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Don Lochman Warren Turner

CITY COUNCIL MEETING

Monday, November 14, 2005

CITY COUNCIL AGENDA

Monday, November 14, 2005

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	Briar Creek Relief Sewer Project Update	1	
2.	Amended Transit Governance Agreement	1	
3.	North Carolina Transportation Improvement Program FY2007-2013	2	1
4.	Capital Construction Cost Trends	3	
5.	Committee Reports by Exception	4	
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
6.	Consent agenda items 11 through 30 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.	5	
Policy			
7.	City Manager's Report	6	
8.	West End Pedscape and Land Use Plan	6	2
9.	North Carolina Transportation Improvement Program FY2007-2013	8	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
 Business		
10. Charlotte Center City Partners Bylaw Changes and Board Appointments	9	3
 Mayor and Council Topics		
 Consent I		
11. Various Bids		
A. South Boulevard/East Boulevard Infrastructure Improvements	12	
B. Ford Taurus Sedans	13	
C. Water Meters	13	
D. CRS-2 Liquid Asphalt	14	
12. Resolution of Intent to Abandon Street and Set Public Hearing Date for a Portion of Tryclan Road	14	4
 Consent II		
13. Redesignation of State Development Zone	15	5
14. Electronic Signatures on Preaudit Certificates	16	6
15. Police Assets Forfeiture Appropriation	17	7
16. Furniture for Northwest Street Maintenance Facility	17	
17. Charlotte Housing Authority Interlocal Agreement-Brevard/Caldwell Connector	18	8
18. Human Resource Management and Payroll System Upgrade Contracts	19	
19. Char/Meck 311 Call Center Telephony System Maintenance Support Contract	20	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
20.	Old Statesville Road Widening Change Order #1	21	
21.	Irwin Creek Wastewater Treatment Plant Sludge Dewatering Facility Improvements, Professional Services Contract	22	
22.	Charlotte-Mecklenburg Schools Water Contract	23	
23.	Briar Creek Relief Sewer – Phase 1, Professional Services Contract	23	
24.	Airport Parking Deck Construction Management Services Change Order	24	9
25.	Airport Telecommunications Antenna Site Lease	25	
26.	Environmental Services for Airport Master Plan Projects	25	
27.	Additional Compensation for Condemnation Settlement	26	
28.	Validity Determination of Ferrel Corporation Privilege License Defense	27	10
29.	Property Transactions	28	
30.	Meeting Minutes	33	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Briar Creek Relief Sewer Update

Resource: Doug Bean, Utilities

Time: 20 minutes

Synopsis

- The existing Briar Creek Outfall does not have sufficient capacity to handle high wet weather flows and future infill development.
- The best solution to this problem is another large diameter sewer line along Briar Creek.
- In 2004 Utilities began route selection and design for the new sewer pipe for the first phase of the project from the Sugar Creek Wastewater Plant at Park Road along Briar Creek to Randolph Road.
- The project will ultimately have three phases that will take it up to Harris Boulevard.
- The initial alignment was proposed to residents along Briar Creek in the Spring of 2005 which generated a number of concerns related to the proximity of the pipe construction to existing homes.
- During the past several months the Utilities staff continued to work with residents and realigned a substantial portion of the project to address the majority of those concerns.
- The Lila Wood area was identified as the most difficult area for alignment selection due the proximity of homes on both sides of the creek. A potential solution has been developed to mitigate the major concerns but some opposition still exists.

Future Action

The engineering contract is item 23, page 23 of this agenda. Property transactions 29A and 29B, page 28 are on this agenda. Approximately 40 property transactions will come before Council over the next 10 months. The construction contract will be awarded in summer 2006.

2. Amended Transit Governance Agreement

Resource: Ron Tober, CATS

Time: 15 minutes

Synopsis

- The purpose of this item is to present proposed amendments to the Transit Governance Interlocal Agreement.

- The Metropolitan Transit Commission (MTC) reviewed and accepted the CTAG governance report, and adopted a motion at their September 22, 2004 meeting.
- The Report directed the MTC Managers to develop a strategy for implementing changes to the Transit Governance Interlocal Agreement which addressed four of the issues identified by the Citizen's Transit Advisory Group (CTAG) Governance Review:
 1. Timing of adding a NCDOT representative as a voting member of the MTC
 2. Timing and criteria for adding representatives of jurisdictions outside Mecklenburg County as voting members of the MTC
 3. Need for amendments to certain provisions of the Interlocal Agreement that may be potential impediments to continued implementation of the 2025 Corridor System Plan
 4. Re-constitution and re-mission of the CTAG
- The MTC Managers conducted and completed their review between October 2004 and June 2005. Their proposed amendments were approved by the MTC at their meeting of August 24, 2005.
- The MTC directed staff to present the amended Agreement to the city, county and six towns for adoption and provide an adoption status report not later than December 31, 2005.

History

- The original Transit Governance Interlocal Agreement was approved by the City of Charlotte, Mecklenburg County and the six Mecklenburg County towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville) on February 16, 1999.
- That Agreement provided that the Citizens Transit Advisory Group (CTAG) conduct a Governance Review to consider the effectiveness of the Transit Governance Interlocal Agreement and the governance structure it outlined, as well to consider other governance structures.
- The CTAG completed its review and reported their recommendations to the MTC on June 23, 2004.

Future Action

Council will be asked to adopt these amendments at their November 28th meeting.

