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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, December 13, 2010

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

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23	20	SkyWatch Sentinel Towers Purchase
30	28	FY2011 Tree Planting Services
31	29	Language Access Plan for HUD Programs
42	39	Light Rail Vehicle Propulsion Spare Parts and Related Repair Services

**CITY COUNCIL AGENDA
Monday, December 13, 2010**

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Gang of One Grant and Re-Use of Greenville Recreation Center

Resources: Ruth Story, Police
Gina Shell, Engineering & Property Management
Frances Cook, Gang of One

Time: 10 minutes

Synopsis

- Gang of One received a grant of \$339,765 from the North Carolina Department of Juvenile Justice and Delinquency Prevention to develop programs for gang-involved juveniles. The grant was approved by the Mecklenburg County Commission November 16, 2010.
- The grant funds will be used to provide gang-involved juveniles served by Gang of One's Gang Reentry and Intervention Team with job readiness skills and to implement a culinary arts program in the Greenville Recreation Center.
- The Greenville Center was conveyed to the County from the City in 2005 as part of the agreement to transfer zoning functions. The center was closed in September 2010 due to Mecklenburg County budget cuts.
- Gang of One will operate the Center for its own programming, making it available for additional planned use by the Police Activities League (PAL) and to the community and other groups on a per-event basis.
- The presentation will include:
 - A description of the planned program to be funded by the grant
 - An overview of the recommended agreement between the City and Mecklenburg County

Future Action

Item 12, page 9 of this agenda requests acceptance of the grant and authorizes the City Manager to negotiate and execute a lease and operating agreement between the City and County.

3. NASCAR Hall of Fame Small Business Opportunity Report

Resources: Alban Burney, Neighborhood & Business Services
Luther Cochrane, Turner-BE&K-Davis
Carol Lilly, Lilly Associates

Time: 15 minutes

Synopsis

- City staff along with the construction manager will provide the final results of the Small Business opportunities associated with the project.
- The presentation will include:
 - Results of the SBE utilization on building construction
 - Results of the SBE utilization on professional and vendor services
 - Overall results for the project

4. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

5. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

CONSENT

- 6. Consent agenda items 18 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

7. Public Hearing to Close a 10-foot Alleyway Located off S. Mint Street

Action: **A. Conduct a public hearing to close a 10-foot alleyway located off S. Mint Street, and**

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, 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 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.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Greater Galilee Baptist Church- Dexter Snead

Right-of-Way to be abandoned

A 10-foot alleyway located off of S. Mint Street

Location

Located within the Wilmore neighborhood, a 10-foot alleyway running off of S. Mint Street beginning 150 feet east from the intersection of S. Mint Street and W. Park Avenue and continuing 193 feet northwestwardly to its terminus and consisting of 1,916 square feet

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner as part of the Greater Galilee Baptist Church development project. This project is consistent with City Council approved rezoning petition number 2010-064, which was approved on November 15, 2010.

Notification

As standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

S&S Realty of Charlotte, Inc. - No objections
Mr. Thomas Moore- No objections

Neighborhood/Business Associations

Wilmore Neighborhood Association – No objections

Brookhill Community Organization – No objections

Revolution Park Neighborhood Organization – No objections

Historic South End – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 1

Map

Resolution

POLICY

8. City Manager's Report

- New Year's Eve Public Safety Plan

9. 2011 Federal Legislative Agenda

Action: Approve the Governmental Affairs Committee's recommendation to approve the 2011 Federal Legislative Agenda.

Committee Chair: Nancy Carter

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

Explanation

- At the December 6 meeting, Council received a briefing on the proposed 2011 Federal Legislative Agenda.
- The Metropolitan Transit Commission (MTC) met on November 17 and adopted their 2011 State and Federal Legislative Agenda. The MTC adopted positions either identical to or substantially similar to positions in the City's proposed Federal agenda:
 - Reauthorization of Federal Surface Transportation Program
 - Blue Line Light Rail Extension
- On January 5, the 2011 session of the US Congress will begin. The session will be dominated by budgetary issues and earmark reform.
- The following issues are recommended for inclusion under the category of Policy Issues. City staff and the City's federal lobbyist, Holland & Knight, will monitor progress and report as appropriate to the Council.
 - Support six-year extension of Federal Surface Transportation Program
 - Maintain local authority over materials and processes utilized by water utilities
 - Support National League of Cities and North Carolina League of Municipalities positions in opposing mandatory collective bargaining for public safety officers
- The following issues are recommended for inclusion under the category of Project Funding. In coordination with Holland & Knight, requests for appropriations and discretionary grants will be prepared and submitted to Congressional and Executive offices. Council will be kept apprised of progress towards securing the following requested appropriations and/or discretionary grants:
 - Blue Line Light Rail Extension
 - Gang of One program
 - Briar Creek Relief Sewer Phase 3

Committee Action

- The Federal Legislative Agenda was reviewed by the Council's Governmental Affairs Committee on December 6, 2010 prior to the Workshop presentation.

Next Step

The approved legislative agenda will be presented to the Mecklenburg Congressional Delegation during visits by City officials to the US Conference of Mayors Winter Meeting in Washington, D.C. on January 19-21, 2011, and National League of Cities Congressional City Conference in Washington, D.C. on March 12-16, 2011.

Attachment 2

2011 Federal Legislative Agenda

10. Business Advisory Committee Charge and Structure Changes



Action: Approve the Economic Development Committee's recommendation to change the charge and structure of the City's Business Advisory Committee.

Committee Chair: James Mitchell

Staff Resource: Brad Richardson, Neighborhood & Business Services

Explanation

- The Business Advisory Committee (BAC) is a City Council appointed committee charged with providing recommendations and advice on ways the City can help businesses in Charlotte.
- On June 14, 2010, City Council adopted the Small Business Strategic Plan. A recommendation in the plan is to include a small business focus for the BAC.
- On July 26, 2010, City Council received the final report from the Mayor's SBO Program Task Force. A recommendation from the Task Force is to amend the charge of the BAC to include an advisory role to the SBO Program and to revise its membership to include representation from the Small Business Enterprise (SBE) community.
- Recommended changes to the BAC charge include:
 - Adding a specific focus on small business
 - Providing input and recommendations on the implementation of the City's Small Business Opportunity Program
- Recommended changes to BAC structure include:
 - Increasing the number of committee members from 15 to 19
 - Membership from designated industry sectors including energy, financial services, healthcare, manufacturing, technology and transportation/logistics
 - Removing the seat held by the Arrowood Association due to duplication in representation by the Charlotte Chamber's Southwest Chamber Chapter
 - Removing the seat held by the Charlotte Chamber's Manufacturer's Council. This sector will be represented through one of the designated industry sectors.
 - Increasing the small business focus by adding members from the National Association of Women Owned Businesses, Black Chamber of Commerce, Latin American Chamber of Commerce, and Asian American Chamber of Commerce

- Representation from the SBE community by adding one certified SBE from both the Metrolina Minority Contractors Association and the Hispanic Contractors Association
- Implementation of the changes will begin to take place in January 2011.
- On October 22, 2010, the BAC recommended the proposed changes to Council's Economic Development Committee.

Committee Action

- The proposed changes to the Business Advisory Committee were reviewed by the Council's Economic Development Committee on November 11, 2010. The Committee voted unanimously (Mitchell, Cannon, Burgess, Dulin, Kinsey) to recommend approval to Council.

Attachment 3

Proposed Revisions to Business Advisory Committee

11. Financial Partners Review

Action: Consider referring to a Council designated committee a review of the current financial, fiduciary and organizational relationship between the City of Charlotte and respectively, Charlotte Regional Visitors Authority, Charlotte Center City Partners, Charlotte Regional Partnership and Arts & Science Council to determine how greater efficiencies can be achieved in each of those relationships.

Explanation

- At the November 22, 2010 Council meeting, the Council voted to place a committee referral on the December 13 agenda to review the City's relationship with Charlotte Regional Visitors Authority, Charlotte Center City Partners, Charlotte Regional Partnership, and Arts & Science Council.
- The Council discussed referral to either the Restructuring Government Committee or the Budget Committee.

BUSINESS

12. Gang of One Grant Funding and Greenville Recreation Center Agreement



- Action:**
- A. Accept a grant from the North Carolina Department of Juvenile Justice and Delinquency Prevention in the amount of \$339,765 for Gang of One,**
 - B. Adopt a budget ordinance appropriating \$339,765 in grant funds, and**
 - C. Authorize the City Manager to negotiate and execute the Lease and Operating Agreement with Mecklenburg County for the Greenville Recreation Center.**

Staff Resources: Ruth Story, Police
 Frances Cook, Gang of One
 Gina Shell, Engineering & Property Management

Gang of One Grant

- Gang of One has received a grant of \$339,765 from the North Carolina Department of Juvenile Justice and Delinquency Prevention to develop programs for gang-involved juveniles.
- The state is funding the grant with federal funds supplied through the American Recovery and Reinvestment Act.
- The grant application was submitted through the Mecklenburg County Juvenile Crime Prevention Council and the funding was accepted by the Mecklenburg County Commission on November 16, 2010.
- The grant funds will be used to provide gang-involved juveniles served by Gang of One's Gang Reentry and Intervention Team with job readiness skills and to implement a culinary arts program in the Greenville Center.
- The Greenville Center was conveyed to the County from the City in 2005 as part of the agreement to transfer zoning functions. The center was closed in September 2010 due to Mecklenburg County budget cuts. The Greenville Center facility will be reopened and operated by Gang of One on behalf of the Charlotte-Mecklenburg Police Department.
- The Greenville Center was chosen as the site for the culinary arts program because it has ample space for kitchen and classroom training as well as program administration.
- The grant will fund 100% of any improvements or renovations required for culinary training, including the installation of commercial grade appliances.
- The grant will also fund 80-90% of the annual operating expenses for the facility. The balance of the expenses will be funded by Police Asset Forfeiture Account.
- The Greenville Center was previously used by the Police Activities League (PAL) for after-school programming and plans are to re-initiate PAL programming at the facility.
- The grant will fund salaries for a facilities manager, program coordinator, culinary instructor, and job skills instructor as well as supplies and materials, upfit of the kitchen, utilities, repairs and maintenance of the facility.

- The grant period is from July 1, 2010 to June 30, 2011 with the opportunity for extension for a second year.
- The facilities manager hired by Gang of One will coordinate any requests by other groups to lease the facility for one-time programs and events, thereby keeping the facility available as a community resource. The Greenville Center user fees will remain unchanged from the County's rate:
 - Room Rental = \$30 per hour
 - Gym Rental = \$50 per hour
 - Entire Center = \$145 per hour

Lease and Operating Agreement-City of Charlotte/Mecklenburg County

- The initial term of the lease will be for six-months from January 1, 2011 through June 30, 2011 and is renewable annually upon mutual consent.
- Rent is \$1 per year.
- Operating and maintenance expenses are estimated at \$100,000. The Gang of One grant will pay 80-90% with the City paying the remaining 10-20% from the Police Asset Forfeiture Account.

