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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, September 26, 2011

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

Item #	Page #	Title
16	18	TASER Purchase and Appropriation
38	42	Public Safety Radio System Infrastructure Equipment

CITY COUNCIL AGENDA
Monday, September 26, 2011

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. New TASERs Purchase

Resource: Rodney Monroe, Police

Time: 20 minutes

Synopsis

- Recently, the Police Chief directed the inspection of all the TASER devices in the Police Department's inventory. The inspection revealed that there were a small number of devices which needed minor repairs such as batteries and date resets. Based on the review, Police continues to believe that TASERs are a valuable part of the department's use of force continuum.
- Police also conducted an internal review of its policies and procedures regarding TASERs as well as the training officers receive in their use. Police has also asked the Police Executive Research Forum to conduct an independent review of the TASER policies, procedures and training, evaluating them in terms of best practices across the country.
- Police had discussions with TASER International during the review which resulted in the opportunity to trade in current TASERs for a newer model which has additional safety features not included on the model currently in use.
- The presentation will focus on:
 - The Police Department's philosophy on TASER use
 - New model TASER's features
 - Trade in offer
 - Funding
- The new TASERs purchase is item 16, page 18 of this agenda.

3. Small Business Opportunity Disparity Study Update

Resources: Nancy Rosado, Neighborhood & Business Services
Cynthia White, City Attorney's Office

Time: 30 minutes

Synopsis

- On October 11, 2010 City Council approved a contract with MGT of America, Inc. in the amount of \$305,450 for the purpose of conducting a Disparity Study Update for the City.
- The following MGT Representatives will present the Disparity Study Update findings and recommendations:
 - Reginald Smith, Partner-in-Charge
 - Ms. Vernetta Mitchell, Project Manager
 - Dr. Vince Eagan, Ph.D., Technical Advisor
- The Disparity Study Update will review payment data from July 1, 2005 through June 30, 2010 to determine whether there is significant evidence of past or present disparity in the City's public contracting.
- Based on the study's findings, MGT's final report will determine if a legally justified need exists for program changes or modifications to the City's current Small Business Opportunity Program.

Future Action

Staff recommends that the Disparity Study Update be referred to the Economic Development Committee for additional review.

4. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

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**

5. Crop Hunger Walk

Action: Mayor Foxx to read a proclamation in recognition of the CROP Hunger Walk on October 16, 2011.

6. Charlotte Mecklenburg Utilities

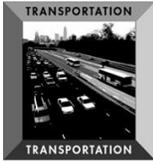
Action: Mayor Foxx to recognize the City's five wastewater treatment plants for receiving Peak Performance Awards from the National Association of Clean Water Agencies.

CONSENT

- 7. Consent agenda items 23 through 41 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

8. Public Comment Elizabeth Area Plan



Action: Receive public comment on the Draft *Elizabeth Area Plan*.

Committee Chair: David Howard

Staff Resource: Alan Goodwin, Planning Department

Explanation

- Charlotte-Mecklenburg Planning Department staff has worked with a stakeholder group to develop an area plan for the Elizabeth community. The plan area comprises approximately 630 acres and is bound by I-277 and Independence Boulevard to the north, the Seaboard Coastal Railroad to the east, Briar Creek to the south and Randolph Road/Fourth Street, South Laurel Avenue and Providence Road on the west.
- The plan will update the 1993 *Central District Plan*. The proposed *Elizabeth Area Plan* will be the guiding policy document for the Elizabeth community in making land use and zoning decisions.
- The plan defines the future development vision for the area, taking into account the unique characteristics of this historic neighborhood. It provides direction for preserving and protecting the established residential areas, while accommodating future growth, sensitive to the surrounding neighborhood, at identified nodes.
- A public kick-off meeting was held on September 22, 2009 with 140 people attending.
- Other public outreach efforts included a 40-member Citizen Advisory Group that met eleven times over 13 months, an online survey to identify key issues and a webpage devoted to the plan and process.
- A final public meeting was held on May 12, 2011 with 49 people attending.
- An additional Citizen Advisory Group meeting was held on June 15, 2011.
- Staff met with Historic Elizabeth Neighborhood Foundation and Elizabeth Community Association representatives to discuss several requested revisions to the document. These requests have been addressed in the *Proposed Revisions to Draft Plan*, updated September 12.
- A copy of the plan and proposed revisions is included in the Wednesday, September 21 Council Manager Memo. The plan is also available on the CharMeck website (Planning Department under Area Planning.)

Plan Recommendations

- Generally the plan includes "Five Priorities"— Protect, save and enhance Independence Park; Integrate the proposed redevelopment of Elizabeth Avenue; Preserve residential areas; Encourage pedestrian-oriented development along East Seventh Street; and Create transit options.
- Land Use: most of the plan area is in an Established Neighborhood sub-area as defined by the City's *Centers, Corridors and Wedges Growth Framework*. A small portion of the plan area is within a wedge. The plan proposes to maintain the existing, well-established, primarily low-density residential character where single family residential is the predominant land use. It also recognizes East Seventh Street as an important vehicular corridor, but with a more pedestrian-friendly character and streetscape and a mixture of residential, office and retail uses. The land use policies also

support the enhancement, protection and preservation of existing parks and open spaces and institutional uses for existing hospital and medical office uses.

- Transportation and Streetscape Design: the policies address proposed new streets and enhancements to existing streets to make them more pedestrian and bicycle friendly, including:
 - Enhancing the intersection of East Seventh Street at Pecan Avenue and North Caswell Road to make it safer for pedestrians
 - Providing additional pedestrian crossings of East Seventh Street
 - Providing street connections to support new development and eliminating gaps in the sidewalk system
 - Providing additional connections between streetcar and transit stops and neighborhood employment and commercial centers
- Infrastructure and Public Facilities policies focus on:
 - Specific policies that address protecting Independence Park
 - Completing greenway connections
 - Maintaining existing public parks and recreation facilities
 - Minimizing impacts to the existing tree canopy

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received the following public comments at their May 17th meeting:
 - The Elizabeth Community Association and Historic Elizabeth Neighborhood Foundation requested an additional Citizen Advisory Group meeting to better understand the PED overlay concept, a road diet concept for Seventh Street and clarification of NCDOT and CDOT roles; Transit Station Area and zoning, and the recommended mix of uses on Seventh Street. (This meeting was held on June 15, 2011 and the results were discussed at Council's September 12th Transportation and Planning Committee meeting.)
- There was a question about the land use recommendation of Office and Office/Institutional for blocks on 4th/Randolph between Queens Road and Colonial Avenue. Staff has followed-up with the Presbyterian Hospital representative on this issue and determined that no revisions are necessary.
- At their September 20, 2011 meeting, the Planning Committee continued public comment on the plan and voted unanimously to recommend approval of the draft plan.

Transportation & Planning Committee

- City Council's Transportation & Planning Committee received an overview of the plan at their September 12, 2011 meeting. The Committee discussed changes to the document requested by the neighborhood, pursuing the corrective rezoning and the importance of the plan for the area, which is mostly within a corridor. Committee members Howard, Carter, Cooksey and Kinsey voted unanimously to forward the *Draft Elizabeth Area Plan* to City Council for public comment on September 26.
- After public comment, the plan will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

9. Public Comment on Steele Creek Area Plan



Action: Receive public comment on the draft *Steele Creek Area Plan*.

Committee Chair: David Howard

Staff Resources: Melony McCullough, Planning Department
Brent Wilkinson, Planning Department

Explanation

- Planning staff has completed a draft plan for approximately 27,000 acres located in the southwestern portion of Mecklenburg County. The plan area is generally bounded by Shopton Road on the north, South Carolina state line on the south, I-485 on the east, and the Catawba River (Lake Wylie) on the west. The plan was developed in collaboration with a citizen advisory group, Charlotte Department of Transportation as well as other City and County Departments.
- The plan updates previously adopted land use plans and provides policy guidance for future growth and development within the plan area.
- The planning process was initiated in June 2009 with a series of four public meetings. A 53 member citizen advisory group met over a two year period to provide input on the draft plan. Two final public meetings to receive input on the draft plan were held in March 2011, with a total of 110 persons in attendance.
- A copy of the plan and proposed revisions is included in the Wednesday, September 21 Council Manager Memo. The plan is also available on the CharMeck website (Planning Department under Area Planning.)

Plan Recommendations

- Land Use: Seventy percent of the plan area is located within a Wedge and the remainder within four Activity Centers as defined by the City's *Centers, Corridors and Wedges Growth Framework*. The focus of the plan is to provide for better integration of land use and transportation as well as protect the character of existing neighborhoods and the natural environment.
- The majority of the Wedge area is recommended for low density residential land uses at a maximum density of four dwelling units per acre (DUA). Moderate density residential developments and neighborhood serving land uses are appropriate at strategic locations along major thoroughfares within the Wedge. The expansion of industrial and office development, which contribute to the area's designation as the second largest employment center in Mecklenburg County, is recommended in the Industrial and Mixed Use Activity Centers. Activity Centers are also identified as appropriate locations for higher density residential as well as more intense office and retail land uses.
- Transportation & Streetscape Design:
 - Street Connectivity
 - The plan provides for new street connections at key locations to enhance the existing street network as well as enhancements to the pedestrian and bicycle network.
 - Streetscape
 - Future cross sections and streetscape development standards are provided to help define the function and visual appeal of the

proposed street network. These are intended to be used to guide City initiated improvements, new development and major renovation projects.

- Community Design: Plan policies include guidance for encouraging sustainable development that promotes accessibility for pedestrians and cyclists while integrating green amenities and environmentally sensitive features.
- Infrastructure and Environment: Plan policies support new civic infrastructure (i.e. water & sewer lines, libraries) and expansion of the greenway system, parks and open space throughout the plan area.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comment at their April 19, 2011 meeting. There were citizens present that spoke in support of the plan. Others expressed concern about the plan not being available earlier for the public to review, the need for road improvements in the area, incorrect references in the document to York Road as S. Tryon Street, the City changing the name of York Road to S. Tryon Street as areas are annexed, and the need for further analysis of where future development might occur.
- The Planning Committee is tentatively scheduled to make a recommendation on the plan at their October 18, 2011 meeting.