**3. North Carolina Transportation Improvement Program
FY2007-2013**

Resource: Bill Finger, Transportation

Time: 15 minutes

Synopsis

- The NC Board of Transportation plans to adopt a new North Carolina Transportation Improvement Program (NCTIP) before July of 2006. They have recently requested input from Metropolitan Planning Organizations (MPO's).
- The new NCTIP will include some additional funding from the new federal transportation bill (SAFETEA-LU). Staff will also explain new federal earmarks and their impact on equity formula funds.
- The MPO's input to this process is called a Candidate Project List. The Mecklenburg-Union MPO (MUMPO) staff have been meeting to update and adjust the 2004 MUMPO Candidate Project which was submitted to NCDOT in late 2004. The staff is also exploring options for dealing with the congressional earmarks.
- The Mecklenburg-Union Technical Coordinating Committee (TCC) met on Thursday, November 3rd and finalized a recommended Candidate Projects List for consideration by the MUMPO at their next meeting on Wednesday, November 16th. After the TCC meeting, staff sent out the proposed Candidate Project List with background information in the Council-Manager memorandum.
- CDOT staff will present the proposed Candidate Project List and answer questions.
- The proposed schedule is as follows:
 - Nov 14 Council will be asked to direct the vote of their MUMPO representative (Councilmember Mumford).
 - Nov 16 MUMPO will vote on their Candidate Project List recommendation to NCDOT.
 - Early 2006 Negotiations between MUMPO and NCDOT on potential for new projects to be included in the FY07-13 NCTIP as well as any scheduled revisions for existing projects.
 - Spring 2006 Distribution of the "Draft" FY07-13 NCTIP and additional MUMPO response.
 - June 2006 Adoption of the FY07-13 NCTIP by the NC Board of Transportation.

Future Action

This is item 9, page 8 of this agenda.

Attachment 1

Candidate Project List

4. Capital Construction Cost Trends

Staff Resource: Jim Schumacher, Engineering & Property Management

Time: 15 minutes

Synopsis

- The City's Capital Investment Program involves a wide variety of public works projects, such as the installation of new sidewalks, transportation and utility infrastructure, and the construction of buildings such as fire stations, the arena, and operations facilities.
- Rising construction costs are affecting the costs of these projects.
- Staff will review the current trends and some of the influencing factors – locally, nationally, and globally.

Future Action

The presentation is for information only. However, the data will affect current and future project budgets and award of future construction contracts.

5. Committee Reports by Exception

Economic Development and Planning: West End Pedscape and Land Use Plan

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

CONSENT

- 6. Consent agenda items 11 through 30 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

POLICY

7. City Manager's Report

8. West End Pedscape and Land Use Plan



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the West End Land Use & Pedscape Plan, Volume I: Concept Plan.

Committee Chair: John Lassiter

Staff Resource: John Howard, Planning Commission

Explanation

- Area is generally between I-77 and I-85 along West Trade Street and Beatties Ford Road.
- Plan area is primarily institutional, residential and commercial.
- Plan eliminates need for individual rezonings for future urban development.
- Plan is follow-through from Beatties Ford Road Small Area Plan (1985).
- Beginning 2002, five additional public meetings were held.
- Notices of all public input opportunities were sent to property owners, business and neighborhood associations.
- Additional meetings have been and continue to be held with property owners who may be subject to corrective rezoning.

Plan recommendations

- Land Use:
 - Walkable mixed-use development recommended in most of the district.
 - Some areas to remain industrial with development restrictions.
- Cross Sections and Streetscape Standards:
 - Streets categorized into 11 "types", with setback requirements for each.
- Streetscape and Pedestrian Improvements:
 - This plan acknowledges future streetscape improvements and street cross-section designs recommended by the Charlotte Area Transit System Center City Streetcar Project.
 - The plan recommends wider sidewalks, wider planting strips with street trees, recessed on-street parking, bike lanes and medians along thoroughfares.

Review Process

- Charlotte-Mecklenburg Planning Committee: Received public comments September 20. One property owner expressed concern of a possible rezoning from I-2 to a district that would prevent expansion of the existing industrial facility or that would make them non-compliant. Planning staff is working with the owner to file an I-2 Conditional plan, restricting noxious uses.

- On October 18, Planning Committee voted 7-0 to recommend the approval of the draft plan. The Committee had the following comments:
 - Issue- Gardner Mfg. Conditional Rezoning (I-2 to I-2CD): Question the need for a conditional plan for this site.
 - Response-Staff is sensitive to the impact of allowable uses in I-2 on adjacent residential development and zoning in this area. Staff has met with Ms. Gardner to discuss conditional notes for her property and are very close to an agreement on permitted uses. Staff will prepare the conditional rezoning petition on her behalf.
 - Issue-Concerns about the proposed 'road diet' plans (Street Cross-Section Type 'C', page 51); increasing density in the area may require four lanes.
 - Response-Our traffic data considers higher densities and transportation improvements in the PED area. Current and future traffic volumes are within range for this type of cross-section design.
 - Issue-Concern about the proposed corrective rezoning #10 (R-22 to R-5); suggested that R-22 remain for future development.
 - Response-Homes date from 1900. The area is developed as single family with 74% owner-occupied. There is strong support from the neighborhood to keep it single family. The plan recommends preservation of this area.

City Council Public Hearing

- Received public comments October 24th.
- A property owner's representative expressed concern about plan recommendation of a parcel being proposed to be rezoned from B-2 to MF. Staff met with the representative October 31st, they support the Plan's recommendation.
- A business owner expressed concern that the Plan recommends moving the residence at 514 Beatties Ford Rd. to another location within the community. Staff explained that the plan offers several alternatives for preservation of this particular structure.

Economic Development and Planning Committee

- Received staff background briefing on October 5th and November 2nd.
- Concern with the difficulty of developing higher density projects on lots that do not have adequate depth.
- Need for more information on urban design recommendations, especially amenities such as brick pavers, for signalized intersections.
- Need to be proactive in contacting property owners affected by the proposed rezoning recommendations.
- Concern about the density and traffic impacts on adjacent neighborhoods, particularly Wesley Heights.
- Need to work with Historic District Commission, Historic Landmark Commission, Neighborhood Development and stakeholders to research the idea of a 'Conservation District' to protect older, urban residential communities.
- On November 2, the Committee voted 4-0 (Lassiter, Carter, Lochman, Tabor) to recommend approval of the draft plan. Council member Cannon was absent.