Funding

Gang of One grant from North Carolina Department of Juvenile Justice and Delinquency Prevention; Police Forfeiture Account; and City Facilities Capital Account

Attachment 4

Budget Ordinance

13. Solid Waste Management Plan Amendment for the ReVenture Project

Action: Adopt a resolution amending the Mecklenburg County Ten-Year Solid Waste Management Plan dated July 1, 2009.

Staff Resources: Ron Kimble, City Manager's Office
Victoria Johnson, Solid Waste Services
Bruce Gledhill, Mecklenburg County Solid Waste Services

Ten-Year Plan

- North Carolina General Statute 130A-309A (b) requires all units of local government to prepare and approve a ten-year solid waste management plan. The current Solid Waste Management Plan was approved and adopted by City Council on June 8, 2009, with the effective date of July 1, 2009.
- The Plan focuses on waste reduction programs in the residential, commercial, and construction and demolition waste sectors that will achieve a 35% reduction in per capita waste disposal by FY2019.
- The waste reduction goals were set by the Planning Area Steering Committee, which included representatives from each local government in Mecklenburg County and the Waste Management Advisory Board.
- Updates to the Solid Waste Management Plan are required by North Carolina Department of Environment and Natural Resources (NCDENR) to be submitted every three years or more frequently if there is a major change to the solid waste infrastructure, disposal capacity, or if new facilities are added that require NCDENR Solid Waste permits.

- The Mecklenburg County Solid Waste Services Director briefed Council regarding this subject at the November 1, 2010 workshop.

Amendment for ReVenture Project

- On June 14, 2010, Council approved the Economic Development Committee's recommendation to endorse the ReVenture Concept Framework.
- The ReVenture Concept, which is in its development stages, includes a proposed Renewable Energy Eco-Industrial Park to be located on a 667 acre site east of the Catawba River near Highway 27 (the Clariant site).
- The potential project would include a bio-mass-to-energy facility, which would receive its feedstock directly from yard waste collected in Mecklenburg County, including the City, and from a refuse-derived fuel stock prepared at an additional ReVenture Fuel Preparation Facility proposed to be located at an industrial site on Amble Drive (off North Graham Street).
- On April 14, 2010, the Mecklenburg County LUESA Director signed two Memoranda of Understanding with ReVenture Park Investments I, LLC that expressed the County's preliminary interest to enter into a long-term contract for management of residential garbage and yard waste disposal using the two proposed ReVenture Concept Facilities.
- These Memoranda are non-binding and any binding actions are conditioned upon facility permitting, facility construction, and successful negotiation of binding service contracts. The ReVenture Concept Framework includes the City's support of the County's MOU's.
- With successful completion of the ReVenture Project, the County would direct all yard waste collected by the City to the project's Clariant site. The County would direct all residential garbage collected by the City to the ReVenture Fuel Preparation Facility. This direction is consistent with the terms of the Solid Waste Interlocal Agreement between the City and the County.
- The proposed ReVenture Project components meet the conditions requiring Amendments to the Solid Waste Management Plan because the ReVenture Project will present a major change in the County's disposal capacity and the facilities will require NCDENR permits. A consideration in the issuance of any NCDENR Solid Waste Permit is whether the applicant's facilities are included as part of the respective Solid Waste Management Plan.
- The proposed Amendments to the Solid Waste Management Plan will not limit the future yard waste and residential waste management options available to the County and the City. Rather, they will add the ReVenture Project as an additional option to those currently available for waste disposal and provide the County and City the option to enter into a formal agreement with ReVenture Park Investments I, LLC (the Developer of ReVenture Park).
- On May 18, 2010, the Waste Management Advisory Board voted to recommend that the Mecklenburg County Board of County Commissioners and the governing bodies of the local municipalities approve the proposed amendments to the Solid Waste Management Plan.
- On June 1, 2010, the Mecklenburg Board of County Commissioners adopted a Resolution that amended the Mecklenburg County Solid Waste Management Plan to include the ReVenture Project as an additional option for waste disposal.
- Before the County can submit the Plan Amendment to NCDENR for approval, they also must be adopted by the local governing bodies of

Charlotte, Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville. Except for Charlotte, this requirement has been met.

- On November 1, 2010, City Council received a dinner briefing presentation on the Plan Amendment. Questions posed by City Council and the public were answered and presented to City Council in a response booklet on November 9, 2010 (see attachment).

Attachment 5

Resolution

Proposed Amendments to Section 5 and Section 7 of the Mecklenburg County Solid Waste Management Plan

Answers to Questions Posed on November 1, 2010

14. Airport Baggage Handling Design



Action: Approve a contract with United Engineering Group, Inc. in the amount of \$135,020 for the engineering design services related to the inline baggage system.

Staff Resource: Jerry Orr, Aviation

Explanation

- On May 24, 2010, City Council accepted an American Recovery and Reinvestment Act grant from the Department of Homeland Security in the amount of \$45,431,845 for an inline baggage conveyor system in the terminal. An inline baggage system allows screening to occur while the baggage is on the conveyor system, which is more efficient than the current model that requires the baggage to be removed from the conveyor, screened, and then returned to the conveyor. The grant funds 90% of the design and construction of the system.
- In April 2010, City Council approved a contract with BNP Associates in the amount of \$880,000 for the design of the actual conveyors.
- The system will require some building modifications to the baggage level of the terminal.
- This contract will provide engineering design services through bidding phase for the mechanical, electrical, plumbing and fire protection systems related to the building modifications.
- The design phase will be complete in six months.

Disadvantaged Business Opportunity

This contract is subject to the federal DBE Program, which neither requires nor permits goals for every contract. The City must meet its DBE goal through a mix of contract-specific goals and race-neutral means. No goal was set for this contract because there are no participation opportunities.

Funding

Department of Homeland Security Grant and Aviation Capital Investment Plan

15. Impediments to Fair Housing Choice 2010

Action: Approve the proposed Analysis of Impediments to Fair Housing Choice 2010 Update.

Staff Resources: Ledger Morrissette, Community Relations Committee
Richard Woodcock, Neighborhood & Business Services

Policy

- The Department of Housing and Urban Development (HUD) requires jurisdictions receiving Community Development Block Grant entitlement funding conduct an Analysis of Impediments (AI) to Fair Housing Choice Update on a five-year cycle, which is in alignment with the five-year Consolidated Plan.

Explanation

- The AI is a review of impediments or barriers that affect the rights of fair housing choice. It covers public and private policies, practices and procedures affecting housing choice.
- Impediments to fair housing choice are defined as any actions, omissions, or decisions that restrict, or have the effect of restricting, the availability of housing choices, based on race, color, religion, sex, disability, familial status or national origin.
- The AI serves as the basis for fair housing planning, provides information to policy makers, administrative staff, housing providers, lenders, fair housing advocates and assists in building public support for fair housing efforts.
- The AI identified the following impediments:
 - Lack of access to affordable homeownership
 - Gate-keeping of protected classes
 - Increase in fair housing complaints filed by Hispanics
- Suggested steps to remove impediments to fair housing (see attached report for full list):
 - The City should continue to promote homeownership education and opportunities for prospective homeowners at the lowest income levels. Through diligent marketing efforts to all socio-economic segments, the City can provide information on available down-payment assistance and other homeownership programs as well as information on access to loans.
 - Continue to conduct lending and sales baseline reviews to determine what role gate-keeping plays in the lower homeownership rates experienced by African-Americans and Hispanics.
 - Neighborhood & Business Services, in partnership with Charlotte Mecklenburg Housing Coalition, should continue to increase its marketing efforts in the HouseCharlotte down payment assistance program, with particular attention paid to minority neighborhoods. Currently, the City communicates through email marketing to lenders and realtors, who access the HouseCharlotte Program. Moving forward, a co-marketing campaign will be developed to include website development and new materials.

Community Input

- The City informed the public that a draft of the AI was available for review and comment in advertisements in La Noticia (July 21, 2010) and the

Charlotte Observer (July 22, 2010.) A draft of the AI was placed on the City of Charlotte's website (in English and Spanish) and draft copies of the AI's Executive Summary (in English and Spanish) were placed at various locations for public review and comment (review period: July 22, 2010 – August 5, 2010).

- A public hearing was held on August 23, 2010 during the City Council's business meeting. A representative from the Charlotte Regional Realtors Association voiced support for the AI and the City's commitment to Fair Housing.

Next Step

- The report will be submitted to HUD on December 16, 2010.

Attachment 6

Analysis of Impediments to Fair Housing Choice 2010

16. 2011 City Council Meeting Calendar

Action: Approve the 2011 City Council meeting calendar.

Staff Resource: Stephanie Kelly, City Clerk

Explanation

- N.C.G.S 43-318.12 requires that the City Clerk maintain on file a schedule of City Council's regular meetings. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- 2011 Council Retreat and Council Budget Retreat dates are included on this proposed schedule of meetings.

Attachment 7

2011 Calendar

17. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

18. Aviation Painting Contract

Action: Award the low bid contract of \$406,640 to CertaPro Painters for building painting, in and around the Airport properties.

Staff Resource: Jerry Orr, Aviation

Explanation

- Airport personnel perform routine maintenance operations and services of the building systems. Painting is done through a service contract.
- The painting contract will provide trained painters to assist the airport maintenance crews in the upkeep of painting the 1.7 million square foot terminal along with the additional buildings around the airport.
- The contract provides for three painters, one sheetrock specialist, and one paint spray technician, 40 hours per week for all disciplines, excluding holidays. The hourly rate is \$19.55.
- The initial term of the contract shall begin on January 1, 2011 and extend for two years until December 31, 2012 or until the funds are depleted.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities were not identified (Part B: Section 2.4 of the SBO Policy). One SBE submitted a bid on this contract, however, was not the low bidder.

