

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael Barnes
Nancy Carter
Andy Dulin
Anthony Foxx
Patsy Kinsey

John W. Lassiter
Don Lochman
James Mitchell, Jr.
Patrick Mumford
Warren F. Turner

CITY COUNCIL MEETING

Monday, October 8, 2007

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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11	10	Fall Cankerworm Aerial Spray, Banding and Communications
12	12	Carolina Theater Fourth Amendment
22	21	Assignment of Existing Contract Rights for Light Rail Vehicles
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CITY COUNCIL AGENDA

Monday, October 8, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Ron Kimble, Deputy City Manager

Time: 5 minutes

Synopsis

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

2. Right-of-Way Management Recommendations

Committee Chair: Patrick Mumford

Resource: Phil Reiger, Transportation

Time: 20 minutes

Synopsis

- On April 25, 2006 staff informed City Council of several issues, such as infrastructure damage, traffic and pedestrian disruption and crowding issues related to the Utilities' use of the public right-of-way. During the presentation staff recommended and City Council concurred with the development of a utility stakeholder process to resolve the issues.
- After an extensive stakeholder process and the Transportation Committee's endorsement, staff is prepared to update City Council on the results of the stakeholder process and present a recommendation for improving the management of the right-of-way.
- The Transportation Committee endorsed the recommendations (4-0) at their September 24th meeting.

Future Action

- City Council will be asked to approved the recommendation at the October 22nd Business Meeting.

3. Urban Street Design Guidelines

Committee Chair: Patrick Mumford

Resource: Norm Steinman, Transportation

Time: 60 minutes

Synopsis

- The Transportation Committee endorsed the Urban Street Design Guidelines (USDG) at their September 12th Committee meeting and the City Council was asked to consider adopting the USDG at their September 24th meeting.
- Council decided to defer voting on the USDG for one month and asked staff for responses to questions raised by Council members and by representatives of the development community.
- Council members also asked staff to organize a discussion of the key questions during the October 8th Dinner Briefing.
- Staff will provide written responses to specific questions about the USDG prior to October 8th, and will provide a brief summary of the responses at the October 8th Dinner Briefing.
- Various stakeholders have also been invited to the Briefing and will be available to address any questions raised by Council members.

Future Action

- Council will be asked to approve the guidelines at the October 22nd Business Meeting.

Attachment 1

Responses to Questions Raised by Council at the September 24th Council meeting
Responses to Questions Raised by representatives of the development community at the September 24th Council meeting
Information from the 2007 public involvement efforts distributed in the September 19th Mayor and Council communication memo

4. Answers to Mayor & Council Consent Item Questions

Resource: Ron Kimble, Deputy City Manager

Time: 10 minutes

Synopsis

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

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

CONSENT

- 5. Consent agenda items 15 through 36 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

6. Public Hearing on Voluntary Annexation

- Action:** A. Hold a public hearing for the Ardrey Chase voluntary annexation petition, and
- B. Adopt an ordinance with an effective date of October 8, 2007 to extend the corporate limits to include this property.

Staff Resources: Jonathan Wells, Planning
Mike Boyd, City Attorney's Office

Policy:
City Annexation Policy and State Annexation Statutes

Explanation

- The purpose of the public hearing is to obtain community input on the proposed voluntary annexation.
- A voluntary annexation petition was received from owners of tracts immediately adjacent to current City boundaries.
- Petitioners are:
 - Centex Homes, for the Ardrey Chase subdivision
 - Crosland LLC for a small portion of the Ardrey Crest subdivision
 - Sally A. Patterson for a vacant parcel of land not involved in either subdivision
- Petitioners' tracts are adjacent to one another; therefore this voluntary annexation is considered a single petition.
- At its September 24, 2007 meeting, City Council set October 8, 2007 as the required date for the public hearing.
- Annexation ordinances establish an effective annexation date of October 8, 2007.

Consistent with City Council Policies:

- Annexation is consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not negatively impact City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Attachment 2
Annexation Ordinance
Map

7. Public Comment on Draft Northlake Area Plan



Action: Receive public comments on the draft Northlake Area Plan, Volume I: Concept Plan and Volume II: Implementation Guide.

Committee Chair: John Lassiter

Staff Resource: Alysia Osborne, Planning

Explanation

- This plan is divided into two parts. Volume I: Concept Plan includes recommendations that address land use, transportation, urban design, public facilities and environment and will be proposed for adoption by Council. Volume II: Implementation Guide includes implementation strategies and will not be proposed for Council adoption.
- Planning staff has been working with residents and stakeholders since November 2006, to develop an area plan for approximately 4,300 acres near the Northlake Mall.
- An initial public meeting was held in November 2006 with approximately 225 citizens attending. Two public workshops were held, one in January and the other in February 2007. A final public meeting was held in September 2007. In addition, Planning staff has worked closely with a stakeholder group of 25 volunteers to provide input and direction on key land use and transportation recommendations.
- The Plan updates adopted land use plans and provides policy guidance for future growth and development.
- The Plan includes a Transit Station Area Plan for the proposed Eastfield Transit Station on the North Corridor.

Plan Recommendations

- Land Use
 - Recommendations are divided into three distinct geographies consistent with the Centers, Corridors and Wedges Growth Framework.
 - Land use recommendations within the wedge area are primarily for lower density residential with opportunities for neighborhood serving land uses, institutional, park and open space uses.
 - Recommendations in the center area, which encompasses the Northlake Mall, are for a mixture of office, retail, residential, park and open space uses.
 - Corridor area recommendations are primarily for industrial, office and park and open space uses. Recommendations also allow for a mixture of office, retail and residential uses in some areas within the corridor area.
 - Land use recommendations for the Eastfield Transit Station Area call for supportive residential, office and a mixture of uses.
- Transportation/Streetscape Design
 - Recommendations include a proposed internal street network that will provide increased connectivity and identify future cross sections for many streets based on the City's Draft Urban Street Design Guidelines.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Commission received public comments on the Plan at their September 18th meeting.
- Comments included concerns about recommended densities for commercial and residential uses and the growth in the area.
- Staff shared a list of issues compiled during the plan development process.
- The Planning Committee is expected to make a recommendation on the Plan at their October 16th meeting.