Transportation & Planning Committee

- City Council's Transportation & Planning Committee received an overview of the plan at their April 28, 2011 meeting and directed staff to continue working with citizens to address concerns about the draft plan. The Committee received an update on the planning process at their August 22, 2011 meeting. Staff shared information on how citizen issues were addressed and the Committee voted unanimously (Howard, Carter, and Kinsey) to forward the plan to Council for public comment on September 26, 2011.
- After public comment, the plan will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

ZONING

10. Rezoning Petition 2011-041

Action: Render a decision on proposed rezoning petition 2011-041 Liberty Healthcare Properties of Mecklenburg for a change in zoning from MX-2, mixed-use residential to INST (CD), institutional, conditional for approximately 17.48 acres located on the south side of Providence Road West between Community House Road and Old Ardrey Kell Road.

Staff Resource: Tammie Keplinger, Planning Department

Explanation

- The decision on this sufficiently protested petition was deferred on September 19, 2011 since not all Council members were present at the meeting.
- The petition proposes the development of a skilled nursing facility with 120 beds and 168 senior independent living units along with associated services and amenities.
- The petition was found to be inconsistent with the South District Plan but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
 - The underground detention areas shown on the site plan have been labeled as "possible locations".
 - The dumpster shown on the site plan has been labeled as "possible dumpster location".
 - Additional internal sidewalk connections along both sides of the driveway along Providence Road West and Old Ardrey Kell Road have been provided.
 - Note 5 under Architectural Standards which explains how building height will be measured has been removed.
 - Under site data table the maximum building height of 60 feet for the overall structure has been removed.
 - The maximum height and stories of each portion of the building has been labeled on the site plan.
 - Under site data, the maximum number of beds has been replaced with maximum number of units allowed on the site.
- Staff agrees with the recommendation of the Zoning Committee.

Attachment 1

Zoning Committee Recommendation
 Vicinity Map
 Locator Map
 Site Plan

11. Rezoning Petition 2011-045

Action: Render a decision on proposed rezoning petition 2011-045 Catholic Diocese of Charlotte Housing Corporation for a change in zoning from R-3, single family residential and R-12 (CD), single family residential, conditional to INST (CD) institutional conditional with five year vested rights for approximately 20.60 acres located on the north side of South Tryon Street across from Savannah Club Drive.

Staff Resource: Tammie Keplinger, Planning Department

Explanation

- The decision on this sufficiently protested petition was deferred on September 19, 2011 since not all Council members were present at the meeting.
- The petition proposes to allow an age restricted multi-family development consisting of up to 240 elderly dwelling units, 13 disabled dwelling units, a 25,000-square foot adult care center, and an accessory 100-seat chapel.
- The petition is found to be inconsistent with the Southwest District Plan and the draft Steele Creek Area Plan but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
 - The location of parking on the private street was delineated.
 - Note 1(d) was amended to reference Section 12.101(2) of the City of Charlotte Zoning Ordinance.
 - A note was added that the accessory chapel will remain a part of the parcel containing multi-family units.
 - Note 8(a) was amended to state that signage will comply with the Zoning Ordinance.
 - All notes on the site plan associated with income levels were removed.
 - A note was added to the site plan prohibiting storm water detention ponds/structures from being located within the 50-foot landscape setback along South Tryon Street.
 - The proposed use language was changed from elderly multi-family dwelling units and disabled dwelling units to senior independent living units and disabled adult independent living units.
 - A note was added that some or all of the following amenities will be provided: community kitchen, library/media/computer room, laundry facilities, community room, parlor, porch, courtyard, patio, outdoor seating area and walking paths. A minimum of five percent of the building square footage, exclusive of hallways, of each development phase of senior independent living units will be developed with some of these types of amenities.
- Staff agrees with the recommendation of the Zoning Committee.

Attachment 2

Zoning Committee Recommendation
 Vicinity Map
 Locator Map
 Site Plan

POLICY

12. City Manager's Report

13. Ballantyne Area Infrastructure Improvements



- Actions:** Approve the Economic Development Committee's recommendation to:
1. Approve an Infrastructure Reimbursement Agreement with the Bissell Companies for the construction of roadway improvements in the Ballantyne area through a private placement loan from Bissell in an amount not to exceed \$11 million which will be repaid through 45% of incremental City property taxes from a designated area over 15 years, or until the loan is repaid, whichever is sooner.
 2. Adopt a resolution approving an Interlocal Agreement with Mecklenburg County pursuant to which the City will receive a payment equal to 45% of incremental County property tax revenue from a designated area from the County and remit such payment to Bissell Companies, and
 3. Authorize the City Manager to negotiate and execute any further ancillary documents or non-material changes to the agreements as may be necessary.

Committee Chair: James Mitchell

Staff Resources: Ron Kimble, City Manager's Office
 Robert Hagemann, City Attorney's Office
 Pat Mumford, Neighborhood & Business Services
 Greg Gaskins, Finance

Policy

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

Explanation

- On June 6, 2011, City Council received a request from the Bissell Companies (Bissell), developer of Ballantyne Corporate Park, for the City's financial participation in certain road and infrastructure improvements (Public Improvements) in the Ballantyne area. Council referred the request to the Economic Development Committee.
- Since 1998, the Ballantyne area has emerged as one of the fastest growing employment and residential centers in the United States with a total tax base of \$2 billion, including over \$700 million in the Ballantyne Corporate Park.
- The Ballantyne area includes over 30 Fortune 500 companies, over 14,000 office, retail and hospitality jobs, 1,000 single family homes and thousands of multifamily residential units, 250,000 square feet of retail and over 250,000 square feet of medical office space. In addition, the Ballantyne

area has done relatively well since 2008, attracting over 5,000 new jobs over the past three years.

- The Public Improvements requested by Bissell consist of the following:
 - Road improvements to John J. Delaney Drive
 - Intersection improvements to US 521 at Ballantyne Commons Parkway and North Community House Road at Ballantyne Commons Parkway
 - The extension of North Community House Road over I-485
- Bissell estimates the public improvements will enable the Ballantyne area to attract and retain businesses that will collectively add between 4,000 and 12,000 jobs over the next 15 years, while adding between \$136 million and \$400 million to the tax base over the same time period.
- When the Public Improvements are complete, Council will need to hold a public hearing and take action to put the financing in place.

Project Benefits

- The proposed not-to-exceed \$11 million cost to the City in acquiring the Public Improvements from the Developer for designing and constructing the Public Improvements is less than the City estimates it would cost if the City were to design and construct the Public Improvements.
- The Public Improvements will be completed in a four way partnership between the City, County, State and Bissell, which enables an earlier completion date than otherwise possible.
- Further growth in the Ballantyne area requires additional transportation infrastructure, and transportation improvements will make a greater density of development possible.
- The unemployment rate in Mecklenburg County is currently above 10%, and the City's location on the border of South Carolina poses a risk that jobs and revenue will move across state lines. The project will enable the City to better retain and attract businesses in this competitive environment.

Infrastructure Reimbursement Agreement

- The City has the authority to construct streets and bridges (G.S. 160A-296(a)(3)), to enter into infrastructure reimbursement agreements with developers and property owners (SL 2001-329), and to finance such infrastructure (G.S. 160A-20).
- Under the terms of the Infrastructure Reimbursement Agreement, Bissell would build the Public Improvements (including a separate partnership with NCDOT for the construction of the Community House Road I-485 Bridge) for a not-to-exceed price of \$11 million.
- Bissell will make a private placement loan to the City for the value of the Public Improvements at an interest rate equal to the City's borrowing rate.
- The City agrees to pay Bissell 45% of incremental property taxes from a designated area (Ballantyne Synthetic Tax Increment Financing Zone) over 15 years, or until the loan is repaid, whichever is sooner.
- Through an Interlocal Agreement between the City and County, the County would pay 45% of the incremental County property taxes from the Ballantyne Synthetic TIF Zone to the City over 15 years, or until the loan is repaid, whichever is sooner. The City would remit the County portion to Bissell.
- Additional provisions of the agreement include:
 - Bissell is responsible for any construction costs greater than \$11 million.
 - Should incremental property taxes be insufficient to repay the private placement loan to the City, Bissell agrees to write off any unpaid principal at the end of the 15th year.

- Any business investment grants paid to corporations in the designated area are deducted for calculation purposes.
- Baseline TIF zone property tax value established as of January 1, 2012.
- 15-year period begins upon acceptance of all improvements.
- Until loan payments are due Bissell, the City and County will hold the 45% of incremental property taxes in reserve and use it to supplement first year payment, which is expected in 2015.

Committee Discussion

On September 14, 2011, the Economic Development Committee (Mitchell, Cannon, Burgess, Dulin and Kinsey) unanimously approved a motion to recommend the Council approve the Infrastructure Reimbursement Agreement and the Interlocal Agreement.

Minority, Women, and Small Business Opportunity

Bissell has agreed to an aggregate MWSBE goal of 10% with the following respective minority, women, and small business goals for the non-State portions of the roadway improvement project:

- Established MBE goal: 6%
- Established WBE goal: 4%
- Established SBE goal: 4%

NCDOT will establish its own goals for the bridge overpass portion of the project.

Funding

Synthetic TIF

Attachment 3

Infrastructure Reimbursement Agreement
Resolution
Interlocal Agreement

BUSINESS

14. Federal Legislative Services Agreement

Action: Approve option for a one-year contract extension with Holland and Knight LLC for federal legislative services at an annual fee not to exceed the existing cost of \$198,000.