Funding

Aviation Operating Fund

19. Orr Road Salt Storage Shed

Action: Award a low bid contract for \$491,150 to MV Momentum Construction, LLC for the construction of the Charlotte Department of Transportation Orr Road salt storage shed located at 6001 General Commerce Drive.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- This project consists of construction of a new 1,730 square foot salt storage and brine mixing facility for the Northeast District of the Street Maintenance Division (SMD) of the Charlotte Department of Transportation. The existing parking lot will also be expanded to improve circulation around the facility.
- The facility will be located at 6001 General Commerce Drive. The previous facility, built in 1988, was demolished due to structural failure. The proposed facility will be constructed of reinforced concrete with an epoxy coating which will reduce the risk of a future structural failure.
- Due to the urgent nature of salt placement during inclement weather, each SMD district contains a salt storage facility with brine making capabilities. As a result, salt is readily available and in close proximity to the streets each district serves.
- Since this facility will not be ready for this winter season, the northeast district will be served by the salt facility in the northwest district.
- This project is expected to be complete third quarter 2011.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 9.31%

MV Momentum failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 9.31% (\$35,500) of their base bid amount to the following SBE firms: Griffin's Grading (grading) and An Eimaj Painting Company (painting). A further detailed analysis of the SBE efforts undertaken for this contract is attached.

Funding

Government Facilities Capital Investment Plan

Attachment 8

Good Faith Efforts Summary

20. Central Avenue at Eastland Mall Streetscape

- Action:**
- A. Award a low bid contract for \$1,298,927.18 to United Construction, Inc. for the Central Avenue at Eastland Mall Streetscape Project, and**
 - B. Approve the purchase of mast arm poles as authorized by the sole source exemption of G.S. 143-129(e) from Duke Energy in the amount of \$289,760.60 for the following locations within the project limits:**
 - **Central Avenue at Bell South/Eastland Mall driveway**
 - **Central Avenue at Reddman Road**
 - **Fire Station #42**

Staff Resource: Keith Carpenter, Engineering & Property Management

Sole Source Exemption

- G.S. 143-129(e) provides that formal bidding requirements do not apply when:
 1. Performance or price competition is not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing of the light poles and fixtures is necessary for all of these reasons.

Explanation

- This project will include the construction of improvements such as sidewalks, planting strips, bicycle lanes, medians and landscaping along Central Avenue between Sharon Amity Road and Reddman Road.
- The streetscape improvements will enhance this section of Central Avenue providing safe pedestrian access to the nearby CATS Eastland Community Transit Center and other existing businesses in the area.
- These improvements will continue the work of previous streetscape projects along Central Avenue between Morningside Drive and Sharon Amity Road.
- Mast arm poles are being added at the three locations within the project limits, two to replace the existing signals and one for the emergency signal at Fire Station #42.
- This project is part of the Eastside Strategy Plan and construction is expected to be complete first quarter 2012.
- This project was postponed in 2008 pending discussions about the re-development of Eastland Mall, however, now it appears prudent to move ahead with the project.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8.47%

United Construction, Inc. committed 8.47% (\$110,000) of the total contract amount to the following SBE firm(s): Andolina Trucking (Hauling), Streeter Trucking (Hauling), APMI Corporation (Pavement Marking), Custom Lawn & Landscaping (Landscape), Kay's Construction Company, Inc. (Concrete & Masonry).

Funding

Economic Development Capital Investment Plan

21. Pollution Prevention Measures for Central Yard

Action: Award a low bid contract for \$963,175.08 to Morlando Construction for installation of stormwater pollution prevention measures at Central Yard.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Federal and State water quality regulations require City facilities to properly manage disposal of vehicle wash water as well as overall discharges of stormwater runoff.
- This project will address retrofits and improvements to facility infrastructure necessary to maintain compliance with these regulations.
- The existing on-site pollution prevention structures were built in the late 1990's. It has been determined through site investigations and water quality testing that these structures have deteriorated and are not functioning properly.
- Retrofits and repairs are needed to ensure proper operation of the structures and reduce the potential for the discharge of untreated wash water to a nearby stream.
- In addition to the compliance measures that must be taken regarding Central Yard wash operations, enhancement of a stormwater control measure will be funded by Storm Water Services.
- This project will protect and enhance stream quality in the Little Sugar Creek Watershed and it will meet the regulations associated with Central Yard washing operations as well as regulations associated with the City's stormwater permit regarding stormwater runoff.
- Construction is expected to be completed by the end of June 2012.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 10.97%

Morlando Construction, LLC committed 10.97% (\$90,500) of their base bid amount to the following SBE firm: Hemar, Inc. (concrete).

Funding

Storm Water Capital Investment Plan (\$523,766.08) and Government Facilities Capital Investment Plan (\$449,409)

22. Police Vehicle Replacement Purchase

- Action:**
- A. Approve the purchase of police vehicles as authorized by the state contract exception of G.S. 143-129 (e)(9),**
 - B. Approve the purchase of 25 V-6 Dodge Chargers at a cost of \$567,225 from Horace G. Ilderton, LLC per state contract, and**
 - C. Approve the purchase of six K-9 equipped Chevrolet Tahoes, at a cost of \$150,120, from Bobby Murray Chevrolet per state contract.**

Staff Resources: Katrina Graue, Police
Eddie Levins, Police

State Contract Exception

- G. S. 143-129 (e)(9) provides that formal bidding requirements do not apply when purchases are from contracts by the state or any agency of the state, if the contractor is willing to extend to a political subdivision of the state the same or more favorable prices, terms and conditions as established in the state contract.

Explanation

- The Police Department recommends purchasing 25 Dodge Chargers and six K-9 equipped Chevrolet Tahoes as replacements for Ford Crown Victorias that are no longer being manufactured after this year. The City's Equipment Management Division ranks and prioritizes the vehicles that are in need of replacement based on criteria such as maintenance cost, age and mileage. The number of vehicles that warrant replacement exceeds the funds available to replace them.

Dodge Chargers

- The Dodge Chargers are pursuit-certified for police response purposes and are available for immediate purchase under the state contract. Other pursuit certified vehicle options either do not have state pricing options in place or will not be available until 2012.
- The Chargers with police options are priced at \$22,209 each for a total of \$555,225 for 25 vehicles. Also, included in the purchase is \$12,000 for two wireless diagnostic systems for vehicle maintenance and repair.
- The Dodge Chargers have better power train warranties, combined EPA fuel ratings and shorter stopping distances than the Crown Victoria.
- With the Crown Victoria no longer being manufactured, Police recommends purchasing the Dodge Chargers so they can be tested. This will assist Police in making decisions about future purchases of patrol vehicles.

Chevrolet Tahoes

- The K-9 equipped Tahoe is the only police pursuit certified SUV available with calibrated speedometer and high speed certification from the manufacturer. The Tahoe Police Vincentric independent study established that the Tahoe has better city fuel economy than the Crown Victoria and a better warranty (five years/100,000 miles) than the Crown Victoria. The vehicles are anticipated to have a longer service life than the Crown Victorias they will replace.

- The City's Equipment Maintenance Division concurs with the recommendation to purchase the Chevrolet Tahoe.
- The K-9 equipped Chevrolet Tahoes are priced at \$25,019.87 each for a total of \$150,120 for six vehicles.
- The vehicles are covered under state contract 070B for 2011 Model law enforcement vehicles.
- The switch from the Crown Victoria will not require any increase in the vehicle replacement budget.

Small Business Opportunity

Contracts entered into under a state contract are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Capital Equipment Lease Purchase Fund

23. SkyWatch Sentinel Towers Purchase

Action: **A. Approve the purchase of two SkyWatch Sentinel Towers as authorized by the cooperative purchasing exception of G.S. 143-129 (e)(3), and**

B. Approve a contract with ICX Technologies for the purchase of two SkyWatch Sentinel Towers in the amount of \$143,640.

Staff Resource: Harold Medlock, Police

Cooperative Purchasing Exception

- The General Services Administration has a national contract with ICX Technologies that guarantees their prices to be the lowest available to a governmental entity.
- The contract is valid from December 6, 2007 until December 5, 2012 and covers surveillance towers.
- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.

Explanation

- Police currently has two SkyWatch Sentinel Towers which allow a police officer to have a vantage point above a crowd.
- The towers are used at special events and in areas such as shopping center parking lots, which attract large crowds of people. The towers are a significant crime prevention tool and the 13 patrol divisions submit requests for the use of the two towers in support of their crime reduction initiatives.
- Police has received positive feedback from citizens who indicate they feel safer in crowds when a SkyWatch Tower is in use.
- Police recommends purchasing two additional towers so that the towers can be in use at four locations throughout the City at any given time.
- The two additional towers will cost \$143,640. The price includes a one-year parts and labor warranty.
- Funding for the two additional towers is from the 2010 Justice Assistance Grant, which was proved by Council on August 23, 2010.

Small Business Opportunity

Cooperative group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

2010 Justice Assistance Grant

24. U.S. Department of Justice Technology Grant

Action: Authorize the City Manager to approve grant related contracts and purchases, not to exceed the grant balance of \$987,604.91, over the duration of the COPS 2007 Technology Grant.

Staff Resource: Katrina Graue, Police

Explanation

- In September 2007, Police was awarded a \$7.4 million grant from the U.S. Department of Justice Community Oriented Problem Solving (COPS) Office to provide data sharing capabilities for Police and other police agencies throughout an 11 county region.
- The focus of the grant is on link analysis to prevent, detect, and address criminal activity and criminal enterprises with a secondary focus of detecting criminal acts that are a possible indicator of terrorist activity.
- In November 2007, City Council and the City Manager directed Police to restructure the grant to reduce the scope of the project, resulting in reductions in the amount of requested federal funds, matching City funds, and ongoing project costs.
- A modified grant proposal in the amount of \$3,845,560 (\$2,884,170 in federal funds and \$961,390 in police assets forfeiture funds) was approved by City Council on April 14, 2008. The Justice Department approved the modified grant proposal on October 17, 2008.
- Police contracted with Knowledge Computing Corporation to establish the data sharing capabilities. The work involves consolidating data from 55 law enforcement agencies in this region and has taken considerably longer than anticipated.
- In addition to the contract with Knowledge Computing Corporation, other expenditures have been made for equipment and consulting services. To date, \$2,254,575.25 of the grant funds have been encumbered, leaving a grant balance of \$987,604.91.
- The Justice Department has extended the grant to August 2013.
- Police requests authorization for the City Manager to sign any additional contracts during the life of the COPS 2007 Grant.
- The contracts will include a Project Manager/Technical Administrator who will oversee the project up to the point of system acceptance and a purchase from a state contract for network equipment to create a secure communications tunnel with the outside agencies. The total project cost will not exceed the \$3,845,560 approved by City Council and the U.S. Department of Justice.