Committee Discussion

- The Economic Development and Planning Committee received an overview of the Plan on September 19th.
- Committee discussion centered on:
 - Need for Plan to recommend a greenway connection across I-77
 - Planned long range transportation projects
 - Amount of public investment needed to implement the proposed recommendations within the Plan
 - Continued communication with area stakeholders
 - Planning staff shared plans to contact individual property owners (via phone) whose property has been recommended for corrective rezonings and plans to work with other property owners with issues as described in the attached issues matrix

Next Steps

- Following public comment to Council, the timetable consists of:
 - October 16, 2007 (*tentative*) – Planning Committee recommendation
 - October 17, 2007 (*tentative*) – ED&P recommendation
 - October 22, 2007 (*tentative*) – City Council action

Attachment 3

Northlake Land Use Issues Matrix
Draft Northlake Area Plan

8. Public Comment on Environment and Infrastructure Chapters of General Development Policies



Action: Receive public comments on the Draft Environment and Infrastructure Chapters of the City's General Development Policies.

Staff Resources: Garet Johnson, Planning
 Jonathan Wells, Planning

General Development Policy Background

- Phase I General Development Policy (GDP) was adopted by City Council in November 2003.

- Council requested that Phase II GDP consist of Environment, Infrastructure and Economic Development components.
- The Environment process was initiated in late 2004. The infrastructure process was initiated in late 2006.
- Drafts of both Environment and Infrastructure chapters have been developed.
- The purpose of Environment GDP is to minimize negative environmental impacts of land use and land development.
 - Gain better understanding of existing natural environmental resources
 - Ensure impacts to resources are acknowledged and minimized during development
 - Use available land efficiently
 - Balance environmental and other land development considerations
- The purpose of Infrastructure GDP is to better link land use and development decisions to availability of public infrastructure needed to support it.
 - Take comprehensive and coordinated approach to infrastructure and capital investment planning
 - Use existing resources more efficiently
 - Seek new and innovative funding
 - Use Centers, Corridors and Wedges Framework to guide growth and infrastructure investment
 - Respect environment when providing infrastructure
 - Seek regional solutions

Explanation

- Both environment and infrastructure processes included extensive public participation elements.
- At their September 4th workshop, Council scheduled public comment for Environment and Infrastructure GDP for October 8th.
- Staff held a public informational/comment session on September 12th on both Environment and Infrastructure.
- The Planning Commission's Planning Committee held a public comment session September 18th.
- Planning's website also contained surveys during September, allowing for additional public input.

Next Steps

- Following public comment to Council, the timetable consists of:
 - October to November 2007 – Council Committees (Environment and ED&P) consideration and recommendation during which Planning staff will share and discuss all public comments received from various sources
 - November 2007 – City Council action

Attachment 4

Draft Environment GDP chapter
Draft Infrastructure GDP chapter

POLICY

- 9. City Manager's Report**
 - Update on Parenting Initiative

BUSINESS

10. Arena Out-Parcel One Sales Contract

- Action:**
- A. Adopt a resolution approving the contract for the sale of Arena Out-Parcel One (tax parcel no. 080-014-10 & 080-014-13) to Lincoln Harris Properties, LLC, for \$8,042,042, and**
 - B. Authorize the City Manager to close the sale upon completion of the mandatory referral process.**

Staff Resources: Jim Schumacher, City Manager's Office
Eric Johnson, Engineering and Property Management

Explanation

- Arena Out-Parcel One consists of 87,382 square feet of land bounded by Fifth, Brevard and Sixth Streets and the light rail corridor. The land, which consisted of three parcels, was acquired for the development of the Bobcats Arena and associated infrastructure. The entire block was acquired in order to assemble the three parcels into one combined tract, facilitating later sale and development.
- One of the three parcels was acquired from Allright Parking, which has the right to re-purchase that property from the City if it is not used for an arena related purpose.
- Lincoln Harris Properties, LLC, has secured the repurchase rights from Allright Parking and has submitted a contract to the City to purchase the entire block.
- The purchase amount is:

– Assembly	40,068 sq. ft. @ \$125 =	\$5,008,500
– Former Allright parcel	30,592 sq. ft. @ \$65 =	\$1,988,480
– Future Light Rail Transit area	16,721 sq. ft. @ \$62.5 =	<u>\$1,045,062</u>
– Total		\$8,042,042

**Note: Actual areas subject to final survey*

- The key terms of the contract are:
 - Waiver of Allright's right to repurchase its original parcel
 - Reservation of the Light Rail Transit Area for seven years, with the City having the right to repurchase the area for the same price during that time
 - City Planning Director approval of the project's urban design components
 - Ground level retail space, and the structural capacity to add office, residential or other use above the parking structure
 - Approval of a pedestrian bridge over the adjacent light rail corridor and a pedestrian bridge over the 100 block of North College Street; the reservation of the Light Rail Transit area for seven years represents payment of the air rights fees for these bridges
 - Continuing use of the property by the City and CRVA through April 30, 2008

- The value of the property upon completion of construction is estimated to be \$34 million, which will generate approximately \$450,000 in City/County property taxes annually.
- The mandatory referral is going to the Planning Committee of the Planning Commission on Tuesday, October 16th.