Attachment 2

Draft West End Land Use & Pedscape Plan
PED Boundary, Proposed Land Use and Corrective Rezoning maps and
Intersection Design Standards.

**9. North Carolina Transportation Improvement Program
FY2007-2013**



Action: **A. Receive the recommendation of the Technical Coordinating Committee (TCC), and**

B. Direct the vote of the City of Charlotte MUMPO Representative on the proposed North Carolina Transportation Improvement Program.

Staff Resource: Bill Finger, Transportation

Explanation

- The NC Board of Transportation plans to adopt a new NCTIP before July of 2006 and they have recently requested input from Metropolitan Planning Organizations (MPO's).
- The new TIP will include additional funding from the new federal transportation bill (SAFETEA-LU) and several new federal earmarks in our area which will impact the equity formula funds.
- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) Board will be asked to vote on any proposed changes to the North Carolina TIP at their November 16th meeting.

BUSINESS

10. Charlotte Center City Partners Bylaw Changes and Board Appointments

Action: A. Approve amendments to Charlotte Center City Partners (CCCP) bylaws with respect to the appointment of CCCP Board members,

B. Reappoint existing CCCP Board members, and

C. Appoint seven new CCCP Board members.

Resources: Michael Smith, CCCP
Brad Richardson, Economic Development Office

Explanation

- Charlotte Center City Partners is a nonprofit organization the City contracts with to provide services and promotional activities in the Center City and South End.
- CCCP's services and activities are funded through special property tax assessments in four Municipal Service Districts (MSDs) in Center City and Historic South End.
- According to the CCCP bylaws, all amendments to Article II of those bylaws dealing with the Board of Directors require approval of the City Council.
- CCCP's Board of Directors recommends the following changes to Article II of its bylaws (the categories are described on the next page, under background):
 - Decrease the number of Directors in Category B - Chamber of Commerce from three to one.
 - Increase the term of appointment for Directors in Category A – At Large (Major Uptown Employer) and Category C - MSD Residents, from one year to two years, with the initial term to expire June 30, 2007. All other Directors will continue to serve one-year terms, with the initial terms to expire June 30, 2006.
 - Set term limits for all Directors (except those in Category D, Chairman Emeritus) to six years.
- The following existing members are recommended for reappointment to the Board:

Gaines Brown	Debra Campbell	James R. Palermo
Patrick D. Cannon*	James M. Dulin	Patrick C. Riley
Anthony Fox	Art Gallagher	John D. Stamas
Harvey B. Gantt	Carroll D. Gray*	Pamela A. Syfert
Parks Helms	Thomas J. Hughes	Krista Tillman
Harry L. Jones, Sr.	Milton H. Jones, Jr.	Dorothy Cowser Yancy
Lee C. Keesler, Jr.	Winston R. Kelley	Edmund A. Tapscott, III
Stefan R. Latorre	Daniel S. Levine	Vicki H. Wilson-McElreath

Mary C. MacMillan Michael Marsicano P. Anthony Zeiss
Tim Newman

*The Mayor appoints a Council member to the Board. Bob Morgan replaces Carroll Gray on January 1, 2006. Council action will not be required for either replacement.

The following new members are recommended for appointment to the Board:

Director	Category
Jennifer Appleby	Class A – At Large
Phil Dubois	Class A – At Large
Jeannie Falknor	Class A – At Large
Frances Haithcock	Class F – Ex Officio
Todd Mansfield	Class A – At Large
Tom Nelson	Class B – Chamber of Commerce
Ben Williams	Class A – At Large

- CCCP’s Board approved the attached slate of nominees at its October 19, 2005 meeting. Council must either appoint this slate of nominees or request a revised slate of nominees from CCCP.

Background

- The CCCP Board currently consists of not more than 25 directors in six categories representing varied interests, disciplines, and voices in the Uptown community. Board representation for each of the six categories is as follows:
 - **Category A, Uptown Employer** – At least eight directors representing senior management officials of major employers in the Uptown and South End MSDs
 - **Category B, Chamber of Commerce** – At least three directors shall be directors of the Greater Charlotte Chamber of Commerce or otherwise active as volunteers in the work of the Chamber
 - **Category C, MSD Residents** – At least two directors shall be persons who live in Municipal Service Districts 1, 2, 3, or 4
 - **Category D, Chairman Emeritus** – Up to three directors shall be persons who have served as past Chairman of CCCP Board of Directors
 - **Category E, Elected Officials** – Two directors, one shall be an elected member of the Charlotte City Council and the other an elected member of Mecklenburg County Board of Commissioners
 - **Category F, Ex-Officio** – At least six nonvoting directors representing local government, educational, and non-profit organizations

Attachment 3

Revised CCCP Bylaws
List of Proposed Board of Director appointments

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

11. Various Bids

A. South Boulevard/East Boulevard Infrastructure Improvements EPM

Action

Award the low bid of \$2,658,668.43 by Blythe Development Co. of Charlotte, North Carolina. This project will replace deteriorated concrete curb and gutter at various locations along South Boulevard, and at the intersection of East Boulevard and Scott Avenue. The work includes storm drainage construction, asphalt milling, asphalt paving and pavement markings. This work is in accordance with the agreement with the NC Department of Transportation to assume maintenance of South Boulevard from Woodlawn Road to I-277. The state is providing \$1.3 million for this project. Construction completion is scheduled for 2nd quarter of 2007.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE: 7.49%

Blythe Development Co. committed \$199,289.75 to the following SBE firms: A-1 Pavement Markings, D's Trucking Service, Inc., Hazel Holmes Trucking, Inc., and On Time Construction, Inc.

