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Susan Burgess
Nancy Carter
Malcolm Graham
Patsy Kinsey
John W. Lassiter

Mayor Pro Tem Patrick De'Angelo Cannon

Don Lochman
James E. Mitchell, Jr.
Patrick Mumford
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, December 13, 2004

CITY COUNCIL AGENDA

Monday, December 13, 2004

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Wallace Townhomes Rehabilitation Project

Resource: Stan Wilson, Neighborhood Development

Time: 15 minutes

Synopsis

- The purpose of this presentation is to brief City Council on the Wallace Townhomes rehabilitation project on Grierton Court in the Grier Heights neighborhood.
- The project will rehabilitate 34 affordable multi-family rental-housing units and will be recommended for a funding commitment.
- On October 18, 2004 the Grier Heights Economic Foundation, Inc. (GHEF), a City sponsored Community Development Corporation (CDC), requested a loan for \$700,000 and a grant in the amount of \$108,920, a total of \$808,920 City funding for the project.
- The total project cost is \$1,533,920. The balance of \$725,000 will be funded with a \$625,000 loan from Self Help Credit Union and \$100,000 grant from the Veterans Administration-Housing and Urban Development (VAHUD) Appropriations bill.
- Neighborhood Development evaluated the proposal based on the Loan and Grant Guidelines established for the Housing Trust Fund. The evaluation criterion considers City policies, the number of affordable units, financial strength, and development team and property management experience.
- City loan/grant funds are from the federal HOME funds where 15% are reserved for Community Housing Development Organizations.
- Grier Heights is one of the City's revitalization areas.
- The project is rehabilitation; therefore it is exempt from the Multi-Family Housing Locational Policy.

Future Action

- Council will consider this item at the January 24, 2005 City Council business meeting.

Attachment 1

Project Summary Report

2. Committee Report on Proposed Animal Control Ordinance Amendments

Committee Chair: Patrick Cannon

Resources: Captain Tammy Williams, Charlotte-Mecklenburg Police
John Joye, Charlotte-Mecklenburg Police

Time: 30 minutes

Synopsis

- Staff will brief Council on proposed ordinance amendments to provide more tools to deal with dangerous dogs. Briefing includes:
 - Current provisions of the animal control ordinance
 - Statistics on Dog Attacks
 - Proposed revisions to the animal control ordinance
 - Proactive Animal Warning System (P.A.W.S.)
 - Possession of dangerous dogs by convicted felons

- Community Safety chair Patrick Cannon will report on the recommendation.
- This is agenda item 12 on page 11.

3. Committee Report on Albemarle Road/I-485 Interchange Amendment Recommendation

Committee Chair: John Lassiter

Time: 20 minutes

Synopsis

- Economic Development and Planning Committee Chair John Lassiter will report on the recommendation. This is agenda item 9 on page 7.

4. Committee Report by Exception

- Economic Development and Planning Committee: Area Plan Amendment Process
- Restructuring Government Committee: Multi-Family Garbage Collection
- Budget Committee: FY2006 & FY2007 Budget Process and Calendar

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

CONSENT

- 5. Consent agenda items 15 through 49 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

6. Public Hearing and Resolution to Close a Portion of Badger Court and a 25-foot Alleyway off Badger Court

Action: **A. Conduct a public hearing to close a portion of Badger Court and a 25-foot alleyway off Badger Court, and**

B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy

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

Explanation

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

Petitioner

Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte

Right-of-Way to be abandoned

A portion of Badger Court and a 25-foot alleyway off Badger Court

Location

- Located within the Double Oaks Community.
- Badger Court – Beginning 310 feet from Statesville Avenue and continuing southwestwardly approximately 376 feet to its terminus.
- 25-foot Alleyway – Beginning from Badger Court continuing approximately 285 feet to its terminus.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner for the expansion of the church and parking lot.
- The abandonment of Badger Court is contingent upon the petitioner constructing a new cul-de-sac per City standards to provide adequate turnaround for emergency vehicles.
- The abandonment is also contingent upon subdivision approval by the Charlotte-Mecklenburg Planning Commission.

Notification

- In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Mr. Donald Ray & Linda Anderson – No objections

Neighborhood/Business Associations

Double Oaks Community Organization – No objections

Lincoln Heights Neighborhood Association – No objections

Druid Hills – No objections

Oaklawn Community Improvement Organization – No objections

McCrorey Heights – No objections

Private Utility Companies – No objections

City Departments

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 2

Map

Resolution

POLICY

7. City Manager's Report

8. Area Plan Amendment Process



- Action:** Approve the Economic Development and Planning Committee recommendation to:
- A. Not pursue any changes to the recently adopted Area Plan Amendment Process at this time, but reconsider the issue within the next 12 to 18 months,
 - B. Direct staff to monitor the amendment process and report back to Council regarding the number of proposed amendments, age of plans being amended, and costs to process amendments, and
 - C. Direct staff to provide a report to Council when a plan amendment is submitted outside of the annual Area Plan Assessment Process, if it is likely to cause a significant redirection of staff resources.

Committee Chair: John Lassiter

Staff Resource: Garet Johnson, Planning Commission

Explanation

- This item was referred to Committee in April 2004. An area plan had recently been adopted (*Albemarle Road/I-485 Interchange Study*) and a request to amend the plan was in process. In addition, Council had adopted a new process to amend plans as part of the *General Development Policies* (2003).
- The Economic Development and Planning Committee discussed this item at its June 16th, September 1st and October 6th meetings.
- The Committee agreed that more time was needed to “test” the amendment process and amend, if necessary, in a more comprehensive manner. The primary reasons for this determination were:
 - the recent adoption of the process was very contentious and the outcome represented considerable negotiation and compromising among the various stakeholders;
 - the concerns Council raised were discussed during the stakeholder process;
 - changing the process so soon after adoption, when conditions had not changed, would compromise the integrity of the stakeholder process; and
 - the GDP are to be updated at least every five years and thus, it would be appropriate to review the plan amendment process as the first stage of such an update.

Committee Discussion

- The Committee discussed implementing an “interim” strategy, while allowing more time to test and document concerns with the amendment process. The interim strategy would seek to recover some of the costs associated with processing plan amendments. The Committee concluded that the issue of cost recovery should be part of the more comprehensive review that will take place after more time is allowed to test the process and collect data on it.
- On October 6, 2004, the Economic Development and Planning Committee voted unanimously (4-0, Lassiter, Cannon, Carter and Lochman, Council member Tabor was absent) to recommend the above options to City Council.

9. Albemarle Road/I-485 Interchange Amendment Recommendation



Action: Approve the Economic Development and Planning Committee’s recommendation to deny the request to amend the Albemarle Road/I-485 Interchange Study.

Committee Chair: John Lassiter

Staff Resource: Garet Johnson, Planning Commission

Explanation

- Planning staff has reviewed a request from AAC Acquisitions, LLC to amend the Albemarle Road/I-485 Interchange Study that was adopted in February 2003.

Applicant Request Summary

- Allow an additional 385,000 square feet of retail development adjacent to the interchange ramps, for a total of 465,000 square feet within the study area.
- Reduce the office component from 200,000 square feet to 15,000 square feet.
- Increase residential densities adjacent to the retail center from up to 4 and 8 dwelling units per acre to up to 9.4 dwelling units per acre.
- Move the proposed collector road west of an existing pond, closer to the interchange ramps.

Committee Discussion

- The Economic Development and Planning Committee began discussing the amendment on August 18th and received an update on November 3rd. The Committee asked staff for additional information on several issues citizens raised at the initial public meeting on May 13th.
- At the December 8th meeting, the Committee discussed the follow-up information provided, including the information provided as follow-up to the November 22nd City Council meeting regarding the proposed collector road, provision of sewer and water, and access spacing.
- The Committee recommended, by a vote of 3 to 2, to deny the plan

amendment request. The motion was to recommend denial of plan amendment. Committee members Cannon, Carter and Lochman voted to deny plan amendment. Committee members Lassiter and Tabor voted against the denial.

Staff Recommendation

- Staff does not support the requested amendment. After reviewing the petitioner's request, staff concluded that none of the conditions that the petitioner noted had changed over the past year to warrant an amendment to the adopted plan.
- Staff continues to support the adopted plan as the most appropriate future land use plan for the interchange area. The detailed staff recommendation is attached.

Planning Committee Recommendation

- On November 16th, the Planning Committee voted (4-3) to deny the plan amendment request.

Plan Amendment Review Process

- An interdepartmental team reviewed the request and prepared the staff recommendation.
- Staff held a public meeting on May 13, 2004 to introduce the Plan Amendment and gather initial public input. Approximately 70 people attended the meeting. (Staff sent approximately 1400 meeting notices.)
- The Planning Committee heard public comment on the requested amendment at their July 20th meeting and again on October 19th due to a change in the application.
- City Council was scheduled to receive public comment at their August 23rd meeting. The item was deferred due to the petitioner revising the amendment request. Council heard public comment on November 22.
- Notices of all public input opportunities have been sent to property and business owners in the study area, business and neighborhood association leadership, and those who have attended past community meetings on the Plan.

Attachment 3

Follow-up to November 22, 2004 City Council Public Comment Meeting
Staff Recommendation October 1, 2004

10. Multi-Family Garbage Collection



Action: Approve the Restructuring Government Committee's recommendations to:

- A. Consider providing City roll-out garbage collection service to approximately 13,000 multi-family condominiums and town homes during the upcoming budget process,
- B. Consider funding the service with the Solid Waste collection fee currently under study, and
- C. Limit consideration of this service to condominiums and town homes not currently served by dumpsters.