Background

- The cost of the land was \$7 million and the source of funding was the hotel/motel tax. Proceeds up to \$7 million are restricted to the statutory purposes of the hotel/motel tax, which is hospitality and tourism. Proceeds in excess of \$7 million are available for any general capital purpose.
- In July 2003 City Council earmarked proceeds from the sale of the Out-Parcel One for tourist related expenses.
- City Council reserved the first \$2 million of the Out-Parcel One sale proceeds for the Whitewater project in the FY2007 budget. The reserved funds would come from the restricted portion of the proceeds.
- A “Statement of Financial Need for Capital Contribution” must be made by the US National Whitewater Center to the City of Charlotte 30 days prior to the first payment. This statement would include:
 - Annual revenues and debt service
 - Audited financial statement for the preceding fiscal year

Attachment 5

Map of Outparcel
Resolution

11. Fall Cankerworm Aerial Spray, Banding, and Communications



- Action:**
- A. Adopt a budget ordinance appropriating \$2,835,000 from General Fund fund balance for cankerworm expenses,**
 - B. Authorize the City Manager to execute contracts to conduct aerial spray, banding and communications,**
 - C. Waive selected Neighborhood Matching Grants (NMG) program requirements for the Cankerworm program, and**
 - D. Consider expanding the NMG boundaries for the Cankerworm program to include 11 Neighborhood Statistical Areas within the infestation area for an estimated cost of \$33,000.**

Staff Resource: Don McSween, Engineering and Property Management

Explanation

- Last October City Council allocated additional funding to allow for the banding of 5,500 street trees.

- In May 2007, the City Arborist reported to Council the additional banding did provide some protection for the tree canopy. This was particularly true in neighborhoods where private trees were banded as well. Staff committed to evaluate the tree canopy over the summer and report in the fall.
- The combination of the heavy defoliation and 20 degree weather this spring weakened the tree canopy. The extreme drought this summer has weakened the trees further.
- The City Arborist recommends banding and aerial spraying to lessen further defoliation next spring which could lead to high tree mortality.
- The contracts will provide:
 - \$165,000 to band approximately 5,500 street trees in high infestation areas. These will primarily be large Willow Oaks since they are the trees at highest risk. Private contractors will perform the work. The bands will be applied prior to the peak emergence of the Fall Cankerworm adults in late November.
 - \$20,000 for an educational campaign. The costs are in printing informational brochures, mailing costs, advertising and other public notification procedures. The Government Channel and water bill inserts will be used as much as possible.
 - \$50,000 to fund Fall Cankerworm banding in qualifying neighborhoods through the Neighborhood Grant Program
 - \$2,600,000 to conduct an aerial spray over areas of the highest infestation which includes such areas as Sedgefield and the Derita/University area. The aerial spray will cover approximately 73,000 acres.
- The aerial spray would be applied after the emergence of the caterpillars at their peak feeding time. Depending on weather conditions, this can be late March to mid-April. This effort is to reduce, not eliminate, the effects of the Fall Cankerworm.
- Previous sprays produced significant reductions in the cankerworm population for several years. The material that will be sprayed is a naturally occurring spore that only affects leaf feeding caterpillars for three days after the application. The spray is one of the safest insecticides registered by the U.S.D.A. and E.P.A.
- The City Council was briefed on the Fall Cankerworm at the October 1, 2007 Workshop.
- Next steps:
 - A request for proposal (RFP) will be issued for selection of one aerial spray contractor and an additional RFP will be issued for selection of multiple cankerworm banding contractors.
 - Selection of contractors will be a qualifications and cost-based selection process performed in accordance with NC State General Statutes.

Neighborhood Matching Grants program requirements waiver

- The Neighborhood Matching Grants Program (NMG) does not permit an organization to apply for a grant prior to completion of an open project or to reapply for a previously funded project. Therefore, some neighborhoods that currently have an open NMG project would be unable to take advantage of this opportunity. In addition, many of the neighborhoods that were approved

last year are located in the Cankerworm infestation area and are expected to reapply.

Neighborhood Matching Grants program boundary area expansion

- Approximately 11 of the Neighborhood Statistical Areas (NSAs) that lie within the Cankerworm infestation area are located outside of the current geography for the NMG program eligibility. The proposed NSAs include the neighborhoods of Dilworth, Eastover, Fox Croft, Freedom Park, Myers Park and Sherwood Forest. As an option, Council may want to consider offering all neighborhoods within the infestation area an opportunity to apply for NMG funds for the purpose of banding for Cankerworms.

Small Business Opportunity

Pursuant to Part C Section 2.4 of the Small Business Opportunity Program the goal is waived because there are no SBE subcontracting opportunities.

Funding

General Fund fund balance

Attachment 6

Fall Cankerworm Report

Map

Budget Ordinance

12. Carolina Theater Fourth Amendment



Action: Approve the Fourth Amendment to the Purchase and Sale Agreement for the Carolina Theater with CMP Carolina Theatre, LLC to extend the closing date until April 30, 2008 and to give CMP Carolina Theatre, LLC the right to an additional 90-day extension provided certain conditions are met.

Staff Resource: Tom Flynn, Economic Development Office

Explanation

- In January 2006, the City entered into a Purchase and Sale Agreement with CMP Carolina Theatre for the Carolina Theater.
- This Agreement provided for a closing in January 2007, and allowed for two extensions, both of which would require a \$25,000 non-refundable payment. Council approved a third extension in 2007 that was accompanied by another \$25,000 non-refundable payment.
- Approval of this Amendment will extend the closing date until April 30, 2008. For this extension, CMP will make an additional non-refundable payment of \$50,000. This payment will be credited to the purchase price at closing.
- This Amendment also provides for an additional 90-day extension beyond April 30, 2008 if CMP Carolina Theatre accomplishes the following prior to April 30, 2008:
 - Resolves outstanding zoning issues

- Agrees to terms of an air right easement with Bank of America
- Finalizes City Fire and County LUESA documents in regards to the automobile elevators
- Has 50% of the condominium units under contract with a 10% non-refundable deposit
- This 90 day extension would also be accompanied by a \$25,000 non-refundable payment which would be applied to the purchase price at closing.
- If CMP Carolina Theatre does not close on the property, the City retains the total of all non-refundable payments received, including the initial deposit of \$50,000, and on April 30, 2008 this amount would total \$175,000.
- Staff briefed City Council on this topic on October 1, 2007.

Attachment 7

Council Action of January 9, 2006 approving the sale of the Carolina Theater

13. Nominations to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

- Two, three-year appointments beginning January 1, 2008.
 - Harold A. Bouton, Jr. is eligible and would like to be reappointed.
 - W. Herbert Brown, Jr. is not eligible for reappointment.