Funding

U.S. Department of Justice and Police Assets Forfeiture Funds

25. Public Safety Computer Aided Dispatch

- Action:**
- A. Authorize the City Manager to negotiate and execute a contract with Intergraph to upgrade and consolidate the Computer Aided Dispatch (CAD) system in an amount not to exceed \$3,000,000, and**
 - B. Authorize the City Manager to expend an additional amount, not to exceed \$1,000,000, for ancillary hardware, software and services for the implementation and configuration of the consolidated CAD system from various vendors.**

Staff Resources: Katrina Graue, Police
Jeff Dulin, Fire

Explanation

- There are three Public Safety Answering Points (PSAPs) that operate within city limits; Police, Fire and MEDIC.
- Police is the primary PSAP. Fire and MEDIC are considered secondary PSAPs since calls are routed to them from Police.
- A Computer Aided Dispatch (CAD) project team of Police and Fire employees collectively determined that with an upgrade to and additional licenses for Police's current CAD system, Intergraph could meet the needs of both departments.
- Recent information from the NC911 Board regarding their interpretation of the 911 surcharge regulations clearly indicates that 911 surcharge funds can only be used by the primary PSAP.
- A CAD consolidation is necessary so that 911 funding may be used by both Police and Fire.
- The CAD system currently used by Fire needs to be updated to meet new functionality requirements.
- If the two CAD systems are not consolidated, the City would be responsible for funding the upgrades and ongoing costs associated with Fire's Department's CAD system.
- In order to consolidate the CAD system, Police must first upgrade their current version of the Intergraph software to the most recent version.
- After the software upgrade, the Intergraph system will have the necessary modules and functionalities to process Fire and Medical incidents based on Fire requirements.
- This contract will provide for additional users on the Intergraph CAD system through the purchases of additional licenses.
- The consolidation of the CAD system has many advantages which include:
 - The consolidation of Police and Fire CAD systems into one PSAP will ensure eligibility for 911 surcharge funding.
 - Improved call handling times/ faster emergency response
 - Increased efficiency within the call taking, call processing and dispatching functions
 - Consolidates the disparate automated vehicle locator systems (which routes closest units to emergencies) currently in use by Police and Fire into one unified system that will better coordinate emergency responses.
- Police will begin the upgrade during the first quarter of 2011. Once complete, Fire will begin their migration.

Selection Process

- A CAD Project Team of Police and Fire employees met together over six months to determine the best solution for a consolidated CAD environment.
- Police currently uses Intergraph and indicated that they are pleased with its functionality and the level of service provided.
- Fire agreed that the Intergraph system in use by Police, with an upgrade to include necessary fire and medical modules and functionalities, would also meet their CAD needs.
- The Project Team researched and reviewed other commercial CAD systems, but ultimately determined that the most seamless and cost effective option for consolidating CAD would be to upgrade the existing Intergraph system and purchase additional licenses for Fire.
- Neither the upgrade to Police's system, nor the purchase of additional licenses for Fire, requires a formal RFP process.

Small Business Opportunity

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

Funding

911 Surcharge Fund

26. 2010 State Homeland Security Grant Program Grant Funds Acceptance

- Action:**
- A. Authorize the Fire Chief to accept a grant in the amount of \$55,000 from the US Department of Homeland Security's 2010 State Homeland Security Grant Program for the Urban Search and Rescue Task Force,**
 - B. Authorize the Fire Chief to accept a grant in the amount of \$51,428.57 from the US Department of Homeland Security's 2010 State Homeland Security Grant Program for the Hazardous Materials Regional Response Team, and**
 - C. Authorize the Fire Chief to accept a grant in the amount of \$62,000 from the US Department of Homeland Security's 2010 State Homeland Security Grant Program for the NC Helo-Aquatic Response Team.**

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2010 State Homeland Security Program awarded funds to all of the US states and territories based on their Department of Homeland Security calculated risk, vulnerabilities and threats.
- Congress requires that a minimum of 80% of the funds are passed through the State to the local level to provide funds for local efforts to combat terrorism and other natural hazards in the categories of planning, training, exercises and equipment purchases.
- The City was awarded three grants by the State of North Carolina for the Urban Search and Rescue (USAR) Task Force and Hazardous Materials

Regional Response Team (RRT-7) that are operated by Fire, and for the NC Helo Aquatic Rescue Team (NCHART), for which Fire serves as the anchor department.

- Funds from the grant for the USAR Task Force will be used to maintain equipment purchased in previous grant years.
- Funds from the grant for the RRT-7 will be used to purchase equipment to support the detection of and response to hazardous materials incidents.
- Funds from the grant for the NCHART will be used to upgrade the team's equipment reserve. Equipment will consist of items for personal protection and rescue of victims.
- Grant revenue was anticipated and included in the FY2010 budget.
- No matching funds are required for any of the grants.

Funding

2010 State Homeland Security Grant Program

27. Buffer Zone Protection Program

Action: Accept a grant in the amount of \$194,000 from the North Carolina Department of Crime Control & Public Safety, Division of Emergency Management, which administers the U.S. Department of Homeland Security's 2009 Buffer Zone Protection Program.

Staff Resource: Jeff Dulin, Fire

Explanation

- The Buffer Zone Protection Program was established by the U.S. Department of Homeland Security to ensure adequate preparedness for a response to terrorism events on critical infrastructure.
- The Department of Homeland Security has identified multiple sites in Mecklenburg County that it deems as critical infrastructure. Federal law does not allow public disclosure of the sites.
- Grant revenue was anticipated and included in the FY2010 budget. No matching funds are required for this grant.

Funding

2009 Buffer Zone Protection Program Federal Grant

28. Police Steele Creek Division Station Design

Action: Approve a contract in the amount of \$423,000 with Little Diversified Architectural Consulting, Inc. for architectural services to design a new office facility for the Police Steele Creek Division.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- The Charlotte-Mecklenburg Police Department Steele Creek Division facility will be approximately 12,500 square feet and will include office space, parking areas and landscaping.

- The facility will be located at South Tryon Street and Westinghouse Boulevard. The location is highly visible and easily accessible for citizens.
- Little Diversified Architectural Consulting, Inc. was selected pursuant to a Council-approved qualification-based selection process performed in accordance with NC General Statutes.

Sustainable Facility Goals

- The facility will be designed and constructed in accordance with the Policy for Sustainable City Facilities which was adopted by City Council in September 2009.
- The following chart summarizes the facility-specific design goals which support the City’s Sustainability Priorities defined in the policy.

Sustainability Priorities	Facility-Specific Planning Phase Goals
Preserve Land & Trees	<ul style="list-style-type: none"> • Facility will fit into neighborhood context • Location reflects infill development along a major urban corridor
Conserve Clean Water Resources	<ul style="list-style-type: none"> • Indoor water usage 20% below State Code requirement • Outdoor water usage 50% below State Code requirement
Reduce Energy Use & Carbon Footprint	<ul style="list-style-type: none"> • Energy consumption 30% below industry requirement
Maximize Transportation Alternatives	<ul style="list-style-type: none"> • Location provides excellent access to existing bus routes • Facility will include bicycle rack and shower facilities • Preferred parking for low-emitting vehicles
Lead by Example & Encourage Local Sustainability Industry	<ul style="list-style-type: none"> • Utilize geothermal heating and cooling system
Protect Occupant Health, Maximize Productivity & Encourage Sustainable Employee Behaviors	<ul style="list-style-type: none"> • Finishes with low or no Volatile Organic Compounds • Integrated daylight system for office environment

- The project will provide a LEED equivalent design. Staff will determine at a later date whether or not LEED certification will be pursued.

Small Business Opportunity

For services based contracts the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Little Diversified Architectural Consulting, Inc. committed 26.66% (\$112,755) of the total contract amount to the following SBE firm: AME Consulting Engineers, PC.

Funding

Government Facilities Capital Investment Plan

29. Storm Water Engineering Services

- Action:**
- A. Approve a contract with Dewberry & Davis, Inc. for \$2,000,000 for storm water engineering services, and**
 - B. Approve a contract with Wetherill Engineering, Inc. for \$1,000,000 for storm water engineering services.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- These contracts will provide funding for planning, design and/or construction administration services to address high priority storm drainage improvement projects and/or requests throughout Charlotte on an as needed basis.
- The projects include storm drainage improvements that reduce house and street flooding or repair failing infrastructure.
- Services performed under these contracts will be determined based on current ranking procedures, emergency needs, priority requests and consultant performance. Work orders will be issued as needs arise.
- Amendments to these contracts may be needed to finish design and construction services as projects are started.
- The firms were selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.

Dewberry & Davis Contract

- The first project to be initiated under the contract with Dewberry & Davis, Inc. will be the Sunnyvale/Chandworth Capital Improvement Project.
- The project area covers approximately 669 acres and is experiencing street and house flooding as well as stream erosion.
- The project boundaries are Sharon Road to the south and east, Sulkirk Road to the north and Ramblewood Lane to the west, and is in the Little Sugar Creek watershed.
- Fees for the planning phase of this project are approximately \$1.5 million.

Wetherill Engineering, Inc. Contract

- The first project to be initiated under the contract with Wetherill Engineering, Inc. will be the Hill Street Capital Improvement Project.
- The project area covers approximately 245 acres and is experiencing street and house flooding. There are also structural concerns with the storm drainage system.
- The project boundaries are Tryon Street to the southeast, Trade Street to the northeast, South Cedar Street and West 1st Street to the north and Palmer Street to the southwest.
- Fees for the planning phase of this project are approximately \$300,000.
- Planning fees for both the Sunnyvale/Chandworth Capital Improvement Project and the Hill Street Capital Improvement Project have been determined based on hourly rates and a negotiated Scope of Services that will be refined as the projects progress.

Small Business Opportunity

A. Dewberry & Davis Contract

For professional services contracts the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy).

Dewberry & Davis, Inc. will use the following SBEs for each work order as the contract requires: Avioimage Mapping Services (mapping), Carolina Wetland Services, Inc. (environmental & ecological), and On Target Utility Locate Services (utility locator).

B. Weatherill Engineering, Inc. Contract

For professional services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). Wetherill Engineering, Inc. will use the following SBEs for each work order as the contract requires: On Target Utility Locate Services (utility locator), Richa Graphics (copying), and Survey & Mapping Control, Inc. (surveying).

