

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

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

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

**CITY COUNCIL MEETING  
Monday, September 22, 2008**

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

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**CITY COUNCIL AGENDA  
Monday, September 22, 2008**

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## **4:00 P.M. CITY MANAGER'S EVALUATION ROOM 280**

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

### **1. Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### **Synopsis**

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

### **2. Summer Youth Employment Initiative Results**

**Resources:** Brad Richardson, Economic Development

**Time:** 15 minutes

#### **Synopsis**

- In March 2008, Council's Economic Development & Planning Committee reviewed the Mayor's Youth Employment Program (MYEP) and asked staff to increase the access to and the reach of the City's youth employment initiative.
- Staff recommended establishing a youth job center in partnership with Goodwill Industries to provide training and job placement services for youth ages 14-18.
- On April 14, 2008 Council approved \$45,000 to fund a pilot youth job center for the summer. Outcome measures were to include:
  - Number of youth placed in summer jobs
  - Number of youth receiving job readiness training
  - Number of host employer partnerships
  - Number of youth continuing employment into the school year
- Staff will update Council on the outcomes of City's youth employment initiatives, and make a recommendation for moving forward.
- The adopted budget for FY2009 includes \$200,000 for this initiative if Council wishes to continue the program at the conclusion of the pilot.

#### **Future Action**

Staff recommends referral to the Economic Development and Planning Committee.

### 3. Habitat for Humanity Grant for Neighborhood Revitalization

**Resources:** Stan Wilson, Neighborhood Development  
Bert Green, Habitat for Humanity

**Time:** 15 minutes

#### Synopsis

- Habitat for Humanity (Habitat) is requesting a \$600,000 grant from the City to fund architectural design upgrades for 100 homes in challenged and transitional neighborhoods.
- The upgrades will include adding full width porches with handrails, brick veneer foundations, window trim, brick columns with tapered wood and brick steps to newly constructed homes.
- The upgrades are needed to help the Habitat homes blend in better with the other housing in the neighborhoods. This will add value to all homes, thereby improving the overall community. Homeownership development is an important component of the city's neighborhood revitalization efforts and contributes to neighborhood stabilization.
- The total project development cost for 100 homes is \$8,600,000 and the City investment is \$600,000, which represents \$6,000 per unit and a leverage ratio of 1:14.
- The average sales price per home is approximately \$84,800. The homes will serve households earning between 31% to 60% of the area median income (\$19,871 to \$38,460 based on a household of four). Habitat homeowners pay between \$337 to \$676 per month on their mortgage.
- To maintain a mix of incomes in the communities, Habitat has agreed to limit the maximum number of Habitat homes in any one neighborhood to no more than 20% of the total number of homes in the neighborhood.
- The City began assisting Habitat with architectural upgrades in FY2002 in the Washington Heights neighborhood as part of the Bank of America-Hugh McColl build. In FY2005, City Council approved Housing Trust Fund dollars (\$1,020,000) to Habitat for 68 homes and in FY2006 City Council approved \$191,000 in CDBG funds for upgrades to 20 homes in the Druid Hills neighborhood for Habitat's FY2006 Builder's Blitz.
- Community Development Block Grant (CDBG) funds can be used for housing rehabilitation, infrastructure improvements, social services, economic development, and by non-profit housing agencies for new housing construction.
- In recent years, the Housing Trust Fund allocations focused on multi-family and special needs housing, therefore the recommended funding source is federal CDBG funds.

#### Future Action

This is item 15, page 14 of this agenda.

#### Attachment 1

Map of neighborhoods receiving new Habitat homes

#### **4. Transit Update**

**Resource:** Keith Parker, CATS

**Time:** 15 minutes

**Synopsis**

- CATS' staff will provide Council with an update on the overall performance of the transit system and the following:
  - LYNX Blue Line Extension (Northeast Corridor)
  - LYNX Purple Line (North Corridor)
  - West Corridor Enhanced Bus Project
  - Charlotte Streetcar
  - Charlotte Gateway Station
- Council will also be briefed on recent interactions with federal and state officials as well as efforts to increase the awareness of the transit system's Disadvantaged Business Enterprise Program.

#### **5. Answers to Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

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

**CONSENT**

- 6. Consent agenda items 23 through 52 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

### 7. Citizen Comment on Draft Tyvola and Archdale Transit Station Area Plan



**Action: Receive citizen comments on the draft Tyvola & Archdale Transit Station Area Plan, Concept Plan.**

**Committee Chair:** Anthony Foxx

**Staff Resource:** Kent Main, Planning

#### Explanation

- An interdepartmental team led by Planning Department staff has been working with residents and stakeholders to develop a plan for about 1,120 acres surrounding the Tyvola and Archdale Transit Stations.
- This is fourth in a series of plans for station areas along the LYNX Blue Line south of South End to I-485.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two public meetings were held, one on May 14 with 152 attending and the other on June 5 with 62 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to the Draft Document.

#### Plan Recommendations

- Land Use: Divided into three distinct geographies consistent with the Centers, Corridors and Wedges Growth Framework.
  - Transit Station Area:
    - Promote mix of transit supportive land uses in Transit Station Area, generally within 1/2 mile of the station
    - Ensure that new development adjacent to the neighborhoods provides good transition
  - General Corridor Area:
    - Maintain locations for office, commercial, light industrial and warehouse uses in vicinity of Tyvola Road and I-77
    - Maintain Montclair South and Silverleaf area single-family neighborhoods
    - Support continuation of multi-family property development south of Archdale Park, and at Grand Oaks Apartments, under specific criteria
  - Wedge Neighborhood Area:
    - Maintain single-family portion of the neighborhoods consistent with existing land use and zoning
    - Maintain moderate density residential uses along west edge bordering the station area under specific criteria
- Transportation and Streetscape Design:
  - Maintain and enhance the transportation network to increase safety and connectivity for all users. Provide future cross sections for streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines

- Infrastructure and Environment:
  - Make street trees a feature of all streets, and reduce impervious surfaces. Design buildings to reduce stormwater runoff and improve water quality

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

- The Planning Committee received public comments at their June 17 meeting. Speakers asked for clarification of residential or commercial property to be taken (there will be no takings), and noted a general desire for improved appearance of properties in the area.
- At their July 15 meeting, the Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

#### **Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their September 2 meeting. The Committee voted unanimously (Council members Foxx, Barnes, Burgess and Carter) to forward the plan to Council for public comment.
- The plan will be reviewed again by the Transportation Committee after the public comment, with subsequent recommendation to the City Council.

#### **Attachment 2**

Draft Tyvola & Archdale Transit Station Area Plan  
Proposed Revisions to Draft Document

## **8. Public Hearing on Airport Revenue Bonds**

- Action:**
- A. Hold a public hearing related to the issuance of up to \$405,790,000 in Airport Revenue Bonds for Airport Capital Improvement Projects and refunding of 1993A and 1997A Revenue Bonds and the projects to be financed and refinanced thereby, and**
  - B. Adopt a resolution directing staff to apply to the Local Government Commission for authorization to issue four series of airport revenue bonds and their sale.**

**Staff Resource:** Jerry Orr, Airport  
Scott Greer, Finance

#### **Explanation**

- The public hearing and adoption of the resolution are actions requested at the second of three Council meetings necessary to approve the issuance of up to \$455,790,000 in Airport Revenue Bonds.
- The public hearing is being held to satisfy an Internal Revenue Service (IRS) requirement to permit the Airport Revenue Bonds to be issued on a tax-exempt basis.
- This action allows for the termination of the 1993 and 1997 Airport revenue bond swap agreements.
- The total aggregate resolution not to exceed value of \$455,790,000 is determined as follows:
  - Series A, B, C aggregate values are not to exceed \$405,790,000 and are subject to the public hearing.

- Series D is not to exceed \$50,000,000 and is not subject to the public hearing as required by the IRS.
- Debt is being considered to fund capital improvement initiatives at the Airport and to refund several prior issues of Airport Revenue Bonds.
- Repayment of this debt will be solely from Airport Revenues.

**Funding**

Airport Revenues

**Attachment 3**

Resolution

Minutes

## ZONING

### 9. Rezoning Petition 2008-011

**Action:** Render a decision on proposed rezoning 2008-011 by Eastern Pride, Inc. – Charles Thomas & Barnes Boykin, for a change from MUDD (CD), mixed-use development conditional district to B-1 PED-O, neighborhood business pedestrian overlay district with optional provisions for approximately .91 acres located between W. Trade Street and W. 5<sup>th</sup> Street, north of N. Bruns Avenue.

**Staff Resource:** Tammie Keplinger, Planning

#### Explanation

- The decision on this protested petition was deferred on July 21 and July 28 since not all Council members were present at the meetings.
- The Zoning Committee unanimously recommended approval of this petition with the following modifications:
  - A tan color brick with a weave pattern will be added from the base to the soldier course brick pattern, in order to add interest to the building.
  - A pedestrian promenade located at the main entrance and approximately 20 feet in width will connect to the public sidewalk along West Trade Street. This area will also include two rows of street trees flanking both sides of the sidewalk. The pedestrian promenade will also extend along the entire length of the building over to the public sidewalk along West Fifth Street.
  - The front of the building will be enhanced with additional height and a more defined and inviting entrance.
  - The new renderings and the elevations depict four-sided architecture with additional articulation.
  - The required detention pond and the water quality area will be located in the open space. The detention will be placed underground and the water quality area will be screened. Landscape elements including street trees and plantings for parking lot screening purposes will be located along West Fifth Street, the northerly property line and West Trade Street.
  - Vegetative material will be planted in accordance with the ordinance at five-foot spacing around the parking lot.
  - The site plan notes that if it is feasible, the detention facility will not disturb the oak tree located along West Fifth Street and the determination as to the feasibility will be made during the permitting process.
  - The windows in the front entranceway area will be clear. Two out of the three sets of windows along West Trade Street will be clear. The other windows will be opaque so that the back of the fixtures are not visible from the outside.
  - Down lighting will be provided on the exterior of the building.
  - No temporary signs will be placed in the windows.
  - Shopping carts left in the parking area will be gathered by store personnel and returned to the interior of the store.
  - The building will be built with oversize brick; however, as depicted in the new rendering and the elevations, the brick pattern is broken up with a series of windows, canopies and soldier course brick pattern.

- The HVAC units will be screened and any ductwork associated with them will go directly into the building and not up the wall. No ductwork, wires, or pipes will be exposed. In addition, the dumpster or trash handling areas will be screened.

**Attachment 4**

Zoning Committee Recommendation  
 Staff Analysis  
 Vicinity Map  
 Site Map  
 Siteplan  
 Elevations

**10. Rezoning Petition 2008-080**

**Action:** Render a decision on proposed rezoning 2008-080 by Lorenzo J. Cavaliere for a change from R-3, single family residential to INST (CD), institutional conditional district for approximately 2.34 acres located on the southwest corner of Providence Road West and Marvin Road.

**Staff Resource:** Tammie Keplinger, Planning

**Explanation**

- The decision on this protested petition was deferred on September 15 since not all Council members were present at the meeting.
- The Zoning Committee voted 5-1 to recommended denial of this petition.

**Attachment 5**

Zoning Committee Recommendation  
 Staff Analysis  
 Vicinity Map  
 Site Map  
 Siteplan

**11. Rezoning Petition 2008-111**

**Action:** Render a decision on proposed rezoning 2008-111 by RWB Properties, for a change from R-3, single family residential to INST (CD), institutional conditional district and R-8 MF, multi-family conditional district for approximately 7.8 acres located on the southwest corner of Brown-Grier Road and Sandy Porter Road.