Committee Chair: James Mitchell

Staff Resource: Wayman Pearson, Solid Waste Services
Ruffin Hall, Budget and Evaluation
Mujeeb Shah-Khan, City Attorney's Office

Background

- On October 11, 2004 Council referred the issue of multi-family residential garbage collection to the Restructuring Government Committee.
- The Committee was asked to review Council's 2001 decision to provide dumpster service to multi-family dwellings of 30 or more units.

Explanation

- On November 18, 2004 the Restructuring Government Committee recommended unanimously (Mitchell, Lochman, Kinsey and Lassiter) that Council consider providing City roll-out service to approximately 13,000 multi-family units as part of its upcoming FY2006 & FY2007 budget deliberations.
- The estimated cost of providing this service is \$3.5 million. The Committee recommends this cost be considered within the overall context of all other budgetary needs.
- The Committee recommends the Council consider the Solid Waste Collection fee currently under review as a possible funding source for the multi-family collection service.
- The Committee recommends, should roll-out service be extended to multi-family dwellings, that the service be limited to those units that are currently not receiving dumpster service; in other words, no multi-family units currently receiving dumpster service would be eligible for the new roll-out service. To do so would significantly increase the \$3.5 million cost.

Other Issues

- The City Attorney's office advises that additional study is necessary before Council considers extending this service. The Equal Protection clauses contained in the U.S. Constitution requires the delineation of service delivery

among similar customers, such as housing types, be based on clearly defined criteria.

- Should Council decide to extend this service to multi-family dwellings, service implementation will take approximately nine months from the date of the decision, due to the delivery time of the trucks necessary to provide the service.

Attachment 4

Committee Presentation materials

December 10, 2001 Council Action and minutes

Equal Protection Memorandum from the City Attorney's Office

11. FY2006 & FY2007 Budget Process and Calendar

Action: Approve the Budget Committee's recommended process for development of the FY2006 & FY2007 Strategic Operating Plan and the FY2006-2010 Capital Investment Plan.

Committee Chair: Don Lochman

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- The recommended FY2006 & FY2007 Budget Process and Calendar includes:
 - Three budget retreats from March through April from 3:00 p.m. to 6:00 p.m. (with the exception of March 23rd ending at 5:30 p.m.).
 - Budget presentation on Monday, May 2, 2005 at 4:00 p.m.
 - Joint Storm Water Public Hearing with Mecklenburg County on Tuesday, May 3, 2005. Staff is currently researching the alternatives available regarding this requirement and will report on the findings and options as they become available.
 - Public Hearing on the budget on Monday, May 9, 2005
 - Optional budget retreat on Wednesday, May 11, 2005 from 3:00 p.m. to 6:00 p.m.
 - Council adjustments to Manager's recommended budget on Wednesday, May 18, 2005 at 3:00 p.m.
 - Council straw votes on Wednesday, June 1, 2005 at 1:30 p.m.
 - Budget adoption on Monday, June 6, 2005 at 5:00 p.m.
- Due to a scheduling conflict, the recommended budget adoption date is proposed for the first Monday in June rather than the first business meeting. The next available date, other than the scheduled June 6, is the June 27 business meeting. June 27 is too close to June 30, the state deadline for budget adoption, to permit any additional discussions or process adjustments.
- Attached is a description of the current Council Budget Process Rules of Procedure.

- There are two staff recommended adjustments to the Council’s budget calendar since the Budget Committee discussion:
 - Staff proposes the second Budget Retreat on Wednesday, March 23 from 3:00 p.m. to 5:30 p.m. to coordinate with the Transit Commission meeting scheduled to begin at 6:00 p.m. in the same location (Room 267).
 - Staff proposes that budget adoption on June 6 be televised at 5:00 p.m. in Council Chambers with the normal workshop to follow in Room 267.

Committee Discussion

- The Budget Committee met on November 15, 2004 and unanimously (Lochman, Burgess, Carter, Mumford and Turner) recommended the attached calendar and process, with the exception of the specific budget adoption time. The Committee recommended June 6, 2005 as the date for budget adoption.

Attachment

Budget Calendar
Rules of Procedure

12. Animal Control Ordinance Amendments



Action: Approve the Community Safety Committee recommendation to amend Chapter 3 of the City Code entitled “Animals”.

Committee Chair: Patrick Cannon

Staff Resource: Captain Tammy Williams, Charlotte-Mecklenburg Police
John Joye, Charlotte-Mecklenburg Police

Explanation:

- Animal Control proposes several ordinance amendments to deal more effectively with dangerous dogs by encouraging responsible pet ownership
- Requires a permit to keep three or more animals outside on a frequent basis; ordinance currently requires a permit for four or more; fee is \$40.
- Adds a late penalty, doubling the fine, if a citation is not paid or appealed within 30 days
- Adds the authorization for Animal Control to require that a seized animal be spayed/neutered before it is returned to the owner

Technical Ordinance Changes

- Adds a late fee of \$10 for failure to renew an animal license within 30 days of expiration
- Clarifies that containment orders for dangerous dogs must be complied with while they are being appealed
- Substitutes the word “ferret” for equine in section 3-31 to correct a drafting error
- Adds a \$40 fee for a livestock permit; rabbits kept exclusively indoors are exempt

- Caps at \$100 the amount of redemption fees an owner may avoid by spay/neuter of their impounded animal

Committee Discussion

- Community Safety Committee discussed the proposed amendments at its December 6 meeting.
- Staff research shows the Charlotte ordinance to be one of strongest in nation in dealing with dangerous dogs
- Committee members felt the amendments were a positive step in dealing with dangerous dogs
- Committee wants to continue exploring ways to deal with dangerous dog issue including approaching State Legislature about banning convicted felons from possessing dangerous dogs
- Committee voted unanimously (Cannon, Kinsey, Mitchell, Tabor and Turner) to recommend the ordinance changes. Follow-up report to be provided to Council in six months

Attachment 6

Ordinance Amendments

BUSINESS

13. Jonas Federal Courthouse

Action: Adopt a resolution authorizing the sale of the Jonas Federal Courthouse to Queens University of Charlotte.

Staff Resource: Curt Walton, City Manager's Office

Background

- In 2001 the City purchased the property at 500 E. Trade Street for \$10.8 million to preserve the site for the new federal courthouse.
- In February 2004 Congress appropriated \$8.5 million for planning and design of the new courthouse.
- In September 2004 a moratorium was placed on construction funds for new federal courthouses, the impact of which is unclear.
- On December 16, 2004 the City is scheduled to execute a swap agreement, approved by Council in 2002, with the federal General Services Administration (GSA), with the City taking the Jonas Federal Courthouse at 401 W. Trade Street and the GSA taking the property at 500 East Trade Street.
- The GSA will lease the building from the City under the following terms:
 - City leases the building to the General Services Administration (GSA) for \$985,000 annually, with escalation clauses;
 - Annual lease payments will be used to retire the refinancing debt on the Jonas Federal Courthouse;
 - GSA will lease the building for not less than 5 years, nor longer than 9 years;
 - GSA will pay all operation and maintenance costs of the building, as well as capital improvements necessary to make the building more functional for the judges;
 - Lease is assignable, meaning the City may reassign the lease with the GSA to other owners;

Explanation

- Two viable purchase offers have been received for the Jonas Federal Courthouse, one from Queens University of Charlotte and one from Jonas Building Group, LLC.
- The City Manager recommends the purchase agreement with Queens University of Charlotte.
- Private sale is consistent with furtherance of Council's adopted Economic Strategic Plan.

Terms of the Offers

- Terms of the Queens Option and Purchase Agreement are as follows:
 - Queens may purchase the building at any point between now and the time the GSA vacates the building;
 - Queens purchase price will be equal to the City's total cost for the

refinancing of the property, less the payments received from the GSA; Queens' agreement is tied to the following due diligence benchmarks:

- Suitability of building for Queens' academic and programmatic needs by January 1, 2006
- Plan and launch fundraising campaign to purchase and renovate the building by January 1, 2007
- Demonstrate acceptable progress toward fundraising goal by January 1, 2008
- Complete fundraising campaign by January 1, 2009
- The Queens agreement provides for conditions that would require that the property be used for one or more professional graduate school program(s) and would also provide the City with the opportunity to repurchase the land in the event that Queens' intends to sell it
- Terms of the Jonas Building Group, LLC purchase offer are as follows:
 - \$10.5 million purchase price, following a 60-day due diligence period
 - Jonas Building Group assumes the City's lease with the GSA
 - Jonas Building Group gives Queens University of Charlotte the Right of First Refusal to purchase the property should Jonas Building Group desire to sell the property in the future
 - Re-use of the property is uncertain
- The City recovers its investment from entity which purchases the property.
- The City Manager recommends the Queens purchase agreement to facilitate additional professional schools in the center city, as recommended in the Center City 2010 Vision Plan, and to have a say in the re-use of the property.
- If the City executes the Option and Purchase Agreement with Queens, and Queens chooses not to exercise its option when the GSA vacates, then the City still has the asset in addition to the lease payments from the GSA.

Attachment 7
Resolution

14. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11a(3) to go into closed session to consult with attorneys employed by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of a claim.