Funding

Storm Water Capital Investment Plan

30. FY2011 Tree Planting Services

- Action:**
- A. Approve the following eight tree planting services contracts for FY2011 with the following firms:**
- 1. The Byrd's Group, Inc. for Area #1 in the amount of \$53,576.87,**
 - 2. Distinctive Naturescapes, Inc. for Area #2 in the amount of \$53,297.90,**
 - 3. Green Touch Tree & Turf, Inc. for Area #3 in the amount of \$48,421.27,**
 - 4. Plantation Landscape Group for Area #4 in the amount of \$27,772.50,**
 - 5. The Metrolina Landscape Company for Area # 5 in the amount of \$62,926.85,**
 - 6. The Metrolina Landscape Company for Area # 6 in the amount of \$53,461.20,**
 - 7. Southern Shade Tree Co., Inc. for Area # 7 in the amount of \$57,183.75,**
 - 8. New Beginning Landscape, LLC for Area # 8 in the amount of \$17,940, and**
- B. Authorize the City Manager to approve additional contracts for each contractor in a not to exceed amount of \$200,000 per contractor. The combined total for all contracts will not exceed \$700,000.**

Staff Resource: Don McSween, Engineering & Property Management

Explanation

- In July 2010, City Council increased the tree replacement budget from \$196,808 annually to \$700,000 annually to offset the loss of the tree canopy in the City.
- The contractors will replace street trees in neighborhoods that have been lost due to age, disease, drought and insect attacks.
- Due to the limited time frame of the tree planting season and limited number of qualified contractors, it is expected that with upcoming proposals due, aggregated contracts with one contractor may exceed \$100,000.
- The firms were selected using the Council-approved selection process.
- According to City procurement policy, aggregated contracts with one contractor exceeding \$100,000 must be approved by City Council.
- Metrolina Landscape Company, Inc. has been selected for two contracts that amount to a total sum of \$116,388.05.
- Allowing the City Manager to sign these contracts will reduce the time it takes to execute, therefore allowing more trees to be planted within the current planting season which began October 15.
- Timing is critical to the survival rate of the trees.

Background

- City staff presented a tree canopy analysis at the December 6 Council workshop.
- The FY2011 approach to tree repair and replacement applies to the following criteria:
 - Neighborhoods 50+ years old with large, old street trees
 - Areas where street trees were removed due to age, drought, disease and cankerworm damage
 - Areas with a high number of available vacant planting sites in close proximity
- In the past, contracts for this type of work have been relatively small and signed by the City Manager.

Small Business Opportunity

Services based contracts under \$100,000 are considered informal and exempt from establishing SBE goals. Each of these contracts were estimated to be less than \$100,000 and therefore, were informal and exempt (Appendix Section 23.1 of the SBO Policy). However, three of the contracts were awarded to the following SBES: Green Touch Tree & Turf, Inc., Plantation Landscape Group and New Beginning Landscape, LLC resulting in 25.13% (\$94,133.77) overall SBE utilization.

Funding

Pay Go Fund

31. Language Access Plan for HUD Programs

Action: Approve Neighborhood & Business Services Language Access Plan for federal Housing and Urban Development programs.

Staff Resource: Richard Woodcock, Neighborhood & Business Services

Policy

- The Department of Housing and Urban Development (HUD), pursuant to Executive Order 13166 - Improving Access to Service for Persons With Limited English Proficiency, requires jurisdictions that accept federal funding to develop a Language Access Plan (LAP) for persons with Limited English Proficiency (LEP).

Explanation

- In July 2010, HUD informed Neighborhood & Business Services (N&BS) that a Language Access Plan is required for all HUD funded programs.
- Executive Order 13166 seeks to improve access to federally conducted and assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services and information those entities provide.
- The LAP offers implementation methods to identify and address the needs of the LEP population served by N&BS.
- The LAP recommendations are attached. The LAP focuses on the following elements:
 - Identifying LEP persons who need language assistance
 - Identifying ways in which language assistance will be provided

- Determining which documents and informational materials are vital for translation
- Training staff through workshops
- Monitoring and updating LEP policy
- Local governments are required to translate documents into Spanish and be prepared to provide those documents in the other languages that meet the population threshold. The threshold is five percent or 1,000 people, whichever is smaller, of potential applicants or recipients of the agency that speak a primary language other than English and have LEP. Spanish is currently the only language in Charlotte that meets the threshold.
- Staff estimates the documents will cost \$4,000.

Next Step

Submittal of the Language Access Plan to HUD on December 16, 2010.

Funding

Neighborhood & Business Services Operating Budget

Attachment 9

Language Access Plan

32. NASCAR Hall of Fame Architectural Close-Out

Action: Approve Amendment #1 with Pei Cobb Freed & Partners in the amount of \$1,528,635 for additional services related to the design of the NASCAR Hall of Fame.

Staff Resource: Jim Schumacher, City Manager's Office

Explanation

- The architectural contract with Pei Cobb Freed & Partners (PCF) provided for the planning, design and construction administration for the Hall of Fame and Ballroom complex. The original contract amount approved in 2006 was \$13,800,000.
- The architectural fees were a fixed amount based on the scope of the project. Redesign work necessary to manage the project scope to conform to the budget was included in the architect's scope of work and was included in the original fee.
- Changes and additions to the project scope warrant additional fees for the architectural services. Examples of additions to the project scope are:
 - Addition of the basement level beneath the Hall of Fame
 - An additional level of parking requested by the developer of the office tower (funded by the developer)
 - Modifications to the emergency generator (funded by the developer)
 - Addition of the LED lighting bands to the stainless steel "ribbon"
 - Modifications to the electrical grounding system to accommodate additional electronic exhibits
 - Additional food service areas within the Hall of Fame
 - A longer duration of on-site construction administration
- PCF delayed their submittal of fee requests for most of the additional services until late in the project. In order to concentrate on completing construction on schedule, the project team in Engineering & Property Management deferred review and resolution of the requests until now.

- The additional fee requests from PCF totaled \$2,660,389. After detailed review by the engineering team, the total of \$1,528,635 is recommended.
- The Hall of Fame project construction budget currently has an unspent balance of approximately \$5 million. There are sufficient funds available to cover this payment and still achieve nearly \$3.5 million in construction cost savings. All of these savings are contractually obligated to capital costs.

Small Business Opportunity

All additional work involved in this change order will be performed by the current consultant and existing subconsultants. Pei Cobb Freed & Partners committed \$266,163.23 (17.4%) of the total change order amount to the following SBE: Tobin Star + Partners, PLLC (construction observation).

Funding

NASCAR Hall of Fame account

33. Taxiway D Change Order

Action:

A. Approve Change Order #1 with Blythe Development Co. in the amount of \$250,987.50 for additional site work on Taxiway D, and

B. Adopt a budget ordinance appropriating \$250,987.50 from the Airport Discretionary Fund Balance to the Airport Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- In March 2010, City Council accepted a Federal Aviation Administration (FAA) grant in the amount of \$3,424,194 for the construction of an extension to Taxiway D. The grant funds 75% of the eligible project cost.
- In the same action, Council approved a contract with Blythe Development Company for construction of the extension in the amount of \$4,578,925.50.
- The contract provided for the construction of a northern extension of Taxiway D, which included the relocation of a hangar currently leased to the Carolina's Historic Aviation Commission, and the relocation of a small portion of Minuteman Way.
- This change order will provide for additional grading and utility changes needed for the museum hangar.
- The additional scope is eligible for grant funding at the rate of 75% of the change order cost. The Airport will request this additional grant funding under the FAA's obligation to provide up to 15% over the grant amount for project overruns.
- The work will be complete in summer 2011.

Disadvantaged Business Opportunity

Established DBE Goal: 16%

Committed DBE Goal: 17.36%

Blythe Development will make good faith efforts to maintain the original DBE project goal on this project.

Funding

Aviation Capital Investment Plan

Attachment 10

Budget Ordinance

34. Aviation Building Systems and Maintenance Services Contract

- Action:**
- A. Approve a five-year contract with Johnson Controls Inc. for building management systems operations and maintenance, in the amount of \$1,642,992 plus \$1,125,000 for parts allowance, and**
 - B. Authorize City Manager to execute up to two, one-year extensions. The total cost for the first extension is \$583,775. The second extension is \$594,518.**

Staff Resource: Jerry Orr, Aviation**Explanation**

- Airport personnel perform routine maintenance, servicing and operations of building systems. More complex elements of the building automation system that require specialized software, tools and training are maintained through this contract.
- This service contract will provide maintenance and support for the more complex elements of the building automation systems, which centralizes control of all heating, ventilating and air conditioning, lighting, fire safety, access control, security surveillance and alarm systems.
- The contract provides for two system controls/automation technicians, 40 hours per week and one fire alarm/security systems specialist, 24 hours per week, which includes 24/7/365 emergency call back coverage for all disciplines.
- The five-year parts allowance of \$1,125,000 is derived from an annual parts allowance not to exceed \$225,000 each year.
- The first contract extension cost of \$583,755 is the sum of \$225,000 annual parts allowance and the extended contracted service cost of \$358,755 for year six.
- The second contract extension cost of \$594,518 is the sum of \$225,000 annual parts allowance and the extended contracted service cost of \$369,518 for year seven.

Selection Process and Criteria

- Request for proposals was advertised on September 8, 2010, Six companies attended a pre-proposal meeting on September 23, 2010. Two proposals were received on October 14, 2010.
- An Aviation staff team reviewed the proposals.
- The staff team selected Johnson Controls, Inc. based on experience and most competitive service pricing.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy).

Funding

Aviation Operating Budget

35. Private Developer Contributions

Action: Adopt a budget ordinance appropriating \$169,545 in private developer funds for traffic signal improvements.

Staff Resource: Scott Putnam, Transportation**Explanation**

- The budget ordinance appropriates \$169,545 in private developer funding for traffic signals/upgrades and related work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
 - DD-G Enterprises III, LLC, contributed \$11,500 for the relocation of a signal pole at the intersection of Providence Road West and Highway 521.
 - Peak Resources Realty Charlotte, LLC, contributed \$36,500 for signal modification consisting of moving the cabinet, installation of controller base, and restringing and moving of fiber at the intersection of Briar Creek Road and Central Avenue.
- The following developers are funding an upgrade to a new City traffic signal installation:
 - Midtown Redevelopment Partners, LLC (\$72,927) and Target Corporation (\$48,618) contributed a total of \$121,545 for signal installation upgrade from wood poles to steel poles/mast arms at the intersection of Charlottetowne Avenue and Metropolitan Avenue.
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 11

Budget Ordinance

36. Municipal Agreement for FY2011 Metropolitan Planning Program Grant

Action: Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation to support transit planning activities for the Mecklenburg-Union Metropolitan Planning Organization.

Staff Resource: Thurman Howell, Transportation

Explanation

- The Federal Transit Administration (FTA) awarded the FY2011 planning grant (Section 5303) to the City in August 2010.
- The total FTA planning budget for the City is \$432,120, of which \$345,696 (80%) consists of federal funds, \$43,212 (10%) of state funds, and \$43,212 (10%) of local funds.
- In 2007, NCDOT began requiring grant recipients to enter into a new municipal agreement to receive the annual allocation.
- The City has received this grant for many years as the lead planning agency for the Mecklenburg-Union Metropolitan Planning Organization and as the major fixed route transit operator for the urban area. Transportation and CATS are responsible for the deliverables associated with this grant.
- The City must use the funds to support transit-planning activities. Transportation will use the grant for travel demand modeling and other activities related to transit.
- This funding was included in the Council's adopted FY2011 budget. This Municipal Agreement is necessary to receive the federal and state reimbursement.