**Staff Resource:** Tammie Keplinger, Planning

**Explanation**

- The decision on this protested petition was deferred on September 15th since not all Council members were present at the meetings.
- The Zoning Committee unanimously recommended approval of this petition with the following modifications:

- The petitioner has added another access point to the site from Sandy Porter Road. This access will be a public street through the site that provides a future connection to the property to the west.
- The petitioner has added a public street running north to south through the site with a future connection to the property to the south.
- This site now complies with the design guidelines of the *General Development Policies*, which recommend more than one functional vehicular access point and the Urban Street Design Guidelines, which recommend maximum block lengths of 600 feet.
- A note has been added to indicate that a 10% tree save area will be provided to comply with the design guidelines of the General Development Policies.
- Elevations for the proposed child care center have been included.
- A note has been added indicating the residential units will be all brick.
- The petitioner has revised the note regarding the CATS bus waiting pad proposed on Brown Grier Road and committed to constructing this pad to CATS standard 60.02.
- A note regarding future five foot wide bike lanes along Brown Grier Road and Sandy Porter Road has been added to the plan.
- The number of proposed multi-family units has been corrected on the plan.
- The detention area has been removed from the buffer on the Institutional (CD) site.
- Labeled buffers that have been reduced.
- A note has been added indicating the fence along the southern portion of the site will be constructed of materials that are architecturally similar to the materials used on the proposed residential buildings.
- A note has been added that the petitioner will dedicate and convey additional right-of-way along both Brown Grier and Sandy Porters Roads if sufficient right-of-way does not exist. The right-of-way for Brown Grier Road requires 50 feet from the centerline while Sandy Porter Road requires 35 feet from the centerline.
- The petitioner has noted that they reserve the option to disturb the interior 10 feet of buffers.

**Attachment 6**

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Site Map

Siteplan

Elevations

## POLICY

### 12. City Manager's Report

### 13. 2009 Annexation Eastfield Qualifying Area

- Action:**
- A. Consider removal of the portion of the Eastfield annexation qualifying area located within Cabarrus County (while retaining the Mecklenburg County portion of the Eastfield qualifying area), and**
  - B. If staff is directed to amend the qualifying area, amend the Annexation Official Report for the Eastfield qualifying area to reflect the deleted area.**

**Staff Resource:** Jonathan Wells, Planning

#### **Background**

- At their July 21, 2008 dinner meeting City Council received a report of the six 2009 annexation qualifying areas, including the Eastfield qualifying area.
- A small portion of the Eastfield qualifying area is located in an unincorporated portion of Cabarrus County, contiguous to the remainder of the Eastfield area.
- This area was identified for potential Charlotte annexation since land development and area access is oriented toward Charlotte, making service of the area by Charlotte more efficient than by Concord.

#### **Explanation**

- It has been determined that more discussion of options for future service delivery to the area in Cabarrus County needs to take place.
- Therefore, the recommended 2009 Eastfield annexation qualifying area (as amended) will consist of only the Mecklenburg County portion of the previously-presented Eastfield annexation qualifying area.
- Further discussions about service delivery to the unincorporated portion of Cabarrus County will be initiated only after official action by the City of Concord on the annexation agreement with the City of Charlotte.

#### **Attachment 7**

Map of revised Eastfield annexation qualifying area

## BUSINESS

### 14. East Zone Solid Waste Collection Contract

- Action:**
- A. Award a five year contract to Waste Pro USA, Inc. in the amount of \$29,283,500 to provide refuse, recycling, yard waste, and bulky item collection services for the East Zone of the City,**
  - B. Authorize the City Manager to negotiate and execute up to two possible one-year contract extensions with Waste Pro USA, Inc. in an aggregate amount of \$12,983,700, and**
  - C. Authorize the City Manager to adjust the approved contract dollar amount for fuel price adjustments per the formula outlined in the contract and for future annexations that increase the number of households covered by the contract service area.**

**Committee Chair:** Ed Pickett, Privatization & Competition Advisory Committee Chairman

**Staff Resource:** David Elmore, Business Support Services

#### Explanation

- Residential solid waste services in the East Zone (see attached map) includes refuse collection, recycling, yard waste and bulky item pickup for 45,395 households.
- In 2004 the City issued a Request for Proposals for the East Zone resulting in a Memorandum of Understanding with the City's Solid Waste Services Key Business Unit to provide services beginning July 1, 2005.
- In September of 2007 the City's Internal Audit Division recommended the cancellation of the East Zone Memorandum of Understanding with the City's Solid Waste Services Key Business Unit for failure to meet the agreed upon cost structure. The City Manager cancelled the Memorandum of Understanding in October 2007.
- City staff from Internal Audit, the City Manager's Office, Solid Waste Services, Procurement Services and the City Attorney's Office, in conjunction with the Citizen's Privatization & Competition Advisory Committee (PCAC), issued a Request for Proposals in January of 2008 and received four responses as follows:
  - Allied Waste Services of Charlotte
  - City of Charlotte Key Business Unit
  - Inland Service Corporation
  - Waste Pro USA, Inc.
- The City's Internal Audit Division reviewed each private company's financial information and found that all the companies appeared to be financially capable of performing the services. The evaluation team members reviewed all the proposals without knowledge of pricing, finding all service providers to have the qualifications and capacity to perform the services based on their method of service delivery (staffing, equipment, routes), experience and financial capability.

- The evaluation team invited the City’s Solid Waste Services KBU, Inland Service Corporation and Waste Pro USA, Inc. to give presentations in June 2008.
- After the presentations, site visits to the Waste Pro USA, Inc. facility in Tallahassee, Florida and to CLM Sanitation in Stockbridge, Georgia were undertaken by City staff and PCAC members. The Stockbridge, Georgia site visit highlighted the use of the Curotto Can front-loader technology proposed by Waste Pro USA, Inc. which if approved, would be new to the Charlotte area.
- Only after all the proposals were thoroughly reviewed for other factors was pricing considered. The evaluation team found the proposal submitted by Waste Pro USA, Inc. represented the best value for the City.
- On August 14, 2008 the evaluation team unanimously recommended Waste Pro USA, Inc. to the PCAC. The full PCAC voted unanimously to recommend to City Council the award of the East Zone Solid Waste Services contract to Waste Pro USA, Inc., with services to begin July 1, 2009.
- At the September 2 Workshop, the PCAC made a presentation on the East Zone process.

**Summary of Proposals**

| <b>Service Provider</b>    | <b>Present Value of Five Year Initial Contract Term</b> |
|----------------------------|---|
| Waste Pro USA, Inc.        | \$25,549,863  |
| City of Charlotte SWS KBU  | \$26,087,853  |
| Inland Service Corporation | \$26,950,358  |
| Allied Waste               | \$31,320,715  |

**Small Business Opportunity**

Managed competition projects are exempted from SBE goals (Appendix Section 23.3 of the SBE policy).

**Funding**

Funding will be provided through the Solid Waste Services KBU which will administer and monitor the contract. Both the proposal from the City’s Solid Waste Services Key Business Unit and the Waste Pro USA, Inc. proposal represent an increase from current budgeted amounts to provide solid waste services in the East Zone, which will be reflected in future budget proposals.

**Attachment 8**

East Zone Map  
 September 2 Workshop Presentation

## 15. Habitat for Humanity Grant for Neighborhood Revitalization

**Action: Approve a grant to Habitat for Humanity for up to \$600,000 to fund construction upgrades as part of the development of 100 single-family homes in challenged and transitioning neighborhoods**

**Staff Resource:** Stan Wilson, Neighborhood Development

### Policy

- City's FY2009 Action Plan:
  - Approved by City Council on June 23, 2008
  - Identifies the need for affordable, safe and decent housing for low and moderate-income families
  - Reaffirmed the three basic goals of the City's Housing Policy; preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

### Explanation

- Habitat for Humanity requests a \$600,000 grant from the City to fund architectural design upgrades. Improvements include full width porches with handrails, brick veneer foundations, window trim, brick columns with tapered wood and brick steps.
- Habitat for Humanity established a corporate goal to construct 100 single-family homes in FY2009 on vacant lots that it owns in challenged and transitioning neighborhoods.
- The upgrades are needed to make the Habitat homes blend in with the other housing in the communities. In addition, the upgrades add value to the homes which improves the community as a whole. The homes will also increase homeownership which contributes to neighborhood stabilization.
- The City began assisting Habitat with architectural upgrades in FY2002 in the Washington Heights neighborhood as part of the Bank of America-Hugh McColl build. In FY2005 and FY2006 City Council approved Housing Trust Fund dollars (\$1,020,000) to Habitat for 68 homes and in FY2006 City Council approved Community Development Block Grant (CDBG) funds (\$191,000) to Habitat to provide upgrades for 20 homes during Habitat's FY2006 Builder Blitz.
- The upgrades have previously been provided for homes built in Belmont, Druid Hills, Grier Heights, Lakewood, Lincoln Heights, Washington Heights, Thomasboro/Hoskins and Reid Park.
- The total project development cost for the 100 homes is \$8,600,000 and the City investment is \$600,000, which represents \$6,000 per unit and a leverage ratio of 1:14.
- The average sales price per home is approximately \$84,800. The homes will serve households earning between 31% to 60% of the area median income (\$19,871 to \$38,460 based on a household of four). Habitat homeowners pay between \$337 and \$676 per month for their mortgage payments.

- To maintain a mix of incomes in the communities, Habitat has agreed that the maximum number of Habitat homes in each neighborhood will not exceed 20% of the total number of homes.
- The Habitat model is to acquire land and build new homes; however, the organization is exploring housing rehabilitation and has developed an urgent repair program.
- Habitat has built approximately 810 homes in Charlotte. Approximately 624 homeowners still have mortgages with Habitat, 73 homeowners have paid off their mortgage and approximately 113 homeowners have either sold their homes or refinanced.
- Habitat provides post closing financial, mortgage delinquency and mortgage default counseling. Habitat uses newsletters and annual events to educate homeowners and assist them in keeping and maintaining their homes.
- Habitat provides first, second and third mortgages to avoid issues with predatory lending to access homeowner equity.
- Habitat works in partnership with neighborhood leadership and residents to address and correct neighborhood safety issues and other issues of neighborhood concern.
- Since 1984 Habitat reports that its homeowners have paid \$5,333,037 (\$1,885,247 for City and \$3,447,790 for County) in cumulative property taxes.
- CDBG funds can be used for housing rehabilitation, infrastructure improvements, social services, economic development and by non-profit agencies for new housing construction.
- In recent years, the Housing Trust Fund allocations focused on multi-family and special needs housing, therefore, the recommended funding source is federal CDBG funds.

### **Funding**

Federal CDBG Program Income

### **Attachment 9**

Habitat for Humanity letter

Sources and Use of Funds

Habitat Homes – Neighborhood Listing

Habitat for Humanity Report – Relationship with the City of Charlotte

## 16. NASCAR Hall of Fame Related Items

- Action:**
- A. Approve the First Amendment to the NASCAR Hall of Fame Agreement between NASCAR, the Charlotte Regional Visitors Authority (CRVA) and the City; the First Amendment to Purchase, Transfer and Agency Agreement between the City, the CRVA and One New Charlotte, LLC (the special purpose entity that entered into the Loan Agreement with Wachovia Bank and Bank of America); and authorize any associated documents required to effectuate those amendments, which increase the project budget from \$163 million to \$195 million through payment to the City of private sponsorship and other Hall of Fame revenues of \$2 million per year for five years (together with revenues from the dedicated NASCAR Hall of Fame tax),**
  - B. Adopt a budget ordinance appropriating \$32 million in COPS financing for increasing the scope of the project to include expanded exhibits, improved energy efficiency, ribbon lights, and contingency replenishment, and appropriating up to \$3,900,000 in additional payments from Lauth Property Group for contributions to the parking deck and loading dock**
  - C. Designate LED lighting of the ribbon as the art component of the project,**
  - D. Approve the amendment of \$27,329,540 to the Turner-BEK-Davis Construction Management contract, establishing a Guaranteed Maximum Price of \$158,919,043 and a completion date of April 16, 2010,**
  - E. Approve the amendment to the contract with Ralph Appelbaum Associates, Inc. for design of the expanded exhibits and for media production, in an amount of \$4,132,245,**
  - F. Approve the contract with Hunt Construction Services, LLC to provide owner's representative services related to the fabrication and installation of exhibits in an amount of \$534,375, and**
  - G. Adopt a resolution amending the FY2009-FY2013 Capital Investment Plan to reflect the budget adjustment.**

**Staff Resources:** Ron Kimble, Deputy City Manager  
 Jim Schumacher, Assistant City Manager  
 Tim Newman, CRVA  
 Winston Kelley, CRVA

### Background

- With the support of the local hotel and motel industry, the City and Charlotte Regional Visitors Authority (CRVA), in collaboration with Wachovia and Bank of America, submitted a proposal to NASCAR in May 2005 to be the home of the NASCAR Hall of Fame, funded primarily by a

new 2% tax on hotel and motel rooms. NASCAR awarded the Hall of Fame franchise to Charlotte in March 2006.