Staff Resources: Dana Fenton, City Manager's Office
Ron Kimble, City Manager's Office

Explanation

- Holland and Knight offers the City an integrated team of strategic communicators, senior advisors, lobbyists and attorneys to continue actively assisting the City in developing a comprehensive legislative program, and to advocate it effectively to both Congress and the administration.
- The Holland and Knight team includes former members of Congress, former advisor to the EPA Administrator, former Deputy Assistant to the President, and former congressional staff members with appropriations experience. Holland and Knight's transit partner is one of the pre-eminent experts in the transit industry.
- Holland and Knight have proven they have excellent relationships with the City's Congressional Delegation, Appropriations Committee staffs, and federal agencies.
- Over the last several years, Holland and Knight has assisted the City's Congressional Delegation in securing over \$240 million in appropriations and authorizations on behalf of the City. Holland and Knight has also worked with the City's Congressional Delegation and administration in securing federal grants from federal agencies including Streetcar and Broadband Technologies Opportunity Grant.
- The City currently has pending federal requests including the Blue Line Extension and DNC security funding.
- Their personal relationships with members of the Administration and US Congress, and staff of the Federal Transit Administration (FTA) and knowledge and experience of the FTA Full Funding Grant Agreement process will be beneficial for the extension of the Blue Line. Furthermore, their contacts inside the US Department of Transportation enabled the North Mecklenburg Mayors and CATS staff to meet with staff from the Federal Transit Administration and Federal Railroad Administration concerning the TIGER I grant proposal for the Red Line.
- Holland and Knight has always agreed with and adhered to the City's requirement that it not represent any other local government or regional organization in the State of North Carolina. This is particularly important given the re-emergence of the plans for a rail system in the Raleigh area.
- Holland and Knight is fully aware of the trend towards more discretionary grants, and is already working with City Key Business Units to maximize our potential from such grants.
- The proposed agreement is for one year, from January 1, 2012 to December 31, 2012. The cost of the agreement will be \$198,000, based on a monthly retainer of \$16,500. The Transit Fund will pay 50% (\$99,000) of the costs of the agreement given the scope of transit lobbying needs. The General Fund portion of the agreement is 50% (\$99,000).

Background

- In September 2003, the City issued a Request for Proposals (RFP) for federal legislative services. The RFP addressed City legislative needs including transit, public safety, economic development, environmental quality, housing and community development and other City Council priorities.
- Proposals were received from 14 legislative and law firms. Holland and Knight was selected, following an extensive evaluation process, based on staffing and project management experience, federal legislative experience, financial responsibility, approach and work plan and acceptance of contract terms.
- In November 2003, Council approved a two-year agreement with Holland and Knight at an annual cost not to exceed \$150,000, with up to three, one-year contract renewals. In 2005, the City negotiated an annual cost not to exceed \$180,000 for the contract renewal year 2006. All three contract renewals were exercised at this rate. In December 2008, City Council extended the contract for an additional two-year period expiring December 31, 2010 at an annual cost of \$180,000. In September 2010, Council extended the contract for an additional one-year period expiring December 31, 2011 at an annual rate of \$198,000 with an option to extend it for an additional year based upon performance at the same annual rate of \$198,000.

Small Business Opportunity

Contracts for legal services are exempt (Appendix 23.9 of the SBO policy).

Funding

Transit Fund (50% or \$99,000 annually) and General Fund (50% or \$99,000 annually)

15. Wireless Broadband Network and Related Services



- Action:**
- A. Approve contracts for the provision of goods and services in support of the procurement, deployment, operations, maintenance and support of a Long Term Evolution (LTE) Wireless Broadband Network as follows:**
- 1. Purchase of LTE Network Equipment, and related provisioning and implementation services from Alcatel-Lucent in the amount of \$12,710,770 and operation, maintenance, and hosting services of \$2,289,230 for a term of five years**
 - 2. Authorize the City Manager to negotiate a Tower space lease agreement with Crown-Castle USA in an amount not to exceed \$9,100,000 to lease tower space to house supporting equipment for the LTE Network for a term of 10 years**
 - 3. Technical consulting services from RCC Consultants, Inc. in the amount of \$433,415 for on-going support of deliverables required to fully deploy the LTE Network with final deliverables projected for completion on or about July 2013**
 - 4. Consultant agreement in the amount not to exceed \$250,000 for a Program Manager to oversee deployment of the LTE Network for initial term of 20 months, and**
- B. Authorize the City Manager to extend the hosting and maintenance contracts with Alcatel Lucent, contingent upon the company's satisfactory performance, for three additional, one year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Dinner Briefing

- On September 12, 2011, City Council received a dinner briefing on the status of negotiations with Motorola and Alcatel Lucent, and staff's decision to pursue contract negotiations with Alcatel Lucent.

Previous Council Action

- On September 13, 2010, City Council accepted an American Recovery and Reinvestment Act (ARRA) grant through the US Department of Commerce's Broadband Technology Opportunities Program (BTOP). The City was one of seven jurisdictions chosen to receive grants to construct a regional wireless Long Term Evolution (LTE) (or 4G) cellular broadband network for public safety and other governmental use and operating in the 700 MHz public safety spectrum.

LTE Benefits

- The LTE Network will eliminate issues with loss of command or control data during large scale events and allow public safety (police, fire and medic) data to receive priority on the network (which does not occur on broadband services provided by commercial carriers). This network is separate from the 800 MHz Public Safety Voice Radio Network.
- Anticipated benefits include:
 - Leading edge, large bandwidth wireless technology;

- Faster intelligence and situational updates to patrol units and situation commanders;
- Live video streaming from vehicle or on-scene cameras;
- Delivery of building blue prints to on-scene fire trucks or other first responders; and
- Increased interoperability locally and also within the National Public Safety Broadband Network.

Contract Funding

- Implementation funding will be provided via the BTOP Grant (\$16.7M) and vendor and City in-kind contributions (\$4.4M). No new City funds are being expended to support initial deployment of the project. The table below describes the funding source for each of the contracts.

Contract	Vendor	Initial Term	Amount	Source
A.1 LTE Equipment & Deployment Services	Alcatel Lucent	Deploy ¹	\$12,710,770	Grant Funds
A.1 LTE hosting, operations & maintenance	Alcatel Lucent	5 years	\$2,289,230	Existing Operating Funds
A.2 Tower Lease Agreement	Crown-Castle	10 years	\$9,100,000	Existing ² Operating Funds
A.3 Technical Consulting Services	RCC	Deploy ¹	\$433,415	Grant Funds
A.4 Program Manager		Deploy ¹	\$250,000	Grant Funds

¹ Through system deployment; ² Initial 18 months (\$805,626) will be paid by grant funds.

Selection Process

- Three teams have been involved in the evaluation, negotiation and oversight of the procurement process; including the:
 - Executive Steering Team – consisting of executive leadership from CMPD, CFD, OCIO, BSS and Mecklenburg County - providing procurement process oversight.
 - Evaluation Team – consisting of business and technical leaders from CMPD, CFD, BSS, OCIO, Mecklenburg County, RCC Consulting, City Attorney’s Office – responsible for proposal evaluations.
 - Negotiating Team – City Attorney’s Office, RCC Consulting, LNG&S, LLP (specialized outside attorney), BSS, OCIO and Mecklenburg County – responsible for contract negotiations with vendors.
- In response to a Request for Proposals (RFP), the City received two proposals for the full network project and one partial bid for devices only. Only the full network proposals were considered.
- During the initial evaluation, the Evaluation Team determined, and the Executive Steering Team agreed, that the proposals of both Alcatel-Lucent and Motorola provided viable implementation strategies and substantially met the RFP requirements. The Evaluation Team recommended and the Executive Steering Team agreed to open negotiations with both vendors for a hosted LTE solution.
- The Contract Negotiation Team actively negotiated equally with both vendors from August 5 until September 9, 2011, at which time the Negotiating Team recommended that negotiations be suspended with Motorola and that the City move forward in negotiating a final contract with Alcatel Lucent. The Executive Steering Team agreed with this recommendation. Both the Negotiating Team and Executive Steering Team believe that the Alcatel Lucent negotiations resulted in:

- Business terms and conditions that were generally more favorable to the City;
- Pricing, particularly in operational expenses, were more competitive;
- A higher level of confidence in the Network Implementation Services; and
- Less risk associated with the antenna deployment strategy.
- The City continued to negotiate with Alcatel Lucent and reached final agreement on a contract on September 20, 2011. The Negotiating Team believes the contract meets the City's goals of:
 - Vendor experience in implementation, operations and support of cellular infrastructure technology
 - Overall technical solution to be provided
 - Ability to meet the Federal Grant match and performance requirements
 - Total cost of implementation and five year operation & maintenance costs
 - Best negotiated contract structure and risk mitigation
- At the request of the City, RCC Consulting prepared a Business Plan/RFP Response Analysis that compared the Alcatel-Lucent and Motorola proposal and negotiated contracts. This report is available to City Council by request.

Small Business Opportunity

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

Funding

Broadband Technology Opportunities Program Grant

Attachment 4

September 12, 2011 BTOP Dinner Briefing Presentation

16. TASER Purchase and Appropriation

- Action:**
- A. Approve the purchase of TASERs, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6),**
 - B. Approve a contract with TASER International for the purchase of TASERs and related equipment in the amount of \$1,829,350.06, and**
 - C. Adopt a budget ordinance appropriating \$1,829,350.06 for the purchase of the TASERs.**

Staff Resources: Rodney Monroe, CMPD
Katrina Graue, CMPD

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition is not available
 2. A needed product is available from only one source or supply or
 3. Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since the pricing is predicated upon the trade-in of all current CMPD-owned TASERs and related equipment.

Explanation

- CMPD recently conducted an evaluation of its use of TASERs including the safety of the devices and the department's policies, procedures, and training in relation to their use.
- An evaluation of the devices reinforced CMPD's belief that TASERs remain a viable option to minimize injuries to officers, suspects, and others.
- CMPD has also asked the Police Executive Research Forum (PERF) to conduct an independent review of its TASER policies, procedures and training. The review team assembled by PERF will include academicians, a representative from the American Civil Liberties Union, police practitioners and PERF staff.
- During the review process, CMPD had discussions with TASER International which resulted in CMPD having the opportunity to trade in its current Model X26 TASERs and related equipment for newer model X2 TASERs that have additional safety features. The new model X2 TASERs:
 - Discharge only a five second electrical charge when the trigger is activated; the current model delivers an electrical current for as long as an officer holds the trigger
 - Enable the officer to select a warning arc option under which an individual can hear the arc and see the electrical current. This is often a deterrent to further aggressive behavior without an officer having to discharge the probes
 - Provide two cartridges so the officer will always have a back-up cartridge. The current model has only one cartridge.
 - Enable the officer to deliver a drive-stun exposure to a suspect when the officer is too close to the suspect to discharge the probes
 - Equipped with dual lasers that show the location of probe delivery for both the top and bottom probe. The current model uses only one laser targeting device. Dual lasers help to ensure that both probes will have contact with the suspect which must happen for the device to work.