Staff Resource: Mac McCarley, City Attorney

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

15. Various Bids

A. Highland Avenue Street Improvements

EPM

Action

Award the low bid of \$457,960.13 by United Construction of Charlotte, North Carolina. This project will remove a section of Market Street and extend Wickville Road to improve the Highland Avenue at Robinson Church Road intersection. The work includes new sidewalk; concrete curb and gutter, asphalt paving and pavement markings. Completion is anticipated in second quarter of 2005.

Small Business Opportunity

Established SBE Goal: 4 %

Committed SBE Goal: 2.62 %

United complied with the good faith efforts. United contacted 33 SBE firms with 3 responses. United has committed \$12,000 (2.62%) of the total contract amount to the following SBEs: A-1 Pavement Markings and Ricco's Complete Property Maintenance.

B. Water and Sewer (Street Main Extensions)-FY2005 Contract #7 CMU

Action

Award the low bid of \$1,387,011.26 by L-J, Inc. of Columbia, South Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3.00 %

Committed SBE Goal: 4.2 %

L-J, Inc. committed \$58,425.00 to the following SBE firms: Asphalt Graphics, Inc., Hazel Holmes Trucking, Inc., Martin Landscaping Co., Inc.

C. Water and Sewer (Street Main Extensions)-FY2005 Contract #8 CMU

Action

Award the low bid of \$1,246,906 by R.H. Price, Inc. of Charlotte, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3.00 %

Committed SBE Goal: 3.65 %

R.H. Price, Inc. committed \$45,500.00 to the following SBE firms: Huneycutt Utilities, Inc., On Time Construction, Inc., Pave Carolina.

D. Slag Spreader Equipment BSS/CDOT

Action

Award the low unit price bid of \$12,402 by Carolina Industrial Equipment of Charlotte, North Carolina for Slag Spreader Equipment. The contract is for one year with an option to renew for two additional one-year periods. An initial \$94,201.90 has been awarded on an informal bid. Expanded requirements are now expected to amount to an additional 15 more units in FY2005 for a total cost of \$186,030.

Small Business Opportunity:

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

16. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$68,797.56.

Attachment 8
Resolution
List of Refunds

17. Resolution of Intent to Abandon Street and Set Public Hearing for a 22-foot wide portion of Litaker Avenue

Action: A. Adopt the Resolution of Intent to abandon a 22-foot wide portion of Litaker Avenue, and
B. Set a public hearing for January 24, 2005.

Attachment 9
Map

18. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety Plan

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. 1630 Van Buren Avenue (Neighborhood Statistical Area 27-McCrorey Heights Neighborhood).
- B. 1425 N. Hoskins Road (Neighborhood Statistical Area 120-Firestone/Garden Park Neighborhood).

Complaint:

- C. 3620 Havenwood Road (Neighborhood Statistical Area 150-Windsor Park Neighborhood).

Field Observation:

- D. 5610 Hickory Grove Road (Neighborhood Statistical Area 148-Farm Pond Neighborhood).
- E. 9314 Smith Drive (Neighborhood Statistical Area 110-Wildwood Neighborhood).

Public Safety:

A. 1630 Van Buren Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1630 Van Buren Avenue (Neighborhood Statistical Area 27-McCrorey Heights Neighborhood).

Attachment 10

B. 1425 N. Hoskins Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1425 N. Hoskins Road (Neighborhood Statistical Area 120 – Firestone / Garden Park Neighborhood).

Attachment 11

Complaint:

C. 3620 Havenwood Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3620 Road (Neighborhood Statistical Area 150-Windsor Park Neighborhood).

Attachment 12

Field Observation:

D. 5610 Hickory Grove Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5610 Hickory Grove Road (Neighborhood Statistical Area 148-Farm Pond Neighborhood).

Attachment 13

E. 9314 Smith Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9314 Smith Drive (Neighborhood Statistical Area 110-Wildwood Neighborhood).

Attachment 14

CONSENT II

19. Sale of Surplus City Land Located at the Northeast Corner of Billy Graham Parkway and Westmont Drive



Action: Adopt a resolution authorizing the sale of real property (1.47 acres of vacant land) to RP Investments for \$425,000 in accordance with the terms and conditions as stated in the purchase contract. The site is located at the northeast corner of Billy Graham Parkway and Westmont Drive.

Staff Resource: Ed Wright, Engineering & Property Management
Susanne Todd, City Attorney's Office

Explanation

- RP Investments, Inc. has submitted a purchase offer of \$425,000 for one parcel of City-owned property located at the northeast corner of Billy Graham Parkway and Westmont Drive.
- The real property consists of 1.47 acres of surplus vacant land.
- The City will enter into a contract with RP Investments, Inc.
- After City Council approval, RP Investments, Inc. will assign its interests in the contract to the Billy Graham Evangelistic Association (BGEA).
- The contract gives the potential buyer 60 days to inspect the property and decide whether or not to buy the property (the Due Diligence Period).
- Assuming satisfactory completion of the Due Diligence process, closing of the transaction will occur within 30 days of Due Diligence completion (a total of 90-days following contract execution).
- The contract is not contingent on financing or re-zoning.
- The private sale of this property is consistent with Council's adopted Economic Development Strategic Plan.

Background

- The July 28, 2003 Council action earmarked proceeds from this sale to the Sports and Cultural Capital Projects Fund until the \$50 million land sale agreement with the arena's corporate underwriters is fulfilled.
- The site is located at the entrance to the new Billy Graham Evangelistic Association Headquarters campus.
- The fee simple appraised value of the property is \$445,000.
- The City has committed to the extension of sewer lines to the site.
- On December 9, 2002 City Council approved the sale of this same property for the appraised value of \$445,000, subject to the upset bid process. However, no viable offers were received for the land until the offer from RP Investments, Inc. was presented on October 15, 2004.
- Subsequently, staff received two additional offers.
- The second offer (subsequent to the BGEA offer) is from Amtel, Inc. It was received on November 4, 2004 for a purchase price of \$440,000. The buyer

proposed purchase of the site for the development of a 100-unit hotel. The offer has several contingencies:

- The buyer obtaining financing for the purchase
- Successful re-zoning of the site to a district that permits hotels
- The buyer obtaining an acceptable franchise affiliation for the proposed hotel
- The third offer arrived on November 19, 2004 from Dallas Development, LLC for a purchase price of \$452,500. The buyer's intended use is an unspecified business/commercial use. The offer is contingent on rezoning and normal due diligence examination (90-days). The re-zoning contingency would provide the buyer an additional 180-days after the expiration of the due diligence examination period to obtain a successful re-zoning to an unspecified zoning district that would be acceptable to the buyer.
- After evaluation of all offers, staff recommends a sale of the 1.47-acre land tract to the Billy Graham Evangelistic Association (via RP Investments, Inc.) for \$425,000.

Attachment 15

Resolution

Map

20. Property Exchange on West Trade Block with Trade Mark Partners, LLC

Action:

A. Approve as surplus the City-owned properties located at W. Trade Street and S. Poplar Street (PID # 073-013-06, 07, 08), and

B. Approve a resolution authorizing an exchange of land between Trade Mark Partners, LLC and the City of Charlotte for properties located on the City block bounded by W. Trade Street, S. Poplar Street, W. 4th Street and S. Mint Street. Additionally, the City will receive \$313,140 for the difference in property values.

Staff Resource: Tim O'Brien, Engineering & Property Management

Resolution between the City and Trade Mark Partners LLC

- Trade Mark Partners, LLC, a Joint Venture between Boulevard Centro, (David Furman) & Insite Properties (Jay Blanton) has an option to purchase the former Uptown Motor Inn located at the southeast corner of W. Trade Street and S. Mint Street for the development of a 28-story office/condo project.
- The City of Charlotte owns land that could be surplus at the southwest corner of W. Trade Street and S. Poplar Street that is needed by the new developer to construct the proposed high-rise building.
- Trade Mark Partners would agree to exchange land along S. Mint Street to the City of Charlotte for the land along South Poplar. The land along South Mint Street would provide an enhanced pedestrian environment to connect the

proposed Third Ward Park to West Trade Street as recommended in the Civitas study.

- Trade Mark Partners further agrees to pay fair market value in the amount of \$313,140 for the difference in the areas being exchanged.
- The exchange is subject to the Mandatory Referral Process. The exchange will be reviewed by the Planning Commission on January 18, 2005. Planning staff will recommend approval of the exchange.

Purchase Agreement Terms

- Trade Mark Partners and the City of Charlotte will exchange Special Warranty deeds whereas the City will exchange 7,654 sq. ft. of land located on W. Trade Street and S. Poplar Street and Trade Mark Partners will exchange 3,970 sq. ft. of land located along S. Mint Street on the same City block.
- Trade Mark Partners further agrees to pay the fair market value of \$313,140 to the City of Charlotte as compensation for the difference in areas being exchanged.
- CDOT approves of the release of the City-owned property if the City retains 6.5 feet along S. Poplar Street for the roadway corridor.

Benefits

- Developer will be investing \$50 million in a 28-story mixed-use high-rise building consisting of:
 - 12,000 – 15,000 sq. ft. of retail space (first floor)
 - 35,000 – 40,000 sq. ft. of office space (floors 2-8)
 - 161 residential condos (floors 9-28)
 - 340 car parking deck
- Developer has agreed to position the building behind the mandated setback limits to provide for plaza areas on three sides of the property for plantings, benches and a fountain on W. Trade Street.
- Proceeds from this sale will be deposited in the General Capital Investment Plan.