B. Ford Taurus Sedans

Citywide

Action

The BSS/Procurement Services Director recommends the low bid meeting specifications at a unit price of \$12,384.78 by Mooresville Ford Mercury of Mooresville, NC for a Ford Taurus Sedan. The total initial cost for FY2006 is estimated to be \$123,847.30; primarily for CMPD police administration and unmarked law enforcement vehicles. This will be a unit price contract for one year with an option to extend the contract up to one year beyond the original term should the production schedule be extended for a vehicle model that is due to be discontinued. This bid was conducted via an internet-based 'reverse auction' process – the City's first such auction. The Ford Taurus is a midsize sedan, specified by Police. The City's hybrid contract is for compact sedans and sport utility vehicles.

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.

C. Water Meters

Utilities

Action

Award the low bid amounts to provide various size water meters for a one-year agreement and authorize the City Manager to renew the agreements for two additional one year terms for the following vendors:

- Badger Meter, of Milwaukee, WI for an estimated yearly amount of \$3,684,411.50 and a potential three year estimated value of \$11,053,234.50.
- National Waterworks of Pineville, NC for an estimated yearly amount of \$112,950 and a potential three year estimated value of \$338,850.
- Miller Supply, of Laurinburg, NC for an estimated yearly amount of \$106,835 and a potential three year estimated value of \$320,505.
- Hughes Supply of Charlotte, NC for an estimated yearly amount of \$107,350 and a potential three year estimated value of \$322,050.

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.

D. CRS-2 Liquid Asphalt

CDOT

Action

Award the low bid of an estimated yearly amount of \$167,760 by SEACO, Inc. of Columbia, South Carolina to provide CRS-2 Liquid Asphalt. This contract has two, one-year renewal options, making it a potential three year contract with an estimated value of \$503,280.

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.

12. Resolution of Intent to Abandon Street and Set Public Hearing Date for a Portion of Tryclan Road

Action: A. Adopt the Resolution of Intent to abandon a portion of Tryclan Road, and
B. Set a public hearing for December 12, 2005.

Attachment 4
Map

CONSENT II

13. Redesignation of State Development Zone

Action: Approve submission of the State Development Zone redesignation application to the North Carolina Department of Commerce with the addition of three Census Tracts.

Staff Resource: Christi Floyd, Economic Development

Policy

The Economic Development Strategic Plan seeks to maintain, increase, and enhance the quality and number of jobs available within Charlotte, with particular attention to assuring that distressed areas are not left behind.

Explanation

- State Development Zone designation provides state tax incentives to attract quality jobs to distressed areas in Charlotte and throughout that state.
- The role of City Council is to designate the zone.
- The program is administered by the State Department of Commerce.
- The City and Chamber worked together to develop the following recommendations to maximize the State Development Zone (SDZ) benefits for Charlotte:

Recommendation

- Add tracts 38.04, 54.01, and 19.08 to the current zone.
 - ⊖ Tract 38.04 is located along with South Blvd transit corridor. Tract 54.01 is located north of I-85, and includes Cindy Lane, Beatties Ford Road and Statesville Road. Tract 19.08 is located in East Charlotte between Independence Blvd and Albemarle Rd. See the attached map.
 - ⊖ These tracts are located in areas that have the potential to attract manufacturing, central administrative offices, data processing and customer service centers, and distribution centers. This additional incentive could spur redevelopment in these areas.
 - ⊖ The zone includes census tracts with poverty rates greater than 20% and adjacent areas with lesser poverty rates where eligible businesses exist or would likely locate.
 - ⊖ The zone cannot be amended until January 2008.

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Program Background

- The State Legislature amended the William S Lee Act in 1998 to attract businesses to areas of persistent distress in North Carolina cities by providing state tax incentives to certain businesses locating or expanding in designated State Development Zones.
- A list of the types of businesses that are eligible and the types of incentives available to them is attached.

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- Charlotte's original State Development Zones were established in 1998. The current redesignation was approved in January 1, 2005 and will expire on January 1, 2006.
- ⊖ This redesignation is for two years from January 1, 2006 to January 1, 2008, and the zone cannot be amended.
- Over the past two years, 9,670 new jobs have been created and \$31,430,582 in tax credits has been generated statewide. The State does not collect data specific to particular zones, therefore no data is available specific to the Charlotte zone.

Attachment 5

State Development Zone Map

State Development Zone Incentives/Criteria Attachment

14. Electronic Signatures On Preaudit Certificates

Action: Adopt a resolution allowing use of electronic signature in signing the preaudit certificate on contracts and purchase orders, and charging the Finance Key Business Executive of Finance with custody of the codes or other devices necessary to activate such signatures.

Staff Resource: Al Alonso, Business Support Services

Explanation

- City staff is implementing an electronic document management system (EDMS). One of the benefits of this system is the ability to circulate and sign contracts and purchase orders electronically, as well as the preaudit certificates that the Local Government Budget and Fiscal Control Act requires for contracts and purchase orders.
- The purpose of a pre-audit certificate is to certify that the contractual obligations are supported by an appropriation that authorizes the expenditure, and that there is an unencumbered balance remaining in the appropriation sufficient to pay the obligation owed in the current fiscal year.
- North Carolina General Statute 159-128 requires Council approval for the use of electronic signatures to sign the pre-audit certificates on contracts and purchase orders.
- If Council approves the use of electronic signatures for this purpose, the Statute also requires Council to charge the finance officer (or some other bonded officer or employee) with custody of the necessary devices. This is to ensure this person and the sureties on his official bond are liable for any illegal, improper, or unauthorized use of the devices.
- Implementing electronic signature as a component of the City's overall EDMS strategy will reduce the contract approval process cycle time and the need to purchase, process and store paper documents. Moving to an electronic process will not change current City policy on signature authority and dollar thresholds. The staff has also implemented appropriate security technologies and procedures to prevent the unauthorized use of electronic signatures.