Financial Terms

- TASER International has made a trade-in offer that would enable CMPD to purchase 1600 TASERs and related equipment for a total of \$1,829,350.06. This includes a \$700,000.80 trade-in allowance for all of CMPD's existing TASERs and related equipment.
- Staff recommends using \$1,429,350.06 in General Fund fund balance and \$400,000 in assets forfeiture funding for the purchase.
- If Council approves funding for the TASER purchase, the amount in the General Fund fund balance will remain above the Council's 16% General Fund Balance policy.

Funding

\$1,429,350.06 from General Fund fund balance; \$400,000 from assets forfeiture funds

Attachment 5

Budget Ordinance

17. The Villages of Hope Haven, Inc. Housing Trust Fund Grant

Action: Approve the Charlotte Mecklenburg Coalition for Housing recommendation to provide a Housing Trust Fund grant in the amount of \$1.8 million to Hope Haven, Inc. to retire the Section 108 loan associated with the Villages of Hope Haven project.

Staff Resources: Richard Woodcock, Neighborhood & Business Services
Pamela Wideman, Neighborhood & Business Services

Policy

- The City's FY2012-2016 Consolidated Housing Plan was approved by City Council on May 9, 2011.
- The Plan identified the need for affordable, safe and decent housing for low and moderate income families.
- The Plan aligns with the U.S. Department of Housing and Urban Development's (HUD's) three overarching goals: decent affordable housing, economic opportunity, and suitable living environment.
- The Plan 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

- Hope Haven, Inc. (Hope Haven) has requested assistance from the City to avoid a reduction in services due to reduced operating revenues.
- Hope Haven, located at 3815 N. Tryon Street, responds to the needs of the population that is homeless and addicted. The program annually serves more than 300 cases including men, women and families by providing housing, 24-hour substance abuse counseling, and workforce vocational training. The program also creates viable employment opportunities for individuals with limited job skills who have experienced extensive episodes of unemployment.
- In 1999, the U.S. Department of Housing and Urban Development (HUD) approved a Section 108 loan in the amount of \$3,000,000 for renovation costs for the facility and the refinancing of an existing bank loan to support the Hope Haven project. At that time the City did not have other financial mechanisms to offer. The Housing Trust Fund had yet to be established.
- On November 11, 2002, City Council approved Hope Haven's request for a temporary subsidy to address revenue shortfalls. Under the arrangement, Hope Haven made principal payments only on the loan and the City paid the interest payments from its Community Development Block Grant funds for a five year period. The City subsidy (interest payments on behalf of Hope Haven) amounted to \$1,131,409.
- On November 28, 2008, City Council approved Hope Haven's second request for a temporary subsidy to address revenue shortfalls. Under the arrangement, Hope Haven made principal payments only on the loan and the City paid the interest payments for a three-year period. The City subsidy (interest payments on behalf of Hope Haven) amounted to \$438,317.
- On May 9, 2011, City Council approved the refinancing of the Section 108 loan in anticipation of HUD's next bond offering during the summer. HUD has not moved to make that offering as of yet. Since that time, Hope Haven has requested that the City forgive the remaining indebtedness so

they may maintain their ability to provide services to the homeless and addicted population. The on-going obligations to make these payments will cause Hope Haven to reduce the scope of their operations and serve less of the homeless population.

- Hope Haven is currently working on a sustainability plan. The plan includes a current Federal Home Loan Bank application to cover future maintenance needs.
- On September 1, 2011, the Charlotte-Mecklenburg Coalition for Housing approved a recommendation to approve a grant in the amount of \$1.8 million to retire the Section 108 loan debt to help ensure that Hope Haven can continue its work to provide housing and support services to families suffering from addiction and homelessness.
- Retiring the Section 108 Loan debt will enable Hope Haven to serve additional families and individuals. In addition, it provides the City with the capacity to fund a future Section 108 loan for other affordable housing activities.

Funding

Housing Trust Fund Grant

18. Strawn Tower Loan Restructuring and Bond Issuance

Action:

- A. Approve the Charlotte Housing Authority's request to restructure the Strawn Tower Housing Trust Fund (HTF) award from a loan to a grant, and**
- B. Adopt a resolution granting the Charlotte Housing Authority's request to issue Multi-Family Housing Revenue Bonds to finance the acquisition and renovation of Strawn Tower.**

Staff Resource: Richard Woodcock, Neighborhood & Business Services

Loan Restructuring

- The Charlotte Housing Authority (CHA) requests City Council approval to restructure the Strawn Tower Housing Trust Fund (HTF) award from a loan to a grant award in order to avoid a \$1 million funding gap for the project.
- On June 8, 2009, the City Council approved a loan in the amount of \$1,000,000 to the Charlotte Housing Authority (CHA) for the rehabilitation of Strawn Tower as part of the FY2009 Housing Trust Fund Multi-Family Housing Request for Proposals. Rehabilitation will include a complete gut rehab, energy efficient upgrades, electrical upgrades, HVAC, roof replacement, new flooring, window replacements, etc. Residents will be relocated to other properties within the CHA portfolio during the renovation period.
- Strawn Tower, located at 1225 S. Caldwell Street, is comprised of 170 elderly public housing units serving households earning 60% (\$40,500) or below the area median income with priority at 30% (\$20,250) or less area median income.

Need to Restructure Loan

- The approved City loan structure is a non-amortizing loan with simple interest at 2% for 20 years, with an affordability period of 50 years.
- Originally the CHA planned to support project funding with state-issued Low Income Housing Tax Credits. Subsequently, the revised financing which

involves Department of Housing and Urban Development's (HUD) Capital Funding Financing Program (CFFP) requires public housing units to be revenue neutral; therefore, there will not be cash flow available for debt service.

- The project schedule remains the same with construction starting January 2012 and completion in December 2012. Rehabilitation of existing housing developments is exempt from the City's Assisted Housing Locational Policy.

Bond Issuance Approval

- The Charlotte Housing Authority (CHA) is requesting the City Council adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Strawn Tower. The CHA bonds, not to exceed \$19,900,000, will be used to finance the acquisition and renovation of the two developments.
- Approval of this request is required by the City of Charlotte because it has jurisdiction over the area where the development is located. This measure is necessary to satisfy Section 147(f) of the Internal Revenue Code of 1986.
- Strawn Tower will be owned by Strawn Parktowne, LLC, a North Carolina Limited Liability Corporation.

Funding

Strawn Tower – 2008 City Affordable Housing Bonds (Housing Trust Fund) – Approved June 8, 2009.

Attachment 6

Charlotte Housing Authority Letter of Request
Charlotte Housing Authority Resolution
Notice of Public Hearing

19. Airport Medical Services

- Action:**
- A. Approve a one-year contract with Mecklenburg County Emergency Medical Services Agency (MEDIC) for medical response services in the Airport Terminal in an amount not to exceed \$500,000,**
 - B. Adopt a budget ordinance appropriating \$500,000 from the Aviation Fund balance, and**
 - C. Authorize the City Manager to extend the contract for two additional one year terms with possible price adjustments as stipulated by the contract at the time of renewal.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Currently, Airport Police Emergency Medical Technicians (EMTs) respond to an average of 2,200 medical incidents each year within the Airport Terminal. The presence of MEDIC in the Airport Terminal will enable Airport police to focus on their law enforcement and security duties.
- MEDIC's Advance Life Support Teams (ALS Teams) will be skilled and equipped to provide paramedic level medical care with the ability to rapidly treat a myriad of serious health conditions including, without limitation, cardiac arrests, heart attacks and diabetic shock.

- MEDIC’s presence in the Airport Terminal will improve response times to medical incidents and enhance the level of medical care available to Airport passengers and tenants.
- Airport Police will maintain their EMT certifications and will serve as a secondary EMT response resource. Based on historical data, secondary responses are anticipated to be fairly infrequent.

Contract Terms

- The initial contract term will be for one year followed by up to two automatic one year renewal terms unless terminated by either party.
- MEDIC will charge an hourly rate of \$66.83 for each ALS Team for the initial contract term. The hourly rate for each renewal term shall be increased by the Consumer Price Index for Medical Care Services, but in no event shall the hourly rate increase exceed 5%. The hourly rate structure will allow for the increase of services for unforeseen Airport emergencies and/or other contingencies.
- The total amount payable to MEDIC per year shall not exceed \$500,000.
- MEDIC will station at least one ALS Team at the Airport Terminal. Each ALS Team will consist of a paramedic and an emergency medical technician. The Airport will have the ability to request additional ALS Teams if necessary.