Small Business Opportunity

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Federal and State Transportation Assistance Planning Grant

Attachment 12

Resolution

37. Salome Church and Mallard Creek Road Improvements Municipal Agreement

- Action: A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation for the widening and realignment of the intersection of Salome Church Road and Mallard Creek Road, and**
- B. Adopt a budget ordinance appropriating \$250,000 in State funding.**

Staff Resources: Leon Howe, Engineering & Property Management
Mark Cole, Transportation

Explanation

- The intersection of Salome Church Road and Mallard Creek Road is located in the vicinity of Stoney Creek Elementary school in northeast Charlotte, near the intersection of I-85 and I-485.
- The intersection is currently a skewed, Y-shaped intersection that poses operational and safety issues for motorists (see attached concept plan).
- Stoney Creek Elementary School was built in 2008 in close proximity to the intersection and contributed a portion of the road widening needed for the project.
- The City intends to construct the project during the summer months with a completion date prior to the 2011-2012 school opening, I-485 construction and the October races at Lowes Motor Speedway.
- The City intends to combine the State funds listed above with City Capital Investment Plan funds to improve the alignment of the intersection and add left-turn lanes.
- The project improvements will improve traffic operations, driver visibility, and better accommodate turning school buses.
- The municipal agreement with the North Carolina Department of Transportation (NCDOT) will allow the City to accept \$250,000 in State spot safety funding identified for this intersection realignment project. This is the maximum allowable contribution under NCDOT's Small Construction Program.
- The total project budget is estimated to be \$1,070,000. Contributions from NCDOT total \$250,000 with the balance funded by the Capital Improvement Program (\$500,000) and public private partnership funds (\$320,000)
- The format and cost sharing philosophy of this agreement is consistent with past Municipal Agreements.

Small Business Opportunity

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

Funding

Transportation Capital Investment Plan and North Carolina Department of Transportation

Attachment 13

Resolution
Concept plan
Budget Ordinance

38. Briar Creek Relief Sewer Phase II Pre Blast Surveys and Blast Monitoring

Action: Approve contract with ECS Carolinas, LLP for \$116,980 to provide pre- and post-blast surveys and blast monitoring services required during the construction of the proposed Briar Creek Relief Sewer Phase II.

Staff Resource: Barry Gullet, Utilities

Explanation

- The project consists of providing pre- and post-blast surveys and blast monitoring for the proposed sewer to be constructed.
- The next phase of Briar Creek Relief Sewer runs along Briar Creek from Country Club Drive to just downstream of Randolph Road.
- Portions of the proposed sewer will be installed through rock. Blasting is necessary to remove the rock.
- Prior to any blasting, property owners near the affected areas will be notified and given the opportunity to have ECS Carolina conduct a pre-blast survey of their property. Nearby structures, such as roads and bridges, will also be surveyed for pre-existing conditions.
- There is no charge to property owners for these surveys. All charges will be paid by Utilities.
- During blasting, seismographs will be used to record the impact of the blast.
- If requested by a property owner or Utilities, post-blast surveys will be conducted to determine if any damage was a result of blasting.
- The contractor is liable for any property damage resulting from their blasting operations.
- Construction is scheduled to begin in spring 2011.
- ECS was selected using the Council approved, qualifications-based selection process.

Small Business Opportunity

For professional services contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). ECS committed 4% of the total contract amount (\$4,679.20) to Capstone Civil Group (geotechnical services).

Funding

Utilities Capital Investment Plan

39. Water Control Cone Valves

- Action:**
- A. Approve the purchase of water treatment equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve the purchase of cone valve replacement parts and supporting equipment from Rodney Hunt Company in the not to exceed amount of \$257,000.**

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

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

Explanation

- Cone valves are used in all water treatment plants to control flow as it goes through the drinking water distribution system.
- Rodney Hunt Company purchased the Allis-Chalmers valve production line in 1990, thus they are the sole provider of original equipment manufacturer (OEM) replacement parts for the Allis-Chalmers cone valves.
- Rodney Hunt Company will provide disassembly services, all OEM replacement parts and complete reassembly and reinstallation of these valves.
- Since the stainless steel exterior bodies of these valves are still in good condition, Utilities decided that rebuilding these valves is the most cost-beneficial course of action.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

40. Utilities Field Operations Hauling Services

- Action:** **Award low bid contracts for hauling services, for the Utilities Field Operations Division, with John J. Trucking for Zones 1 and 2, and Hazel Holmes Trucking for Zones 3 and 4, in the combined estimated annual amount of \$321,150.**

Staff Resource: Barry Gullet, Utilities

Explanation

- This contract provides hauling of topsoil and gravel, on an as-needed basis, for Utilities Field Operations Division.

- These haulers will haul gravel from Martin Marietta Quarry, which is the City’s current gravel supplier, to the various zone yards, and topsoil from two suppliers who carry pre-approved (City blend) topsoil.
- This is a one-year contract that will be re-bid annually.

Contract	Service Provider	Contract Amount
A : (Zone 1 & 2)	John J Trucking	\$120,850.00
B : (Zone 3 & 4)	Hazel Holmes Trucking	\$200,300.00
Total Annual Amount		321,150.00

Small Business Opportunity

Contract A:

Established SBE Goal: 6%

Committed SBE Goal: 7%

John J. Trucking met the established SBE goal, and committed 7.00% of the total contract amount (\$8,460) to the following SBE firms: R. Broome Jr Trucking, and Hazel Holmes Trucking.

Contract B:

Established SBE Goal: 6%

Committed SBE Goal: 7%

Hazel Holmes Trucking met the established SBE goal, and committed 7.00% of the total contract amount (\$14,020) to the following SBE firms: John J. Trucking, and R. Broome Jr. Trucking.

Funding

Utilities Capital Investment Plan

41. FY2007 Sanitary Sewer Rehabilitation Contract Renewal

Action: Approve final renewal of a contract with Improved Technologies, LLC, in the not-to-exceed amount of \$3,885,144.47, for rehabilitation of sanitary sewers throughout Mecklenburg County.

Staff Resource: Barry Gullet, Utilities

Explanation

- On February 12, 2007, Council awarded a renewable contract with Improved Technologies, LLC for rehabilitation of sanitary sewers and manholes throughout Mecklenburg County.
- Council authorized the City Manager to renew the contract for two additional terms; however, the contract allows contract renewal for three terms.
- Utilities has renewed the contract twice and recommends renewing the contract for the final term. The contractor has agreed to hold their prices firm for the remaining renewal term.
- This contract provides for the installation of a continuous liner into old deteriorating sewer lines. This is a trenchless procedure, with digging occurring only where repairs are needed in order to install the liner.
- This process reconstructs sewer lines and helps prevent future maintenance costs, infiltration of groundwater and root intrusions, thus preventing overflows.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 12.38%

Improved Technologies had a committed goal of 12.38% during the initial term of the contract. To date, they have attained 16.4% (\$1,312,706.45) utilization with the following SBE firms: Central Carolina Underground (sewer line repair), P&H Utilities (sewer line repair).

Funding

Utilities Capital Investment Plan

42. Light Rail Vehicle Propulsion Spare Parts and Related Repair Services

Action:

A. Approve a sole source exception for Light Rail vehicle propulsion spare parts and related repair services, and

B. Approve a one-time purchase from Siemens Energy and Automation, Inc. for an amount of \$225,000.

Staff Resource: Rocky Paiano, Transit

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - Performance or price competition is not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- Siemens is the only source of supply for these parts used in the light rail vehicles.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- CATS uses Original Equipment Manufacturer propulsion system spare parts in support of rail vehicle maintenance activities. These OEM propulsion parts meet the required specification standards to keep the vehicles in the proper operating condition.
- City staff thought it prudent to budget for these spare parts. Three years of experience operating the light rail has provided hands-on knowledge of the repair schedules of these types of parts, and an additional component was needed for the four new Siemens rail vehicles. The requested parts will include:
 - One additional propulsion component unit in support of the additional vehicles
 - Two spare Vehicle Control Units
- Siemens will also repair a propulsion unit that was damaged by a high voltage surge on one light rail vehicle.
- The average useful life of these parts is 15-20 years.

Small Business Opportunity

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

Funding

Transit Operating Fund

**43. Lynx Blue Line Overhead Catenary System
Maintenance Vehicle**

Action: Award the responsive low bid contract of \$119,102 by Capital Ford for the purchase of a hi-rail bucket truck.

Staff Resource: Rocky Paiano, Transit

Explanation

- Hi-rail bucket trucks are required for the maintenance and repair of the Lynx Blue Line overhead catenary system (OCS). The overhead electrical system powers the light rail vehicles. The City currently has two bucket trucks with hi-rail gear.
- This vehicle was budgeted to replace a pre-owned, 23-year old bucket/boom truck that has reached its useful life and requires frequent and costly repairs.
- Purchasing this new bucket truck will allow staff to maintain the OCS in a more efficient, reliable manner, and will better equip them to respond to catenary problems and emergencies.
- On October 21, 2010, three bids were received in response to a publicly advertised Invitation to Bid published on September 17, 2010.
- The low bid of \$106,202 received from Cherokee Truck Equipment was rejected for not meeting specifications for a required safety feature.

Small Business Opportunity

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

Funding

Transit Capital Fund

44. Capital Projects Right of Way Acquisition and Relocation Services

- Action:**
- A. Approve the following unit costs services contracts in the amount of \$350,000 each for acquisition and relocation services with the following firms:**
- Professional Property Services, Inc.
 - THC, Inc.
 - Telecommunication & Industrial Consulting Services Corporation
 - Gulf Coast Property Acquisition, Inc.
- B. Authorize the City Manager to execute up to two renewals to each contract for a not to exceed the original contract amount,**
- C. Approve the following unit services contracts in the amount of \$150,000 each for acquisition and relocation services with the following firms:**
- Florida Acquisition & Appraisal, Inc.
 - O. R. Colan Associates of Florida, LLC
 - Vaughn & Melton, Inc.
 - Post, Buckley, Schuh, and Jernigan, and
- D. Authorize the City Manager to execute up to two renewals to each contract, not to exceed the original contract amount.**

Staff Resource: Jeff Reid, Engineering & Property Management

Explanation

- The quantity of property acquisitions and relocations associated with the 2010 bond capital projects exceeds the capacity of in-house real estate agents and existing contractors. Approximately 1,200 acquisitions are needed to implement the 2010 bond projects.
- The strategy for having real estate agent resources available as necessary to not delay project schedules is to retain multiple firms that can be assigned acquisitions and relocations on a unit cost basis for various projects as they are ready.
- The firms with the capacity to assign larger numbers of agents have been assigned an initial contract value of \$350,000, with the opportunity for renewals based on good performance.
- The firms with lesser capacity have been assigned an initial contract value of \$150,000, with the opportunity for renewals based on good performance.
- Task orders will be prepared for each firm as they are assigned to each capital project, defining the number of acquisitions and consulting costs for that project.