- The staff recommends City Council authorize the use of electronic signatures for pre-audit certificates on contracts and purchase orders, and that Council charge the Key Business Executive of Finance with custody of the codes or other devices necessary to activate such signatures. The approval and charge are accomplished through the attached Council Resolution.

Attachment 6
Resolution

15. Police Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$25,546 in assets forfeiture funds.

Staff Resource: Greg Crystal, CMPD

Explanation

- The Police Department requests the appropriation of assets forfeiture funds for the following two efficiency improvements.
 - \$21,385 will be used to install the connection between the phones in the Police Crime Reporting Unit (former NEPS Unit) and the 311 system and to provide headsets for employees.
 - \$4,161 will be used for the fiber optic connection between uptown cameras and the CDOT Control Room.

Funding

Asset Forfeiture Funds

Attachment 7

Budget Ordinance

16. Furniture for Northwest Street Maintenance Facility

Action: A. Approve the purchase of office furniture without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and

B. Approve a contract with Knoll Furniture for the purchase of furniture in the amount of \$320,566.15.

Staff Resources: Michelle Haas, Engineering & Property Management
Karen Ruppe, Business Support Services

Explanation

- Brice Morris Berg Architects designed the interior of the new CDOT/Street Maintenance Facility Northwest Operations Base.
- Brice Morris Berg specified Knoll Furniture for furnishing the facility.
- Compatibility and interchangeability features of Knoll Furniture will allow flexibility in configurations of furniture and save money due to volume purchases.
- This contract provides office furniture for 40 offices and cubicles, plus five conference rooms and a training room, which accommodates 100 people.

Contract Process

- Knoll Manufacturing has a national contract through US Communities Purchasing Alliance that guarantees their lowest prices.
- The Knoll contract was competitively bid by Fairfax County, VA and awarded by the Fairfax Board of Commissioners on January 17, 2001 and was renewed on January 17, 2004.
- Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.

Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

17. Charlotte Housing Authority Interlocal Agreement – Brevard/Caldwell Connector

Action: Authorize the City Manager to enter into an Interlocal Agreement with the Charlotte Housing Authority (CHA) to fund a design contract for the new Brevard-Caldwell Connector, the amount of which is not to exceed \$150,000.

Staff Resources: AC Shull, Economic Development
Phillip Reiger, Charlotte Department of Transportation

Explanation

- The street and infrastructure improvements resulting from the new Brevard-Caldwell Connector will support the Belmont and Optimist Park area redevelopment plans by providing additional transportation network and development opportunities, for CHA's replacement housing for the HOPE VI project.

- The project replaces a high speed connection that cuts across the block diagonally with a low speed pedestrian-friendly connector road that establishes a grid network and creates more developable land.
- Improvements to the Brevard-Caldwell Connector make 940 Brevard (100 elderly units) and Bilbro Condominiums (225 units with 10 affordable and 215 market rate) more feasible with on-street parking, slower traffic flow and a safer environment for pedestrians.
- Improvements also provide better access to Alpha Mills, which provides new housing and supports the 16th Street Transit Station area of the Northeast Light Rail Corridor within the Optimist Park neighborhood, as well as enhancements to the pedestrian environment.
- The City and CHA wish to establish a partnership to develop needed infrastructure and street improvements related to the Brevard-Caldwell Connector and proceed with a design contract.
- Upon completion of project design, City staff will request Council approval of another Interlocal Agreement between the City and CHA for construction of the Connector improvements.
- The CHA has selected Crosland, Inc. to develop the site, which includes the construction of the connector street.
- Total cost of project is estimated to be \$1.675 million which includes design and construction costs which will be funded \$1,250,000 by CHA and \$425,000 by the City.

Small Business Opportunity

This contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program Policy.

Funding

CHA Belmont Area CIP
Transportation Capital Investment Plan

Attachment 8

Project area map
Conceptual Design Drawing

18. Human Resource Management and Payroll System Upgrade Contracts

- Action:**
- A. Authorize the City Manager to execute a contract with KDM Consulting for technical upgrade consultant services not to exceed \$165,000 and a contract with Adrenaline Resources for functional upgrade consultant services not to exceed \$150,000, and**
 - B. Authorize the City Manager to execute a one year renewal with each firm not to exceed the original contract amounts.**

Staff Resource: Tammy Boyles, Human Resources

PeopleSoft Upgrade

- The City currently uses PeopleSoft 8.3 which is slated to retire in November 2006.
- As part of the routine maintenance process, the Human Resource Management and Payroll system is being upgraded to PeopleSoft Version 8.9.
- This project, co-managed by Human Resources and Business Support Services – Information Technology, will ensure that the HR/Payroll application is under an active support agreement with Oracle/PeopleSoft.
- Technical and functional consultants are necessary to augment the City staff who will also continue to be responsible for on-going production during the upgrade.
- In order to maximize the services received and minimize the amount expended, City staff worked with a number of consulting firms to find the resources for the different phases in the project timeline.
- Human Resources and BSS – IT recommends Council authorize the City Manager to execute a contract with KDM Consulting for technical upgrade consultant services not to exceed \$165,000 and a contract with Adrenaline Resources for functional upgrade consultant services not to exceed \$150,000.
- These firms were chosen based on qualifications, price and references.

Small Business Opportunity

Pursuant to Section 5 of the SBO program, no goal will be set on this contract because subcontracting is not anticipated.