Small Business Opportunity

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

Funding

Aviation Fund Balance

Attachment 7

Budget Ordinance

20. Application for 2011 Federal National Infrastructure Investment Grants Program

Action: **A. Authorize the City Manager to submit a third application to compete for funds from the Federal National Infrastructure Grants Program (TIGER Discretionary Funds), with the City of Charlotte as the lead agency, and**

B. Adopt a resolution of support for the third project.

Staff Resource: Jerry Orr, Aviation

Explanation

- TIGER Discretionary Grants are authorized and funded by the U.S. Department of Transportation for transportation and transit infrastructure projects. This is the third round of grants. Two previous rounds were authorized in 2009 and 2010.
- On July 1, 2011, USDOT issued a Notice of Funding Availability (NOFA) for competitive capital grants and announcing selection criteria and pre-application and application requirements from these funds. \$387 million is available nationally for projects in urban areas.
- The selection criteria listed in the NOFA are:

- Long term outcomes
 - o State of good repair
 - o Economic competitiveness
 - o Livability
 - o Environmental Sustainability
 - o Safety
- Job creation and near-term economic activity
- Innovation and partnership
- Pre-applications must be submitted by October 1, 2011, and final applications must be submitted by October 31, 2011.
- Grants will be between \$10 million and \$200 million each. The federal share of the projects can be up to 80%. Because of the \$10 million funding floor, projects that cost less than \$12.5 million (\$10 million is 80% of \$12.5 million) are ineligible.
- On August 22, 2011, City Council authorized the City Manager to submit two applications for TIGER Discretionary Funds to fund portions of the LYNX Blue Line South Corridor Phased Retrofit and the Charlotte Bicycle & Pedestrian Network Implementation projects.
- A lead agency can submit up to three projects for consideration. This action will authorize the City Manager to submit a third application to fund a portion of the Rail/Truck Intermodal Facility at the Airport. The current total project cost is \$94.1 million.

Application

- Rail/Truck Intermodal Facility - \$14.7 million application
 - This project will construct a rail/truck intermodal facility at the Airport capable of accommodating 200,000 container lifts per year.
 - The facility will replace the existing intermodal facility operated by Norfolk Southern Railway in north Charlotte that is at capacity and cannot be expanded.
 - The grant application requires a 20% match from Norfolk Southern.
 - This grant would fund the following project elements:
 - o One additional support track
 - o One additional intermodal loading track
 - o The incremental cost of purchasing four hybrid overhead cranes
 - o One additional hybrid crane
 - o A GPS system for the cranes and truck equipment for the yard
 - o Gate system enhancements
 - o The relocation of a utility line that traverses the proposed site

Attachment 8

Resolution

21. Council Meeting Calendar Amendment

Action: Amend the City Council meeting calendar to reschedule the City Manager's evaluation from the cancelled meeting of November 21, 2011 to either:

1. November 28, 2011 from 3:00 p.m. to 5:30 p.m., or
2. November 30, 2011 from 11:30 a.m. to 2:00 p.m.

Staff Resource: Stephanie Kelly, City Clerk's Office

Explanation

- At the September 12, 2011 meeting, City Council voted to amend their meeting schedule because of the 2011 holiday season.
- The City Manager's evaluation was originally scheduled for 3:00 p.m. on November 21, 2011 prior to the Zoning Meeting, which has been cancelled and combined with the November 14, 2011 Business Meeting.

22. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

23. Solid Waste Services Facilities Contract D

Action: Award the low bid contract of \$180,171.54 to Onsite Development, LLC for the Solid Waste Services Facilities – Contract D project.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- This project is the final of four planned phases of the Solid Waste Services Facility and includes deconstruction of three existing buildings and construction of a small parking lot, including all associated grading, storm drainage, landscaping and fencing. Deconstruction means that building materials will be recycled.
- This last phase, a 44-space parking lot, will be located adjacent to the Solid Waste Services Facility and the existing Light Vehicle Maintenance Facility located on Otts Street.
- Construction of phase four was delayed until the new Atando Avenue light vehicle maintenance facility was operational and the Otts Street facility was no longer in use.
- The total project will be completed within the \$9 million project budget.
- Construction completion of this phase is scheduled for first quarter 2012.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy). No SBEs submitted a bid for this contract.

Funding

Facilities Capital Investment Plan

24. Storm Water Project Repair Services FY2012

- Action:**
- A. Award the low bid contract of \$70,995 to OnSite Development, LLC for Storm Water Project Repair Services, and**
 - B. Authorize the City Manager to approve up to three renewals each in an amount not to exceed the original contract amount.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- After storm drainage system improvement projects are completed, Storm Water Services is responsible for maintenance. This contract will enable staff to promptly address storm drainage system repairs to past projects that are no longer under warranty, ensuring quick response to citizens requesting services.
- Early detection and repair of these problems will avoid more costly repairs later and ensure long term success.
- The work covered by this contract includes:
 - Mobilization
 - Earthwork
 - Erosion control and stabilization
 - Lawn restoration
 - Driveway repair/replacement
 - Incidental concrete items such as curb and gutter
 - Repairs to storm drainage structures
 - Planting operations
 - Fencing and traffic control at various locations within Charlotte

Small Business Opportunity

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

Funding

Storm Water Capital Investment Plan

25. Airport Runway 36R Pavement Repairs

Action: Approve the low bid contract of \$468,030 to Blythe Construction, Inc. for pavement repairs on Runway 36R.

Staff Resource: Jerry Orr, Aviation

Explanation

- Runway 36R is one of the original runways and has been in use for over seventy years. This asphalt runway has been modified and repaved many times over its life.
- The most recent repairs occurred in 2006.
- This repair will only be for the north end of the runway in the center section where the pavement is currently failing.
- This contract will mill out and replace portions of the asphalt pavement.
- A major rebuild of the north end of Runway 36R is scheduled for the Spring 2012. That project will replace the asphalt on the north end of the runway with concrete.

Disadvantage Business Opportunity

Established DBE Goal 10.0%

Committed DBE Goal 11.74%

Blythe Construction, Inc. committed 11.74% of the total contract amount (\$54,970) to the following DBE firms: Killian Construction (milling) and All Points Trucking (hauling).

Funding

Aviation Operating Budget

26. Airport Entrance Road Bridge

Action: Approve the low bid contract of \$1,595,547.25 to Blythe Construction, Inc. for construction of a bridge over Norfolk Southern Railroad.

Staff Resource: Jerry Orr, Aviation

Explanation

- In April, City Council approved a contract with STV/Ralph Whitehead, Inc. to design two bridges for the new airport entrance road,
- One of the bridges is a four-lane bridge over the Norfolk Southern mainline that will be used for traffic approaching the terminal on the new entrance road.
- This bridge was bid separately from the rest of the new entrance road due to the length of time needed for construction.
- City Council will be asked to approve a contract for the remainder of the road and bridges within the next 4-6 months.
- The bridge will be completed in approximately 18 months.

Small Business Opportunity

Established SBE Goal 10.0%

Committed SBE Goal 11.03%

Blythe Construction, Inc. committed 11.03% of the total contract amount (\$176,033) to the following SBE firms: Border Rebar (rebar), and Martin Landscaping (landscaping).

Funding

Aviation Capital Investment Plan

27. Airport Advertising Agreement with Outdoor Media Alliance

Action: A. Approve a one year advertising agreement with Outdoor Media Alliance (OMA), and

B. Authorize the City Manager to approve two, one-year extensions based on Airport advertising rates.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport operates the advertising program in the Terminal building through a management agreement with the Charlotte Regional Visitors Authority (CRVA). The CRVA provides the sales team which sells Airport advertising, for which they receive an annual management fee and sales incentives based upon established revenue goals. Advertising sales in FY11 were \$1,800,000.
- Through this one-year agreement, Outdoor Media Alliance agrees to pay the Airport \$293,472 for the following advertising items:
 - 2 Banners
 - 4 Escalator Dioramas
 - 8 Terminal Dioramas
 - 1 Wall Mural
 - 11 Baggage Belt Ads

28. Right of Way Agreement for Airport Public Art

Action: Accept by Resolution a right of way agreement with the North Carolina Department of Transportation to install Airport Public Art at the Billy Graham Parkway and Josh Birmingham Parkway intersection (State roads).

Staff Resources: Jerry Orr, Aviation
Katie McCoy, Budget & Evaluation

Explanation

- During the FY2010 budget process, Council approved Public Art Ordinance funds totaling \$448,750 from Aviation capital projects to be allocated to public art at the airport.
- The Billy Graham Parkway and Josh Birmingham Parkway intersection was identified by City staff, the Arts & Science Council, and Public Art Commission as a key location for this art project. The location serves as a key entry to and exit from the airport, offering a high level of visibility, as well as the necessary space for the sculpture.

- Council received status updates on the project from the Arts & Science Council as part of the May 24, 2010, November 1, 2011, and May 9, 2011 Public Art Workplan presentations.
- Because the Billy Graham Parkway and Josh Birmingham Parkway intersection is located within NCDOT right-of-way, City and ASC staff have met with NCDOT representatives on the installation of public art at this location. Per NCDOT Policy, a Council Resolution is required to proceed with an encroachment agreement between the City and NCDOT to install the public art.
- This project is one of the initial projects in North Carolina to seek approval for public art installation in NCDOT owned right-of-way under the new "North Carolina Public Art on the Right of Way Policy," which was adopted by NCDOT in December 2010.
- The artwork is a 60 foot steel, aluminum and laminated glass sculpture designed by internationally recognized artist Ed Carpenter. The sculpture lighting will be solar powered.
- A Council Resolution is required by NCDOT Policy to accept the artwork as City property as well as any associated maintenance related to the project, both of which are standard for all of the City's Public Art Ordinance projects (not just those under the NCDOT Policy).
- This request is similar to the NCDOT Right-of-Way agreement approved by Council on April 11, 2011 related to impending City Public Art at the Trade Street/I-77 underpass.

Funding

Aviation Public Art Funds (City Public Art Ordinance)

Attachment 9

Design Illustration

Site Plan

Resolution

29. Mecklenburg-Union Metropolitan Planning Organization Funding

- Action:** **A. Accept Federal Highway Administration funds in the amount of \$809,767 on behalf of the Mecklenburg Union Metropolitan Planning Organization designated for regional planning activities, and**
- B. Adopt a budget ordinance appropriating \$809,767.**

Staff Resources: Norm Steinman, CDOT
 Vivian Coleman, CDOT

Explanation

- Through the Unified Planning Work Program (UPWP), the Mecklenburg Union Metropolitan Planning Organization (MUMPO) determines the regional planning activities that are anticipated for the coming fiscal year and documents the allocation of state and federal funds associated with each planning activity.
- In addition to its membership, the City of Charlotte provides staff support for MUMPO. One of the support functions is financial administration services (i.e., receiving and distributing MUMPO funds).
- The UPWP is adopted annually in accordance with joint Federal Highway Administration/Federal Transit Administration (FHWA/FTA) transportation planning guidelines. The annual UPWP allocation is included in the City's annual budget.
- As a result of prior year program savings, an additional \$809,767 in planning funds (over and above the region's annual allocation) is available to MUMPO.
- In order for MUMPO to take advantage of the additional funding, the City must accept and appropriate the funds on MUMPO's behalf.

