**B. Approve a 39-month contract with Sunshine Cleaning Services, Inc. in the amount of \$1,233,627 for cleaning and maintenance of the Airport's terrazzo flooring.**

**Staff Resource:**   Jerry Orr, Aviation

### Explanation

- Terrazzo flooring has a very long life cycle and provides aesthetically pleasing high-gloss shine, provided the flooring is maintained on a daily basis.
- On June 22, 2009 City Council approved a contract with American Facility Services in the amount of \$749,798 for a three-year terrazzo maintenance contract.
- The Airport and American Facility Services mutually agreed to terminate the contract for unsatisfactory performance, with the last day of service on January 31, 2010.
- The Aviation Director executed a purchase order in the amount of \$47,763 on February 15, 2010 with Stone Restoration of America to continue minimal maintenance services for six weeks.
- This contract will provide specially trained personnel and equipment for the continuous cleaning and maintenance of approximately 141,049 square feet of terrazzo flooring on a schedule set by the Airport's Housekeeping Manager.
- This contract will allow for the addition and deletion of square footage with a written notice by the City at a unit price.

### Low Bid Rejection

- The project specifications required the bidder to have three years experience in daily maintenance of at least 70,000 square feet of terrazzo, demonstrating that the company was capable of providing resources necessary to maintain the high-gloss shine of the flooring. Greens Cleaning Services did not meet this specification and therefore, their bid was determined to be non-responsive.

### 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).

### Summary of Bids

Greens Commercial Cleaning	\$ 1,004,861
Sunshine Cleaning Services	\$ 1,233,627
Stone Restoration	\$ 1,265,564
Diama-Shield	\$ 1,498,250
Maintenance and Construction Services	\$ 2,145,440

### Funding

Aviation Operating Budget

## 27. Transmission Line Relocation for New Runway

**Action:** Approve a final payment to Duke Energy in the amount of \$320,000 for the relocation of a transmission line for the new runway.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In January 2009, City Council approved a contract with Duke Energy in the amount of \$3,000,000 for the relocation of a portion of transmission line that was located in the runway protection zone of the new runway.
- The agreement authorized Duke Energy to relocate the line, including:
  - Installation of a temporary line to maintain service during the relocation
  - Lowering the line between certain towers
  - Relocating the line underground for approximately 400-feet
- The agreement was based on an estimate, with the stipulation that the Airport would pay the actual cost for the relocation.
- This payment will fund the additional cost associated with the relocation of the transmission line in accordance with the agreement.

### Disadvantaged Business Opportunity

The federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means. Because this work must be performed by the utility company, it is not suitable for DBE participation.

### Funding

Aviation Capital Investment Plan



## OTHER CONSENT ITEMS

### 28. Community Development Block Grant Project Application

**Action:** Approve an application for Community Development Block Grant funding of \$1,800,000 from Mecklenburg County for the construction of the Walkers Ferry Road water line.

**Staff Resource:** Barry Gullet, Utilities

#### Explanation

- Mecklenburg County has applied to the U.S. Department of Housing and Urban Development (HUD) for federal funding under the Community Development Block Grant (CDBG) program. This grant is a part of the Three Year Consolidated Plan being prepared by the County and will fund projects over the next three years, if awarded. The County will have about \$750,000 per year available for all selected projects.
- The eligible projects are based on median household income and must be located in designated unincorporated areas in Mecklenburg County, the Town of Matthews, and the Town of Cornelius.
- One of the identified eligible geographic areas is the area due west of the Airport between the Catawba River and I-485 (Dixie Berryhill Area).
- Charlotte Mecklenburg Utilities proposes using grant funding for a water line to be installed along Walkers Ferry Road and Mt. Olive Church Road. The project is proposed in three phases, matching the potential three-year funding cycle of the grant with each phase of the water line costing about \$1 million, for a total project cost of \$3 million.
- The grant application is requesting \$600,000 per year, which would provide about 60% of the funding needed to construct the water lines. Utilities believes this would be a good investment to provide water infrastructure in the Dixie Berryhill area.
- This water line is included in the proposed FY2011-2015 Capital Investment Plan.