- The Hall of Fame is being constructed on a site adjacent the Convention Center, along with a new ballroom for convention uses, a 1,000 space parking deck and a privately developed 390,000 square foot office tower by Lauth Development Group.

### **Explanation**

- In early 2005, the local hotel industry encouraged the City Council and County Commission to seek a 2% hotel/motel tax specifically to fund and support the NASCAR Hall of Fame. The tax was approved by the State Legislature that year, restricted to use only for the Hall of Fame complex, and levied beginning in 2006. The revenues have been substantially stronger than the original projections, which translates into more debt capacity today than estimated in 2005.
- In the course of designing the Hall of Fame, the project team identified features that, if added, would maximize the appeal of the facility as a hospitality attraction and improve its operations.
  - \$17M for expansion of the exhibits to be more extensive, more interactive, and higher technology to ensure the facility is a strong draw for visitors
  - \$2M for improvements to the heating and cooling equipment of the convention center and Hall of Fame (to LEED standards) that will save energy and reduce operating costs
  - \$1M for unique, high technology lighting of the ribbon that will help make the facility an icon for the City
  - \$12M for replenishing contingency funds that were depleted by overruns in construction costs resulting from the severe escalation of construction materials worldwide and the strong demand for sub-contractors and construction workers in Charlotte. The contingency funds cover the potential for unknown construction costs and may not all be used.
- The above items totaling \$32M are all recommended for funding with the 2% hotel/motel tax, which must by law be devoted to the acquisition, construction, financing, maintenance, and repair of the Hall of Fame and Ballroom, and the revenues generated from sponsorships, brick sales, and private contributions.
- The possibility of increased exhibits was contemplated in the original agreement by classifying the \$13M as an allowance, and indicating that the City/CRVA and NASCAR could jointly fund additional exhibits, but neither was obligated to do it.
- Wachovia, Bank of America and NASCAR have committed to a strategy where they will defer Hall of Fame payments to them that will instead add \$10 million over five years to the City's debt service fund, which combined with the growing hotel tax receipts, provides funding for the additional \$32M investment.
- These dollars will primarily be private sponsorships associated with the Hall of Fame that would otherwise flow to the banks and NASCAR to fulfill loan payments and royalties. Sponsorships in the range of \$25-\$35M along with brick sales of \$5M-\$7M are contemplated in the early years of the Hall of Fame construction and operation.

### **Additional NASCAR Contributions**

- In addition to these deferrals, NASCAR is providing the following for the Hall of Fame in Charlotte:

- In partnership with Lauth Properties, NASCAR committed to bring the \$105 million NASCAR Plaza to Uptown Charlotte, adjacent to the NASCAR Hall of Fame.
- Next April, NASCAR and NASCAR Media Group will move 250 employees to the NASCAR Plaza.
- Seven positions from NASCAR’s Los Angeles and Daytona offices have already relocated to Charlotte.
- NASCAR is investing approximately \$45 million to bring state of the art, high definition studios, production facilities, and offices to the NASCAR Hall of Fame complex. Along with this technology, NASCAR will attract some of the most creative professionals in the broadcast and production business to Charlotte.
- NASCAR will be providing millions of dollars in media, marketing, exposure and production to ensure that every fan knows that Charlotte is the home of the NASCAR Hall of Fame. Many of their weekly shows and productions will originate from the NASCAR Hall of Fame.
- In the future, NASCAR’s weekly international broadcast feeds, to over 150 countries, will be produced and uplinked from The NASCAR Hall of Fame, providing additional international exposure and promotion for Charlotte, the motorsports industry and The NASCAR Hall of Fame.

**Additional Bank Contributions**

- In addition to the \$5M gross (\$4.75M net of increased interest) in redirected sponsorships to the City’s debt service fund, Bank of America and Wachovia are providing the following to the Hall of Fame in Charlotte:
  - \$20M non recourse, low interest land loan fronted by the banks in lieu of direct cash investment by the State of North Carolina for Hall of Fame construction. Loan is secured by land donated by the State as part of the Caldwell interchange reconstruction project.
  - \$16.5M non recourse, low interest loan fronted by the banks secured by sponsorships and brick sales for Hall of Fame construction.
  - \$5M non recourse, low interest loan fronted by the banks secured by sponsorships and brick sales for Hall of Fame preopening expenses.
  - First corporate sponsors of the Hall of Fame, with a formal agreement documenting the contributions coming forward soon.
  - Bank resources participating in analysis, research, and motorsports industry understanding of what it takes to deliver this project on a sustainable foundation for 30+ years.

**Sources of Funds**

- The sources of funds along with the adopted and proposed budgets are:

|  | <u>Adopted</u> | <u>Proposed</u> |
|--|----------------|-----------------|
| 2% hotel/motel tax                       |                |                 |
| Original Scope                           | \$102.5        | \$102.5         |
| Expanded exhibits                        |                | 17.0            |
| Energy improvements                      |                | 2.0             |
| Ribbon lighting                          |                | 1.0             |
| Construction contingency                 |                | 12.0            |
| Convention Center Fund                   | 24.0           | 24.0            |
| Sale of surplus I-277 right of way       | 20.0           | 20.0            |
| Bank loan (Wachovia and Bank of America) | <u>16.5</u>    | <u>16.5</u>     |
| Total                                    | \$163.0        | \$195.0         |

### **Construction**

- The Construction Management contract with Turner-BEK-Davis was approved by the City Council February 26, 2007 in the amount of \$131,589,503. The contract provides that it would be amended to establish the Guaranteed Maximum Price (GMP) after all major components of the work have been bid to sub-contractors. The GMP amount of \$158,919,043 includes the expanded scope described above and additional contingency funds.
- Lauth Property Group is the developer of the 19 story office tower in the Hall of Fame complex. Lauth is contributing to the cost of the parking deck and loading dock. The budget ordinance appropriates up to \$3.9 million of Lauth contributions to construction costs added to the \$11,492,503 in developer contributions appropriated on February 26, 2007.

### **Other Items**

- The exhibit design contract with Ralph Appelbaum & Associates was approved by the City Council December 11, 2006 in the amount of \$3,740,000. The amendment to the contract adds fees associated with the expansion of the exhibit scope and the addition of media production to RAA's work.
- Due to the unique nature of fabricating and installing highly technical and interactive exhibits, the firm of Hunt Construction Services, LLC has been selected to serve as Owner's Representative for the City in that area of the project. Their services will include review of the exhibit design documents for constructability and oversight of the exhibit fabricator(s).

### **Small Business Opportunity**

#### Contract with Turner-BEK-Davis for Hall of Fame Museum Construction Management

The established SBE goal for NASCAR Hall of Fame is 16% and is extended to the total contract value including amendments.

#### Amendment to Exhibit Designer contract with Ralph Appelbaum Associates (RAA)

SBO staff has been in conversation with RAA and determined that there are limited opportunities available for SBEs on this amendment. Below is a breakdown of the items that comprise the \$4,132,245 amendment:

- Graphic Production: will be completed in-house by RAA
- Construction Administration: 1.02% (\$42,000) will be subcontracted to the SBE firm Tobin Dudley, PLLC
- Media Production: this work is highly specialized (interactive exhibits, etc.) leaving a negligible amount of the work to be subcontracted.
- RAA's SBE utilization on the total contract amount is 1.37% (\$108,000).

#### Contract with Hunt Construction Services, LLC for Owner Representation

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

### **Attachment**

The attachments are included in a notebook.

## 17. Identity Theft Prevention Program

**Action: Authorize the City Manager to approve and implement an Identity Theft Prevention Program as stipulated by the federal government for City services that offer a credit payment.**

**Staff Resource:** S. Mujeeb Shah-Khan, City Attorney's Office  
 Chuck Robinson, Business Support Services  
 Randy Moulton, Office of the Chief Information Officer  
 Greg Gaskins, Finance

### Explanation

- As part of the Fair and Accurate Credit Transactions Act (FACTA), the federal government mandated that creditors (which include municipalities in certain cases) develop, adopt and implement written Identity Theft Protection Programs (Programs).
- In order to comply with federal law, the programs must contain reasonable policies and procedures to:
  - Identify relevant red flags for covered accounts and incorporate those red flags into the program
  - Red flags are defined as a "pattern, practice, or specific activity that indicates the possible existence of identity theft." For example, red flags include customers using social security numbers of the deceased to set up accounts or using fictitious addresses for accounts.
  - Detect red flags incorporated into the programs
  - Respond appropriately to any red flags that are detected to prevent and mitigate identity theft
  - Ensure that the program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft
- The program must be in place by November 1, 2008.
- For several years the City has identified and complied with best practices in the industry for protecting personal information such as social security numbers, credit card numbers and other identifying information from disclosure. The City has worked to comply with other changes in both state and federal law in this area. The City complies with the credit card companies' payment card industry data protection standards. The City also complies with North Carolina's Identity Theft Protection Act of 2005 and the requirements it imposed in 2006 and 2007.
- Many of the items that FACTA is concerned with protecting have already been considered protected by the City as it complied with other practices and statutes. The program the City will implement will incorporate many elements of other City programs in use.
- The City is required to adopt a program since it provides water and sewer services. Other City services which offer citizen credit to be paid back to the City at a later date may also be covered by the program (examples: transit ticket vending machines, Park-It!, Animal Care and Control, and land development fees).
- The City's budget already contains funds for security software, security upgrades and compliance activities related to protection against identity theft. In complying with FACTA, the City does not expect to incur additional costs.

### Social Security Numbers

- With respect to social security numbers for water and sewer utility accounts, customers are asked to provide their social security number primarily for debt collection purposes. As required by North Carolina law, upon request customers are told how the social security number will be used.
- The City protects the social security numbers from disclosure, in accordance with state and federal law. Collection of social security numbers allows City Finance to process delinquent customer accounts through outside collection agencies and the North Carolina Debt Set Off Program as the social security number is the primary identifier used by both of these collection mechanisms. The Debt Setoff Program allows the City to collect past due debts from debtors' North Carolina tax refunds and is used after the collection agency has exhausted its collection efforts.
- During FY2008 the City recovered over \$1 million through the collection agency and the Debt Setoff Program.

## 18. Business Investment Grant for Time Warner Cable

**Action:** Approve the City share of a Business Investment Grant to Time Warner Cable for a total estimated amount of \$1,050,000 over seven years (total City/County grant estimated at \$3 million).