Attachment 8

Applications

B. COMMUNITY RELATIONS COMMITTEE

- Two appointments for three-year terms beginning immediately and ending June 30, 2010.
 - Louise Shackelford resigned.
 - Rodney Tucker resigned.

Attachment 9

Applications

C. HOUSING APPEALS BOARD

- One appointment for a three-year term beginning January 1, 2008.
 - Carl Adam Barrington III is eligible and would like to be reappointed.

Attachment 10

Applications

D. HOUSING AUTHORITY

- One appointment for a three-year term beginning December 18, 2007.
 - William Miller is eligible and would like to be reappointed.

Attachment 11

Applications

E. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately and ending June 30, 2009.
 - Darryl Parker, Jr. resigned.
 - Robert Taylor, III resigned.
- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
 - James McCoy failed the attendance requirement.

Attachment 12

Applications

F. PLANNING COMMISSION

- One appointment recommended by Charlotte Mecklenburg School Board for a three-year term beginning immediately and ending June 30, 2010.
 - Wesley Simmons is eligible and would like to be reappointed.

Attachment 13

Applications

G. TREE ADVISORY COMMISSION

- One appointment for a three-year term beginning December 14, 2007.
 - Carrie Winter is eligible and would like to be reappointed.
- One appointment for an unexpired term beginning immediately and ending December 13, 2008.
 - Glenn Dellinger resigned.

Attachment 14

Applications

H. WASTE MANAGEMENT ADVISORY COMMITTEE

- One, three-year term beginning immediately and ending July 13, 2010 for recommendation to County Commission.
 - Rodney Conklin is eligible and would like to be reappointed.

Attachment 15

Applications

I. ZONING BOARD OF ADJUSTMENT

- One appointment for an alternate member for an unexpired term beginning immediately and ending January 30, 2009.
 - Darrell Bonapart resigned.

Attachment 16
Applications

14. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

15. Various Bids

A. Southwest Water Transmission Main, Phase B1 CMU

Staff Resource: Doug Bean

Action

Award the low bid of \$9,683,459.78 by Sanders Utility Construction Company, Inc. of Charlotte, North Carolina for construction of a new 48-inch water transmission main. This project begins at Charlotte Douglas International Airport and ends at Steele Creek Road in southwest Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 3.34%

Sanders Utility failed to meet the goal, but earned the required number of Good Faith Effort Points. They committed 3.34% (\$323,050) to the following SBE firms: Sherrill & Sons Hauling, All Points Trucking, Hazel Holmes Trucking, B&B Concrete, Inc., Miriam Davis Cleaning, The

Carolina Landworks, Lyons Utility Locating, LLC, Professional Communications LLC and Ms. Sybil's Seeding.

B. Passenger Loading Bridge Painting **Aviation**

Staff Resource: Jerry Orr

Action

Award the low bid of \$156,000 by Charlotte Paint, LLC of Charlotte, North Carolina to paint 24 of the Airport's 48 City-owned passenger loading bridges. Maintenance of the loading bridges is the responsibility of the Airport. The cost of this work will be recouped through airline rates and charges.

Small Business Opportunity

Pursuant to Part C, Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

16. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,158.53.

Staff Resource: Greg Gaskins, Finance

Attachment 17

Resolution

List of property tax refunds

CONSENT II

17. Subsurface Utility Locating Services Contracts

Action: **A. Approve two unit price contracts, in the not to exceed amount of \$60,000 each: one contract to be awarded to On-Target Utility Locate Services, Inc. and one to Lyons Utility Locating LLC for utility locating services throughout Mecklenburg County, and**

B. Authorize the City Manager to approve four additional one-year renewals.

Staff Resource: Doug Bean, Utilities

Explanation

- These contracts will provide utility locating services for use in the design of water and sewer infrastructure throughout Mecklenburg County.
- Utility locating services document the location of all underground utilities, such as natural gas, electric and telecommunications. This information minimizes conflicts during project design.
- A competitive request for proposal process was used to select both of these firms based on qualifications and lowest overall cost.

Small Business Opportunity

Pursuant to Part C, Section 2.4, no SBO utilization goal was set for this contract because subcontracting is not anticipated. Both firms are certified SBEs.

Funding

Water and Sewer Capital Investment Plan

18. Amendment #1, Briar Creek Relief Sewer, Phase I

Action: **Approve a contract amendment with Camp Dresser & McKee in the amount of \$447,027 for additional services for the Briar Creek Relief Sewer, Phase 1 project.**

Staff Resource: Doug Bean, Utilities

Explanation

- Phase I of the Briar Creek Relief Sewer runs from south of Park Road to Randolph Road at Eastover Park.
- The original contract was awarded on November 28, 2005 in the amount of \$4,672,110 for final design, easement acquisition and construction management.
- Prior to bid phase, staff decided to bid the project in two sections. This allowed for more local competition.

- To ensure the City was getting the most competitive price, the construction bid was structured to allow bidders to either bid on one section, or to bid on two sections. The City awarded to the lowest bidders.
- The City saved \$1,302,530 by allowing bidders the option of bidding on one section or two sections of the project.
- There are now two contractors on the project, each with multiple crews and multiple construction activities occurring at the same time. As a result, Camp Dresser & McKee will have to provide additional tunnel inspectors and resident project representatives.
- This project is scheduled for completion by summer 2009.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, Camp Dresser & McKee, and existing sub-consultants. This amendment complies with Part D: Section 6 of the SBO Program.

Funding

Sewer Capital Investment Plan

19. Southwest Water Transmission Main Phase A – Construction Contract Change Order #4

Action: Approve construction contract change order #4 for \$1,007,278 with S. J. Louis Construction, Inc. for the Southwest Water Transmission Main Phase A.