#### Funding

Utilities Capital Investment Plan

## 29. Certificates of Participation

- Action:**
- A. Authorize staff to negotiate for (i) an installment purchase contract in an amount not to exceed \$40,000,000 to finance the city's acquisition of certain equipment and capital projects and (ii) a related deed of trust,**
  - B. Authorize staff to apply to the Local Government Commission for its approval of the financing,**
  - C. Make findings necessary for the Local Government Commission's approval, and**
  - D. Authorize the publication of a notice of public hearing on the proposed installment purchase contract scheduled for April 12, 2010.**

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

### Explanation

- Certificates of Participation (COPs) are used to fund projects which have previously been approved by City Council as part of the Capital Investment Plan process. Examples of items used for COPs funding include police vehicles, fire stations, police stations and communication equipment.
- The City will enter into an installment purchase contract (Contract) in order to finance capital and equipment projects previously authorized by the City Council. The City will repay the proceeds of the Contract in installments of principal and interest. The proceeds of the Contract will be raised through the sale to investors of debt instruments called Limited Certificates of Participation (COPs), which will entitle the investors to receive a portion of the City's installment payments under the Contract.
- The City's obligations under the Contract will be secured by a deed of trust (Deed of Trust) which will create for the benefit of the investors a lien on a portion of the capital projects and a security interest in all of the equipment being financed.
- The City Council will be asked to approve the final Contract, Deed of Trust and other documents necessary for the financing on April 12 following the public hearing on the Contract.
- This action accomplishes the following:
  - Authorizes the Finance Director and staff to enter into negotiations for the Contract and Deed of Trust in connection with the financing of the equipment and capital projects
  - Authorizes staff to apply to the Local Government Commission for its approval of the financing
  - Makes certain findings necessary for the Local Government Commission's approval of the financing
  - Sets a public hearing on the Contract for April 12, 2010 and directs the publication of notice with respect thereto.

### Funding

Municipal Debt Service Fund

**Attachment 6**  
Resolution  
Project List

### 30. In Rem Remedy

**For In Rem Remedy #A-E, 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. 3929 Broadview Drive (Neighborhood Statistical Area 1 – Clanton Park/Roseland Neighborhood)

**Field Observation:**

- B. 2301 Booker Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- C. 2829-A & B James Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- D. 2833 James Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- E. 2922 Morson Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

**Public Safety:**

**A. 3929 Broadview Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3929 Broadview Drive (Neighborhood Statistical Area 1 – Clanton Park/Roseland Neighborhood)**

**Attachment 7**

**Field Observation:**

**B. 2301 Booker Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2301 Booker Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)**

**Attachment 8**

**C. 2829-A & B James Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2829-A & B James Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)**

**Attachment 9**

**D. 2833 James Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2833 James Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)**

**Attachment 10**

**E. 2922 Morson Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2922 Morson Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)**

**Attachment 11**

### **31. Resolution of Intent to Abandon a Portion of Eveningside Drive**

**Action:**   **A. Adopt the resolution of intent to abandon a portion of Eveningside Drive, and**  
**B. Set a public hearing for April 26, 2010.**

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

#### **Attachment 12**

Map  
Resolution

### **32. Refund of Property Taxes**

**Action:**   **Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$354,079.24.**

**Staff Resource:**    Dan Pliszka, Finance

#### **Attachment 13**

Resolution  
List of property tax refunds

## PROPERTY ITEMS

### 33. Property Transactions

**Action: Approve the following property transactions (A-E) and adopt the condemnation resolutions (F-L).**

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

#### Acquisitions

- A. Project:** Clanton Road Sidewalk - South Boulevard to South Tryon Street, Parcel # 1  
**Owner(s):** Apra, Inc.  
**Property Address:** 505 Clanton Road  
**Property to be acquired:** 742 sq. ft. (.017 ac.) in Fee Simple, plus 2,257 sq. ft. (.052 ac.) in Existing Right-of-way, plus 855 sq. ft. (.020 ac.) in Sidewalk and Utility Easement, plus 669 sq. ft. (.015 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs  
**Purchase Price:** \$10,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 145-133-20  
**Total Parcel Tax Value:** \$1,201,400
- B. Project:** Edwards Branch Phase III, Parcel # 5  
**Owner(s):** North American Islamic Trust, Inc.  
**Property Address:** 1700 Progress Lane  
**Property to be acquired:** 2,534 sq. ft. (.058 ac.) in Sanitary Sewer Easement, plus 40,141 sq. ft. (.922 ac.) in Conservation Easement, plus 2,650 sq. ft. (.061 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$15,500  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 131-031-22  
**Total Parcel Tax Value:** \$629,900
- C. Project:** Harrisburg & Robinson Church Roads 16" Water Main, Parcel # 10  
**Owner(s):** James Van Spears and Wife, Lorie Kay Spears and James Bryan Turner and Wife, Jessica Turner  
**Property Address:** 10328 Robinson Church Road  
**Property to be acquired:** 4,027.47 sq. ft. (.092 ac.) in Utility Easement, plus 10,633.37 sq. ft. (.244 ac.) in Permanent Sanitary Sewer/Water Line easement inside existing Right-of-