**Staff Resource:** Brad Richardson, Economic Development

**Focus Area:** Economic Development

### Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

### Explanation

- In 2003 Council approved a Business Investment Grant Framework for Time Warner Cable to create up to 1,150 jobs and more than \$65 million in new investment in Charlotte. The amount of the grant was not to exceed \$8 million.
- Under this framework, the City and County awarded a \$3 million Business Investment Grant to Time Warner Cable in 2003 for the first two phases of its expansion, and required the company to invest \$28 million in new taxable property and add 670 new jobs.
- Since that time, Time Warner Cable has created over 800 new jobs and invested more than \$100 million in new facilities and equipment. To date, the company has received \$313,600 from the City and \$574,400 from the County toward the \$3 million total grant for the first two phases.
- The Council approved framework allows two additional phases of Time Warner Cable's expansion to qualify for additional grants (up to the \$8 million maximum), subject to approval from the City Council and County Commission.
- On August 5, 2008 Time Warner Cable announced a new expansion that will create 200 new jobs in Charlotte, and qualify them for consideration of an additional Business Investment Grant under the Council approved framework.
- Staff has met with officials at Time Warner Cable and believes that the following capital investment and job creation numbers satisfy the requirements of the 2003 Council-approved Framework:

- Investment between \$34 million and \$40 million for new office building
- 200 new jobs with an average wage greater than the average for the Charlotte-Gastonia-Rock Hill M.S.A.
- The expansion is estimated to have a total direct economic impact of \$15.3 million per year on Charlotte’s economy, and generate additional annual tax revenues of \$432,800 to the City, including \$170,000 in new property taxes.
- To bring this grant into conformity with the 2007 program revisions, staff recommends this grant be paid over a seven-year term in installments equal to 90% of net new taxes paid rather than the 10 year term described in the 2003 Framework. Shortening the term will also save staff time in monitoring the company’s performance.
- If approved, the following schedule is an estimate of the additional Investment Grant payments to Time Warner Cable. This estimate represents 90% of net new property taxes paid by the company over the expected term:

| Year  | City        | County      | Totals      |
|-------|-------------|-------------|-------------|
| 1     | \$150,650   | \$279,287   | \$429,987   |
| 2     | \$150,650   | \$279,287   | \$429,987   |
| 3     | \$150,650   | \$279,287   | \$429,987   |
| 4     | \$150,650   | \$279,287   | \$429,987   |
| 5     | \$150,650   | \$279,287   | \$429,987   |
| 6     | \$150,650   | \$279,287   | \$429,987   |
| 7     | \$146,100   | \$274,278   | 420,378     |
| Total | \$1,050,000 | \$1,950,000 | \$3,000,000 |

- The general terms and condition of this grant include:
  - A portion of the grant must be repaid if the company moves this investment from Charlotte within 5 years of the end of the grant term.
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - All property taxes due from the company must be paid before a grant payment is made.
- The Board of County Commissioners will consider approval of a Business Investment Grant on October 7, 2008.

**Funding**

Business Investment Grant Account; first payment is estimated to occur in FY2010.

**19. Nomination to Boards and Commissions**

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

**A. BICYCLE ADVISORY COMMITTEE**

- Two appointments for three year terms beginning January 1, 2009.
  - Frank Burns and Jesse Hooks are eligible and would like to be reappointed.

**Attachment 10**

Applications

**B. BUSINESS ADVISORY COMMITTEE**

- One appointment for a three year term for a representative for the Manufacturer's Council beginning immediately.
  - The recommendation from The Charlotte Chamber's Manufacturer's Council is Linda Daniel.

**Attachment 11**

Applications

**C. HOUSING APPEALS BOARD**

- One appointment for a three year term beginning January 1, 2009.
  - Joyce Waddell is not eligible for reappointment.

**Attachment 12**

Applications

**D. HOUSING AUTHORITY**

- One appointment for an unexpired term ending December 17, 2008, and the next full three year term.
  - Sandra H. Peters resigned.

**Attachment 13**

Applications

**E. KEEP CHARLOTTE BEAUTIFUL**

- One appointment beginning immediately and ending June 30, 2009.
  - Marc E. Gustafson did not meet attendance requirements.
- One appointment beginning immediately and ending June 30, 2010.
  - Christopher Spearman did not meet attendance requirements.
- Two appointments beginning immediately and ending June 30, 2011.
  - Julie Diggs did not meet attendance requirements.
  - William Scheppegrell does not want to be reappointed.

**Attachment 14**

Applications

**F. NEIGHBORHOOD MATCHING GRANTS**

- One appointment for a business representative for a two year term beginning immediately and ending April 15, 2010.
  - Mary L. Boyd resigned.
- One appointment for a neighborhood organization leader for a two year term beginning immediately and ending April 15, 2010.
  - Jennie Crismore resigned.
- One appointment for an unexpired term beginning immediately and ending April 15, 2009.
  - Ruth W. McCann resigned.

**Attachment 15**

Applications

**G. PAROLE ACCOUNTABILITY COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending June 1, 2010.
  - Jeannie F. Lee resigned.

**Attachment 16**

Applications

**H. PASSENGER VEHICLE FOR HIRE BOARD**

- One appointment for an unexpired term for a vehicle owner beginning immediately and ending July 1, 2009.
  - Diane Sapu Mason resigned.

**Attachment 17**

Applications

**I. TREE ADVISORY COMMISSION**

- Three appointments for three year terms beginning December 14, 2008.
  - Christopher T. Buchanan, William J. Clark and J. Martin Sondey are eligible and would like to be reappointed.

**Attachment 18**

Applications

**20. Appointments to Boards and Commissions**

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

**A. NEIGHBORHOOD MATCHING GRANTS**

- One appointment for an at-large representative for a two year term beginning immediately and ending April 15, 2010.
  - Virginia Keough nominated by Council member Turner
- One appointment for a business representative for a two year term beginning immediately and ending April 15, 2010.
  - Shirley Stevenson nominated by Council member Carter

**Attachment 19**

Applications

**B. PLANNING COMMISSION**

- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
  - Tracy Finch nominated by Council member Mitchell
  - Leigh W. Rounds nominated by Council member Lassiter

**Attachment 20**

Applications

## 21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

## 22. Closed Session

- Action:**
- A. Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of a judicial action captioned *City of Charlotte v. Thalle Construction, Company, Inc. and Centennial Insurance Company, Mecklenburg County Superior Court Case No. 07-CVS-12586, and***
  
  - B. Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling and settlement of claims which are reasonably likely to be litigated within the foreseeable future but are not yet in litigation.**

**Resource:** Mac McCarley, City Attorney's Office

## Introduction to CONSENT

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

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

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

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

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

### Contractors and Consultants

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

## CONSENT I

### 23. Various Bids

#### A. **Southwest Water Transmission Main, Phase B2** **CMU**

**Staff Resource:** Doug Bean, Utilities

#### **Action**

Award the low bid of \$3,488,658.36 by Sanders Utility Construction Co., Inc., for construction of the next phase of the 48 inch Southwest water transmission main. This is the third of four phases, running along Steele Creek Road in southwest Mecklenburg County and ending at Shopton Road West.

#### **Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 2.14%

Sanders Utility failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 2.14% (\$74,440) of the bid amount to the following SBE firms:

|                             |          |
|-----------------------------|----------|
| B & B Concrete of Carolinas | \$4,000  |
| Union Paving Contractors    | \$10,000 |
| Miriam Davis Cleaning       | \$3,000  |
| Professional Communications | \$23,400 |
| Roberts Enterprise of NC    | \$14,000 |
| Hazel Holmes Trucking       | \$10,000 |
| All Points Trucking         | \$10,000 |

**B. Plaza Elevated Water Storage Tank Rehabilitation** **CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Approve the low bid of \$269,500 by Utility Service Co. for the rehabilitation of The Plaza elevated water storage tank. This work will primarily include cleaning and repainting the exterior of the tank, and making minor modifications to the tank access to improve security. Utilities originally bid this project in April 2008 as an informal project. The one bid received was conditioned upon the contractor not starting work until spring of 2009. This bid was rejected and the project was rebid. In May 2008 a letter was mailed to the residents of the Midwood neighborhood explaining Utilities' plan to renovate the tank. The low bid from Utility Service Co. is more than \$200,000 lower than the one bid received in April. The renovation is scheduled to be complete during December 2008.

**Small Business Opportunity**

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

**C. Fred D. Alexander Boulevard Section B-1** **EPM**

**Staff Resource:** Imad Fakhreddin, Engineering and Property Management

**Action**

Award the low bid of \$11,871,299.02 by Scurry Construction, LLC. This is the first phase of Fred D. Alexander Boulevard Project. The work includes construction of a bridge spanning Old Mount Holly Road, the CSX Railroad and Mount Holly Road. Also includes the relocation of the intersection of Valleydale Road at Mount Holly Road. Construction completion is scheduled for fourth quarter of 2010.

**Small Business Opportunity**

Established SBE Goal: 8.00%  
Committed SBE Goal: 6.29%

Scurry Construction did not meet the SBE goal or the Minimum Good Faith Effort points. The SBO Program Manager has issued a non-compliance waiver on the basis of it being minor in nature (Part B: Section 6.3.1 of the Program Policy). Scurry committed 6.29% (\$766,116.58) of the total contract amount to the following SBEs: Bullington Construction (\$104,701), Carolina Cajun Concrete (\$80,208), Ground Effects Inc. (\$34,338), Harvest Environmental Services (\$122,500), Hazel Holmes Trucking (\$231,193) and R.E. Sifford Utility Inc. (\$193,127).

#### **D. Lawyers Road Extension EPM**

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

##### **Action**

Award the low bid of \$3,036,237.06 by Mainline Contracting, Inc. This project will construct a median-divided connector road east of the Albemarle Road and W. T. Harris Boulevard intersection. The new road will connect Old Lawyers Road to East W.T. Harris Boulevard. This project will install a new 36-inch waterline along the new Lawyers Extension. The project will also widen and reconfigure turn lanes and adjust signal timing. Construction completion is scheduled for fourth quarter of 2009.

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

Established SBE Goal: 9%

Committed SBE Goal: 9.64%

Mainline Contracting, Inc. committed 9.64% (\$292,429.94) of the total contract amount to the following SBE firms: R.E. Sifford Utility Inc. (\$100,767), The Carolina Landworks Inc. (\$10,357.14), Charlotte Trucking Solutions LLC (\$160,108) and ACS Pavement Marking Inc. (\$21,197.80).

#### **E. Jefferson Phase 2 – Storm Drainage Improvement Project EPM**

**Staff Resource:** William Harris, Engineering and Property Management

##### **Action**

Award the low bid of \$2,051,026.55 by Ferebee Corporation. This storm drainage improvement project addresses street flooding, house flooding and stream erosion. The project is bounded by Providence Road to the east, Fairview Road to the north, Carmel Road to the west, and Red Cedar Lane to the south. The project involves replacement of culverts and underground pipe systems, stream stabilization, construction of curb and gutter, dam outlet/roadway culvert rehabilitation work, water and sanitary sewer utility work and related construction activities. Construction completion is scheduled for second quarter of 2010.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 15.09 %

Ferebee Corporation committed 15.09% (\$309,611) of the total contract amount to the following SBE firms: On Time Construction (\$238,505), Bullington Construction (\$41,454), and New Beginnings Landscape (\$29,652).

**F. Road Salt****CDOT**

**Staff Resources:** Layton Lamb, Transportation  
Genetta Carothers, Business Support Services

**Action**

Award the low bid unit price contract of \$118.42 per ton to International Salt Company, LLC, for providing salt to the Department of Transportation for a term of three years and authorize the City Manager to renew up to two additional one year terms with possible price adjustments as authorized by the contract. The anticipated annual expenditure is \$414,470. Charlotte Department of Transportation requires salt to condition the roads during winter months. Salt is in short supply due to the 2008 Midwest winter storms. Prices increased over 60% from last winter, increasing \$65 per ton or an additional \$245,000 for 3,500 tons.

**Small Business Opportunity**

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

**G. Bus Engine Replacement Parts****CATS**

**Staff Resource:** John Trunk, CATS

**Action**

Approve a one year unit price contract to Covington Power Services for an estimated annual sum of \$525,000. Authorize the City Manager to approve up to four, one year renewals. CATS will purchase parts of major components to repair the engines of the bus fleet. These parts will include engine cores and other miscellaneous engine parts.

**Small Business Opportunity**

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

**H. Old Dowd Road Bridge Construction****Airport**

**Staff Resource:** Jerry Orr, Airport

**Action**

Award the low bid of \$7,243,723 by Crowder Construction Company for the construction of two bridges on Old Dowd Road. The construction of the Third Parallel Runway requires the relocation of Wallace Neel Road and a portion of Old Dowd Road. In order to expedite construction of the runway and roads, the construction contracts were broken into multiple phases. This contract covers the final phase of road construction. This contract will construct one bridge from Old Dowd Road over the mainline of the Norfolk-Southern Railroad to Wilkinson Boulevard, and another bridge to provide grade separated access across the new road. Funding for this contract comes from existing and future federal grant funds and proceeds of the 2007 General Airport Revenue Bond Issue, the debt service of which is paid by Passenger Facility Charge (PFC) revenues.