Staff Resource: Doug Bean, Utilities

Explanation

- During the course of constructing the 1,736 feet long tunnel under Josh Birmingham Parkway and Billy Graham Parkway combined, the tunnel collapsed at about 1,440 feet into the tunnel, just before crossing under Billy Graham Parkway adjacent to the ramp to the Airport. The project consultant and staff determined that the rock is so fractured under Billy Graham Parkway that it is not safe to continue tunneling.
- Through discussion with NCDOT, staff determined that an open cut trench is the safest and most economical approach to crossing Billy Graham Parkway.
- The work will be done over the course of a weekend, requiring the complete closure of Billy Graham. This is a significant change of construction methods, as the contractor will have to extract the tunnel boring machine adjacent to Billy Graham Parkway and then proceed to close Billy Graham to install the water main in an open cut trench.
- The negotiated amount for this change order is \$1,007,278.
- There will be another change order to follow to cover the additional cost associated with the change of conditions related to the tunnel construction.

Background

- Council awarded the construction contract in the amount of \$39,693,407.85 on January 24, 2005.
- The project involves laying a 72-inch water transmission main approximately 30,000 feet from the Franklin Water Treatment Plant to the Airport. Approximately 15% of the project is tunneled.
- Change Orders #1 and #2 were approved administratively and were for minimum contract time only. Change Order #3 was approved by Council on April 10, 2006 for \$1,700,000 and 90 additional calendar days for the change of conditions at the tunnel under the projects first crossing under Josh Birmingham Parkway.

Small Business Opportunity

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

Funding

Water Capital Investment Plan

Attachment 18

Trench Method Photos

20. **NCDOT Municipal Agreement for Relocation of Utility Lines**

Action: Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation, in the not-to-exceed amount of \$122,443.06 for water and sewer line work along West Catawba Avenue.

Staff Resource: Doug Bean, Utilities

Explanation

- This Agreement is for the reimbursement to the state for the relocation and adjustment of municipally-owned water and sewer lines along West Catawba Avenue, from Jetton Road to I-77.
- The City will reimburse NCDOT for actual costs not to exceed \$122,443.06.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Water and Sewer Capital Investment Plan

Attachment 19

Resolution

21. Supplemental NCDOT Municipal Agreement for Relocation of Utility Lines

Action: Adopt a resolution authorizing the Transportation Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation (NCDOT), in the amount of \$781,854, for water and sewer line work along I-485 from Brown Grier Road Extension to Highway 74.

Staff Resource: Doug Bean, Utilities

Explanation

- The original Municipal Agreement for water and sewer line work along I-485 was approved by Council on December 12, 2005, in the amount of \$2,006,486.
- NCDOT's realignment of a portion of the roadway coincided with a planned water and sewer line project, beginning at Brown Grier Road Extension and ending at Highway 74. Adding the utility project to the roadway work avoids possible conflicts with the new roadway improvements.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding

Water & Sewer Capital Investment Plan

Attachment 20

Resolution

22. Assignment of Existing Contract Rights for Light Rail Vehicles

Action: A. Authorize the City Manager to grant purchase option rights for nine Siemens Light Rail Vehicles (LRVs) to Hampton Roads Transit (HRT), Hampton Roads Virginia, and

B. Authorize the City Manager to modify the terms of the LRV contract with Siemens Transportation System.

Staff Resources: John Trunk, Charlotte Area Transit System
John Joye, City Attorney's Office

Explanation

- On March 22, 2004, City Council approved the award of a contract to Siemens Transportation Systems for Light Rail Vehicles (LRVs).
- The contract governed the purchase of the original 16 LRVs for the South Corridor LYNX Blue Line. Additionally the contract includes a purchase

option for up to 25 additional LRVs. The City has not purchased any additional LRVs pursuant to the option, and the option is due to expire in April 2008.

- The contract also permits the City to assign all or part of its LRV option rights to other transit agencies, with the consent of Siemens.
- The Northeast Corridor, if ultimately approved for construction, will require a maximum of 16 LRVs.
- Hampton Roads Transit (HRT) is requesting that the remaining nine LRV purchase options be assigned to it for use on its 7.5 mile light rail line in Norfolk, Virginia. If the City agrees, HRT intends to exercise these options and place an order with Siemens within 30 days.
- The assignment of these options to HRT will not affect the City's contractual rights or obligations with Siemens, including its ability to exercise the remaining 16 purchase options, and will not cost the City anything.
- Having another nearby transit system operate the same light rail vehicles as CATS will be advantageous to the City for such things as spare parts availability and pricing; warranty support; and technical assistance for addressing any problems that develop with the Siemens LRVs.
- The price of the vehicles under the purchase option provision is to be determined by a specific price index published by the Bureau of Labor Statistics. That particular pricing index has now been discontinued and the City and Siemens must agree on a substitute pricing index.
- The interest and involvement of HRT has allowed CATS to enter negotiations with Siemens in order to secure a substitute pricing index that is favorable to the City. Additionally, CATS is seeking to obtain an extension of the vehicles option period. The negotiations with Siemens are currently ongoing. Staff will notify the City Council of the results of these negotiations.

Funding

Transit Capital Investment Plan

23. Police Pistols

- Action:**
- A. Award a unit price contract to Smith & Wesson of Springfield, MA to provide the Police Department new and improved 40 caliber pistols through a trade-in program of 1,694 pistols at zero cost to the City for the term of two years, and**
 - B. Authorize the City Manager to renew the agreement for two additional one-year terms. The unit cost for pistols purchased without a trade-in after the first two years will be \$378.76 for a total estimated annual amount of \$45,000.**

Staff Resources: Sgt. Cullen Wright, CMPD
Karen Ruppe, Business Support Services

Explanation

- City Council approved a contract with Smith & Wesson on January 22, 2007 for the purchase of model #99, 40 caliber handguns at a unit cost of \$461.89.
- Smith & Wesson presented CMPD with a special offer in July that would allow CMPD to receive new and improved 40 caliber handguns at no additional charge by trading in all pistols that officers currently use.
- The design advancements in this weapon include: increased internal durability, polymer mechanisms converted to metal in high stress areas, removal of the decocker, consistent full time double action trigger, and true ambidextrous features.
- The new pistol will replace four different pistols currently in use by CMPD, ranging in age from 4 to 17 years old. The trade-in will standardize the weapons carried by all CMPD officers, providing officers with updated safety features on those weapons.
- The City Attorney advised CMPD and Procurement Services that a new solicitation would be required in order to legally allow a trade-in program.
- A new Invitation to Bid was issued and advertised to allow any distributor of Smith & Wesson handguns an opportunity to participate.
- Smith & Wesson submitted the only bid and includes the trade-in program for a total of 1,694 pistols for the newer models at no cost to the City. Smith & Wesson also provided holsters at no charge.
- The contract will be for the term of two years with the option to renew for two additional one-year terms. CMPD may purchase additional pistols after the 1,694 trade-in quantity has been met at a unit price of \$378.76 (\$83 less than original contract).
- The total savings, after the initial trade in exchange, is estimated to be \$40,000 over the first two years of the contract.