Attachment 16

Map of City Block involved in the exchange
Resolution

21. CATS Maintenance and Materials Management Software

- Action:**
- A. Approve a contract with Spear Technologies, Inc. for a multi-modal Maintenance & Materials Management Software system for use at CATS bus and rail facilities for an amount not to exceed \$875,000, and**
 - B. Approve a contract with RNR Consulting to provide implementation services for this management system for an amount not to exceed \$125,000.**

Staff Resource: Brad Miller, CATS
Michael Haddad, CATS

Software Description

- The new Windows-based, networked system will manage all of CATS' assets, including both bus and rapid transit vehicles and their associated parts inventories, CATS facilities, including maintenance buildings, rail stations, and bus passenger facilities, and the rapid transit track and catenary systems.
- Kiosks and hand-held work order input devices will be purchased and installed on the bus and rail maintenance shop floors to allow vehicle technicians as well as maintenance employees in the field to directly manage their work flow and to update parts and supply inventories on a real time basis.
- The system will integrate directly with the City's GEAC accounting and purchasing systems to dramatically cut down on the processing time for the parts and supply purchases needed to maintain CATS' growing transit system.
- The new software system will be installed in January 2005 with configuration and data and parts inventory development to follow over the following-six months.

Selection Process

- CATS conducted a Request for Proposals (RFP) solicitation, publicly advertised in June 2004 for the software system.
- CATS received five proposals and evaluated them based on their ability to meet specific technical requirements, the firms' qualifications and references, and their proposed price.
- A multidisciplinary evaluation team made up of representatives from CATS' Bus Maintenance, Technology, and Operations Management staff conducted all-day interviews/demonstrations with the top two shortlisted firms. The City's Technology Management Team and Information Technology Division actively participated in the development of the system requirements as well as the selection of hardware, database, network and operating systems.
- Spear Technologies proposal was determined to be the best qualified.
- Following interviews with four firms, RNR Consulting was determined to be the best qualified to provide implementation services for the Spear Software based on their prior experience assisting transit agencies with materials management system implementation.

Background

- CATS currently uses an outdated DOS-based parts inventory software program at its Bus Operations Division purchased more than 10 years ago when CATS' bus fleet was half the size it is today.
- The current software is difficult to use, designed for use at only one facility, and only manages bus vehicle maintenance processes.
- Since there is no connection between the current CATS' parts management system and the City's purchasing system, hundreds of purchase orders for bus parts and supplies are manually processed each week by City staff.
- With the opening of the second bus facility on South Tryon Street this coming spring, a growing number of passenger facility assets such as bus shelters and park and ride lots, management of the Charlotte Trolley service, and ultimately the management of the South Corridor Light Rail service, CATS needs a more comprehensive Maintenance and Materials Management system.
- In order to take full advantage of the new software program, CATS' maintenance processes, including employee assignments, various paper and electronic forms, and database reports, will all need to be adjusted or developed in accordance with the new system's design.
- A consultant with direct experience implementing the Spear System is needed to assist CATS staff in completing this successful implementation.

Disadvantaged Business Enterprise Compliance

Established DBE Goal: 0%

Committed DBE Goal: 19.5%

The proposed DBE are: PEMCCO, Inc. during the implementation phase of the project and RNR Consulting for implementation services.

Funding

Transit Capital Investment Plan

22. Extension of an Interim Amendment Agreement to the Contract with Synagro-WWT, Inc.

Action: Approve a one-year extension to the Interim Amendment Agreement with Synagro-WWT, Inc. for disposal of solids produced at the wastewater treatment plants.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Solids (also called Biosolids) are generated as a component of the biological process of wastewater treatment and must be continuously disposed of as prescribed by federal regulations. Disposal options range from disposal in a sanitary landfill, to use as fertilizer depending on the treatment methods used in generating and processing the solids at the treatment plant.

- Council approved the original ten-year contract on Council May 24, 1999 for disposal of water and wastewater solids.
- In May 2000, Council approved an Interim Amendment Agreement allowing an increase in the unit prices for solids disposal in sanitary landfill, and for additional treatment of solids with lime for application to farmland. This amendment was necessary due to a change in the sludge characteristics after the original contract was awarded, which altered Synagro's operations.
- The Interim Agreement was for a period of five years.
- This action will allow for a one-year extension of the Interim Agreement, and increase the unit prices by the Consumer Price Index as outlined in the amendment approved in 2000.

Funding

Utility Operating Budget

23. Demolition and Asbestos Abatement Services for 301 Eastway Drive Apartments

Action: Approve a contract with Diversified Enterprises of the Carolinas for the demolition and asbestos abatement of the 301 Eastway Drive Apartments in the amount of \$129,800.

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- City Council approved the demolition of the 301 Eastway Drive Apartments on October 11, 2004.
- Over the years, the apartments have been a major source of concern for surrounding neighborhoods, businesses and other public agencies. Inspections highlighted severe sub-standard conditions including unsafe wiring, no ventilations, raw sewage, over crowded units and many others.
- The property owner has been uncooperative and made no attempt to improve the living conditions.
- The apartments have been vacated and posted as unsafe.
- Procurement Services received 10 bids for the Demolition and Asbestos Abatement of 9 apartment complexes located at 301 Eastway Drive.
- Diversified Enterprises of the Carolinas was the lowest responsive and responsible bidder for this project.
- With Council's approval of the demolition contract, Neighborhood Development will issue a proceed order to begin demolition and have the property cleared within 30 days.
- The City will place a lien on the property for the cost of demolition. Once the lien on the property is in place, the City can attempt to recoup some or all of the costs of demolition through appropriate legal remedies.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE Goal.

Funding

Neighborhood Capital Investment Plan

24. Police Janitorial Services for Multiple Locations

- Action:**
- A. Award two, three-year contracts with two, one-year extensions to Global Cleaning Service of Charlotte for the Janitorial Services in the annual amounts of \$49,200 and \$24,780 respectively,**
 - B. Award three, three-year contracts with two, one-year extensions to Sizemore Inc. of August, Georgia in annual amounts of \$20,700, \$36,300 and \$51,600 respectively,**
 - C. Award a three-year contract with two, one-year extensions to Transamerica of Charlotte in the annual amount of \$26,100, and**
 - D. Authorize the City Manager or designee to award contract extensions referenced here.**

Staff Resource: Mike Bedard, Charlotte-Mecklenburg Police**Explanation**

- The Procurement Services Division of BSS upon request from CMPD issued a Request for Proposals for Janitorial Services for multiple locations.
- This opportunity was published in the SBE newsletter and websites for the City and state.
- A total of 19 companies submitted proposals.
- Following analysis and interviews; Police staff along with the Procurement Staff determined that the companies listed above were the best qualified and equipped to perform the janitorial services at the various locations.
- Global Cleaning Service locations:
 - Westover Division office-1540 West Boulevard
 - West Service Area Center/Freedom Division office-4150 Wilkinson Boulevard
 - Central Division office-119 East Seventh Street
 - Police Athletic League-815 Oaklawn Avenue
- Sizemore Inc. locations:
 - Hickory Grove Division office- 5727 North Sharon Amity
 - North Division Office- 8740 Research Drive
 - South Division office-8050 Corporate Center Drive
 - Steele Creek Division office-1750 Shopton Road
 - Animal Control Division-8315 Byrum Drive

- Transamerica Locations:
 - Eastway Division office-3024 Eastway Drive
 - North Tryon Division office- 4045 North Tryon Street

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for these contracts because subcontracting is not anticipated. One company, Global Cleaning Service, recommended for the award of two contracts is a certified SBE vendor.

Funding

Police Operating Budget

25. Police Computer-Aided Dispatch Maintenance

Action: Approve an agreement with Intergraph Public Safety (IPS) for maintenance support and upgrades for the Police Department's 911 Computer Aided Dispatch system. The cost is estimated to be approximately \$279,585 per year or \$838,755 for three years.

Staff Resource: Ron Horton, Charlotte-Mecklenburg Police

Explanation

- The current Police Department emergency dispatch system is the Intergraph Public Safety (IPS) Computer Aided Dispatch (CAD).
- This is a proprietary system that was approved for purchase and implementation by Council on September 26, 2001.
- All upgrades and maintenance must be performed by IPS.
- Police wishes to continue the 2001 maintenance, upgrade, and support agreements for two additional years.
- Agreement includes an additional option year that may be exercised at the discretion of Police depending on the technology and satisfactory performance by IPS.
- Additional features may be obtained for the CAD packaged system.
- Agreement includes an annual increase of up to 8% per year for maintenance additions in the second and third years.
- This project has been coordinated with the City's Procurement and Legal departments.

Small Business Opportunity

Intergraph Public Safety is the sole source provider for maintenance of this proprietary system. This contract did not provide an opportunity for subcontracting. This contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program policy.