**Disadvantaged Business Opportunity**

Established DBE Goal: 14%

Committed DBE Goal: 10%

Crowder Construction, Inc. committed to using three certified DBE contractors to perform services equaling \$720,997 on the project. Although the project goal was not met, Crowder Construction, Inc. provided documented evidence of Good Faith Efforts to attain the goal. Subsequent to the bid date, Crowder came to terms with and will use additional DBEs equaling an additional \$298,128.80. They submitted Letter of Intent and an updated schedule for the additional participation, which will reach the original 14% project goal.

**C. Air Conditioning Equipment Replacement      Airport**

**Staff Resource:** Jerry Orr, Airport

**Action**

Award the low bid of \$651,900 by Cost Effective Maintenance Inc. for the replacement of air conditioning equipment. The original air conditioning equipment in the terminal central energy plant has been in operation for 23 years and has developed system inefficiencies which require that they be replaced. This 600 ton chiller machine and companion cooling towers provides a portion of the cooling capacity for the Airport terminal. The new chiller machine includes a Variable Frequency Drive which saves energy.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 7.7%

Cost Effective Maintenance committed 7.7% (\$50,196.30) of the total contract amount to the following SBE Firm: Vector Electric.

## 24. Resolution of Intent to Abandon Two Alleyways Located off of East 8<sup>th</sup> Street

**Action:**   **A. Adopt the Resolution of Intent to abandon two alleyways located off of East 8<sup>th</sup> Street, and**  
**B. Set a public hearing for October 27, 2008.**

**Staff Resource:**   Linda Poissant, Transportation

### **Explanation**

- Staff reviewed this abandonment, given City Council's recent discussion about keeping East 8<sup>th</sup> Street open. This abandonment does not impact the City's ability to keep East 8<sup>th</sup> Street open or the design options for East 8<sup>th</sup> Street.
- Levine Properties requests the abandonment hearing for October 27 to keep on schedule for demolition of the buildings adjacent to these alleyways and subsequent site excavation for the underground parking deck.

### **Attachment 21**

Map  
Resolution

## CONSENT II

### 25. 2008 Justice Assistance Grant

**Action: Adopt a budget ordinance appropriating \$325,638 in funds from the Department of Justice for the 2008 Justice Assistance Grant (JAG).**

**Staff Resource:** Darrellyn Kiser, Police

**Explanation**

- The City of Charlotte receives an annual Justice Assistance Grant (JAG) from the U.S. Department of Justice.
- Grant funds can be used for specifically defined law enforcement purposes including overtime, equipment, and technology but cannot be used to supplant any previously budgeted items.
- By law, a percentage of the funds must be shared with the Mecklenburg County Sheriff's Office because they are responsible for the incarceration of offenders; that percentage is negotiated at 25% of the city's share of the funds.
- The \$325,638 represents an appropriation of \$314,211 to the City and \$11,427 to the County. The City will give the County 25% or \$78,552 of its funds, leaving the City \$235,659.
- CMPD plans to use the City share to fund costs associated with implementation of the action plans in the 39 police patrol response areas. Those action plans are a part of the Police Department's reorganization and its focus on crime reduction at the neighborhood level.

**Funding**

\$325,638 from the U.S. Department of Justice. No City matching funds are required.

**Attachment 22**

Budget Ordinance

### 26. Electronic Monitoring of Repeat Offenders Contract

**Action: Approve a two-year extension of a contract between the Charlotte-Mecklenburg Police Department and Omnilink Systems, Inc., not to exceed \$505,000, for the electronic monitoring of repeat offenders.**

**Staff Resource:** David Scheppegrell, Police

**Explanation**

- On October 22, 2007, Council approved a one year contract with Omnilink, Inc. for the electronic monitoring of 100 repeat offenders.
- The electronic monitoring program targets chronic offenders in crime categories including robbery, auto theft, burglary and assault.
- There are currently 131 offenders under electronic monitoring for a variety of offenses. The largest number is for burglary or felony breaking and

entering. There are an additional 340 in-custody offenders subject to electronic monitoring should they bond out of jail.

- When the original contract with Omnilink was approved, CMPD estimated that the cost to monitor offenders would be \$7 per day (monitoring at the highest level) or the equivalent of 100 offenders. Experience has shown that only a small number of offenders require the highest level of monitoring. Most can be monitored at a lower level averaging \$4 per day. The lower monitoring costs have enabled CMPD to have more than 100 offenders monitored at any one time.
- Monitoring rates are determined by the frequency of data transmission from the monitoring device. Those offenders monitored at the highest level (sex offenders, domestic violence, offenders on territorial restrictions) have their locations transmitted every three minutes. Locations for those offenders monitored at a lower level are transmitted every 30 minutes.
- CMPD wishes to extend the contract with Omnilink for two additional years.
- The contract includes the cost of the monitoring devices (ankle devices equipped with global positioning systems) and 24/7 monitoring as well as insurance on the devices.
- The funding sources are a budget appropriation of \$250,000 for electronic monitoring which was approved by Council on May 12, 2008 and a \$255,000 contribution from the Police Foundation which was appropriated by Council on July 23, 2007.
- The appropriation from City Council will enable CMPD to approximately double the number of offenders being monitored, dependent upon the level of monitoring.

#### **Small Business Opportunity**

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

#### **Funding**

\$250,000 from Police operating budget; \$255,000 from the Police Foundation

## **27. Assets Forfeiture Appropriation**

- Action:**
- A. Adopt a budget ordinance appropriating \$500,878 in assets forfeiture funds,**
  - B. Approve the purchase of stop sticks without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6) , and**
  - C. Approve a contract with Stop Tech LTD for the purchase of stop sticks in the amount of \$192,863.35**

**Staff Resource:** Greg Crystal, Police

#### **Explanation**

- The Police Department requests the appropriation of \$500,878 to be spent in accordance with the federal and state laws governing assets forfeiture.

- Assets forfeiture funds cannot be use to supplant any funding included in the department's budget.
- The assets forfeiture funds will be used for the following;
  - \$192,863 for the purchase of 560 sets of stop sticks
  - \$45,500 for the purchase of five, two person all-terrain vehicles
  - \$111,750 for the purchase of five vehicle license tag readers
  - \$150,765 for training, certification, and equipment for Vice and Narcotics and the Technical Surveillance Unit
- A detailed spending plan is attached.

#### **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
  - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary so that the stop sticks will be compatible with the stop sticks already in use for a pilot program at CMPD. One hundred and seventy-five officers have already been trained in their use and would have to be retrained if a different device was purchased.
- Purchases made under the sole source exemption require City Council approval.

#### **Purchase of Stop Sticks**

- Stop sticks are tire deflation devices that are used to stop vehicles that have refused to stop for the police by puncturing the tires with Teflon coated spiked quills that slowly deflate the tires. CMPD uses the sticks on vehicles that are being pursued or have been reported stolen.
- The department piloted the stop sticks in the Metro Division and the Street Crimes Unit and found them to be a safe way to stop fleeing Vehicles.
- CMPD wishes to purchase 560 sets of stop sticks to equip all of its marked vehicles.
- The stop sticks will be purchased from Stop Tech LTD at a cost of \$192,862.35.

#### **Small Business Opportunity**

Contracts entered into without a competitive bidding/proposal process are considered exempt (Section 23.2 of the SBO Policy).

#### **Funding**

Assets Forfeiture Funds

#### **Attachment 23**

Assets Forfeiture Spending Plan  
Budget Ordinance

## 28. ABC Permit Recommendations

**Action:** Adopt a resolution authorizing the Deputy Chief for Field Services or his designee, to make recommendations to the N.C. Alcoholic Beverage Control Commission on ABC permit applications.

**Staff Resource:** Jerry Sennett, Police

### Explanation

- State law affords municipalities the opportunity to comment on ABC permit applications within their jurisdiction. City Council has assigned this authority to the Police Department.
- The relevant statute requires City Council to designate a person or position authorized to comment on behalf of the municipality.
- City Council approved a resolution on April 14, 2008 authorizing the Chain of Command for the ABC Unit to handle these requests. Under the department's new organizational structure, the ABC Unit was redeployed and applications for ABC permits are now investigated and processed by the patrol division where the ABC establishment is located.
- To avoid having to come back to Council each time there is a change in personnel, the proposed resolution would designate the Deputy Chief for Field Services or his designee as being authorized to comment on behalf of the municipality.

### Attachment 24

Resolution

## 29. Kenilworth/Pearl Street Intersection Improvements Project Contract Amendment

**Action:** Approve an amendment with PBS&J for \$246,000 for engineering services for Kenilworth/Pearl Street Intersection Improvements.

**Staff Resources:** Sam Barber, Engineering and Property Management

### Explanation

- This intersection project will provide a left turn lane from Kenilworth Avenue to Pearl Park Way (new bridge across Little Sugar Creek) and complete the widening and construction of a landscaped median along Kenilworth from Pearl Park Way to Charlottetown Avenue.
- PTS&J performed the design of the adjacent Pearl Park Way bridge and Kenilworth/Charlottetown intersection. Amending the PBS&J contract is the most efficient way to complete the planning and design services for the turn lane and widening project.
- The original contract for \$211,878 for Midtown area projects was approved by City Council on May 27, 2003. Amendments in the total amount of \$1,068,622 have been approved by City Council. This amendment would bring the contract to \$1,526,500.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by PBS&J and their existing subconsultants (Part D: Section 6 of the SBO Policy). PBS&J committed 1.46% (\$3,600) of this amendment to the following SBE firm: On Target Utility Locate Services (\$3,600).

**Funding**

Transportation Capital Investment Plan

**Attachment 25**

Area Map

### 30. I-277/Independence Boulevard Intersection Improvement Change Order

**Action:**

**A. Adopt a budget ordinance appropriating \$150,000 from Pappas Properties to the I-277 Independence Boulevard Intersection Improvement Project, and**

**B. Approve change order #4 with Blythe Development Company in the amount of \$150,000 for the I-277 Independence Boulevard Intersection Improvements.**

**Staff Resources:** Sam Barber, Engineering and Property Management  
Bette Frederick, Engineering and Property Management

**Explanation**

- This change order will provide for added items needed to complete the project due to collaboration with Pappas Properties. The added work includes additional curb and gutter, driveway entrances and utility relocation along the Midtown Square Area (also known as the new Metropolitan) that was not part of the original contract or the previous change orders.
- Council awarded the original contract on November 28, 2005 for \$4,575,815.26.
- Council awarded change order #1 on July 24, 2006 for \$418,166.20. Change order #1 included the relocation of the existing sewer line that was not included in the original contract. The sewer line was in conflict with the installation of the bridge.
- The City Manager approved change order #2 on January 31, 2007 for \$93,286.20. Change order #2 included additional installation of utility duct bank and decorative pedestrian street lighting.
- Council awarded change order #3 on April 9, 2007 for \$303,373.50. Change order #3 included additional asphalt and concrete removal and the increased cost of asphalt cement.
- The total contact amount will be \$5,540,641.16.

**Small Business Opportunity**

All additional work involved in this Change Order will be performed by the current contractor, Blythe Development and their existing subcontractor(s) (Part D: Section 6 of the SBO Policy).