Background

- Smith & Wesson offered a trade-in of existing guns for their premier model pistol to well respected medium to large police departments to allow police departments the opportunity to standardize weapons and streamline required ammunition and training. Smith & Wesson extended similar offers to Columbus, OH and Cincinnati, OH, and others that currently use multiple brands of handguns. The trade-in also provides the opportunity for Smith & Wesson to advertise the use of their guns by these police departments.

Small Business Opportunity

Pursuant to Appendix Section 18 of the SBO Program, no SBE goals are established for purchases of goods and equipment.

Funding

Police Operating Budget

24. Gang of One Grant

Action: Adopt a budget ordinance appropriating \$101,000 from the Governor's Crime Commission for the Gang of One Program.

Staff Resource: Fran Cook, CMPD

Explanation

- The Governor's Crime Commission has approved a grant from its Project Safe Neighborhoods funds to support CMPD's Gang of One Program
- Gang of One is CMPD's primary prevention, intervention, and education program for gang reduction.
- The grant funds will be used as follows:
 - \$40,000 to expand No Easy Walk, an outdoor leadership gang resistance program facilitated by student peer leaders. The program will impact approximately 1,180 students.
 - \$12,000 to expand the DIG (Dangers Involved with Gangs) program into 14 additional CMS elementary schools; DIG is a 3-hour course for fifth graders that will impact approximately 2,000 students.
 - \$19,000 to purchase educational materials and equipment for Gang of One
 - \$18,000 for training and professional development for Gang of One personnel and partners
 - \$12,000 to support the implementation of a community-wide gang perception survey, inclusive of youth, parents, residents and community leaders

Funding

\$101,000 from the Governor's Crime Commission; no matching funds required

Attachment 21

Budget Ordinance

25. DNA Grant for Police Crime Lab

Action: Adopt a budget ordinance appropriating \$281,369 from the U.S. Department of Justice for DNA analysis.

Staff Resource: Roger Thompson, CMPD

Explanation

- CMPD has received a grant from the U.S Department of Justice, Office of Justice Programs to be used for staffing the DNA analysis function.
- \$168, 635 will be used to cover the salaries and benefits of two full time temporary DNA analysts for one year beginning October 1, 2007, as well as some overtime hours.

- One of the analysts is already employed; this is continuation funding for that position.
- The remaining \$112,734 will be used for equipment, supplies and travel for mandatory annual training.

Funding

\$281,369 from the Department of Justice; no matching funds required.

Attachment 22

Budget Ordinance

26. Emergency 911 System Support and Service

Action:

A. Approve the purchase of Emergency 911 System Support and Service without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6), and

B. Approve a contract with Plant CML for the purchase of Emergency 911 System Support and Service in the annual amount of \$205,759.50 for the term of one year and authorize the City Manager to extend the contract for two additional one-year terms.

Staff Resource: Danny Lovett, Charlotte-Mecklenburg Police

Sole Source Exception

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

Explanation

- CMPD currently utilizes a VESTA telecommunications system at Police Headquarters and the Training Academy for all incoming 911 emergency communications.
- The System was purchased from Plant Equipment, Inc. now known as Plant CML, the authorized dealer of VESTA communication equipment, and therefore must be supported by the same company in order to maintain all warranties and the level of service required.
- This agreement will provide around the clock technical support of the VESTA system applications for call processing and information management to ensure receipt of all emergency calls and a timely response to public safety issues.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding, this is an exempt contract.

Funding

Emergency Communications E-911 Fund

27. 2007 General Airport Revenue Bonds Appropriation

Action: Adopt a budget ordinance appropriating \$147,565,000 of 2007 General Airport Revenue Bonds, \$1,638,985 bond premium payment, and \$867,074 from Airport Debt Service funds for a total of \$150,071,059.

Staff Resource: Jerry Orr, Aviation

Explanation

- On July 23, 2007, City Council approved a resolution authorizing the issuance of up to \$161,250,000 in General Airport Revenue Bonds to fund various terminal, airfield and land acquisition projects.
- The appropriation of \$150,071,059 includes the following:
 - \$139,425,694 for capital projects, including: Third Parallel Runway Construction – Grading, Taxiway V Construction, West Boulevard Relocation, East Daily Parking Deck Construction (3,000 spaces), Terminal Complex Signage Upgrade, Land Acquisition.
 - \$8,241,745 to refund previously issued 1999A General Airport Revenue Bonds.
 - \$2,403,620 to fund issuance expenses (feasibility study, underwriter's discount, insurance expense, bond counsel, and financial advisor)
- The \$13,685,000 difference between the July 23rd authorization and August 16th issuance is additional bond capacity available for future Aviation use.
- During FY07, Charlotte Douglas International Airport's bond rating were upgraded as follows:
 - Moody's: A3 to A1
 - S&P: A- to A
 - Fitch: A to A+

Attachment 23

Budget Ordinance

28. Airport Hybrid Bus Purchase and North Carolina State University Clean Fuel & Advanced Technology Grant

- Action:**
- A. Approve the purchase of turbine/electric hybrid buses, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6),**
 - B. Approve a contract with DesignLine International Holdings, LLC for the purchase of two turbine/electric hybrid buses in the amount of \$880,000,**
 - C. Adopt a resolution accepting a North Carolina State University (NCSU) grant in the amount of \$40,000 for the purchase, operation and evaluation of two DesignLine Turbine/Electric hybrid buses, and**
 - D. Adopt a budget ordinance appropriating \$40,000 received from the North Carolina State University grant to the Aviation Department's operating fund.**