Way, plus 7,549.58 sq. ft. (.173 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees

**Purchase Price:** \$11,400

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

**Zoned:** R-3

**Use:** Rural Homesite

**Tax Code:** 108-101-17

**Total Parcel Tax Value:** \$130,000

- D. Project:** South Boulevard Left Turn Lane, Parcel # 7.1  
**Owner(s):** Krodel, LLC  
**Property Address:** 1311 Hill Road  
**Property to be acquired:**  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$12,500  
**Remarks:** Compensation was established as a result of damages.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 173-202-16  
**Total Parcel Tax Value:** \$9,488,300
- E. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 21  
**Owner(s):** United States Postal Service  
**Property Address:** 6700 North Tryon Street  
**Property to be acquired:** 1,233 sq. ft. (.028 ac.) in Fee Simple, plus 1,295 sq. ft. (.030 ac.) in Storm Drainage Easement, plus 5,435 sq. ft. (.125 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$23,925  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Industrial  
**Tax Code:** 049-081-09  
**Total Parcel Tax Value:** \$4,034,500

### Condemnations

- F. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 14  
**Owner(s):** John C. Wilson, Jr. and Wife, Jane H. Wilson and John A. Wilson and Wife, Gina M. Wilson and Any Other Parties of Interest  
**Property Address:** 9201 Hood Road  
**Property to be acquired:** Total Combined Area of 10,521 sq. ft. (.242 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None



**Landscaping:** Trees  
**Purchase Price:** \$2,000  
**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:** Rural Homesite  
**Tax Code:** 105-131-46  
**Total Parcel Tax Value:** \$209,100

- G. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcels # 59 and 65  
**Owner(s):** Jonathan Cooper Young and Wife, Colleen Jennifer Young and Any Other Parties of Interest  
**Property Address:** 4770 and 4774 Birchhollow Drive  
**Property to be acquired:** Total Combined Area of 41,970 sq. ft. (.963 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$6,050  
**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:** 105-153-51 and 105-153-50  
**Total Parcel Tax Value:** \$102,700
- H. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 78  
**Owner(s):** Jon W. Merkert and Bernadette T. Donovan and Any Other Parties of Interest  
**Property Address:** 9334 Horseshoe Bend Drive  
**Property to be acquired:** Total Combined Area of 1,709 sq. ft. (.039 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$1,075  
**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-3  
**Use:** Single Family Residential  
**Tax Code:** 105-261-38  
**Total Parcel Tax Value:** \$188,900
- I. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 21  
**Owner(s):** 4601 Statesville Road, LLC and Any Other Parties of Interest  
**Property Address:** 4601 Statesville Road  
**Property to be acquired:** Total Combined Area of 5,054 sq. ft. (.116 ac.) of Permanent Easement, plus Temporary Construction Easement

**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$15,800  
**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:** B-2  
**Use:** Commercial  
**Tax Code:** 041-101-11  
**Total Parcel Tax Value:** \$314,000

- J. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 43  
**Owner(s):** Truck Part Service, Inc. And Any Other Parties Of Interest  
**Property Address:** 4927 Statesville Road  
**Property to be acquired:** Total Combined Area of 11,363 sq. ft. (.261 ac.) of Storm Drainage Easement, plus Utility Easement, plus Permanent Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$18,475  
**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:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-156-13  
**Total Parcel Tax Value:** \$186,700
- K. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 76  
**Owner(s):** Judy E. Wike and Any Other Parties of Interest  
**Property Address:** 5426 Statesville Road  
**Property to be acquired:** Total Combined Area of 1,431 sq. ft. (.033 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,550  
**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:** B-1  
**Use:** Commercial  
**Tax Code:** 045-324-04  
**Total Parcel Tax Value:** \$94,100
- L. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 105  
**Owner(s):** Finley A. O'Neal, Jr. And Katrina S. O'Neal and Any Other Parties of Interest  
**Property Address:** 6021 Statesville Road

**Property to be acquired:** Total Combined Area of 3,490 sq. ft. (.080 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$1,850

**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 - Rural Acreage

**Tax Code:** 041-211-18

**Total Parcel Tax Value:** \$171,200

### 34. Meeting Minutes

**Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**  
- January 25, 2010