Attachment 10
Budget Ordinance

30. Tree Removal Arborist Services FY2012

Action: A. Approve the following contracts for tree removal services:

1. E. Schneider Enterprises, Inc. dba Schneider Tree Care, \$141,000
2. Cadieu Tree Experts, Inc., \$215,000
3. Heartwood Tree Service, LLC., \$141,000
4. The Davey Tree Expert Company, \$175,000
5. HRF Enterprises, LLC dba Frady Tree Care, \$190,000

B. Authorize the City Manager to approve one renewal each for the original contract amount.

Staff Resource: Don McSween, Engineering & Property Management

Explanation

- These contracts provide for tree removal services throughout the City. There are approximately 125,000 trees along the streets of Charlotte and approximately 300 street trees are removed each year due to disease, lightning strikes and other causes.
- Five firms were selected in order to complete the volume of work in a timely manner. The availability of multiple firms further allows for more immediate services when hazardous trees are identified by City staff and for quicker overall responses to debris removal after storm events.
- These firms were selected using the Council-approved selection process.
- The City may renew these contracts at the City's option as an incentive to the contractor for good performance, productivity and workmanship.
- These five contracts plus the renewal to each will allow for two total years of continuous tree removal services.
- In accordance with the Tree Strategy, when street trees are removed, all sites are inspected for potential planting locations.

Small Business Opportunity

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

Funding

Engineering & Property Management Capital Tree Trimming and Removal Program

31. United States Geological Survey 2011-2012 Cooperative Agreement

Action: Approve the 2011-2012 Cooperative Program Agreement in the amount of \$334,460 with the United States Geological Survey (USGS) for storm water data collection activities.

Staff Resource: Keri Shearer, Engineering & Property Management

Explanation

- This agreement is used to maintain the rainfall and stream flow gage system on the Charlotte-Mecklenburg stream network.
- This contract began in 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.
- 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 \$603,200. The City's share on the 38 rain gages and 27 stream gages is \$334,460. The USGS portion is \$268,740. This is derived from a formula based on the amount of funding USGS receives from the Federal Government and is a 45/55 percent split (USGS/Charlotte).
- Mecklenburg County has a similar agreement with USGS and shares the cost on 36 additional gages.

Small Business Opportunity

Contracts with other units of federal or state government are exempt (Appendix Section 23.8 of the SBO policy).

Funding

Storm Water Operating Fund and United States Department of the Interior, United States Geological Survey (USGS)

32. Water Quality Enhancements for McDonald Pond and Ivey's Pond

- Actions:**
- A. Award the low bid contract of \$375,975 to Blythe Development Co. for the McDonald Pond Water Quality Enhancement Project, and**
 - B. Award the second lowest bid contract of \$582,250 to Blythe Development Co. for the Ivey's Pond Quality Enhancement Project.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

McDonald Pond Water Quality Enhancement Project

- Staff recommends that the contract be awarded to the low bidder, Blythe Development Co.
- McDonald Pond Water Quality Enhancement Project is a 1.9-acre pond located in the Derita neighborhood north and east of the intersection of Nevin Road and Statesville Road.
- McDonald Pond drains to Irwin Creek, which is identified as impaired by Clean Water Act standards.
- Construction is expected to be complete third quarter 2012.

Ivey's Pond Water Quality Enhancement Project

- Staff recommends that the contract be awarded to the second low bidder, Blythe Development Co. in the amount of \$582,250.
- Advanced Development Concepts, LLC. contacted the City in writing (letter attached) on Wednesday, September 7, 2011, within 72 hours of the bid event, to inform the City that a substantial clerical bid error had been made and they were withdrawing their bid of \$510,557.18.
- North Carolina statute G.S. 143-129.1 allows bidders 72 hours to withdraw a bid in the event of a clerical bid error without penalty.
- Ivey's Pond is a 6-acre pond located north and west of the intersection of Providence Road and Ballantyne Commons Parkway.
- This pond is regulated by the Dam Safety portion of North Carolina Department of Environment and Natural Resources (NCDENR) and has additional requirements for the design and construction over and above non-regulated dams.
- Ivey's Pond drains to an unnamed tributary of McAlpine Creek, which is identified as impaired by Clean Water Act standards.
- Construction is expected to be complete first quarter 2013.

Background

- Improvements will make the ponds more efficient at enhancing the quality of water moving through the ponds before the water discharges into the creeks.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Improvements may include, but are not limited to the following:
 - Repairing the existing dams
 - Installing new outlet control structures to enhance the water quality benefit of the ponds

- Controlling erosion

Small Business Opportunity

McDonald Pond Water Quality Enhancement Project

Established SBE Goal: 6.00%

Committed SBE Goal: 6.38%

Blythe Development Co. committed 6.38% (\$23,989.30) of the total contract amount to the following SBEs: P&TL, Inc. (erosion control), Carolina Wetland Services (wildlife management), Martin Resources (hauling), Aardvark Engineers (soil testing).

Ivey’s Pond and Dam Water Quality Enhancement Project

Established SBE Goal: 5.00%

Committed SBE Goal: 5.20%

Blythe Development Co. committed 5.20% (\$30,301) of the total contract amount to the following SBEs: Aardvark Engineers (testing services), Martin Resources (hauling), and P&TL, Inc. (erosion control).

Funding

Storm Water Capital Investment Plan

Attachment 11

Letter from Advanced Development Concepts, LLC

33. 2011 Justice Assistance Grant

Action: A. Accept the 2011 Justice Grant (JAG) in the amount of \$714,123 from the US Department of Justice, and

B. Adopt an ordinance appropriating \$714,123 in funds from the US Department of Justice.

Staff Resources: Katrina Graue, CMPD
Darrellyn Kiser, CMPD

Explanation

- Each year, the City receives a Justice Assistance Grant from the US Department of Justice to be used for law enforcement projects; the amount of money that the City receives is based on a formula that factors in violent crime rates.
- The enabling legislation for the grant requires the City to share a portion of the funds with Mecklenburg County, since the County is responsible for the incarceration of offenders; the County share has been negotiated at 25% of the funds since 1996.
- The total grant for 2011 is for \$714,123. The County will receive 25% or \$178,531; the City share will be 75% or \$535,592. The City share will be spent as follows:
 - \$400,903 will be spent for overtime in the patrol divisions to address specific emerging crime trends, chronic crime locations, order maintenance issues, etc.
 - \$83,329 will be used to purchase equipment for the 13 patrol divisions; the equipment will include digital cameras and recorders, crime scene processing kits, traffic cones, and surveillance equipment

- \$40,000 will be used to lease vehicles to be used in undercover surveillance operations conducted by the patrol divisions. The number and type of vehicles will be determined as needs develop during the life of the grant.
- \$11,360 will be used for youth initiatives at the patrol division level. These may include neighborhood youth camps, mentoring programs, and scholarships to Police Activities League programs.
- The grant funding can be spent over a four-year period. No matching City funds are required.

Funding

\$714,123 from the US Department of Justice

Attachment 12

Budget Ordinance

34. DNA Analysis Grant

Action: **A. Accept a grant from the National Institute of Justice, in the amount of \$365,831, for DNA analysis, and**

B. Adopt a budget ordinance appropriating \$365,831 in funds from the U.S. Department of Justice.

Staff Resources: Ruth Story, CMPD
Rick Williams, CMPD

Explanation

- CMPD receives an annual grant from the National Institute of Justice to help defray the cost of DNA analysis.
- CMPD has received \$365,831 for a project period from October 1, 2011 to March 31, 2013.
- \$221,015 will fund the salaries and benefits for two Criminalist II positions that function as DNA analysts, one Criminalist I trainee, and one Evidence Technician who delivers evidence to all sections of the Crime Lab. All of these are existing, grant funded positions; the grant funds enable CMPD to retain the positions for the 18-month project period.
- \$8,370 funds the mandatory training for each DNA analyst.
- \$97,546 funds equipment and supplies including a liquid handling system for the DNA section of the Crime Lab.
- \$38,900 funds the continued outsourcing of DNA in property crimes cases to two labs with which CMPD has evidence processing agreements.

Funding

\$365,831 from the U.S. Department of Justice

Attachment 13

Budget Ordinance

35. Governor's Highway Safety Program Grant Applications

- Action:**
- A. Adopt a resolution approving an application to the Governor's Highway Safety Program in the amount of \$110,500 for the purchase of radar units,**
 - B. Adopt a resolution approving an application to the Governor's Highway Safety Program in the amount of \$10,000 to fund the Regional Law Enforcement Liaison for the NC Governor's Highway Safety Program, and**
 - C. Adopt a budget ordinance appropriating \$120,500.**

Staff Resources: Harold Medlock, CMPD
Andy Kornberg, CMPD

Explanation

- Police recommends applying for two grants from the Governor's Highway Program.
- The Governor's Highway Safety Program requires an approved resolution from the governing body as a part of each application.
- The first grant will fund new radar units that would replace current units that are between 10-20 years old. These new units would play an integral part in CMPD achieving its traffic enforcement goals, including reducing speed related fatalities.
- \$45,500 would fund 13 Lidar units which track speed through the use of infrared light.
- \$65,000 would fund 26 dual antenna radar units which track speed through radio waves.
- The Governor's Highway Safety Program is being asked to fund \$82,875 of the project cost. The required 25% cash match of \$27,625 will come from the police operating budget.
- The second grant will cover the travel expenses for the CMPD Sergeant who serves as the Regional Law Enforcement Liaison for the Governor's Highway Program. Attendance at state and national conferences provides the coordinator with updated information on traffic enforcement trends which the coordinator then shares with all ten counties in this region.
- \$4,000 of the funding will cover the training for the coordinator; the remaining \$6,000 will fund two additional radar units for CMPD; one each of the Lidar and dual antenna units.