Funding

General Fund Operating Budget

**19. Char/Meck 311 Call Center Telephony System
Maintenance Support Contract**

Action: A. Approve a second year Char/Meck 311 Call Center Telephony System Maintenance Support contract with Unisys Corporation in the amount of \$136,000, and

B. Authorize the City Manager to exercise up to three, one year renewal options totaling \$136,000 each.

Staff Resources: Doug Symonds, Business Support Services
Saskia Thompson, City Manager’s Office

Explanation

- Council approved this contract on March 22, 2004.
- The Char/Meck 311 Call Center employs an Avaya Telephony System to provide 24 hour services, seven days a week, to the Citizens of Charlotte and Mecklenburg County. The System supports up to 140 agents.

- The maintenance support contract provides support, hardware replacement, software upgrades, on-site as well as remote monitoring, and maintenance support in the event of a failure or malfunction at any time.

Small Business Opportunity

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

Funding

General Fund Operating Budget

20. Old Statesville Road Widening Change Order #1

Action: Approve change order #1 for \$109,287.75 for Blythe Construction Company.

Staff Resource: Tim Greene, Engineering and Property Management

Change Order #1 with Blythe Construction Company

- This project completes the widening of 2.4 miles of Old Statesville Road (NC Hwy. 115) from Sunset Road to Lakeview Road to a four-lane, median divided highway.
- This change order provides funds for adjustments in the contract unit price for asphalt cement which increased in cost throughout the project duration.
- The price adjustment allows changes in payments due the Contractor where it is determined that the selling price of asphalt cement fluctuated by more than 5% from a base price index. This base price index represents an average selling price of asphalt cement as stipulated in the contract.
- The price adjustment is included on most major Capital Improvement Projects that include significant amounts of asphalt paving over lengthy construction duration periods.
- The change order cost is within the project budget.

Contract History

- Council awarded the original contract on May 13, 2002 for \$6,059,754.36.
- Total contract amount to date, including change order #1, is \$6,169,041.11.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, Blythe Construction Company, and their existing subcontractors. This change order complies with Section 10.3 of the SBO Program.

Funding

Transportation Capital Investment Plan

21. Irwin Creek Wastewater Treatment Plant Sludge Dewatering Facility Improvements, Professional Services Contract

Action: Approve a professional services contract with Camp Dresser & McKee in the amount of \$397,900. The contract provides for the design, bidding and construction administration of the Irwin Creek WWTP Sludge Dewatering Facility Improvements Project.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

History

- The Irwin Creek Wastewater Treatment Plant Dewatering Facility was constructed in 1987 as part of a larger plant improvement project.
- Due to age of system, replacement parts aren't available.
- All systems are showing signs of significant wear and are in need of replacement.
- Entire facility is becoming less reliable and maintenance costs continue to rise.

Explanation

- Camp Dresser & McKee will provide and oversee all preliminary and detailed design, permitting, bidding services, and construction administration of the above listed facility improvements.
- Camp Dresser & McKee was selected for this project based on previous experience, using City Council's approved selection process.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 2.01%

Camp Dresser & McKee failed to meet the goal, but made the mandatory contacts, and earned more than the minimum good faith effort points. They have committed \$8,000 to the following SBEs: Summit ECS, Inc. and Nova Engineering & Surveying, Inc.

Funding

Sewer Capital Investment Plan

22. Charlotte-Mecklenburg Schools Water Contract

Action: Approve a five-year reimbursable water main contract with Charlotte-Mecklenburg Schools.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Charlotte-Mecklenburg Schools (CMS) requests a contract for the construction of a 16-inch water main to serve the Clear Creek Elementary School located at 13501 Albemarle Road.
- Project begins in the vicinity of 13000 Albemarle Road, extends in an easterly direction and terminates at 13501 Albemarle Road.
- Approximate project length is 2,560 linear feet.
- The total estimated cost of this project is \$216,310.

Funding

Project is funded through the Utilities Capital Investment Plan. CMS will reimburse 100% of the project cost.

23. Briar Creek Relief Sewer Phase 1, Professional Services Contract

Action: Approve a professional services contract with Camp Dresser & McKee for \$4,672,110. This contract provides for final design, easement acquisition, and construction management services for Phase 1 of the Briar Creek Relief Sewer.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Existing sewer lines in the Briar Creek basin are no longer capable of handling necessary capacity due to growth and the aging infrastructure.
- Project area extends from Sugar Creek Wastewater Treatment Plant at Park Road & Tyvola Road up to Randolph Road.
- This contract will provide funding for the following:
 - Detailed final design
 - Easement map preparation and property acquisitions
 - Construction surveying
 - Construction administration

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.2%

Camp Dresser McKee met the SBE goal for this project and committed \$290,000 to Capstone Civil Group, PA.

Funding
Sewer Capital Investment Plan

24. Airport Parking Deck Construction Management Services Change Order

Action: A. Approve a change order in the amount of \$550,000 to a contract to Turner Construction Company of Charlotte, NC for construction management services for the Daily East Parking Deck, and

B. Adopt a budget ordinance appropriating \$550,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

- In August 2003, Council awarded a contract with Turner Construction Company to provide construction management services for Daily West Parking Deck.
- This change order will provide the same project manager, and a part-time job superintendent. The positions for the Daily East Parking Deck will act as extensions of Aviation Department staff to:
 - establish and maintain project schedules and budgets
 - monitor quality control
 - coordinate the work of various contractors with tenants and airport operations
- The Daily East Parking Deck will contain 3,000 parking spaces

Small Business Opportunity

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

Funding
General Airport Revenue Bonds

Attachment 9
Budget Ordinance

25. Airport Telecommunications Antenna Site Lease

Action: Approve a five-year lease with Nextel South Corporation for a telecommunications antenna and related facility site on the Airport's Rotating Beacon.