Selection Process and Contract Oversight

- These consultants were selected in August 2010, pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.

- Fifteen firms responded and a total of eight firms were selected.
- Five of the selected firms have excellent track records doing City acquisitions. Three additional new firms were selected to accommodate the increased workloads.
- All selected firms assign a Project Manager to oversee project negotiations. City Real Estate Project Managers are also assigned oversight responsibility for each project and are actively engaged in monitoring and approving negotiations, settlements and/or decisions to move to condemnation.
- All selected firms are provided training in City negotiation policies and procedures and are monitored closely for compliance. New firms are provided with written policies and procedures and training as needed to ensure proper behavior, courtesy towards citizens and professionalism in the field.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy). However, one of these contracts is being awarded to an SBE (Gulf Coast Property Acquisition), resulting in 17.50% overall SBE utilization.

Funding

Various Capital Investment Plans

45. Workers' Compensation Lien Settlement

Action: Approve the release of a workers' compensation lien in the amount of \$239,373 for Workers' Compensation claim for Airport employee, Fred Golden.

Staff Resource: Dan Pliszka, Finance

Explanation

- On August 8, 2006, Mr. Golden was injured in a work-related vehicle accident.
- Mr. Golden settled a liability suit with the responsible third party in the amount of \$87,648.
- This action will allow the City to receive \$25,000, which is partial recovery for costs paid on this employee's workers' compensation claim.
- A confidential memo will be sent to City Council in the Friday, December 10 Council-Manager Memo.

46. Resolution of Intent to Abandon a 10-foot Alleyway Located off W. Park Avenue

Action: A. Adopt the resolution of intent to abandon a 10-foot alleyway located off W. Park Avenue, and
B. Set a public hearing for January 10, 2011.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 14

Map
Resolution

47. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$17,542.56.

Staff Resource: Dan Pliszka, Finance

Attachment 15

Resolution
List of business privilege license refunds

PROPERTY ITEMS

48. Property Transactions

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

In the case of condemnations, the City has negotiated in good faith to acquire properties. In each case, value was established by an independent, certified appraiser followed by a third-party appraisal review. To date City staff and the property owner(s) have been unable to reach agreement on a purchase price.

If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including through court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are eventually settled.

If a settlement cannot be reached, the case will proceed to trial before a judge or jury who will determine "just compensation."

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): John M and Jessie Long
Property Address: 7100 & 7108 Steele Creek Road
Property to be acquired: 9.957 acres
Improvements: single family residence
Purchase Price: \$772,321
Remarks: The purchase price was determined by two independent appraisals and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R3 Use: single family residence
Tax Value: \$735,700
Tax Code: part of 141-261-69 and 141-261-83
- B. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 2
Owner(s): Acts Retirement-Life Communities, Inc f/k/a Adult Communities Total Services, Inc.
Property Address: Pineville-Matthews Road
Property to be acquired: 3,309 sq. ft. (.076 ac.) in Utility Easement, plus 337 sq. ft. (.008 ac.) in Temporary Construction Easement
Improvements: Lighting and Irrigation
Landscaping: Trees/Shrubs
Zoned: R-15

Use: Rural Homesite
Tax Code: 227-027-41
Total Parcel Tax Value: \$179,800
Purchase Price: \$14,225
Remarks: This acquisition was negotiated and settled with property owner(s).

- C. Project:** Freedom Drive Intersection Project, Parcel # 496
Owner(s): Lorine Aderhold-Snow and Bobby R. Aderhold, Jr.
Property Address: 6213 Freedom Drive
Property to be acquired: 2,875 sq. ft. (.066 ac.) in Fee Simple, plus 1,466 sq. ft. (.034 ac.) in Existing Right-of-way, plus 373 sq. ft. (.009 ac.) in Utility Easement, plus 1,632 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-231-06
Total Parcel Tax Value: \$51,500
Purchase Price: \$12,340
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- D. Project:** Freedom Drive Intersection Project, Parcel # 498
Owner(s): David C. Oliver and John G. Oliver
Property Address: 6229 Freedom Drive
Property to be acquired: 2,885 sq. ft. (.066 ac.) in Fee Simple, plus 1,523 sq. ft. (.035 ac.) in Existing Right-of-way, plus 369 sq. ft. (.008 ac.) in Utility Easement, plus 1,461 sq. ft. (.034 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 059-231-08
Total Parcel Tax Value: \$114,900
Purchase Price: \$11,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- E. Project:** Freedom Drive Intersection Project, Parcel # 504
Owner(s): Doloros Jean Davis
Property Address: 6343 Freedom Drive
Property to be acquired: 2,234 sq. ft. (.051 ac.) in Fee Simple, plus 2,031 sq. ft. (.047 ac.) in Existing Right-of-way, plus 145 sq. ft. (.003 ac.) in Utility Easement, plus 2,289 sq. ft. (.053 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-231-14
Total Parcel Tax Value: \$82,500
Purchase Price: \$13,346

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

- F. Project:** Rea Road Widening/Improvements, Parcel # 109
Owner(s): Forrest R. Narmour and Wife, Patsy Ann Narmour
Property Address: 4422 Pebble Pond Drive
Property to be acquired: 3,113 sq. ft. (.071 ac.) in Fee Simple, plus 5,783 sq. ft. (.133 ac.) in Storm Drainage Easement, plus 166 sq. ft. (.004 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees/ Landscaping
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-531-01
Total Parcel Tax Value: \$275,600
Purchase Price: \$37,317
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- G. Project:** Rea Road Widening/Improvements, Parcel # 121
Owner(s): Carmel Greens Development Group, LLC
Property Address: 5303 Macandrew Drive
Property to be acquired: 1,474 sq. ft. (.034 ac.) in Slope Easement, plus 2,289 sq. ft. (.053 ac.) in Temp. Road Easement, plus 5,178 sq. ft. (.119 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs/ Bushes/ Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-571-65
Total Parcel Tax Value: \$125,000
Purchase Price: \$35,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- H. Project:** Rea Road Widening/Improvements, Parcel # 123
Owner(s): Carmel Greens Development Group, LLC
Property Address: 5302 Macandrew Drive
Property to be acquired: 38 sq. ft. (.001 ac.) in Utility Easement, plus 1,159 sq. ft. (.027 ac.) in Slope Easement, plus 2,291 sq. ft. (.053 ac.) in Temp. Road Easement, plus 6,229 sq. ft. (.143 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs/ Bushes/ Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-571-73
Total Parcel Tax Value: \$125,000
Purchase Price: \$28,700
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- I. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 71
Owner(s): D & A Investment Group, LLC and Perierra Management, LLC a/k/a Perierra Management, LLC and Any Other Parties of Interest
Property Address: 6023 Park South Drive
Property to be acquired: 1,329 sq. ft. (.031 ac.) in Storm Drainage Easement, plus 234 sq. ft. (.005 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: O-1
Use: Office
Tax Code: 179-022-41
Total Parcel Tax Value: \$7,392,900
Appraised Value: \$18,050
Property Owner's Counteroffer: \$75,064
Reason for Condemnation: For acquisition of storm drainage easements and temporary construction easements necessary to construct infrastructure for the Eastburn CIP. The property owner's counteroffer included compensation for the easements, as well as reimbursement to have his own engineer review the plans, site visits from his engineer during construction and for his legal fees.
- J. Project:** Freedom Drive Intersection Project, Parcel # 240
Owner(s): Murphy-Rudolph, LLC and Any Other Parties of Interest
Property Address: 6414 Freedom Drive
Property to be acquired: 2,575 sq. ft. (.059 ac.) in Fee Simple, plus 1,485 sq. ft. (.034 ac.) in Existing Right-of-way, plus 1,793 sq. ft. (.041 ac.) in Utility Easement, plus 168 sq. ft. (.004 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 057-231-10
Total Parcel Tax Value: \$43,100
Appraised Value: \$1,450
Property Owner's Counteroffer: None
Reason for Condemnation: To widen existing Freedom Drive in order to tie in both the proposed Little Rock Road Realignment Project and the Fred D. Alexander Project at the intersection. This project began in 2001 and the property owner was approached at that time and is upset the project has taken this long. The property owner also says he lost his tenants at the time due to this project. The property owner feels the appraised value is too low.
- K. Project:** Freedom Drive Intersection Project, Parcel # 249
Owner(s): Steven Travell and Thomas P. Moore, III And Any Other Parties Of Interest
Property Address: 6212 Freedom Drive

Property to be acquired: 2,730 sq. ft. (.063 ac.) in Fee Simple, plus 1,152 sq. ft. (.026 ac.) in Existing Right-of-way, plus 203 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 312 sq. ft. (.007 ac.) in Utility Easement, plus 648 sq. ft. (.015 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees

Zoned: R-4

Use: Single Family Residential - Rural Acreage

Tax Code: 057-221-03

Total Parcel Tax Value: \$99,100

Appraised Value: \$12,675

Property Owner's Counteroffer: None

Reason For Condemnation: To widen existing Freedom Drive in order to tie in both the proposed Little Rock Road Realignment Project and the Fred D. Alexander Project at the intersection. No complaints were raised by the property owner; however, the property owner obtained an attorney who has yet to provide a counter offer.

- L. Project:** Freedom Drive Intersection Project, Parcel # 503
Owner(s): Rachel Broome a/k/a Rachel Taylor Broome; Grover Cleveland Moss, III as Attorney In Fact And Any Other Parties Of Interest

Property Address: 6337 Freedom Drive

Property to be acquired: 2,591 sq. ft. (.059 ac.) in Fee Simple, plus 1,901 sq. ft. (.044 ac.) in Existing Right-of-way, plus 698 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 436 sq. ft. (.010 ac.) in Utility Easement, plus 1,837 sq. ft. (.042 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees

Zoned: R-3

Use: Single Family Residential

Tax Code: 059-231-13

Total Parcel Tax Value: \$101,600

Appraised Value: \$14,300

Property Owner's Counteroffer: None

Reason For Condemnation: To widen existing Freedom Drive in order to tie in both the proposed Little Rock Road Realignment Project and the Fred D. Alexander Project at the intersection. Mr. Grover Moss, attorney in fact for the property owner, Rachel Broome, obtained an attorney who has yet to provide a counter offer.