Funding

Grant One: \$82,875 from the Governor's Highway Safety Program; \$27,625 from the Police Operating Budget; Grant Two: \$10,000 from the Governor's Highway Safety Program.

Attachment 14

Resolutions
Budget Ordinance

36. CATS Security Services Renewal Option

Action: Authorize the City Manager to amend the current Allied Barton Security Services, Inc. contract to:

1. Add a one year extension option for the City, and
2. Amend the contract by adding an additional \$200,000 increasing the annual contract amount to \$3,110,923.

Staff Resource: John Trunk, Transit

Explanation

- The current contract with Allied Barton, including all city renewal options, will expire in October 2012.
- Allied Barton has agreed to maintain current pricing levels during an additional option year.
- Due to the contractor's good performance and to take advantage of existing prices, staff recommends that the City amend the contract to add an additional one year option, thereby extending the contract period to October 10, 2013.
- As well, in order to respond to an increase in uptown special events and a recommendation by federal authorities to heighten security for transit systems, an additional \$200,000 annual increase to the contract is necessary to augment existing services.
- This extension will conclude the contract term, and a new request for proposals (RFP) process will begin in early 2013.

Previous Council Actions

- In August 2007, City Council approved a three-year contract with an option to renew for two additional one-year periods.
- On June 28, 2010, Council approved an amendment to transition from CMPD to a primarily company police security staff in order to reduce costs.
- In February 2011, City Council approved an amendment in order to consolidate all Charlotte Transit Center (CTC) security and other security related duties.
- Contract pricing has remained fixed with the same terms and conditions for the entire duration of the contract, including all renewals.

Small Business Opportunity

All additional work involved in this contract extension will be performed by the current consultant (Part D: Section 6 of the SBO Policy). No SBO goal was set for this contract because subcontracting opportunities were not identified.

Funding

Transit Operating Fund

37. Parktowne Terrace Apartments Bond Issuance

Action: Adopt a resolution granting the Charlotte Housing Authority's request to issue Multi-Family Housing Revenue Bonds to finance the acquisition and renovation of Parktowne Apartments.

Staff Resource: Richard Woodcock, Neighborhood & Business Services

Explanation

- The Charlotte Housing Authority (CHA) requests the City of Charlotte adopt a resolution authorizing the issuance of multi-family housing revenue bonds for Strawn Tower and Parktowne Apartments. The CHA bonds, not to exceed \$19,900,000, will be used to finance the acquisition and renovation of the two developments.
- Section 147(f) of the Internal Revenue Code of 1986 requires the City to take this action because it has jurisdiction over the area.
- Parktowne Terrace will be owned by Strawn Parktowne, LLC, a North Carolina Limited Liability Corporation. Parktowne Terrace consists of 163 affordable housing apartments located at 5800 Fairview Road.
- All 163 units will be made available to individuals earning at or below 60% (\$40,500) of the AMI.
- Rehabilitation of existing housing developments are exempt from the City's Assisted Housing Locational Policy.

Funding

Parktowne Terrace – There is no financial liability for the City. The debt for the project is secured by the real estate.

Attachment 15

Charlotte Housing Authority Resolution
Notice of Public Hearing

38. Public Safety Radio System Infrastructure Equipment

- Action:**
- A. Approve the purchase of public safety radio communications infrastructure equipment as authorized by the sole source exception of G.S. 143-129(e)(6),**
 - B. Approve a contract with Motorola Solutions LLC for the purchase of public safety radio communications infrastructure equipment in the estimated annual amount of \$4,000,000 for the term of three years, and**
 - C. Authorize the City Manager to extend the contract for two additional one year renewals with possible price adjustments at the time of renewal as deemed reasonable and appropriate by the City Manager.**

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.

Explanation

- The Charlotte-Mecklenburg radio communications infrastructure is composed of Motorola proprietary electronic equipment that operates the 800 MHz public safety communications system and includes software, network hardware, and certain end user equipment. The proposed sole source contract will cover the procurement of these items.
- This equipment is critical to the operation of the public safety radio network and the support of public safety personnel.
- Transition to the new digital radio infrastructure is expected to create greater competition for end user equipment in the future and may eliminate the need for a sole source exception.

Small Business Opportunity

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

Funding

Various Key Business operating budgets

39. In Rem Remedy

For In Rem Remedy #A-H, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety:

- A. 220 West 10th Street (Neighborhood Statistical Area 32 – Fourth Ward Neighborhood)

Field Observation:

- B. 7605 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood)
- C. 4200 Carrowmore Place (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)
- D. 4016 Donna Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)
- E. 1824 S. Mint Street (Neighborhood Statistical Area 15 – Wilmore Neighborhood)
- F. 3905 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- G. 3234 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- H. 3914 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Public Safety:

A. 220 West 10th Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 220 West 10th Street (Neighborhood Statistical Area 32 – Fourth Ward Neighborhood).

Attachment 16

Field Observation:

B. 7605 Boswell Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7605 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

Attachment 17

C. 4200 Carrowmore Place

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4200 Carrowmore Place (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).

Attachment 18

D. 4016 Donna Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4016 Donna Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).

Attachment 19

E. 1824 S. Mint Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1824 S. Mint Street (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

Attachment 20

F. 3905 Plainview Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3905 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 21

G. 3234 Rogers Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3234 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 22

H. 3914 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3914 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 23

40. LYNX Blue Line Extension Real Estate Services

Action: A. Approve the following contracts for real estate services:

1. Fortenberry Lambert, Inc., for appraisal services, \$186,500
2. Integra Realty Resources – Charlotte, LLC, for appraisal services, \$279,000
3. T.B. Harris, Jr. & Associates, Inc., for appraisal services, \$279,000
4. The Hanes Group, Inc., for review appraisal services, \$73,000
5. Ray E. Crawford & Company, Inc., for review appraisal services, \$114,000
6. Kimberly E. Fox, PLLC, for legal services, \$261,000
7. The Klauk Law Firm, for legal services, \$196,000
8. Nexsen Pruet, PLLC, for legal services, \$849,000
9. THC, Inc., for right-of-way acquisition and relocation, \$3,500,000 and

B. Authorize the City Manager to approve one renewal each for the original amount.

Staff Resource: Jeff Reid, Engineering & Property Management

Explanation

- These contracts are required to comply with federal procurement guidelines on projects using federal funds.
- The contracts will ensure that Federal Transit Administration guidelines for acquiring real property for use on federally funded projects are followed.
- The firms were selected using the federal competitive proposals selection process.
- These contracts will be paid upon completion of tasks assigned by the City at established rates provided for in the contract.

Real Estate Appraisal and Review Appraisal Services

- Real Estate appraisal and review appraisal services are required during the real estate acquisition phase of public projects to establish the impact of a project on the value of real property.
- Certified independent real estate appraisers and review appraisers with specialized expertise in eminent domain appraisals and establishing fair and just compensation for property owners are required.
- Each property must have an appraisal and each appraisal must be reviewed by a separate appraiser before just compensation can be established.

Real Estate Legal Services

- Real Estate legal services are required during the acquisition phase of public projects to research and certify ownership information and to conduct real estate closings ensuring the City receives good title for the required properties.
- The legal firms will research and provide titles on all the privately owned parcels required for the project. The firms will then conduct real estate closings on the successfully negotiated parcels.

- While the City typically uses in-house attorneys to handle condemnations, due to the size of this project, some outsourcing of condemnations may be necessary.

Real Estate Right-of-Way Acquisition and Relocation Services

- Right-of-way acquisition and relocation services are required to obtain title to the properties necessary for the construction and operation of the Lynx Blue Line Extension Light Rail Project and to relocate any firms or persons displaced as a result of the project.
- The consultant will negotiate with all impacted private property owners in order to acquire the rights needed.
- The consultant will also provide relocation assistance to all eligible individuals and businesses displaced by the project.

Disadvantaged Business Opportunity

Real Estate Appraisal and Review Appraisal Services

Pursuant to US DOT DBE Program guidelines 49 CFR Part 26 Subpart C, no DBE utilization goal was set on this project due to the lack of available subcontracting opportunities.

Real Estate Legal Services

Established DBE Goal: 3.00%

Kimberly E. Fox, PLLC

Committed DBE Goal: 0.00%

Kimberly E. Fox, PLLC did not meet the established DBE goal but met the good faith efforts.

The Klauk Law Firm

Committed DBE Goal: 90.00%

The Klauk Law Firm is a certified DBE firm and has exceeded the established goal since it will be performing 90% of the work.

Nexsen Pruet, PLLC

Committed DBE Goal: 0.00%

Nexsen Pruet, PLLC, did not meet the established DBE goal but met the good faith efforts.

Real Estate ROW Acquisition and Relocation Services

Established DBE Goal: 3.00%

Committed DBE Goal: 3.00%

THC, Inc. committed 3.00 % of the total contract amount to the following DBE firm: Porter Scientific, Inc. dba Porter Environmental, Inc (right-of-way acquisition).

Funding

Transit Capital Investment Plan

PROPERTY ITEMS

41. Property Transactions

Action: Approve the following property transaction(s) (A-B) and adopt the condemnation resolution(s) (C-R).