Staff Resource: Jerry Orr, Aviation

Explanation

- In December 1999, the Airport constructed a new Airport Rotating Beacon to replace the Airport Beacon that was on top of the Old Terminal building.
- The new beacon tower was also designed to accommodate up to four telecommunication antennae systems.
- The Airport has executed leases with AT&T and Verizon.
- This lease will allow for the installation of an antenna system to be used by Sprint/Nextel and will lease Nextel South Corporation land for a communications shack used to operate the system.
- Nextel South Corporation will pay the Airport \$3,000 per month with a 3% annual escalation.

26. Environmental Services for Airport Master Plan Projects

Action: Award a professional services contract to Landrum & Brown of Cincinnati, Ohio in the amount of \$354,340 for environmental analysis for the [Airport](#) Master Plan projects.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract is for Landrum & Brown's assistance in the environmental analysis of various Master Plan Projects, including the proposed Third Parallel Runway.
- On September 11, 1995, City Council approved an action awarding Landrum & Brown a contract in the amount of \$675,000 for the preparation of the Environmental Impact Statement (EIS). The Federal Aviation Administration (FAA) issued a Record of Decision (ROD) for the EIS in April of 2000.
- Prior to beginning design of the third parallel runway, the Airport asked the design team to verify that the separation of the new runway would allow for the maximum airfield operational capability. The design team confirmed that the new third parallel runway needed to be separated by 4,300 feet instead of the 3,700 feet separation identified in the original EIS.
- In July 2005, the FAA requested that the Airport contract with Landrum & Brown to prepare a written re-evaluation of the EIS which will allow the FAA to amend the original ROD.
- The amended ROD will provide the environmental clearance to start construction of the runway.

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Federal Aviation Administration Disadvantage Business Enterprise Program

There is no contract specific goal for this contract, and there are no subcontracting opportunities for this scope of work.

Funding

Airport Capital Investment Plan

27. Additional Compensation for Condemnation Settlement

Action: Approve additional deposit of \$200,000 for a total settlement of \$711,000 in condemnation case 03 CVS 21418, City of Charlotte v Joseph D. Rogers, et als.

Staff Resource: Reid Hinson, City Attorney's Office

Explanation

- Council previously approved condemnation at the appraised amount of \$511,000 for a total take of 3.117 acres of land located on South Boulevard at its intersection with Westinghouse Boulevard for the South Corridor Light Rail Project. The City's appraisal was subsequently updated to the date of taking resulting in an appraised amount of \$550,000.
- After the condemnation action was filed, Mr. Rogers obtained a certified appraisal in the amount of \$995,000. This appraisal was based upon an existing, favorable lease of a portion of the property which was considered by Mr. Rogers' appraiser to be at market rate.
- A review of the City's appraisal and Mr. Rogers' appraisal by a third certified appraiser resulted in an opinion favoring the City's appraisal, but also concluding that Mr. Roger's appraisal was "at the high end of market rate".
- The total amount of the proposed settlement represents a compromise between the two appraisers' opinions of value, which is the type of analysis a jury would likely apply in this situation. The proposed settlement is actually less than an outcome which would be achieved by "splitting the difference" between the two appraisals.
- The Federal Transit Administration has verbally approved this settlement. The case is on the December 15, 2005 trial calendar in Mecklenburg County Superior Court.

Funding

Transit Capital Investment Plan

28. Validity Determination of Farrel Corporation Privilege License Defense

Action: Approve recommendation of City Attorney's Office and Business Tax Collections Division to deny Farrel Corporation's defense to Privilege License Fee.

Resources: S. Mujeeb Shah-Khan, City Attorney's Office
Robin Lewis, City/County Tax Collector's Office

Explanation

- Chapter 13 of the City Code, entitled "Licenses" allows for the City to impose a privilege license fee on any business doing business within the City of Charlotte.
- Under §13-45(a) of the City Code, if a business believes that the City has imposed a license illegally, for an illegal purpose, or through a clerical error; they can ask that the City Council review their defense, and make a determination if they are correct, and if so, receive a refund of privilege license fees. The City Council is required to review the defense within 90 days of the City's receipt of the defense.
- Farrel Corporation is a Connecticut-based company which conducts business within the City. From 2002-2006, they paid a total of \$9,021.24 in privilege license fees. Farrel contends that they should receive a refund of \$7,726 of those fees as the City had no legal authority to assess those fees.
- Farrel further contends that the City's imposition on a privilege license fee based on the amount of total gross receipts for the company, as opposed to those related to sales within Mecklenburg County, is in violation of the United States Constitution's Interstate Commerce Clause, and is outside the scope of authority granted to the City by G.S. 160A-211, which allows the City to impose a privilege license fee.
- The City Attorney's Office reviewed Farrel's defense, and finds that the defense is not valid. Accordingly, the City Attorney's Office and Business Tax Collections Division recommend that Council find that the total amount of the privilege license fee imposed on the Farrel Corporation is proper, and not illegal.

Attachment 10

August 15, 2005 letter from Farrel Corporation to Carole Dellinger containing Farrel defense

29. Property Transactions

Action: Approve the following property acquisitions (A-J) and adopt the condemnation resolutions (K-O).