- M. Project:** Rea Road Widening/Improvements, Parcel # 38
Owner(s): Naser Hanbali and Wife, Rasha Atiya Hanbali And Any Other Parties Of Interest
Property Address: 5304 Stallworth Drive
Property to be acquired: 282 sq. ft. (.006 ac.) in Fee Simple, plus 80 sq. ft. (.002 ac.) in Utility Easement, plus 5,063 sq. ft. (.116 ac.) in Temporary Construction Easement
Improvements: Entrance monument/Fencing
Landscaping: Trees/Shrubs
Zoned: R-3
Use: Single Family Residential

Tax Code: 211-521-67

Total Parcel Tax Value: \$285,500

Appraised Value: \$57,450

Property Owner's Counteroffer: None received

Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. The property owner is concerned about losing his tree buffer. Engineering Services agreed to address his concerns regarding the safety of his children during construction by installing temporary fencing. Property owner also has concerns about increased noise and elevation changes. The property owner obtained an attorney who has yet to make a counter offer.

- N. Project:** Rea Road Widening/Improvements, Parcel # 61
Owner(s): Henry Stephen Dellinger and Wife, Linda H. Dellinger; Raymond E. Margerum and Wife, Patricia L. Margerum And Any Other Parties Of Interest
Property Address: 5132 Rea Road and 5101 Summer Gate Drive
Property to be acquired: 1,956 sq. ft. (.045 ac.) in Fee Simple, plus 5,825 sq. ft. (.134 ac.) in Existing Right-of-way, plus 2,358 sq. ft. (.054 ac.) in Temporary Construction Easement
Improvements: Part of Subdivision sign
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-233-13
Total Parcel Tax Value: \$206,500
Appraised Value: \$26,250
Property Owner's Counteroffer: \$52,000
Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. As part of the project, mature landscaping must be removed. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the property owner does not feel the appraisal adequately addresses the impact to the property and the permanent impact on the landscape.
- O. Project:** Rea Road Widening/Improvements, Parcel # 101 and 102
Owner(s): Carson's Pond Homeowners Association, Inc. And Any Other Parties Of Interest
Property Address: 5160 Carson's Pond Road and Carson's Pond Road
Property to be acquired: 12,333 sq. ft. (.283 ac.) in Fee Simple, plus 9,604 sq. ft. (.220 ac.) in Temporary Construction Easement
Improvements: Lighting and Brick Walk
Landscaping: Trees and Bushes

Zoned: R-15

Use: Single Family Residential - Common

Tax Code: 211-472-99 and 211-471-02

Total Parcel Tax Value: \$0

Appraised Value: \$107,700

Property Owner's Counteroffer: \$132,850

Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. City staff has worked extensively to address the property owner's concerns. The property owner has obtained an attorney who has yet to make a counter offer.

- P. Project:** Rea Road Widening/Improvements, Parcel # 119
Owner(s): Laurey Mercer Walbert f/k/a Laurey Mercer Rigsbee and Spouse, Joseph A. Walbert And Any Other Parties Of Interest
Property Address: 4900 Rea Road
Property to be acquired: 3,900 sq. ft. (.090 ac.) in Fee Simple, plus 4,393 sq. ft. (.101 ac.) in Existing Right-of-way, plus 4,701 sq. ft. (.108 ac.) in Storm Drainage Easement, plus 1,948 sq. ft. (.045 ac.) in Slope Easement, plus 1,770 sq. ft. (.041 ac.) in Temporary Road Easement, plus 6,255 sq. ft. (.144 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: trees/brush
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-235-09
Total Parcel Tax Value: \$661,700
Appraised Value: \$33,175
Property Owner's Counteroffer: None
Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. The property owner does not agree with the appraised amount, which does not include compensation for the portion of his property that is within the current Rea Road right-of-way.
- Q. Project:** Rea Road Widening/Improvements, Parcel # 132
Owner(s): Canterbury Homeowners' Association, Inc. And Any Other Parties Of Interest
Property Address: Rea Road
Property to be acquired: 6,347 sq. ft. (.146 ac.) in Fee Simple, plus 2,683 sq. ft. (.062 ac.) in Storm Drainage Easement, plus 3,651 sq. ft. (.084 ac.) in Utility Easement, plus 3,341 sq. ft. (.077 ac.) in Slope Easement, plus 6,923 sq. ft. (.159 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential

Tax Code: 211-594-29

Total Parcel Tax Value: \$0

Appraised Value: \$3,175

Property Owner's Counteroffer: None

Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. The Homeowner's Association covenants and by-laws require 2/3 of the homeowners' signatures regarding property transfers. City staff is recommending condemnation in order to obtain clear title.

- R. Project:** Rea Road Widening/Improvements, Parcel # 133
Owner(s): George R. Nassif and Wife, Bergenine M. Nassif And Any Other Parties Of Interest
Property Address: Rea Road
Property to be acquired: 14,898 sq. ft. (.342 ac.) in Existing Right-of-way, plus 1,668 sq. ft. (.038 ac.) in Storm Drainage Easement, plus 1,505 sq. ft. (.035 ac.) in Utility Easement, plus 9,992 sq. ft. (.229 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-594-28
Total Parcel Tax Value: \$25,200
Appraised Value: \$7,250
Property Owner's Counteroffer: None
Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. Property owner is displeased with the proposed utility easement making the area unbuildable. Most of this parcel is within a FEMA regulated floodplain which already renders that area unbuildable. Property owner obtained an attorney who requested City staff to proceed with condemnation.
- S. Project:** Rea Road Widening/Improvements, Parcel # 134
Owner(s): George R. Nassif and Wife, Bergenine M. Nassif And Any Other Parties Of Interest
Property Address: 4533 Rea Road
Property to be acquired: 1,853 sq. ft. (.043 ac.) in Fee Simple, plus 4,531 sq. ft. (.104 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees/Bushes
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-593-17
Total Parcel Tax Value: \$275,700
Appraised Value: \$41,425
Property Owner's Counteroffer: None

Reason For Condemnation: Improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. The property owner is concerned about landscaping that the City agreed to protect during construction. Property owner obtained an attorney who has yet to make a counter offer.

- T. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 17
Owner(s): Annie Helms Norman, Trustee Of The Annie Helms Norman Revocable Living Trust And Any Other Parties Of Interest
Property Address: 2739 Phillips Avenue
Property to be acquired: 562 sq. ft. (.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-045-16
Total Parcel Tax Value: \$73,200
Appraised Value: \$1,325
Property Owner's Counteroffer: None
Reason For Condemnation: To acquire easement for the Revolution Park NIP. The property owner is deceased and property now lies within an Estate. The son of the property owner, Norman Helms, stated that he would not grant any easement to the City of Charlotte in fear that it would hinder the sale of the property. City staff has yet to receive any response to the offer.
- U. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 20
Owner(s): Emma Lee Miller, Lula Miller and Roy Lee Miller And Any Other Parties Of Interest
Property Address: 2724 Phillips Avenue
Property to be acquired: 220 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,333 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-044-41
Total Parcel Tax Value: \$59,600
Appraised Value: \$12,400
Property Owner's Counteroffer: None
Reason For Condemnation: To acquire easement for the Revolution Park NIP. A verbal agreement has been reached with the property owner; however, City staff has yet to receive the signed documents. This parcel is being placed on this agenda in order to maintain the project schedule. City staff will continue to work with the property owner in order to finalize the settlement.

- V. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 56
Owner(s): Jeffrey Kennedy And Any Other Parties Of Interest
Property Address: 2830 Mayflower Road
Property to be acquired: 335 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 971 sq. ft. (.022 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-043-18
Total Parcel Tax Value: \$84,500
Appraised Value: \$2,300
Property Owner's Counteroffer: None
Reason For Condemnation: To acquire easement for the Revolution Park NIP. City staff has been unable to locate the property owner throughout the negotiating period.
- W. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 58
Owner(s): Carolyn Byers Smith a/k/a Carolyn Pearl Smith And Any Other Parties Of Interest
Property Address: 2824 Mayflower Road
Property to be acquired: 270 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 1,066 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-043-19
Total Parcel Tax Value: \$56,000
Appraised Value: \$4,950
Property Owner's Counteroffer: None
Reason For Condemnation: To acquire easement for the Revolution Park NIP. The property owner has repeatedly stated that she is in favor of the project. However, she states that she does not understand the easement language. City staff has explained the meaning of the document many times. Without the help of an attorney, the property owner drew up her own easement document, to which City legal could not agree.
- X. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 82
Owner(s): George Cunningham and Wife, Lillie A. Cunningham And Any Other Parties Of Interest
Property Address: 2901 Beech Nut Road
Property to be acquired: 275 sq. ft. (.006 ac.) in Sidewalk and Utility Easement, plus 2,133 sq. ft. (.049 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-092-01

Total Parcel Tax Value: \$56,700

Appraised Value: \$450

Property Owner's Counteroffer: None

Reason For Condemnation: To acquire easement for the Revolution Park NIP. Property owners do not agree with the appraised value; however the property owners have yet to negotiate or submit a counter offer.

- Y. Project:** Rozzelles Ferry Road Sidewalk, Parcel # 11
Owner(s): Cedric X. McCorkle And Any Other Parties Of Interest
Property Address: 5404 Rozzelles Ferry Road
Property to be acquired: 907 sq. ft. (.021 ac.) in Sidewalk and Utility Easement, plus 713 sq. ft. (.016 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 035-012-14
Total Parcel Tax Value: \$48,000
Appraised Value: \$2,025
Property Owner's Counteroffer: None
Reason For Condemnation: Sidewalk project on Rozzelles Road, from Hovis Road to Old Mount Holly Road. The title abstract revealed many issues that will prevent the City of gaining a clear title. City staff is recommending condemnation in order to obtain clear title.
- Z. Project:** Shillington Storm Water Capital Improvements Project, Parcel # 60
Owner(s): Uri Krause and Wife, Esther Krause And Any Other Parties Of Interest
Property Address: 8305 Bar Harbor Lane
Property to be acquired: 629 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 1,849 sq. ft. (.042 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 209-431-25
Total Parcel Tax Value: \$790,000
Appraised Value: \$5,675
Property Owner's Counteroffer: none
Reason For Condemnation: This is a capital improvement project that will address flooding issues and storm water complaints. City staff has worked extensively with the property owners to address their concerns regarding the design and the easement language.

49. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- September 27, 2010
 - October 4, 2010
 - October 11, 2010
 - October 18, 2010
 - November 1, 2010