Funding

911 funds in the Police operating budget

26. Animal Licensing and Registration Contract

- Action:**
- A. Approve a contract with the PetData Company to administer the City's animal registration and licensing program. Contract cost is estimated at \$207,000 for year one with four, one year renewal terms, and**
 - B. Authorize the City Manager or designee to exercise the renewal option rights.**

Staff Resource: Paul Paskoff, Charlotte-Mecklenburg Police
John Joye, Charlotte-Mecklenburg Police

Explanation

- Animal Control recommends outsourcing the animal licensing and registration function to PetData Company.
- PetData will manage all daily licensing and registration functions, coordinate monthly rabies vaccination records with veterinarians, and enter animal license data into a proprietary database.
- PetData Company performs these services for other cities including Atlanta, Dallas, Houston, Kansas City, Raleigh and Sacramento.
- Outsourcing animal licensing and registration will save the City approximately \$100,272 per year in temporary salaries.
- Outsourcing will improve the effectiveness and efficiency of the process, reduce the cost, result in more licensed pets, and generate additional revenue to cover the cost of the contract.
- PetData will charge the City \$3.50 per animal license and will charge \$2.50 per license for senior citizens.
- Estimated cost of the contract for the first year is \$207,000, based upon an estimate of 57,000 licenses at \$3.50 and 3,000 licenses at \$2.50.
- Contract costs are estimated to increase at 5% per year for each of the next four years based on a projected increase in the number of animal licenses issued
- Costs for years 2-5 are estimated as follow:
 - Year 2: \$217,350
 - Year 3: \$228,218
 - Year 4: \$239,628
 - Year 5: \$251,610

Funding

Police Operating Budget

27. Resolution Regarding Transport of Respondents in Involuntary Commitment Proceedings

Action: Adopt a resolution designating personnel of Novant Health/ Presbyterian Hospital and Carolinas HealthCare Systems Carolinas Medical Center to transport respondents in involuntary commitment proceedings.

Staff Resource: Bruce McDonald, Charlotte-Mecklenburg Police

Explanation

- State law requires that cities and counties provide transportation for respondents in involuntary commitment proceedings.
- CMPD officers are currently involved in escorting/transporting respondents from the emergency rooms at Presbyterian Hospital and Carolinas Medical Center to their mental health facilities.
- Current plan is not an efficient use of police resources.
- State law allows a local governing body to adopt a plan for transportation of involuntary commitment respondents with trained private agency personnel handling those duties.
- CMPD, the hospitals, and Area Mental Health have developed a plan to allow authorized hospital personnel to transport these patients.
- This plan will result in time savings for police officers who will no longer have to accompany hospital personnel on these transports.

Attachment 17
Resolution

28. General Obligation Commercial Paper Program

Action: Adopt a resolution authorizing the issuance, sale and delivery of \$150 million General Obligation Commercial Paper Bond Anticipation Notes, Series 2005.

Staff Resource: Greg Gaskins, Finance

Explanation

- On November 22, 2004, Council approved a resolution authorizing staff to take the necessary action to complete the bond anticipation note sale. This action was the first of two required to initiate the sale.
- This second action approves the bond resolution, setting forth the terms of the notes and approving the necessary documentation to issue the notes.

Funding

Municipal Debt Service Fund

Attachment 18
 Bond Resolution
 Resolution Appendix

29. CMGC Restroom Repairs–Phase 2

- Action:**
- A. Reject the bid of \$147,550 from Eagle Wood, Inc. of Denver, North Carolina pursuant to non-compliance with the City of Charlotte’s Small Business Opportunity Program, and**
 - B. Award a contract for the CMGC Restroom Repairs – Phase 2 to the next low bidder, Morlando-Holden Construction of Charlotte, North Carolina for \$166,400.**

Staff Resource: Randy Robinson, Engineering & Property Management

CMGC Restroom Repairs – Phase 2

- Phase 2 includes:
 - Repairs to restrooms on 3rd – 8th floors of the Government Center
 - Demolition, removal and replacement of ceramic tile, countertops, toilet partitions, fixtures and repainting
- Construction completion is Spring 2005

Reject the Low Bid of Eagle Wood Inc.

- Reject the bid from Eagle Wood, Inc. based on their non-compliance with the Small Business Opportunity (SBO) Program
- The project was advertised on October 17, 2004.
- A pre-bid was held on November 2, 2004. Eagle Wood did attend the pre-bid meeting.
- Eagle Wood, Inc.
 - Did meet the mandatory contacts
 - Earned 10 of the 85 minimum points required for good faith efforts
 - Committed 0% of the established SBE goal of 3% to a certified SBE.
- The SBOP states the failure of the bidder to meet the requirements during bid phase will result in its bid being declared non-responsive

Award the Contract with Morlando-Holden Construction

- Morlando-Holden Construction
 - Is the next low bidder and complied with the SBO requirements
 - Submitted a bid of \$166,400 or \$18,850 higher than Eagle Wood
 - Met the mandatory number of contacts
 - Exceeded the SBE goal by committing 17.92% (\$29,826) to certified SBEs

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 17.92%

Morlando-Holden Construction, Inc. exceeded the SBO goal and committed 17.92% (\$29,826) of the total contract amount to the following certified SBE firms: Ashley Marble Granite & Tile and McCoy's Painting & Wallcovering, Inc.

Funding

Government Facilities Capital Investment Plan

30. **Smallwood Neighborhood Improvement, Phase 2**

Action: **A. Approve a budget ordinance to appropriate \$2,500,000 in the 2004 Neighborhood Improvement Bonds, and**

B. Award the construction contract for Smallwood Neighborhood Improvement, Phase 2 to Ferebee Corporation of Charlotte, North Carolina for \$2,456,386.76

Staff Resource: David Meachum, Engineering & Property Management

Award Construction Contract Low Bid with Ferebee Corporation

- The proposed infrastructure improvements in the Smallwood Neighborhood are bounded by Rozzelles's Ferry Road, Beatties Ford Road, and Brookshire Freeway.
- The project includes curb and gutter, sidewalk and storm drainage, water line improvements.
- Smallwood Neighborhood Improvement project is part of the 2000 Neighborhood Improvements Bond Referendum.
- Construction completion is first quarter 2006.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.97 %

Ferebee has committed \$171,265 (6.97%) of the total contract amount to the following certified SBE: On Time Construction

Attachment 19

Budget Ordinance

31. **Storm Water Maintenance FY2004-F, Renewal #1**

Action: **Approve Renewal #1 for \$1,108,165.00 with Kip Corporation for continued construction of FY2004-F Storm Water Maintenance Package.**

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #1 with Kip Corporation

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,108,165.00 on May 24, 2004
- The total contract amount for FY04-F is \$2,216,330.00

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

Kip Corporation committed 2% (\$22,163.30) of the renewal amount to the following certified SBE: Happy Jack Trucking

Funding

Storm Water Capital Investment Plan

32. Storm Water Maintenance FY2004-C, Renewal #1

Action: Approve Renewal #1 for \$1,074,615.00 with Ferebee Corporation for continued construction of FY2004-C Storm Water Maintenance Package.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #1 with Ferebee Corporation

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,074,615.00 on August 25, 2003
- The total contract amount for FY04-C is \$2,149,230.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2.16%

Ferebee Corporation has met the SBE goal. Ferebee Corporation has committed 2.16% (\$23,183.00) of the total renewal amount to the following certified SBES: Hazel Homes Trucking, Inc. and On Time Construction, Inc.

Funding

Storm Water Capital Investment Plan

33. Foxcroft/Ferncliff Storm Drainage Improvements

Action: Approve Change Order #1 with Sealand Contractors, Inc. for \$410,621.86 for the Foxcroft/Ferncliff Storm Drainage Improvement project.

Staff Resource: Tim Richards, Engineering & Property Management

Change Order #1 with Sealand Contractors, Inc.

- Provides funding for the following for project overruns in existing contract items, and new items required to complete the project:
 - Excessive rock excavation and unsuitable subgrade conditions
 - Additional drainage system in Sharon Road to eliminate a potential safety hazard

Foxcroft/Ferncliff Storm Drainage Improvement Project

- This project was initiated based on severity of drainage problems, citizens request and an internal capital project ranking procedure
- This project addresses street and house flooding, stream erosion and deteriorated infrastructure in the Olde Foxcroft Neighborhood.
- The project area is bounded by Wendover Road to the north, Providence Road to the east, Sharon Lane to the south and Sharon Road to the west
- Construction completion is first quarter 2005

Contract History

- Council awarded the original contract October 27, 2003 for \$2,436,477.75.
- The new contract amount is \$2,847,099.61.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 1.99%

Sealand has committed 1.99% (\$8,200) of the total change order amount to the following certified SBE: H&H Hauling

Funding

Storm Water Capital Investment Plan

34. Edgewood Neighborhood Improvement Project

Action: Approve an amendment with Armstrong Glen, Inc. for engineering services for \$100,329 for the Edgewood Neighborhood Improvement project.

Staff Resource: David Meachum, Engineering & Property Management

Amendment #3 with Armstrong Glen, Inc.

- Provides funding to complete the engineering design services for Storm Water work downstream of the Edgewood Neighborhood Improvement project.

Edgewood Neighborhood Improvement Project

- Improvements include construction of curb and gutter, sidewalk, and minor storm drainage improvements on portions of Marlene Street, Susan Street, Cheshire Avenue, Santee Street, Browning Avenue, Thirftwood Drive, and Lawrence Street.
- The Edgewood neighborhood improvement project (NIP) collaborated with Charlotte Mecklenburg Utilities (CMU) to add water main improvements, which will require redesign of the major storm drainage system and sanitary sewer relocations at proposed culvert crossings within the Edgewood project limits. CMU will fund their share of the design services and the construction costs of their work.
- Design analysis of the impacts of the NIP on the I-85 Service Road resulted in a need for additional storm drainage improvements that will be funded by Storm Water Services. The improvements will be included with the construction of the NIP.