For property transactions, H-J and O, 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:** Briar Creek Relief Sewer Phase I, Parcel # 10
Owner(s): Lesia L. Jackson (f/k/a Lesia L. Tyson)
Property Address: 5335 Lila Wood Circle
Property to be acquired: 18,295 sq. ft. (.420 ac.) in Fee Simple (Total Take)
Improvements: House
Landscaping: None
Purchase Price: \$668,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-113-40
Total Parcel Tax Value: \$566,900
- B. Project:** Briar Creek Relief Sewer Phase I, Parcel # 12
Owner(s): Stanley David Hoffman
Property Address: 5309 Lila Wood Circle
Property to be acquired: 27,443 sq. ft. in Fee Simple (Total Take)
Improvements: Dwelling
Landscaping: None
Purchase Price: \$999,500
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-113-38
Total Parcel Tax Value: \$742,000
- C. Project:** Cindy Lane Extension (Roadway Project), Parcel # 6
Owner(s): FDW Homes
Property Address: Atlas Drive

Property to be acquired: 43,560 sq. ft. (1.000 ac.) in Fee Simple (Total Take)
Improvements: None
Landscaping: None
Purchase Price: \$13,950
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: R-4
Use: Vacant - Right Of Way
Tax Code: 045-305-78
Total Parcel Tax Value: \$0

- D. **Project:** Mallard Creek Sidewalk Project, Parcel # 1
Owner(s): Olympia Investment, LP
Property Address: Mallard Creek Road
Property to be acquired: 683 sq. ft. (.016 ac.) in Fee Simple, plus 947 sq. ft. (.022 ac.) in Sidewalk and Utility Easement, plus 10,469 sq. ft. (.240 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,625
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 043-201-01
Total Parcel Tax Value: \$3,100,700
- E. **Project:** North Tryon Streetscape Project, Parcel # 1
Owner(s): Park-N-Shop, Inc.
Property Address: 4316 North Tryon Street
Property to be acquired: 6,791 sq. ft. (.156 ac.) in Sidewalk and Utility Easement, plus 10,914 sq. ft. (.251 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,050
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 091-051-15
Total Parcel Tax Value: \$1,527,900
- F. **Project:** Prosperity Church Road Widening-Phase III, Parcel # 15
Owner(s): Gloria H. Phillips
Property Address: 12500 Dearmon Road

Property to be acquired: 2,414 sq. ft. (.055 ac.) in Fee Simple, plus 3,037 sq. ft. (.070 ac.) in Existing Right-of-way, plus 320 sq. ft. (.007 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,000
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 027-062-15
Total Parcel Tax Value: \$97,000

- G. Project:** South Corridor Infrastructure Project: New Bern Intersection, Parcel # 850
Owner(s): Marsh Realty Company, Inc.
Property Address: 2801 South Boulevard
Property to be acquired: 250 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 604 sq. ft. (.014 ac.) in Sidewalk and Utility Easement, plus 2,396 sq. ft. (.055 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$23,750
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 147-042-01
Total Parcel Tax Value: \$963,900
- H. Project:** South Corridor Light Rail, Parcel # 121
Owner(s): Tristore Investment, LLC
Property Address: 9026 Crump Road
Property to be acquired: 4,242 sq. ft. (.097 ac.) in Fee Simple, plus 30 sq. ft. (.001 ac.) in Utility Easement, plus 3,688 sq. ft. (.085 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$50,600
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 205-121-16
Total Parcel Tax Value: \$2,000,600
- I. Project:** South Corridor Light Rail, Parcel # 301
Owner(s): Caldwell, J. Baxter And Louise G. Caldwell Estate

Property Address: 112 Freeland Lane
Property to be acquired: 7,362 sq. ft. (.169 ac.) in Utility Easement, plus 3,941 sq. ft. (.090 ac.) in Sidewalk, curb and gutter, plus 1,867 sq. ft. (.043 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$64,875
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 149-012-43
Total Parcel Tax Value: \$6,421,800

- J. Project:** South Corridor Light Rail, Parcel # 336
Owner(s): MSSC, LLC
Property Address: 3400 South Boulevard
Property to be acquired: 1,209 sq. ft. (.028 ac.) in Sidewalk and Utility Easement, plus 7,356 sq. ft. (.169 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$31,125
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 147-021-34
Total Parcel Tax Value: \$703,500

Condemnations

- K. Project:** Cindy Lane Extension, Parcel # 10
Owner(s): Yang, Fong And Any Other Parties Of Interest
Property Address: Elaine Avenue
Property to be acquired: Total Combined Area of 18,992.16 sq. ft. (.436 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$14,750
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: R-4
Use: Single Family Residential
Tax Code: 045-291-10
Total Parcel Tax Value: \$20,400

- L. Project:** South Corridor Infrastructure Project: New Bern Signature Intersection, Parcel # 854
Owner(s): Martha R. Reid and Spouse (If Any) And Any Other Parties Of Interest
Property Address: 3005 South Boulevard
Property to be acquired: Total Combined Area of 4,009 sq. ft. (.092 ac.) of Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$28,120
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Commercial
Tax Code: 147-044-02
Total Parcel Tax Value: \$545,500
- M. Project:** South Boulevard/Woodlawn Road Intersection Project, Parcel # 11
Owner(s): Westmoreland, Inc. And Any Other Parties Of Interest
Property Address: 4700 South Boulevard
Property to be acquired: Total Combined Area of 22,991 sq. ft. (.528 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$493,850
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: Commercial
Tax Code: 169-012-01
Total Parcel Tax Value: \$2,093,800
- N. Project:** West Morehead Streetscape, Parcel #22
Owner(s): Parviz Habibabadi Ashrifi (a/k/a Perry P. Ashrafi) And Wife, Kathy Mauney Ashrafi And Any Other Parties Of Interest
Property Address: 1500 West Morehead Street
Property to be acquired: Total Combined Area of 1,439 sq. ft. (.033 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,925
Remarks: Compensation was established by two independent,

certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: I-1

Use: Commercial

Tax Code: 071-022-25

Total Parcel Tax Value: \$427,200

- O. Project:** South Corridor Light Rail, Parcel #312
Owner(s): Autozone Inc., A Nevada Corporation And Any Other Parties Of Interest
Property Address: 3701 South Boulevard
Property to be acquired: Total Combined Area of 947 sq. ft. (.022 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,100
Remarks: Compensation was established by independent, certified appraisals in the area. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Commercial
Tax Code: 149-054-53
Total Parcel Tax Value: \$1,031,700

30. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- October 10, 2005-Business Meeting