**Funding**

Transportation Capital Investment Plan

**Attachment**  
Budget Ordinance

## 31. Discovery Place Renovations

**Action:**   **A. Approve Amendment #1 with Discovery Place to reduce the contract amount by \$1,750,000 from \$15,930,000 to \$14,180,000. These funds will be used for exhibit infrastructure work to be performed by Rodgers Builders, Inc., and**

**B. Approve a contract with Rodgers Builders, Inc. in the amount of \$13,800,554 for construction management at risk services for Discovery Place Renovations.**

**Staff Resources:**   Jeb Blackwell, Engineering and Property Management  
Michelle Haas, Engineering and Property Management

### Explanation

- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities and in September 2006, the City Council and County Commission approved agreements to complete the funding process for Discovery Place and four other cultural facilities. Project funding includes \$15.6 million for facility renovations and \$16 million for new exhibits.
- On February 26, 2007 City Council awarded an agreement with Discovery Place in the amount of \$15,930,000 for services related to the procurement of new exhibits for the renovated facility.
- Discovery Place and its exhibit design consultants have not yet completed final designs for the exhibit experience. However, they have identified several scope items necessary to support the exhibitry. As an integral part of the building structure, these exhibit infrastructure items are more appropriately constructed by a contractor, not an exhibit fabricator.
- Discovery Place requests that \$1,750,000 be transferred from the exhibit budget at this time, to fund some of these elements as part of Rodgers' contract. As the exhibit designs become finalized, more detailed estimates of the exhibit infrastructure can be produced. There is a good possibility that additional money will need to be transferred from the exhibit budget and added to Rodgers' contract at a later date as exhibit designs and estimates are further developed.
- In order to keep the project on schedule, Rodgers needs this funding in place with their original contract. This will help them to refine the construction schedule and allow them to award subcontracts that will include the exhibit infrastructure.
- This transfer will occur within the existing project funding of \$31.6 million.
- Construction is proposed to begin in January 2009 and be complete in May 2010 with the building being partially open during most of this time. Discovery Place will be closed during the last few months of construction to allow for construction tie-ins of systems and installation of exhibits.
- Rodgers was selected as the Construction Manager at Risk pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- On June 11, 2007 Council approved a pre-construction agreement with Rodgers for \$122,000 for services relating to the facility renovations.

- This agreement with Rodgers will provide funding for the construction phase of the project.
  - Rodgers will contract with sub-contractors to complete all work and manage or coordinate all aspects of the construction.
  - A guaranteed maximum price (GMP) will be established after the majority of bids have been awarded by Rodgers. The GMP will be based on the direct and indirect costs of the work plus associated construction contingencies.
  - Once the GMP is approved, Rodgers guarantees that the cost of the work as defined by the agreement will not exceed the contract amount.
  - Rodgers will earn a fee of 4% of the actual cost of the work.
  - Rodgers will comply with the City's SBO Program in advertising and awarding sub-contracts and will meet or exceed a goal of 7% SBE participation.

#### **Small Business Opportunity**

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

Rodgers Builders committed 7.00% to SBE firms for the overall Construction Manager at Risk contract. Rodgers will use SBEs where applicable on the various construction packages as the project evolves.

#### **Funding**

Tourism Capital Project Fund

## **32. United States Geological Survey Cooperative Agreement**

**Action: Approve the 2008-2009 Cooperative Program Agreement with the United States Geological Survey (USGS) in the amount of \$360,650 for storm water data collection activities.**

**Staff Resources:** Tom Calhoun, Engineering and Property Management  
Keri Shearer, Engineering and Property Management

#### **Explanation**

- This agreement is used to maintain the rainfall and stream flow gage system on the Charlotte-Mecklenburg stream network.
- Data from the gage system is used to:
  - Determine flood-prone areas
  - Review impacts of rain events
  - Determine long-term trends
  - Aid in water-quality investigations
  - Assist in the design of drainage infrastructure
- This agreement also maintains the Flood Information and Notification System used to notify emergency personnel of potential threats to life and property.
- This agreement leverages City funds with USGS funds. Total cost is \$628,400. The City's share on 27 gages is \$360,650. USGS will pay the remainder of the cost.

- Mecklenburg County has a similar agreement with USGS. Total cost of that contract is \$431,500. The County's share on 22 gages is \$251,050. USGS will pay the remainder of the cost.

#### **Contract History**

Since 1961, the City of Charlotte and Mecklenburg County have worked with the USGS, gathering rainfall and stream flow information through a cooperative, cost-sharing program.

#### **Small Business Opportunity**

This agreement is excluded from the Small Business Opportunity Program per Part A Section 23.8 of the Program policy.

#### **Funding**

Storm Water Operating Budget

### **33. Set Public Hearing to Amend the Soil Erosion and Sedimentation Control Ordinance**

**Action: Set public hearing date of October 27, 2008 to amend Chapter 17 of the City Code, Soil Erosion and Sedimentation Control Ordinance.**

**Staff Resource:** John Geer, Engineering and Property Management

#### **Explanation**

- The state of North Carolina has amended the North Carolina Soil Erosion and Sedimentation Control Act. This mandates local agencies to update their local ordinances to incorporate these amendments.
- In addition to state changes, a stakeholders group consisting of representatives from the development community, the environmental community and City and County staffs reached consensus to make changes to correct sequencing, clarify existing practices and strengthen their local ordinances.
- All of the proposed amendments have been reviewed and approved by the Storm Water Advisory Committee (SWAC) and the Subdivision Steering Committee.
- Mecklenburg County set a public hearing date for similar revisions to its Soil Erosion and Sedimentation Control Ordinance on September 3, 2008. The scheduled date for Mecklenburg County's public hearing is October 7, 2008.

#### **Funding**

The proposed amendments to Chapter 17 will not impact the Land Development budget or the general fund.

#### **Attachment 27**

Summary of the Proposed Revisions

### 34. Pond and Dam Restoration/Water Quality Enhancement Engineering Services Contracts

**Action:** Approve engineering services contracts with:

- A. MACTEC Engineering & Consulting, Inc. in the amount of \$500,000 for various Pond and Dam Restoration/Water Quality Enhancement projects,**
- B. Armstrong Glen, P.C. in the amount of \$500,000 for various Pond and Dam Restoration/Water Quality Enhancement projects, and**
- C. Gavel Engineering, P.A. in the amount of \$500,000 for various Pond and Dam Restoration/Water Quality Enhancement projects.**

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

#### **Policy**

On May 29, 2007 the City Council adopted the Pond and Dam Policy to identify and preserve/enhance existing ponds and dams on private property that provide significant public benefits such as flood control, pollution control and/or safety. Ponds and dams will be ranked by criteria including existing condition, cost effectiveness, flood control benefits, water quality benefits, safety, infrastructure needs and coordination with other City investments and policies.

#### **Explanation**

- The goals of the Pond and Dam Policy are to protect as many existing ponds as possible prior to removal for development or failure and to use these ponds as a highly cost effective tool to achieve water quality, flood control and public safety goals.
- The selected ponds drain to creeks that are identified as 'impaired' by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into the creeks.
- Improved water quality in the creeks supports the City's objective to sustain the quality of the environment for future generations.
- Enhancing existing ponds on private property provides public benefits by:
  - Removing pollutants
  - Reducing stream bank erosion
  - Addressing public safety issues
  - Alleviating the burden on the storm water system
- Using existing ponds is much cheaper than obtaining property to build new ponds.
- If existing ponds fail, the City will realize greater impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.
- Engineering services and planning and design, will be provided by the consultants for various retrofits and repairs of existing ponds to support goals of the Environment Focus Area Plan.
- Typical retrofits/repairs to the existing ponds may include:
  - Repair or replacement of the outlet structure

- Stabilization of the embankment
- Installation of an additional planted area for pollutant removal
- Several projects have been identified as strong candidates for retrofits and/or repairs. Engineering Services will be completed on the following projects under these contracts:
  - McDonald Pond (at Lake Drive near Sugar Creek Road and Nevin Road)
  - Little Rock Pond (at Westerwood Drive near Tuckaseegee Road and I-85)
  - Raintree Pond (north of I-485 at Woodfox Drive)
- These projects were selected based on the level of public benefits provided by the facility and the need for repair.
- An initial feasibility study will be completed to determine the public benefit. The benefit will be weighed against the cost and some projects may not move forward.
- Multiple consultant contracts are being requested in order to meet the goals of the Pollution Control Program and to complete multiple projects per contract in a timely and cost effective manner.
- If the consultant performs well, then one or two additional pond projects will be started under the same contract.
- Construction contracts will be needed for each pond once the project is designed.
- Communications will be provided to adjacent property owners.

#### **Small Business Opportunity**

##### MACTEC Engineering and Consulting, Inc.

MACTEC Engineering and Consulting, Inc. listed in their proposal the following SBEs as supporting team members: The Survey Company, Inc. and Spot 'Em Utility Locators. MACTEC will utilize these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

##### Armstrong Glen, P.C.

Armstrong Glen, P.C. listed in their proposal the following SBEs as supporting team members: Survey and Mapping Control, On-Target Utility Locate Services, Inc. and Habitat Assessment & Restoration Program, Inc. Armstrong Glen will utilize these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

##### Gavel Engineering, P.A.

Gavel Engineering, P.A. listed in their proposal the following SBE as a supporting team member: On-Spec Testing. Gavel Engineering will utilize this SBE for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

#### **Funding**

Storm Water Capital Investment Plan

## 35. Engineering Services for Stream Restoration Projects

- Action:**
- A. Approve a contract with Wildlands Engineering, Inc. for \$475,000 for engineering services, and**
  - B. Approve amendment #1 with Collins & Baker Engineering, PA for \$375,000 for engineering services.**

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

### Stream Restoration

- Federal and state regulations require mitigation for impacts to streams and wetlands caused by public projects.
- In 2004, Charlotte Storm Water Services, a division of Engineering and Property Management, secured approval from Federal and State Agencies for the creation of a local Stream and Wetland Mitigation Bank (the Bank).
- The Bank allows the City and other local jurisdictions the flexibility to mitigate stream impacts by paying mitigation credits locally rather than paying mitigation credits into a statewide mitigation bank.
- These Mitigation credits (\$323 per linear foot) can be paid out from the Bank allowing the Storm Water Program to recoup approximately 75% of the cost associated with implementing stream restoration projects and allowing mitigation credit to be applied to local public projects which impact streams and wetlands.
- Stream Restoration Projects are a method of achieving mitigation credit.
- Stream Restoration Projects improve water quality through re-vegetation and acquisition of protective easements, converting a degraded, eroding stream corridor to a stable condition. Also, these projects support the City's objective of sustaining the quality of the environment.

### Contract for Engineering Services

- The contract with Wildlands Engineering, Inc. will provide engineering services for stream and wetland restoration projects and water quality Best Management Practice (BMP) projects as needed by the Storm Water program.
- The work primarily involves the preparation of feasibility reports, planning reports and engineering plans for stream mitigation and water quality BMP projects.

### Amendment for Engineering Services

- The original contract with Collins and Baker, PA was approved by City Council on January 8, 2007 for \$150,000. The contract was for various engineering services for stream and wetland restoration projects.
- Work under the original contract included repair work on existing stream restoration projects and a feasibility analysis to determine the feasibility of Coulwood Branch. Coulwood Branch is located near the intersection of Mount Holly Road and Valleydale Road.
- The amendment request is for \$375,000 and will bring the total contract amount to \$525,000.
- Amendment of this contract was anticipated at the time the original contract was approved, contingent on consultant performance. The consultant has been a strong performer and continued work with the firm is desired.

- This amendment will provide enough funding to complete the planning and design phase of the Coulwood Branch Stream Restoration Project and repairs to other existing projects. It is advantageous to the City from an efficiency standpoint for Collins & Baker to perform this work since they performed the feasibility analysis on the project under the original contract.

#### **Small Business Opportunity**

##### Wildlands Engineering, Inc.

The City negotiated a SBE goal with Wildlands Engineering, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Wildlands committed 4.00% (\$19,000) of the total contract amount to the following SBE firms: Gavel & Dorn Engineering, LLC and Survey & Mapping Control, Inc.

##### Collins and Baker, PA

All additional work involved in the amendment will be performed by Collins & Baker Engineering, P.A. and their existing subconsultants (Part D: Section 6 of the SBO Policy). Collins & Baker will utilize the following SBEs for each work order as needed for this amendment: The Survey Company, Inc., On-Target Utility Locate Services, Inc., Carolina Wetland Services, Inc., and Allegra Print.