Staff Resource: Jerry Orr, Aviation

Sole Source Exception

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

Turbine/Electric Hybrid Buses

- In June 1995, the Aviation Department acquired three natural gas powered buses for parking shuttle use with assistance from a \$54,000 grant. However, these buses had a number of limitations including reduced seating, increased maintenance, more frequent fueling and additional support facilities.
- The DesignLine Proprietary "Series Hybrid" system doesn't have the same limitations common with other designs. It utilizes a 30 kilowatt auxiliary power unit in conjunction with regenerative braking to charge a battery bank which powers all electrical accessories as well as the electric drive train. The uniqueness of an airport shuttle system with very short distance stops will enhance the bus's effectiveness.
- Aviation requests purchasing, on a sole source basis, two 35-foot DesignLine buses. The base and battery control system for the vehicles is a proprietary DesignLine piece of equipment.

- The two DesignLine buses proposed for acquisition will be manufactured in New Zealand but will meet all applicable federal safety standards. Any future acquisitions should be from DesignLine's proposed manufacturing plant in Charlotte.
- Aviation has been working with DesignLine for over a year. The buses being acquired are specifically set up for Airport shuttle operations and are not covered in the recent CATS award for transit buses. The buses have no transit specialty equipment, as required by law, and are lower powered than CATS requirements; thus the negotiated purchase price of \$440,000 per unit is less than transit award prices.
- The purchase price of \$440,000 per unit includes a three-year unlimited mileage, bumper-to-bumper warranty.
- Funding for the buses was included in the FY08 adopted budget. The ordinance requested in this action is solely for the grant approval.

North Carolina State University Clean Fuel & Advanced Technology Grant

- In conjunction with the North Carolina Solar Center, the Aviation Department developed an acquisition and testing plan to evaluate a new proprietary turbine/electric powered bus. While up to 30 vehicles are in operation around the world, along with two in private operation in this country, the proprietary system has not been in the U.S. public operations to date.
- The two vehicles will be delivered in October 2007 and the evaluation period of three years will begin upon receipt. Periodic reports will be submitted to the North Carolina Solar Center. Public reports, demonstrations, and releases will be integrated into the evaluation process. Information will be shared with CATS and airports with busing operations throughout the United States.
- The \$40,000 grant from the North Carolina Solar Center would be allocated to the capital outlay budget from which the buses would be acquired.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding, this is an exempt contract.

Funding

Airport Operating Fund

Attachment 24

North Carolina State University Press Release

Resolution

Budget Ordinance

City Council Follow-up Report-September 28, 2007

29. Airport Deicing System

- Action:**
- A. Adopt a budget ordinance appropriating \$600,000 for deicing system design, surveying, and subsurface investigation, and**
 - B. Approve a contract with Baker and Associates of Greensboro, North Carolina in the amount of \$450,700 for professional services for design of the deicing system.**

Explanation

- Baker and Associates will design a deicing system that will be located adjacent to Runway 5/23. Currently, Runway 5/23 is closed during freezing precipitation events and used for aircraft deicing operations.
- Aircraft must be sprayed with glycol (similar to antifreeze) prior to flight to prevent freezing precipitation build up on the operating surfaces.
- Baker is a large national engineering firm. Their previous work includes similar designs at Philadelphia and Pittsburgh airports.
- The design will consist of a total of 3 asphalt pads on each side of the runway and a drainage collection system that will be used to capture glycol runoff.
- Deicing trucks will maneuver on the pads, rather than the runway, to spray glycol onto the aircraft, which will provide a much more efficient operation.
- The additional appropriation includes surveying and subsurface investigation costs.

Small Business Opportunity

Established SBE Goal: 3.0%

Committed SBE Goal: 3.0%

Baker and Associates met the established goal and committed 3.0% (\$13,521) to the following SBE firm: Richa Graphics, Inc.

Funding

Airport Fund Balance

Attachment 25

Budget Ordinance

30. Airport Cooperative Agreement with Transportation Security Administration

- Action:** Approve a five year cooperative agreement with the Transportation Security Administration to partially reimburse the City for required specific Airport law enforcement activities.

Staff Resource: Jerry Orr, Aviation

Explanation

- After September 11, 2001, the Transportation Security Administration (TSA) was created by Congress and charged to operate portions of the security program at airports.
- TSA personnel (Federal employees) staff and operate the security checkpoints and the Baggage Screening operation. The Airport is responsible for implementing all of the remaining Airport's TSA required and approved "Security Plan" including all law enforcement response.
- The North Carolina Air and Army National Guard provided an expanded armed security presence at the Airport checkpoints from October 2001 through May 2002.
- From May 2002 through November 2006, CMPD provided supplemental law enforcement for limited periods of time in support of heightened security requirements.
- Airport law enforcement has provided all required law enforcement presence since December 1, 2006.
- Federal funding support for airport security operations began following September 11, 2001 and included:
 - A Federal Aviation Administration grant in the amount of \$1,254,990 approved by Council on April 22, 2002.
 - A TSA open-ended reimbursable agreement limited by Federal funding available to cover security operations for the period April 2004 through September 20, 2007. The agreement was approved by Council April 12, 2004.
 - A North Carolina Department of Civil Control and Public Safety grant in the amount of \$64,518 from Homeland Security contributed funds to CMPD for their expanded support from August 10, 2006 to November 30, 2006.
- This agreement will provide partial reimbursement in the amount of \$3,507,813.87 for specific law enforcement activities including security checkpoint presence and other required actions under the Airport Security Plan from October 1, 2007 to September 30, 2012.
- The TSA may increase or decrease the levels of reimbursement unilaterally at their discretion.

Funding

Existing appropriations in the Airport's Operating Budget will cover all performance requirements.

31. Airport Utilities Relocation for New Runway

Action: Approve an agreement with Duke Energy of Charlotte, North Carolina in the amount of \$206,205.25 to relocate power lines to accommodate the Third Parallel Runway project.