Contract History

- City Council approved the original agreement for engineering planning services on March 26, 2001 for \$112,700.
- The City Manager approved Amendment #1 for design services (for both the NIP and CMU work) on August 1, 2002 for \$92,557.
- The City Manager approved Amendment #2 for design services (based on impacts of the storm drainage redesign and sanitary sewer relocations) on June 9, 2003 for \$37,985.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0.6%

The selection process for this project preceded the implementation of the SBO Program for professional services contracts. Armstrong Glen committed 0.6% (\$640) of the amendment amount to the following certified SBEs: On-Target Utility Locate Services and Sharpe Images, Inc.

Funding

Storm Water Capital Investment Plan

35. Showmars CMGC Restaurant Lease Renewal

- Action:**
- A. Approve a new 10-year lease with Showmars Inc. in the CMGC for \$3,563 per month for the first year and 3.5% increases each year thereafter, and**
 - B. Authorize the City Manager to renew the lease for an additional five year term.**

Staff Resource: Tim O'Brien, Engineering & Property Management

Explanation

- Showmars' initial five-year lease ends in December of this year. The lease provides for Showmars to continue to lease the space on five, one-year options until 2009.
- Five years ago, Showmars invested \$120,000 to remodel the restaurant. Over the next few years, the restaurant will need reinvestment in carpeting and various other furnishings to maintain a clean and inviting atmosphere.
- The new lease will allow the Operator to make the investment and recover it over time.
- The new lease will also allow the City to make other modifications to the Agreement while assuring the Operator additional stability by extending the term of the lease.
- Showmars is also an equal opportunity employer who provides job and career opportunities for minorities and females.
- The primary terms of the Agreement are as follows:
 - Term: 10-year lease with one, five-year option
 - Market rate rent at \$3,563/month with annual rate increases of 3.5% per year.
 - Showmars agrees to be responsible for gas and water bills for the restaurant, which equates to approximately a \$500 rate increase.
 - Showmars agrees to pay half of the cost of any major restaurant appliances (ice machine, steamer, convection oven etc.) but ownership of the appliances will remain with the City of Charlotte.

36. Fire Station #38 Architectural & Construction Services

- Action:** Approve an agreement for \$ 350,000 with Gantt Huberman Architects, PLLC for architectural design and construction administration services for Fire Station 38.

Staff Resource: David Garner, Engineering & Property Management

Explanation

- Fire Station 38 will be located adjacent to Lake Wylie at the intersection of Shopton Road West and Limehurst Place.

- This agreement with Gantt Huberman Architects, PLLC will provide architectural services to perform the planning, design and construction administration for Fire Station 38.
- Fire Station 38 will serve the southern Mecklenburg County area with both roadway and waterfront emergency boat access, and is the first fire station of this type in Mecklenburg County.
- Gantt Huberman Architects, PLLC was chosen pursuant to a qualification-based selection process.

Small Business Opportunity:

Establish SBE Goal: 5%

SBE Committed Goal: 10.60%

Grant Huberman exceeded the SBO goal and committed 10.6% (\$37,120) of the total contract amount with the following certified SBE firm: Charlotte Engineers, LLP

Funding

Government Facilities Capital Investment Plan

37. Airport Lease Amendment with N.C. Air National Guard

Action: Approve an amendment to the lease between the City and the United States of America for the North Carolina Air National Guard extending the lease expiration date from June 30, 2032 to June 30, 2055.

Staff Resource: Jerry Orr, Aviation

Explanation

The North Carolina Air National Guard (NCANG) leases 99.3 acres at the Airport for its Base.

- The NCANG has leased land at the Airport since at least 1947.
- The current lease expires in 2032 and requires the NCANG to pay rent of \$1 per year.
- The NCANG is programmed to receive \$3.4 million in Department of Defense appropriations for construction of a new vehicle maintenance facility. This facility also will support maintenance of part of the aircraft rescue and fire fighting equipment.
- The NCANG's economic impact on the region's economy is estimated at over \$289,000,000 for the period from 1999-2003, according to the latest study by UNC-Charlotte's Urban Institute.
- The Guard has, when requested, returned land to the City for airport development and funded the relocation of airport roadways.
- The Guard also is an active partner in the Airport's public safety and fire protection operations.
- Federal funding rules require that, in order for the NCANG to receive funding for this new construction, its lease have at least 30 years remaining in the

term. Extending this lease to an overall 50-year term will allow the Guard to capitalize on \$20 million of future planned development.

- State municipal law and federal laws governing acceptance of airport development grants permit the lease of land to the NCANG at below-market rates or for free.

38. Air Cargo Facility Architectural Contract

Action: Award a contract to Omni Architecture of Charlotte in the amount of \$197,000 for design of a cargo facility in the Charlotte Air Cargo Center.

Staff Resource: Jerry Orr, Aviation

Explanation

- Proposals for architectural services were solicited and Omni was selected from the five firms responding based on their qualifications and relevant experience.
- Omni will provide architectural services for an approximately 80,000 square foot cargo building to be constructed for and leased to Airborne Express/DHL.
- Their fees are approximately 7% of construction costs, which is within the range of similar Airport projects.

Small Business Opportunity

Established SBE/DBE Goal: 3%

Committed SBE/DBE Goal: 3%

Omni Architecture committed 3% (\$5,910) to the following subcontractor:
Commercial Printing.

Funding

Airport Capital Investment Plan

39. Airport Hangar Architectural Services

Action: Award a contract to Pease Associates of Charlotte in the amount of \$127,800 for architectural services for the design of a hangar.

Staff Resource: Jerry Orr, Aviation

Explanation

- Additional corporate aviation facilities are needed due to the growth of the airport's corporate aviation business.
- In October 2001, Council awarded a contract with Pease Associates to design a 26,500-square foot hangar that accommodates up to nine corporate aircraft. It is located adjacent to the airport's Fixed Base Operation (FBO).
- The airport needs to construct an identical hangar adjacent to this hangar.

- The design fee is based on utilization and modification of existing plans and specifications.

Small Business Opportunity

Established SBE/DBE Goal: 3%

Committed SBE/DBE Goal: 3%

Pease Associates committed 3% (\$3,834) to the following subcontractor: I Supply.

Funding

Airport Capital Investment Plan

40. Airport Corporate Hangar Change Order

Action: Approve change order #2 in the amount of \$111,810.19 to American Eastern Builders of Charlotte, North Carolina for the construction of a corporate hangar.

Staff Resource: Jerry Orr, Aviation

Explanation

- On June 9, 2003, Council awarded a contract in the amount of \$3,136,000 to American Eastern Builders for the construction of a new 30,000 square foot aircraft hangar to be leased to Coca Cola Bottling Co. Consolidated.
- On February 9, 2004, Council awarded change order #1 in the amount of \$251,661 for additional scope of work requested by Coca Cola Bottling Co.
- This change order will provide miscellaneous changes, including electrical, ceiling tile upgrades, relocation of retaining walls and millwork upon the request of the tenant.
- This change order settles all claims and assesses liquidated damages for failure to complete the project on time.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 0%

All additional work involved in this change order will be performed by the current contractor. This change order complies with Section 10.3 of the SBO Program.

Funding

Airport Capital Investment Plan

41. Airport Agreement with Bank of America for Business Center Sponsorship

Action: Approve an agreement with Bank of America for naming rights and other advertising at the proposed Airport Business Center.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport plans to construct a business center in the Terminal Atrium.
- In response to an RFP for sponsorship of the airport business center, Bank of America (“BofA”), offered a two-year contract, with the following terms:
 - The business center will be located in the Terminal atrium, and will provide travelers with workstations, computers and peripherals, internet access, copier and fax services.
 - BofA will pay the City \$425,000 per year.
 - The business center will be named after BofA.
 - BofA will be permitted to place two automated teller machines (ATMs) at the exterior of the business center.
 - BofA will be permitted to locate a kiosk and a sales associate near or in the business center for marketing.
 - The City will staff the center through a contract with HMS Host, the current retail and restaurant concessionaire at the Airport.

Small Business Opportunity

The SBO Program does not apply to this agreement, which is not a Covered Contract pursuant to Sections 2.14 and 2.16 of the SBO Policy.

42. Airport Fixed Base Operator Facility Budget Ordinance and Contract

- Action:**
- A. Adopt a budget ordinance appropriating \$8,803,000 from the Excluded Centers Fund Balance to the Operating Fund, to be used in the initial start-up and operation of Wilson Air Center Charlotte LLC, the Airport’s fixed base operator, and**
 - B. Award a contract to GE PermaCon of Charlotte, North Carolina in the amount of \$162,844 for the delivery and installation of two modular facilities at the Airport.**

Staff Resource: Jerry Orr, Aviation

Explanation

- On October 11, 2004 Council approved a management contract with Wilson Air Center–North Carolina, LLC (Wilson) to operate the Fixed Base Operator (FBO) facility at the Airport.
- Under the contract, a Management Agreement, Wilson will provide the staffing and expertise to provide FBO Services to locally based and itinerant aircraft operators at the Airport.
- Wilson will receive an annual management fee of \$250,000 for its services, plus an incentive fee of 5% of the surplus revenues generated for the City from its operations.