#### **Funding**

Storm Water Capital Investment Plan

## **36. Storm Drainage Services Contract Amendment**

**Action: Approve amendment #1 with HDR Engineering, Inc. of the Carolinas for \$500,000 for engineering services for storm drainage improvement projects.**

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

#### **Amendment with HDR Engineering, Inc. of the Carolinas**

- This amendment provides funding for a combination of planning/design and construction administration support services on various individual storm drainage improvement projects.
- The original contract provided funding for the completion of the Cyrus/Douglas Storm Drainage Improvement Project that covers approximately 383 acres and includes the Briar Creek/Woodland neighborhood. The project was initiated in response to citizen complaints regarding house and road flooding and stream erosion.
- The original contract was also utilized for the final design phase of the Nightingale Storm Drainage Improvement Project that covers approximately 215 acres. The Nightingale project was also initiated in response to citizen complaints regarding house and road flooding and stream erosion. Additional work is still required to complete the necessary construction documents and for construction administration support services.
- Additional future services under this amendment will be determined based on current project ranking procedures or emergency needs.
- Amendment of this contract was anticipated at the time the original contract was approved, contingent on consultant performance. The

consultant has been a strong performer and continued work with the firm is desired.

- The original contract for \$500,000 was approved by City Council on January 24, 2005. This amendment will bring the total contract amount to \$1 million.
- The contract amendment will complete work for projects that have already been scoped.

#### **Small Business Opportunity**

All additional work involved in the amendment will be performed by HDR Engineering, Inc. of the Carolinas and their existing subconsultants (Part D: Section 6 of the SBO Policy). HDR Engineering will use the following SBEs for each work order as needed for this amendment: On-Target Utility Locate Services, Inc., Joel E. Wood & Associates and R. Joe Harris & Associates.

#### **Funding**

Storm Water Capital Investment Plan

### **37. Duke Energy Decorative Street Lighting Payment**

**Action: Approve payment to Duke Energy in the amount of \$138,718.63 for the installation of 66 decorative street lights on Elizabeth Avenue from Kings Drive to Hawthorne Lane.**

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

#### **Explanation**

- The Elizabeth Avenue Business Corridor Project included the installation of 66 decorative street lights on the overhead catenary system joint use poles for street lighting. The metal joint-use poles will replace the standard wood pole lighting on Elizabeth Avenue from Kings Drive to Hawthorne Lane. This work is part of the original project budget.
- This is a onetime upfront payment for the light installation work to be completed by Duke Energy. The monthly lighting bill will be paid by CDOT as part of the normal public lighting agreement between the City of Charlotte and Duke Energy. The standard monthly lighting bill costs per light will apply for these street lights.

#### **Small Business Opportunity**

Contracts entered into without a competitive/bidding proposal process are considered exempt (Appendix Section 23.2 of the SBO Policy).

#### **Funding**

Business Corridor Fund

### 38. Utility Management System Software Technical Maintenance and Support Contract Renewal

- Action:**
- A. Approve annual renewal payment of \$253,050 for software maintenance and support to Ventyx for the Banner/Advantage Utility Billing System, and**
  - B. Authorize the City Manager to negotiate and execute contract renewals, with consumer price index adjustments as stipulated in the contract, not to exceed \$300,000 per year for two additional years.**

**Staff Resource:** Chip Harris, Finance

#### **Explanation**

- The Advantage system (formerly Banner) is used to bill and collect approximately \$280 million annually for Water, Sewer and Storm Water related services.
- The Advantage software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance.
- This support service is essential to help ensure the uninterrupted operation of the Utility Billing and Management System.
- The amount of this payment last year was \$256,721.
- The amount decreased by \$3,671 due to the discontinuation of an older module as part of the recent upgrade.
- This payment covers the contract period of November 1, 2008 through October 31, 2009.

#### **Small Business Opportunity**

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

#### **Funding**

Water/Sewer and Stormwater Operating Budget

### 39. Video Teleconferencing Equipment

- Action:**
- A. Approve the purchase of Video Teleconferencing Equipment without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3),**
  - B. Approve a contract with GTSI for the purchase of Video Teleconferencing Equipment in an amount not to exceed \$150,000, and**
  - C. Authorize the City Manager to expend additional Urban Area Security Initiative (UASI) funds in a total amount not to exceed \$100,000 for ancillary equipment, installation and configuration for the Video Teleconferencing System from various vendors.**

**Staff Resource:** Jeff Dulin, Fire

### **Cooperative Purchasing Exemption**

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.
- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.
- The GTSI contract was competitively bid by Fairfax County, Virginia and awarded by the Fairfax Board of Commissioners on July 26, 2003.
- GTSI focuses exclusively on federal, state and local government customers worldwide.

### **Explanation**

- On March 24, 2008 City Council approved the first phase of the purchase of Tandberg video teleconferencing equipment from GTSI utilized in Phase 1 of the Video Teleconferencing System (VTC) that benefitted the City of Charlotte, Charlotte Fire Department and Charlotte-Mecklenburg Police Department.
- In addition to the equipment approved by Council on March 24, 2008, televisions with wall mounts and installation costs for the purchased equipment were included in Phase 1.
- This second phase of the VTC project being purchased from GTSI covers equipment such as the receiving endpoints. Monitors, surge protectors, upgrade software for previously installed units and installation costs necessary to expand video teleconferencing capabilities throughout the regional UASI partner counties and selected jurisdictions will also be purchased during Phase 2.
- The total cost of Phases 1 and 2 will not exceed \$492,050.
- Phase 3 of this project will be brought before Council after the 2008 Urban Areas Security Initiative (UASI) funds are awarded and approved by Council for use.
- This system will further enhance coordination and communication between Fire, Police, MEDIC, FEMA, On Scene Incident Command staff, North Carolina Emergency Management, and State and UASI area decision makers, by telephonic and visual delivery of information thereby reducing travel costs and promoting efficiency and effectiveness.
- This system will be used to ensure secure, interoperable communication during critical incidents and large scale events where decision makers may be spread throughout the City or region.
- In addition, Fire will provide remote training of personnel through the use of VTC that will decrease the need to move people to a centralized training site.
- This investment supports North Carolina's State Strategy goal #11 that seeks to enhance incident management preparedness and Command and Control of large scale events, and also supports the UASI goal of improving regional emergency response command and control systems.
- Grant revenue was anticipated in the adopted FY2009 budget.

### **Small Business Opportunity**

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

### **Funding**

2007 UASI Grant

## 40. Paw Creek Force Main Replacement and Taggart Creek Outfall Improvements

**Action: Approve a contract with Hazen & Sawyer, P.C. for the design of the Paw Creek Force Main Replacement & Taggart Creek Outfall Improvements in the amount of \$1,522,673.**

**Staff Resource:** Doug Bean, Utilities

### Explanation

- Charlotte-Mecklenburg Utilities recently issued a request for qualifications seeking a consultant to provide professional engineering services for the design of the Paw Creek Force Main Replacement and Taggart Creek Outfall Improvements project.
- Hazen & Sawyer will perform a condition assessment of the existing Taggart Creek Outfall Sewer, and all design and permitting activities associated with a new Paw Creek Force Main and Taggart Creek Outfall Sewer.
- The new force main will consist of approximately 13,000 linear feet of 36-inch diameter pipe, extending from the Paw Creek Pumping Station to Harlee Avenue.
- The new gravity outfall sewer will consist of approximately 19,000 linear feet extending from Harlee Avenue to the Irwin Creek WWTP Influent Pumping Station.
- Hazen & Sawyer was selected using the Council approved qualifications-based selection process.

### Small Business Opportunity

The City negotiated an SBE goal with Hazen & Sawyer P.C. after the proposal selection process. Hazen & Sawyer committed 16.4% (\$249,800) of the total contract amount to the following SBE firms: Avioimage Mapping Service, Habitat Assessment & Restoration Program (HARP), Hinde Engineering, On-Target Utility Locate Services, and Richa Graphics.

### Funding

Utilities Capital Investment Plan

## 41. McDowell Wastewater Treatment Plant Expansion Contract Amendment

**Action: Approve amendment #2, in the amount of \$180,000, to the agreement with Black and Veatch for additional services in connection with the expansion of the McDowell Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities

### Background

- On August 28, 2000 Council approved an agreement with Black & Veatch, in the amount of \$8,770,241 for design and construction administration services related to the expansion of the McDowell Wastewater Treatment Plant.

- On April 25, 2005 Council approved the first amendment to Black & Veatch's contract due to the need for nine months of additional construction related services. Amendment #1 totaled \$1,535,260.

#### **Explanation**

- Amendment #2 provides for services needed during the warranty period of the construction project. These services include
  - Design of additional storm drainage
  - Oversight of various warranty repairs
  - Oversight and inspection of several start-up activities, which were delayed until warm weather
- The new contract total is \$10,485,501.

#### **Small Business Opportunity**

Additional work involved in this amendment will be performed by Black & Veatch and their existing subcontractors. This amendment complies with Part D: Section 6 of the SBO Program.

#### **Funding**

Utilities Capital Investment Plan

## **42. Six Mile Creek Pump Station Modifications**

**Action: Approve a contract, in the not-to-exceed amount of \$326,260, with Brown and Caldwell for design and construction administration of the Six Mile Creek Pump Station modifications.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- Brown and Caldwell will perform all design and permitting activities, construction administration, and warranty period services associated with adding two new pumps to the existing pump station.
- The pump station was designed to ultimately have four sets of pumps and motors, but was initially constructed with only two sets.
- This pump station serves southern Mecklenburg County and part of Union County. Flows through the pump station have been increasing, and the addition of two more pumps is now warranted.
- Brown and Caldwell was selected using the Council approved qualifications-based selection process.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Capital Investment Plan

### 43. Chemical Root Control

**Action:**   **A. Award a one year contract, in the not to exceed negotiated amount of \$1,304,431.79, to Dukes Root Control, Inc., and**

**B. Authorize the City Manager to renew the contract for three additional one year terms with price adjustments as stipulated in the contract.**

**Staff Resource:**   Doug Bean, Utilities

**Explanation**

- This contract provides for the chemical treatment of approximately 1,283,800 linear feet of sanitary sewer lines throughout Mecklenburg County.
- Chemically treating sanitary sewer lines with a root retardant helps prevent sewer back-ups and overflows in the targeted areas.
- Unit prices for renewal years will be adjusted based on the Engineering News Record Construction Cost Index.

**Small Business Opportunity**

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

**Funding**

Utilities Capital Investment Plan

### 44. Set Public Hearing for Historic Designation of McCausland Building – Thacker’s Restaurant

**Action:**   **Adopt a resolution setting a public hearing for October 20, 2008, at 6:00 p.m. on the question of historic designation of the property known as the "McCausland Building-Thacker's Restaurant" including the facade of the building as an Historic Landmark.**

**Staff Resource:**   Stewart Gray, Historic Landmarks

**Explanation**

- Historic Landmarks has requested that this action be on this agenda so a public hearing may be advertised and held at the Zoning Meeting on October 20.
- The McCausland Building-Thacker’s Restaurant is located at 221 South Tryon Street.
- The McCausland Building-Thacker’s Restaurant was erected in 1899 and remodeled in 1936. This three story building is one of the rare surviving, small scale commercial buildings in downtown Charlotte. The present stuccoed, classical façade neatly illustrates the architectural tastes of the 1930s. Only the façade is being recommended for landmark designation.

**Attachment 28**  
Resolution

## 45. Federal Express Parking Lot Expansion at Airport

- Action:** A. Award a the low bid of \$339,975 to On-Site Development, LLC to expand the existing Federal Express parking lot, and
- B. Adopt a budget ordinance for the amount of \$339,975 from fund balance.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- This contract will provide additional parking spaces needed to accommodate an increase in operations by Federal Express.
- This project will construct 28 additional parking spaces for tractor trailers and 50 automobile parking spaces.
- The cost of this project will be recovered through rates and charges.

**Small Business Opportunity**

Established SBE Goal: 6.0%

Committed SBE Goal: 6.3%

On-Site Development, LLC committed 6.3% (\$21,500 amount) to the following SBEs: Union Paving Contractors, Inc. and B&B Concrete.

**Funding**

Airport Fund Balance

**Attachment 29**

Budget Ordinance

## 46. Airport Fuel Farm Facility Expansion

- Action:** Approve a contract with Robert & Company in the amount of \$437,500 for Phase II design of an expansion of the Airport fuel farm facility.