Staff Resource: Jerry Orr, Aviation

Explanation

- In January 2007, Council approved an agreement with Duke Energy in the amount of \$745,500 to relocate a number of power distribution lines on the south end of the new runway project.
- This agreement will relocate power lines on the north end of the project due to the relocation of Old Dowd Road and Wallace Neel Road.
- The total budget for the relocation of the power distribution lines is \$4,360,000.
- This agreement will be funded with proceeds from the 2007 General Airport Revenue Bonds, with debt service paid by Passenger Facility Charge revenues.

Disadvantaged Business Enterprise

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

32. **Thomasboro/Hoskins Neighborhood Improvement Phase 3 – Glenwood**

Action: Approve a contract with Woolpert, Inc. in the amount of \$175,500 for engineering services for Thomasboro/Hoskins Neighborhood Improvement Phase 3 – Glenwood.

Staff Resource: Kristie Kennedy, Engineering and Property Management

Explanation

- Thomasboro/Hoskins Neighborhood Improvement Program (NIP) is a 2006 Neighborhood Improvement bond project located northwest of Uptown.
- Thomasboro/Hoskins NIP was divided into four phases. Woolpert, Inc. planned and designed phases one and two which have been constructed. Improvements included curb and gutter, sidewalks and storm drainage.
- Woolpert, Inc. was selected pursuant to the Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- This contract will provide funding for Woolpert, Inc. to complete the engineering design services for phase 3 of Thomasboro/Hoskins NIP, which includes curb and gutter, sidewalks, and storm drainage.
- This contract will be amended or a new contract will be prepared for phase 4 after downstream storm drainage issues are addressed. The downstream improvements will be planned and designed by Storm Water Services. These improvements are necessary to receive storm water from phase 4. Storm

Water Services will begin planning the downstream storm drainage improvements in the second quarter of 2008.

Small Business Opportunity

Pursuant to Part C Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Neighborhood Improvements Capital Investment Plan

33. Geotechnical, Construction Materials Testing Services and Special Inspections

Action: Approve Amendment #2 in the amount of \$180,000 with WPC-SC, Inc. (formerly known as Wright Padgett Christopher, Inc.) for geotechnical, construction materials testing and special inspection services.

Staff Resource: Michelle Haas, Engineering and Property Management

Explanation

- This amendment provides testing services for the new Solid Waste Services Facility and miscellaneous renovations to Fire stations.
- Testing services are provided to ensure contract specifications are met and will be provided on an as-needed basis.
- The materials tested include soil, asphalt, and concrete being utilized on City projects.
- Services also include Special Inspections of items such as steel and mortar as required under the building code.
- WPC-SC, Inc. was selected pursuant to the Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- The City awarded the original contract on March 15, 2004, for \$30,000.
- The City awarded Amendment #1 on September 8, 2006, for \$45,000.
- The total contract amount to date including Amendments #1 and #2 will be \$255,000.

Small Business Opportunity

All additional work involved in this Amendment will be performed by the Consultant, WPC-SC, Inc., and their subconsultants. WPC-SC, Inc. committed 5.0% (\$9,000) of this amendment to the following SBE firms: Concord Industrial Service Co and CWI, Inc.

Funding

Government Facilities Capital Investment Plan

34. Public Auction for Disposal of Surplus Computers and Other Miscellaneous Goods

Action: **A. Adopt a resolution declaring computers and other miscellaneous items as surplus, and**

B. Authorize said items for sale by public auction on October 24, 2007.

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for a public auction as follows:
 - On October 24, 2007 at 10:00 a.m. to dispose of City-owned property declared as surplus.
- This auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- The City selected the auction service through competitive bids. The process was developed based on fairness and economy and time savings. The City's contract auction company (Rogers Realty and Auction Company) will conduct this auction. Services provided include all labor to set up the auction and adequate staff to perform auction day duties to ensure a successful auction. All duties are compensated in the commission rate quoted below.
- The auction company will be compensated as stated in the contract for the sale through auction proceeds in the following manner:
 - Computers and miscellaneous items – 12% of the total gross sale price.

Attachment 26

Exhibit A (list of property to be declared as surplus)
Resolution

35. Property Transactions

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

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

Acquisitions

- A. Project:** I-277 / Independence / Kenilworth Intersection Improvements, Parcel # 10
Owner(s): Wells Property Number One, LLC
Property Address: 233 South Kings Drive

Property to be acquired: 530 sq. ft. (.012 ac.) in Fee Simple, plus 1,409 sq. ft. (.032 ac.) in Sidewalk and Utility Easement, plus 4,323 sq. ft. (.099 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$81,475

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

Zoned: B-2

Use: Commercial

Tax Code: 125-106-14

Total Parcel Tax Value: \$2,312,200

- B. Project:** West Water Main - Phase II, Parcel # 20
Owner(s): Carolina Golf Club, Inc.
Property Address: 2415 Old Steele Creek Road
Property to be acquired: 77,252 sq. ft. (1.773 ac.) in Utility Easement, plus 58,892 sq. ft. (1.352 ac.) in Temporary Construction Easement
Improvements: Mechanical Equipment Storage Building
Landscaping: None
Purchase Price: \$464,935
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-1
Use: Golf Course Class 2 - Private Club
Tax Code: 117-091-01
Total Parcel Tax Value: \$5,934,800

Condemnation

- C. Project:** Firethorne Neighborhood - Proposed 10" Sanitary Sewer Parcel # 6
Owner(s): TC Paces, LLC And Kings I Paces, LLC And Any Other Parties Of Interest
Property Address: 5633 Paces Glen Avenue
Property to be acquired: Total Combined Area of 14,197 sq. ft. (.326 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,825
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-8MF(CD)
Use: Multi Family
Tax Code: 133-051-02
Total Parcel Tax Value: \$7,653,500

36. Meeting Minutes

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

- September 4, 2007 Workshop
- September 10, 2007 Business Meeting
- September 17, 2007 Zoning Meeting