- The budget ordinance will provide funding for initial capital needs, such as equipment, furnishings and lease on a temporary facility; and operating costs from February 1 through June 30, 2005.
- The contract with GE PermaCon will deliver and install two modular facilities to be used by Wilson while existing FBO terminal is renovated.
- The City will pay GE PermaCon a monthly rental of \$3,096 until renovations are complete

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

Pursuant to Section 5 of the SBO Program, no SBO utilization goals were set for this contract because subcontracting is not anticipated.

Funding

Airport Fund Balance

Attachment 20

Budget Ordinance

43. Airport Parking Deck Change Order

Action: Approve change order #2 in the amount of \$142,588 to FN Thompson of Charlotte, NC for additional work for the Airport Parking Deck.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 24, 2003 Council awarded a contract to FN Thompson Co. Inc. of Charlotte in the amount of \$14,576,000 for foundation/concrete construction for the Airport Parking Deck.
- On August 23, 2004, Council approved change order #1 in the amount of \$241,205 for an adjustment to pay the contractor
 - for the actual length of steel piles driven for the foundation
 - removal and replacement of soil not suitable for the foundations
 - reinforcing the concrete slab on grade due to soil conditions.
- Change Order #2 will provide additional concrete/foundation work needed due to settlement of the site and modifications.

Small Business Opportunity

Established SBE Goal: 2%

SBE Committed Goal: 6.75%

All additional work involved in this change order will be performed by the current contractor and current subcontractors. Therefore, this change order complies with Section 10.3 of the SBO Program.

Funding

Airport Capital Investment Plan

44. Bicycle Master Plan Resolution**Action: Adopt a resolution endorsing the City's grant application for NCDOT funding to update the City's Bicycle Master Plan.****Staff Resource:** Ken Tippette, CDOT**Explanation**

- The North Carolina Department of Transportation (NCDOT) is promoting a program to encourage the development of comprehensive municipal bicycle and pedestrian plans.
- A total of \$400,000 will be available in 2005 for this matching grant program.
- CDOT is submitting a grant application for the maximum amount of \$75,000 (\$150,000 total after match) to update the Bicycle Master Plan for the City of Charlotte.
- To be eligible for NCDOT funding, a Council resolution endorsing the bicycle plan is required.

Background

- The City has an aggressive Bicycle Program adopted in 1999.
- The current plan recommends updating of the Bicycle Master Plan every three years. The plan has not been updated since its adoption.
- The City has hired a full time Bicycle Program Manager to manage the Bicycle Program and to serve as the City's Bicycle advocate.
- The purpose of the Bicycle Plan is to provide a comprehensive overview of all bicyclists needs, priorities and opportunities for improvement in making Charlotte a "bikeable" community.
- The plan will serve as a tool to address the following:
 - Describe the bicycle vision, goals and objectives
 - Evaluate current conditions and programs in place
 - Develop a bicycle system plan
 - Review local policies, guidelines and standards and recommend changes
 - Identify opportunities for the implementation of education, enforcement and safety programs
 - Identify and prioritize potential projects, including projects that can be integrated into the state's Comprehensive Transportation Plan and potential Transportation Improvement and Enhancement projects
- Upon notification of an award by NCDOT, staff will prepare a Municipal Agreement for future Council approval.

Attachment 21

Resolution

45. Land Acquisition for Relocation of Street Maintenance Facility

Action: Approve the lease purchase of a 20.24 acre tract for the relocation of a CDOT Street Maintenance Facility from the Central Yard as a part of the Hope VI Project. The land will be acquired via a lease that transitions into fee simple ownership over time. The land will be acquired from BASF Corporation for \$925,000.

Staff Resource: Ed Wright, Engineering & Property Management
Michelle Haas, Engineering & Property Management

Background

- City Council approved the CWAC Committee's recommendation to relocate the Street Maintenance Central Yard in 2001.
- City Council authorized condemnation of this site on August 23, 2004.
- Since that time, staff has continued to negotiate with BASF and an agreement has been reached.

Property Description

- The site selected for relocation of the Street Maintenance Facility is located in the Northpointe Industrial Park, just north of North Hoskins Road between Brookshire Boulevard and Beatties Ford Road.
- The undeveloped 20.24 acre tract is adjacent to BASF's former manufacturing facility on Chesapeake Drive.

Street Maintenance Facility

- The new Street Maintenance Facility will contain administrative offices and various operational buildings related to the maintenance of Charlotte streets.
- Equipment and trucks will be housed on-site and will frequently move from the site to field locations.
- The site will also be used to store materials, such as salt, sand and slag.

Acquisition Agreement

- The extensive negotiation for the property was a result of the groundwater beneath the site being contaminated from BASF's past industrial activities. BASF is required by the State to handle and monitor the groundwater until it is clean.
- A lease/purchase arrangement best satisfies the needs of both BASF and the City. BASF will retain actual ownership of the land until the environmental remediation issues are resolved, with the City being a lessor. As environmental conditions are resolved, the land will transfer to the City's ownership.

Attachment 22

Lease/Purchase Agreement Terms
Map

46. Sale of City Property-2010 & 2016 Boyer Street

Action: Approve the sale of City property located at 2010 Boyer Street and 2016 Boyer Street (.866 acres total) to Tommy Lee Carver Jr.

Staff Resource: Jerry Orr, Aviation

Explanation

- The properties located at 2010 and 2016 Boyer Street were purchased by the City under the FAR Part 150 noise program in 1997.
- The City acquired them for \$135,000 and \$42,000, respectively.
- The residents were relocated, and the houses were sold by auction.
- NC DOT will take a portion of the properties as right-of-way for the planned relocation of Boyer Street.
- Mr. Carver has offered to buy the remaining portion of the combined properties, which are now subject to a noise easement.
- The offered purchase price is \$58,400, which is based on an appraisal.
- The sale of City-owned property is subject to compliance with the provisions of North Carolina Statutes.
- As required by N.C.G.S. 160A-269, an advertisement of the proposed sale was published in *The Charlotte Observer* for 10 days, beginning on November 11, 2004.
- No upset bids were received.

47. Rail Corridor Land Exchange–Alpha Mill Project

Action: A. Adopt a resolution authorizing the exchange of land rights between Crosland Development Corp. and the City of Charlotte within the Rail Right of Way. The City will receive \$13,822 and an environmental indemnity, and

B. Authorize the City Manager or designee to enter into a Purchase Agreement for the exchange of land rights.

Staff Resource: Tim O'Brien, Engineering & Property Management

Resolution Between the City and Crosland Development Corporation

- Crosland Development Corporation has a contract to purchase property near East 12th Street and adjacent to the North Rail Corridor for the “Alpha Mill Project”, consisting of a residential multi family development (the “Alpha Mill Property”).
- The City’s Rail Corridor, just north of the uptown area is a 200-foot wide corridor. The rail corridor encumbers 100 feet of the Alpha Mill Property.
- The City has determined that it will only need 35 feet of the 100-foot Right of Way over the Alpha Mill Property in order to run rail.
- Crosland Development Corporation needs the outside 65 feet of rail corridor for the construction of the Alpha Mill Project.

Purchase Agreement Terms

- Crosland and the City will exchange non-warranty deeds wherein the City will grant (release) 65 feet of its Rail Right of Way in exchange for the conveyance by Crosland of 35 feet of its interest in the fee running underneath the City's Rail Right of Way.
- Crosland will pay the City \$13,822 cash, representing the difference between the fair market value of the Rail Right of Way and the value of the underlying fee.
- Crosland will also place its property and the rail corridor piece under a Brownfield's Agreement and pay for clean up of environmental contamination located within the rail corridor that may have originated from the Alpha Mill property up to a maximum of \$150,000.
- Even though the City typically absorbs the costs of environmental remediation occurring in the right of way during construction, Crosland agrees to pay half of the remediation costs located within this portion of the rail corridor for up to \$150,000.
- An environmental study shows the contamination to be approximately \$100,000. Crosland will escrow \$150,000 and upon completion of the remediation, the City will reimburse any remaining balance.

Benefits

- Exchange of property will spur further economic development along the North Rail Corridor running through Uptown Charlotte.
- Return on investment from the initial purchase of the North Rail Corridor.
- Promotes development in close proximity to the tracks in support of the Council adopted Rail Corridor Plan.

Attachment 23

Resolution

Map

48. Property Transactions

Action: Approve the following property acquisitions (A-H) and adopt the condemnation resolutions (I-W).