**Staff Resource:** Jerry Orr, Airport

**Explanation**

- In 1982 the Airport constructed a fuel farm for the purpose of providing fuel to the air carriers operating at the Airport. The fuel farm supplies fuel to the aircraft through an in-ground fueling system around the terminal building.
- In 2001 the airlines that use the fuel farm employed the services of Robert & Company to conduct a study to determine the future needs of the facility in light of the increase in fuel throughput over time.
- In July 2006 the Airport contracted with Robert & Company for \$523,180 to design Phase I of the Airport Fuel Farm Expansion. This work is currently under construction.
- This contract will provide the design and bidding services for the second phase of the expansion, which includes the addition of two, 30,000 barrel

fuel tanks and associated piping, new fuel pumps, and the addition of a 16 inch fuel line to complete the loop around the terminal.

- Funds for this contract are available from the proceeds of the 2007 General Airport Revenue Bonds, the debt service of which is paid through fuel farm user fees.

#### **Small Business Enterprise**

The City negotiated an SBE goal with Robert & Company after the proposal selection process. Robert & Company committed 1.00% (\$4,375) to the following SBE firms: The Survey Co, Inc. and Richa Graphics.

#### **Funding**

Airport Capital Investment Plan

## **47. Navigational Aid Installation**

- Action:**
- A. Award the low bid of \$6,499,522.40 to Brooks, Berry, Haynie & Associates, Inc. for the installation of the navigational aids for the Third Parallel Runway, and**
  - B. Adopt a budget ordinance in the amount of \$6,499,522.40 from the Airport Discretionary fund to be replaced with future federal grants and proceeds of the upcoming 2008 General Airport Revenue Bond issue.**

**Staff Resource:** Jerry Orr, Airport

#### **Explanation**

- Navigational aids include electronic equipment and light systems off each end of the runway that are used to guide pilots to the runway for landing.
- In the past, the Federal Aviation Administration (FAA) constructed, owned, maintained and operated the navigational aids on airports. Recently the FAA has changed their policy and now requires airports to install the navigational aids and turn them over to FAA after construction for operation and maintenance.
- In August 2006 City Council approved a reimbursable agreement through which the City paid the FAA \$5,560,528 for the procurement of the navigational aid equipment for the Third Parallel Runway.
- This contract funds the installation of the equipment so they are operational in time for the runway commissioning by FAA in February 2010.
- The Airport received two bids on August 21, 2008, which were returned unopened as state law requires a minimum of three bids. The project was re-advertised per North Carolina bidding laws and two bids were received and opened on September 4, 2008.
- Permanent funding for this contract comes from a combination of future FAA Airport Improvement Program grants and proceeds of the upcoming 2008 General Airport Revenue bond issue, the debt service of which will be paid for with Passenger Facility Charge revenues.

#### **Disadvantaged Business Opportunity**

Established DBE Goal: 13%

Committed DBE Goal: 13%

BBH committed to using two certified DBE's totaling 845,000 on this project. They met the goal and provided all required DBE documentation.

### **Funding**

Airport Capital Investment Plan

### **Attachment 30**

Budget Ordinance

## **48. Airport Property Exchange – South 36R LLC**

**Action: Adopt a resolution authorizing a land exchange with South 36R LLC Property.**

**Staff Resource:** Jerry Orr, Airport

### **Explanation**

- Charlotte Airport is in the process of submitting a plan which is mandated by the Federal Aviation Administration (FAA), to reuse or dispose of some of the land purchased under the FAR Part 150 Noise Compatibility Program. The Beam Road property must be disposed of per the plan. The proceeds from the sale will be used for other projects in the FAR Part 150 program.
- The South 36R LLC Property owns 36.2494 acres of land on the south side of the Airport, tax parcels 143-122-02 and 143-122-01. They want to exchange 8.343 acres of this land for adjacent land owned by the City.
- The City owns two tracts of land on Beam Road. One tract is 6.938 Acres and the other tract is 4.437 acres. First tract is identified as tax parcels 143-122-04/05/06/07/08/10/11 and the second tract is parcels 143-122-13 and 143-122-14.
- An independent MAI appraiser has appraised the proposed exchange. The city will exchange 11.375 acres (valued at \$1,413,000) for 8.343 acres (valued at \$592,000) with the South 36R LLC Property paying the difference in value of \$821,000.

### **Benefits to the City**

- The acreage acquired consists of a pond, streams, wetlands, and a buffer area that can be used for environmental credits as the airport continues to expand.
- This will help the City comply with the Re-Use Plan that has been submitted to the Federal Aviation Administration for approval.
- Appropriately restructuring of property lines allows maximum utilization of the property currently owned by South 36R LLC which they plan to develop and will maximize property taxes to the City.
- The revenue will be deposited in FAR Part 150 fund.

### **Attachment 31**

Resolution and Map

## 49. Airport Property Exchange – Board of Education and Berryhill Baptist Church

**Action:** Adopt of a resolution authorizing a land exchange with Charlotte Mecklenburg Board of Education and Berryhill Baptist Church.

**Staff Resource:** Jerry Orr, Airport

### Explanation

- The City owns tax parcels 061-081-03 (\* Denver Avenue), 061-081-04 (\* Denver Avenue), and 061-081-05 (4430 Denver Avenue).
- Charlotte Mecklenburg Board of Education owns 061-081-02 (\* Denver Avenue) and 113-361-18 (\* Walkers Ferry Road).
- Staff recommends the City trade three parcels for the two parcels owned by the Board of Education.
- Total acreage of the three parcels owned by the City is .575 acres. Total acreage owned by Board of Education is .555 acres.
- The tax value of the City's property is \$25,000 and the tax value of the Board of Education is \$27,100, which indicates that the trade is within 15% fair market value range.
- Following the trade with the Board of Education, staff recommends the City trade the acquired .474 acre tract on Walkers Ferry to Berryhill Baptist Church for .474 acres of land on the east side of tax parcel 113-361-19.

### Benefits to the City

- The City needs the property on Walkers Ferry Road to trade to Berryhill Baptist Church for the east side of their property. Specifically, the City will trade the .474 acre tract (113-361-18) for .474 acres of land on the east side of tax parcel 113-361-19 (owned by Berryhill Baptist Church).
- The City needs to have the east side of the Berryhill Baptist Church property to allow a Duke Power right-of-way to be established to move the power line on the east of I-485 to the west side to accommodate the new runway.
- Benefits to the Board of Education is that the City parcels are adjacent to Westerly Hills Elementary School. This trade will give the school better frontage on Denver Avenue.
- Benefits to Berryhill Baptist Church is the Board of Education property is already cleared and further west of I-485. The east side of the Church property is immediately adjacent to the interstate and there are noise issues for the Church when the property is used.

### Attachment 32

Resolution and Map

## 50. Airport Property Exchange - Stamoulis

**Action: Adopt a resolution authorizing a land exchange between the City and George and Vasiliki Stamoulis.**

**Staff Resource:** Jerry Orr, Airport

### Explanation

- The City owns 1.426 acres of land at 5116 Eaton Circle, tax parcel 115-071-08. The north part of this parcel which contains .67 acres of land plus a house built in 1948.
- George and Vasiliki Stamoulis own .659 acres of land at 5123 Airport Drive, tax parcel 115-071-12
- Staff recommends the City exchange the property for the Stamoulis property to accommodate some storm water issues
- An independent MAI appraiser has appraised the proposed exchange. The City will exchange .67 acres (valued at \$66,850) for the .659 acres (valued at \$66,000).

### Benefits to the City

- Mr. and Mrs Stamoulis did not want to sell their property but did agree to an exchange.
- The City needs the property at 5123 Airport Drive to allow the Airport to build a storm water retention basin.

### Attachment 33

Resolution and Map

## 51. Property Transactions

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

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

### Acquisitions

- A. Project:** Airport Master Plan Land  
**Owner(s):** Pravina Patel and Vinesh Bulsara  
**Property Address:** \* McAlpine Drive  
**Property to be acquired:** 20.0 acres  
**Improvements:** Vacant Land  
**Purchase Price:** \$600,000  
**Remarks:** Property was valued by tax office at \$218,800 in 2003, which does not reflect the current market values. The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality

and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement

**Zoned: R3 Use:** vacant land

**Tax Value:** \$218,800

**Tax Code:** 141-211-20

- B. Project:** Airport Master Plan Land  
**Owner(s):** Pradip Patel and Rati Patel  
**Property Address:** 7424 Wilkinson Blvd.  
**Property to be acquired:** 2.11 acres  
**Improvements:** fire damaged building  
**Purchase Price:** \$500,000  
**Remarks:** Property was valued by tax office at \$81,800 in 2003. In 2007 after the house burned the tax value was reduced to \$50,300. This is a 2 acre lot on Wilkinson blvd immediately adjacent to the Wilkinson/I-485 interchange and has been valued by two independent MAI appraisers and reviewed by a third MAI appraiser to determine current fair market value. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement  
**Zoned: B2 Use:** fire damaged building only  
**Tax Value:** \$50,300  
**Tax Code:** 055-371-14
- c. Project:** Airport Master Plan Land  
**Owner(s):** Ronald and William Ridout  
**Property Address:** 6620 Wilkinson Boulevard  
**Property to be acquired:** 10.983 acres  
**Improvements:** Commercial building and house  
**Purchase Price:** \$1,200,000  
**Remarks:** The purchase price was determined by two independent MAI appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement. The listed tax value is from March 2003 and does not reflect current market values or the fact that the property is within one block of I-485 and Wilkinson Boulevard, which opened after the tax value was established.  
**Zoned: B2 Use:** grocery store and residential  
**Tax Value:** \$178,900  
**Tax Code:** 055-521-04

- D.**     **Project:** Freedom Drive Widening, Parcel # 380  
**Owner(s):** Richard Warren Styron; Heirs Of The Estate Of Pauline May Melton; William Sylvester Melton; Anne Lyons Melton; June Patricia Melton  
**Property Address:** 3745 Freedom Drive  
**Property to be acquired:** 11,630.56 sq. ft. (.267 ac.) in Fee Simple (Total Acquisition)  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$57,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 059-013-20  
**Total Parcel Tax Value:** \$58,000
- E.**     **Project:** South Boulevard Left Turn Lane, Parcel # 4  
**Owner(s):** Gus N. Karres And Andrew Boukidis  
**Property Address:** 7819 South Boulevard  
**Property to be acquired:** 1,353 sq. ft. (.031 ac.) in Sidewalk and Utility Easement, plus 1,829 sq. ft. (.042 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,500  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 173-326-02  
**Total Parcel Tax Value:** \$617,200
- F.**     **Project:** Southwest Water Transmission Main - Phase C, Parcel # 29  
**Owner(s):** Pier Giorgio Andretta And Wife, Paula Andretta  
**Property Address:** 12500 Steele Creek Road  
**Property to be acquired:** 9,540 sq. ft. (.219 ac.) in Utility Easement, plus 4,234 sq. ft. (.097 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$19,075  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-1  
**Use:** Industrial  
**Tax Code:** 199-432-98  
**Total Parcel Tax Value:** \$1,703,100

### Condemnations

- G. Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 12  
**Owner(s):** Corey Clark And Any Other Parties Of Interest  
**Property Address:** 8338 Park Vista Circle  
**Property to be acquired:** Total Combined Area of 12,308 sq. ft. (.283 ac.) of Storm Drainage Easement, plus Conservation Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$6,700  
**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  
**Tax Code:** 221-224-52  
**Total Parcel Tax Value:** \$118,800
- H. Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 120  
**Owner(s):** Anatol K. Schweizer And Wife, Allison M. Schweizer And Any Other Parties Of Interest  
**Property Address:** 10823 King Fisher Drive  
**Property to be acquired:** Total Combined Area of 1,629 sq. ft. (.037 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,775  
**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  
**Tax Code:** 221-386-19  
**Total Parcel Tax Value:** \$110,700

## 52. Meeting Minutes

|   |
|---|
| <p><b>Action:</b> Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:<br/> - August 25, 2008</p> |
|---|