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** McKee Creek Sewer Outfall - Mecklenburg County, Parcel # 12 and # 13
Owner(s): Larkhaven, Inc.
Property Address: 4801 Camp Stewart Road
Property to be acquired: 4,897 sq. ft. (.112 ac.) in Sanitary Sewer Easement, plus 6,972 sq. ft. (.160 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Golf Course Class 3 - Semi-Private & Municipal
Tax Code: 111-211-12
Total Parcel Tax Value: \$0
Purchase Price: \$16,000
- B. Project:** Thompson Road - Thompson Place Drive To Fairington Oaks Drive, 16' Water Main, Parcel # 2
Owner(s): Mark S. Perry and Wife, Susan M. Perry
Property Address: 14805 Bridgewater Lane
Property to be acquired: 809 sq. ft. (.019 ac.) in permanent easement, plus 1,830 sq. ft. (.042 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees & Flowers
Zoned: R

Use: Single Family Residential
Tax Code: 195-162-27
Total Parcel Tax Value: \$122,000
Purchase Price: \$15,075

Condemnations

- C. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 19
Owner(s): Nathaniel A. Adams and Kelly A. Leeper And Any Other Parties Of Interest
Property Address: 4734 Westridge Drive
Property to be acquired: 1,480 sq. ft. (.034 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-056-25
Total Parcel Tax Value: \$86,200
Appraised Value: \$225
Property Owner's Counteroffer: None
Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. Staff has been unable to locate one of the property owners. In order to maintain the project schedule and obtain clear title, condemnation is recommended.
- D. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 24
Owner(s): Sharon Mackey and Warren L. Tadlock, Bankruptcy Trustee And Any Other Parties Of Interest
Property Address: 1323 Grovewood Drive
Property to be acquired: 1,773 sq. ft. (.041 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-056-21
Total Parcel Tax Value: \$84,100
Appraised Value: \$600
Property Owner's Counteroffer: None
Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. The title abstract indicates issues that may prevent the ability to obtain clear title. Therefore, condemnation is recommended.
- E. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 27
Owner(s): Wendell Elliott And Any Other Parties Of Interest
Property Address: 4710 Westridge Drive
Property to be acquired: 2,102 sq. ft. (.048 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-056-29

Total Parcel Tax Value: \$86,300

Appraised Value: \$1,000

Property Owner's Counteroffer: None

Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. The title abstract indicates issues that may prevent clear title. Therefore, condemnation is recommended.

- F. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 40
Owner(s): Momo Nallo and Wife, Abibatu Nallo And Any Other Parties Of Interest
Property Address: 1209 Grovewood Drive
Property to be acquired: 1,525 sq. ft. (.035 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-056-13
Total Parcel Tax Value: \$78,000
Appraised Value: \$525
Property Owner's Counteroffer: None
Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. The title abstract indicates issues that may prevent clear title. Therefore, condemnation is recommended.
- G. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 45
Owner(s): Eksupar Tongsri And Any Other Parties Of Interest
Property Address: 1133 Grovewood Drive
Property to be acquired: 1,753 sq. ft. (.040 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-056-10
Total Parcel Tax Value: \$88,900
Appraised Value: \$750
Property Owner's Counteroffer: None
Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. Staff has been unable to locate the property owner and the title abstract indicates issues that may prevent clear title. Therefore, condemnation is recommended.
- H. Project:** Allenbrook/Westridge Stream Restoration, Parcel # 71
Owner(s): Joyce R. Himsl and Spouse, Perry M. Himsl And Any Other Parties Of Interest
Property Address: 1335 Thriftwood Drive
Property to be acquired: 2,358 sq. ft. (.054 ac.) in Storm Drainage Easement, plus 546 sq. ft. (.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5

Use: Single Family Residential

Tax Code: 063-094-26

Total Parcel Tax Value: \$83,800

Appraised Value: \$650

Property Owner's Counteroffer: None

Reason For Condemnation: Project will alleviate flooding of streets and properties, as well as help with erosion problems along stream banks. The property owner is against the project and is unwilling to come to an agreement. The title abstract also indicates issues that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- I. Project:** City View Stream Restoration, Parcel # 2 and # 3
Owner(s): Thompson Brook Homeowners Association, Inc. And Any Other Parties Of Interest
Property Address: Dion Avenue and Fowler Springs Lane
Property to be acquired: 1,292 sq. ft. (.030 ac.) in Storm Drainage Easement, plus 159,014 sq. ft. (3.650 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-6(CD)
Use: Single Family Residential - Common
Tax Code: 165-073-86 and 165-073-66
Total Parcel Tax Value: \$0
Appraised Value: \$2,325
Property Owner's Counteroffer: None
Reason For Condemnation: This condemnation was deferred by City Council from the August 22, 2011 Council Agenda. A representative of the Homeowners Association spoke on August 22, explaining that he does not object to this acquisition, but has withheld approval seeking action by the City at a different property that he owns. The situation at the other property is described in the September 21 Council Manager Memo.
- J. Project:** Delta Lake Neighborhood Improvement Project, Parcel # 10
Owner(s): Heron's Pond Homeowners Association, Inc. And Any Other Parties Of Interest
Property Address: Misty View Court and Delta Lake Drive
Property to be acquired: 175 sq. ft. (.004 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Common
Tax Code: 107-092-58
Total Parcel Tax Value: \$0
Appraised Value: \$25
Property Owner's Counteroffer: \$1,000.00
Reason For Condemnation: This is a Neighborhood Improvement Project including sidewalk, curb and gutter and storm drainage. Staff and the property owner have yet to reach an agreement regarding the appraisal. In order to maintain the project schedule, condemnation is recommended.

- K. Project:** Farm Pond Neighborhood Improvement - Phase I, Parcel # 18,
Owner(s): Marva P. Frazier And Any Other Parties Of Interest
Property Address: Johnnette Drive
Property to be acquired: 488 sq. ft. (.011 ac.) in Fee Simple, plus 651 sq. ft. (.015 ac.) in Existing Right-of-Way, plus 344 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 850 sq. ft. (.020 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 103-221-25
Total Parcel Tax Value: \$28,800
Appraised Value: \$925
Property Owner's Counteroffer: None
Reason For Condemnation: This Neighborhood Improvement Project will consist of curb and gutter, sidewalk and storm drainage improvements. Staff has been unable to locate the property owner and the title abstract indicates issues that may prevent the ability to obtain clear title. Therefore, condemnation is recommended.
- L. Project:** Farm Pond Neighborhood Improvement - Phase I, Parcel # 34
Owner(s): Winston Mais and Wife, Dorothy Patterson And Any Other Parties Of Interest
Property Address: 5103 Lawrence Orr Road
Property to be acquired: 88 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 609 sq. ft. (.014 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees & Flowers
Zoned: R-3
Use: Single Family Residential
Tax Code: 103-221-44
Total Parcel Tax Value: \$98,100
Appraised Value: \$1,000
Property Owner's Counteroffer: None
Reason For Condemnation: This is a Neighborhood Improvement Project consisting of curb and gutter, sidewalk and storm drainage improvements. Despite extensive searching, staff has been unable to locate one of the property owners. In order to maintain the project schedule, condemnation is recommended.
- M. Project:** Farm Pond Neighborhood Improvement - Phase I, Parcel # 38
Owner(s): Melvin R. Thompson and Wife, Queen N. Thompson And Any Other Parties Of Interest
Property Address: 4933 Lawrence Orr Road
Property to be acquired: 1,304 sq. ft. (.030 ac.) in Fee Simple, plus 504 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 2,084 sq. ft. (.048 ac.) in Temporary Construction Easement

Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 103-221-39
Total Parcel Tax Value: \$131,600
Appraised Value: \$1,725
Property Owner's Counteroffer: \$2,025
Reason For Condemnation: This is a Neighborhood Improvement Project consisting of curb and gutter, sidewalk and storm drainage improvements. After reaching a verbal agreement, the property owner refused to sign the agreements. In order to maintain the project schedule, condemnation is recommended.

- N. Project:** Orvis Street Sidewalk, Parcel # 2
Owner(s): Joshua C. Wilson And Any Other Parties Of Interest
Property Address: 1725 Miles Court
Property to be acquired: 294 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 1,138 sq. ft. (.026 ac.) in Temporary Construction Easement
Improvements: Tree
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 075-083-26
Total Parcel Tax Value: \$74,800
Appraised Value: \$2,275
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sidewalk project. The project team met with the property owner and agreed to a requested design change. However, the property owner ceased all communications with staff by failing to respond to multiple contact attempts. The title abstract also indicates issues which may prevent the City from obtaining clear title. In order to maintain the project schedule, condemnation is recommended.
- O. Project:** Toddville Road-Freedom Drive/Tuckaseegee Road Sidewalks, Parcel # 1
Owner(s): Pheng B. Somsana and Wife, Chanpheng Khanounsay And Any Other Parties Of Interest
Property Address: Toddville Road
Property to be acquired: 364 sq. ft. (.008 ac.) in Fee Simple, plus 37 sq. ft. (.001 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-113-45
Total Parcel Tax Value: \$24,800
Appraised Value: \$250
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sidewalk project. An agreement was reached with the property owners; however, the title abstract revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- P.** **Project:** Toddville Road-Freedom Drive/Tuckaseegee Road Sidewalks Parcel # 2
Owner(s): Pheng B. Somsana and Wife, Chanpheng Khanounsay And Any Other Parties Of Interest
Property Address: 2724 Toddville Road
Property to be acquired: 498 sq. ft. (.011 ac.) in Fee Simple, plus 20 sq. ft. in Sidewalk and Utility Easement, plus 1,582 sq. ft. (.036 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-113-46
Total Parcel Tax Value: \$234,200
Appraised Value: \$600
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sidewalk project. An agreement was reached with the property owners; however, the title abstract revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- Q.** **Project:** Toddville Road-Freedom Drive/Tuckaseegee Road Sidewalks Parcel # 52
Owner(s): Arleigh Gibson Deyton And Any Other Parties Of Interest
Property Address: 1834 Toddville Road
Property to be acquired: 173 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 868 sq. ft. (.020 ac.) in Sidewalk and Utility Easement, plus 2,538 sq. ft. (.058 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-151-01
Total Parcel Tax Value: \$173,800
Appraised Value: \$1,025
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sidewalk project. The title abstract indicates issues that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- R.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 40
Owner(s): Gwendolyn Antoinette Williams and Patricia Renee Williams And Any Other Parties Of Interest
Property Address: 2905 Dogwood Avenue
Property to be acquired: 418 sq. ft. (.010 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 085-053-09

Total Parcel Tax Value: \$70,300

Appraised Value: \$75

Property Owner's Counteroffer: None

Reason For Condemnation: This is a Neighborhood Improvement Project. After the initial contact, the property owners have not responded to multiple contact attempts. The title abstract also indicates issues that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.