For property transactions A-B, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

For property transaction E-H & V-W, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

Acquisitions:

- A. Project:** Airport Master Plan Acquisition
Owner(s): Charlotte One Center, LLC
Property Address: 5601 Wilkinson Boulevard
Property to be acquired: 14.48 acres
Improvements: commercial buildings
Purchase Price: \$2,350,000
Zoned: I2
Use: commercial buildings
Tax Value: \$2,301,500
Tax Code: 115-162-13
- B. Project:** FAR Part 150 Plan Acquisition
Owner(s): Myrtle Godfrey
Property Address: 8627 Todd Road
Property to be acquired: .48 acres
Improvements: single family residence
Purchase Price: \$84,000
Zoned: R3
Use: single family residence
Tax Value: \$62,700

Tax Code: 055-381-15

- C. Project:** Prosperity Church Road Widening - Phase III, Parcel # 3,
Owner(s): Prosperity Church, Inc.
Property Address: 5333 Prosperity Church Road
Property to be acquired: 5,769 sq. ft. (.132 ac.) in Fee Simple, plus 6,399 sq. ft. (.147 ac.) in Existing Right-Of-Way
Improvements: None
Landscaping: None
Purchase Price: \$62,160
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Church
Tax Code: 027-072-16
Total Parcel Tax Value: \$147,400
- D. Project:** Rutledge/Kingscross Storm Water CIP, Parcel # 22.2,
Owner(s): Richard D. Guiney, Jr. And Wife, Rita S. Guiney
Property Address: 233 S. Sharon Amity Road, Unit 2
Property to be acquired: Total Combined Area of 4,117 sq. ft. (.095 ac.) of Storm Drainage Easement
Improvements: None
Landscaping: None
Purchase Price: \$35,000
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: O-1
Use: Office Condominium
Tax Code: 185-021-62
Total Parcel Tax Value: \$769,300
- E. Project:** South Corridor Light Rail, Parcel # 143,
Owner(s): RTMF Properties, Inc.
Property Address: 726 E. Hebron Street
Property to be acquired: 44 sq. ft. (.001 ac.) in Utility Easement, plus 7,147 sq. ft. (.164 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$101,051
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 205-161-19
Total Parcel Tax Value: \$1,191,900
- F. Project:** South Corridor Light Rail, Parcel # 246,
Owner(s): Valedosa, LLC

Property Address: 5320 Old Pineville Road
Property to be acquired: 5,654 sq. ft. (.130 ac.) in Fee Simple, plus
3,054 sq. ft. (.070 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$34,750
Remarks: Compensation was established by an independent, certified
appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 169-084-06
Total Parcel Tax Value: \$656,900

G. Project: South Corridor Light Rail, Parcel # 261,
Owner(s): Woodlawn Hotel Associates, LLC
Property Address: 315 E. Woodlawn Road
Property to be acquired: 588 sq. ft. (.013 ac.) in Slope Easement, plus
2,845 sq. ft. (.065 ac.) in Temporary Construction Easement
Improvements: Retaining wall, sign and light pole
Landscaping: Trees
Purchase Price: \$15,475
Remarks: Compensation was established by an independent, certified
appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 149-073-20
Total Parcel Tax Value: \$1,261,400

H. Project: South Corridor Light Rail, Parcel # 280,
Owner(s): Furniture Distributors, Inc.
Property Address: 4524 South Boulevard
Property to be acquired: 393 sq. ft. (.009 ac.) in Slope Easement, plus
11,692 sq. ft. (.268 ac.) in Temporary Construction Easement
Improvements: Trees, Bushes and Fence
Landscaping: None
Purchase Price: \$31,425
Remarks: Compensation was established by an independent, certified
appraisal and appraisal review.
Zoned: I-1
Use: Industrial
Tax Code: 149-073-11
Total Parcel Tax Value: \$3,632,700

Condemnations

I. Project: Arrowood-Windsong Minor Storm Water CIP, Parcel # 2,
Owner(s): George Green And Wife, Margaret Green And Any Other
Parties Of Interest
Property Address: 8801 Windsong Drive

Property to be acquired: Total Combined Area of 6,021 sq. ft. (.138 ac.) of Storm Drainage Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$1,225

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-4

Use: Single Family Residential

Tax Code: 203-185-04

Total Parcel Tax Value: \$61,600

- J. Project:** Ashley Park NIP - Columbus Circle CIP, Parcel # 301,
Owner(s): Pressley Capital Corporation And Any Other Parties Of Interest
Property Address: 2412 Columbus Circle
Property to be acquired: Total Combined Area of 3,985 sq. ft. (.091 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Mature Trees
Purchase Price: \$3,325
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 067-073-50
Total Parcel Tax Value: \$52,600
- K. Project:** Ashley Park NIP - Columbus Circle CIP, Parcel # 302,
Owner(s): Pressley Capital Corporation And Any Other Parties Of Interest
Property Address: 2400 Columbus Circle
Property to be acquired: Total Combined Area of 4,038 sq. ft. (.093 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,025
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 067-073-51
Total Parcel Tax Value: \$45,200

- L. Project:** Beaver Dam Creek Pump Station, Parcel # 1,
Owner(s): Agnes S. Byrum And Any Other Parties Of Interest
Property Address: Dixie River Road
Property to be acquired: Total Combined Area of 5,600 sq. ft. (.129 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: None
Purchase Price: \$6,725
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1
Use: Single Family Residential
Tax Code: 199-591-08
Total Parcel Tax Value: \$271,800
- M. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 1,
Owner(s): The Nancy Gray Family Limited Partnership And Any Other Parties Of Interest
Property Address: 14652 June Washam Road
Property to be acquired: Total Combined Area of 33,659 sq. ft. (.773 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,250
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: RPA
Use: Single Family Residential
Tax Code: 007-182-02
Total Parcel Tax Value: \$232,300
- N. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 2,
Owner(s): Nell Jenkins And Any Other Parties Of Interest
Property Address: 17440 Davidson-Concord Road
Property to be acquired: Total Combined Area of 19,641 sq. ft. (.451 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: Trees and Shrubs
Purchase Price: \$9,300
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: RPA

Use: Vacant Land
Tax Code: 007-182-03
Total Parcel Tax Value: \$271,150

- O. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 7,
Owner(s): Allain C. Andry, IV And Wife, Mary C. Andry And Any Other Parties Of Interest
Property Address: 16912 Davidson-Concord Road
Property to be acquired: Total Combined Area of 14,732 sq. ft. (.338 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: Trees and Shrubs
Purchase Price: \$15,375
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: RPA
Use: Single Family Residential – Rural Acreage
Tax Code: 007-191-04
Total Parcel Tax Value: \$416,900
- P. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 8 & 9,
Owner(s): Lawson F. Jenkins, III And Wife, Martha C. Jenkins And Any Other Parties Of Interest
Property Address: 16824 Davidson-Concord Road
Property to be acquired: Total Combined Area of 14,557 sq. ft. (.334 ac.) of Water Main Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,075
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: RPA
Use: Single Family Residential - Rural Acreage
Tax Code: 007-441-01 / 007-441-03
Total Parcel Tax Value: \$278,500 / \$80,800
- Q. Project:** Prosperity Church Road Widening - Phase III, Parcel # 1,
Owner(s): Dahlem Enterprises, Inc., The 1000 Building And Any Other Parties Of Interest
Property Address: 5342-5400 Prosperity Church Road
Property to be acquired: Total Combined Area of 2,565 sq. ft. (.059 ac.) of Temporary Construction Easement
Improvements: None

Landscaping: None
Purchase Price: \$6,975
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: NS
Use: Commercial
Tax Code: 029-321-34
Total Parcel Tax Value: \$5,568,000

- R. Project:** Prosperity Church Road Widening - Phase III, Parcel # 2A & 2B,
Owner(s): B P Exploration And Oil, Inc. And Any Other Parties Of Interest And Any Other Parties Of Interest
Property Address: 5411 & 5339 Prosperity Church Road
Property to be acquired: Total Combined Area of 10,053 sq. ft. (.231 ac.) of Fee Simple, plus Existing Right-Of-Way
Improvements: None
Landscaping: None
Purchase Price: \$2,050
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: CC
Use: Industrial
Tax Code: 027-072-13 / 027-072-15
Total Parcel Tax Value: \$1,753,500
- S. Project:** Prosperity Church Road Widening - Phase III, Parcel # 6,
Owner(s): Dahlem Enterprises, Inc., The 1000 Building And Any Other Parties Of Interest
Property Address: Prosperity Church Road
Property to be acquired: Total Combined Area of 2,604 sq. ft. (.060 ac.) of Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$4,750
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: NS
Use: Commercial
Tax Code: 029-321-35
Total Parcel Tax Value: \$112,800
- T. Project:** Prosperity Church Road Widening - Phase III, Parcel # 8,
Owner(s): Florida M. Huggins And Any Other Parties Of Interest
Property Address: 5203 Prosperity Church Road

Property to be acquired: Total Combined Area of 18,848 sq. ft. (.433 ac.) of Fee Simple, plus Utility Easement, plus Stake Slope Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$46,200

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential – Rural Acreage

Tax Code: 027-062-07

Total Parcel Tax Value: \$268,700

- U. **Project:** Prosperity Church Road Widening - Phase III, Parcel # 9,
Owner(s): Prosperity Park, LLC And Any Other Parties Of Interest
Property Address: 10220 Prosperity Church Road
Property to be acquired: Total Combined Area of 4,794 sq. ft. (.110 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,825
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: NS
Use: Commercial
Tax Code: 029-321-31
Total Parcel Tax Value: \$1,194,300
- V. **Project:** South Corridor Light Rail, Parcel # 116, 123 & 133
Owner(s): Rea Investment Partners And Any Other Parties Of Interest
Property Address: 9030 Crump Road/8916 South Boulevard/901 Crafters Lane
Property to be acquired: Total Combined Area of 18,772 sq. ft. (.431 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,400
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 205-121-06/205-121-09/205-121-14
Total Parcel Tax Value: \$7,981,900

- W. Project:** South Corridor Light Rail, Parcel # 127
Owner(s): Rea Investment Partners And Any Other Parties Of Interest
Property Address: 8971 Crump Road
Property to be acquired: Total Combined Area of 7,635 sq. ft. (.175 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$6,300
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Single-Family Residential
Tax Code: 205-121-12
Total Parcel Tax Value: \$22,700

49. Meeting Minutes

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

- November 1, 2004 Workshop
- November 8, 2004 Business Meeting
- November 15, 2004 Zoning Meeting