

**Mayor Anthony Foxx**

Michael D. Barnes  
Patrick D. Cannon  
Nancy Carter  
Warren Cooksey  
Andy Dulin

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

**CITY COUNCIL MEETING**  
**Monday, June 14, 2010**

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

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**CITY COUNCIL AGENDA  
Monday, June 14, 2010**

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### Synopsis

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

### 2. Housing Locational Policy Review

**Committee Vice Chair:** James Mitchell

**Resource:** Stan Wilson, Neighborhood & Business Services

**Time:** 30 Minutes

#### Synopsis

- The purpose of this dinner briefing is to share the draft locational policy that will be discussed at the public forums this summer. On June 8, 2010, the Housing and Neighborhood Development Committee approved the draft policy for the purpose of soliciting public comment.
- On May 24, 2010 City Council approved the Housing & Neighborhood Development Committee's recommended Housing Locational Policy review process and schedule. The policy review process and schedule is as follows:
  - City Council briefing of draft document June 14, 2010
  - Staff led public forums and final policy recommendations July–August 2010
  - Public Hearing on updated policy August 28, 2010
  - Committee review and approval of recommended policy September 2010
  - City Council approval of updated policy September 2010
- The Housing Locational Policy provides a guide for the financing and/or development of new multi-family rental housing projects designed to serve, in whole or part, households that earn 60% or less than the area median income. The objectives of the policy are to:
  - Avoid undue concentration of multi-family assisted housing
  - Geographically disperse new multi-family housing developments
  - Support the City's neighborhood revitalization efforts
  - Promote diversity and vitality of neighborhoods
  - Support school, transit corridor and other public development initiatives
- The policy establishes prohibited, permissible and priority areas for the development of new multi-family rental housing. These areas are delineated based on Neighborhood Statistical Areas in the City of Charlotte.

**Future Action**

City Council will be asked to approve the Housing Locational Policy Recommendations in September.

**Attachment 1**

Draft Housing Locational Policy

**3. 2011 Annexation**

**Resource:** Jonathan Wells, Planning

**Time:** 20 minutes

**Synopsis**

- Staff will present the three 2011 annexation qualifying areas: Rhyne, Whitehall and Camp Stewart South.

**Future Action**

- The 2011 Annexation Process is item 17, page 17 of this agenda.
- Council will be asked to take action on the 2011 annexations in the form of:
  - Adoption of Resolutions of Intent, stating the City’s intent to consider annexation of these three areas and setting the dates for the public information meeting and public hearings for the 2011 annexation areas, and
  - Adoption of the annexation reports developed for each of the three 2011 annexation areas

**Attachment 2**

Presentation  
2011 Preliminary Annexation Report

**4. ReVenture Project**

**Resource:** Ron Kimble, City Manager’s Office

**Time:** 20 minutes

**Synopsis**

- ReVenture Park is a proposed Renewable Energy Eco-Industrial Park consisting of 667 acres.
- ReVenture was first presented to City Council at the March 1 Workshop.
- The project is located on the Mecklenburg County side of the Catawba River on Highway 27.
- Tom McKittrick of Forsite Development is their lead representative.
- Clariant is the current land owner and has been located there since 1936.
- The site is a brownfield site on the Superfund list.
- The Concept Framework was unanimously recommended by the Economic Development Committee on May 25, 2010 (Burgess, Mitchell, Carter, Dulin and Kinsey).

**Future Action**

This Concept Framework is included as action item 15, page 14 of this agenda.

## 5. 2009 Transportation Action Plan Annual Report and 2010 Transportation Survey

**Resource:** Danny Pleasant, Transportation

**Time:** 20 minutes

### Synopsis

- City Council adopted the Transportation Action Plan (TAP) in May 2006.
- Each year staff develops the TAP Annual Report which documents the City's achievements, current activities and challenges in implementing the policies and projects adopted by City Council in the TAP.
- The TAP Annual Report enables the City to highlight successes, but also identifies possible changes in strategies or investments that should be considered in upcoming years.
- In addition, CDOT has conducted statistically valid telephone surveys, which asks about transportation issues over the last ten years. The 2010 transportation survey, like previous surveys, included questions about existing driving conditions, possible solutions to congestion, priorities for public sector actions, bicycle travel, growth management, speeding and safety concerns, financing for roads, and air quality.
- This information can be used to better understand Charlotte's transportation challenges and to refine Charlotte's transportation and growth policies.
- The survey supports the implementation of TAP Policy 4.1.4 and Transportation Focus Area Plan target 4B-2, which deal with communicating with key stakeholders.
- Council received a copy of the 2009 TAP Annual Report in their June 7 Council Workshop materials.

## 6. 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.

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

### **7. Access to Capital Conference on June 29**

**Action:** Mayor Foxx to recognize Charlotte Chamber Senior Vice President for Member Value, Keva Walton, and City of Charlotte Economic Development Director, Tom Flynn, to highlight the activities of the "Access to Capital for Small Businesses and Entrepreneurs Conference" on Tuesday, June 29, 2010 from 8:00 a.m. to 4:00 p.m. at the Charlotte Convention Center.



## **CONSENT**

- 8. Consent agenda items 28 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

### 9. Centers, Corridors and Wedges Growth Framework



**Action: Receive public comments on the Centers, Corridors and Wedges Growth Framework.**

**Committee Chair:** David Howard

**Staff Resource:** Laura Harmon, Planning

#### Explanation

- The Centers and Corridors concept was first introduced in 1994 as a tool to help identify a conceptual growth framework for the community.
- Since that time, much has changed in our community and there is a need to clearly define the concept and its role in helping to shape future development.
- In late 2008, staff began a process to update and expand on the original Centers and Corridors concept.
- The updated concept, the Centers, Corridors and Wedges Growth Framework, establishes a vision for future growth and development by:
  - Identifying three geographic areas in Charlotte - Activity Centers, Growth Corridors and Wedges
  - Outlining the desired characteristics of each of these geographic areas:
    - Activity Centers are focal points of economic activity typically with concentrations of development. There are three types of Activity Centers – Center City, Mixed Use Activity Centers, and Industrial Centers. Today, there are 22 Activity Centers. Many of these have the capacity for significant new growth in conjunction with enhancements to supporting infrastructure.
    - Growth Corridors stretch from Center City to the edge of Charlotte. Today they encompass a wide variety of places from historic neighborhoods to employment and shopping districts. Many places within Growth Corridors, particularly the Transit Station Areas, are appropriate for significant new growth. Growth Corridors include four subareas: Transit Station Areas, Established Neighborhoods, Interchange Areas, and General Corridors Areas.
    - Wedges are the large areas between the Growth Corridors consisting of mainly low density housing with a limited amount of moderate density housing and supporting facilities and services.
- Major changes to the updated concept include:
  - Redefined the concept as a vision for future growth and development
  - Added a goal statement and guiding principles
  - Added an explanation of how Centers, Corridors and Wedges should be used. In particular, the document now emphasizes that adopted area plans will continue to provide specific guidance for development decisions such as Council consideration of rezoning requests.
  - Identified three types of Activity Centers
  - Identified subareas of Growth Corridors, particularly the subarea for Established Neighborhoods, such as the Elizabeth Neighborhood. Guidance for ensuring these neighborhoods are protected and enhanced in the future is a key part of the updated document.
  - Expanded guidance for Wedges
  - Provided more guidance for integrating land use and transportation

- Added guidance for infrastructure, public facilities, urban design and the natural environment
- Added a glossary of planning terms

### **Public Input Opportunities**

- Three public meetings were held in the fall of 2008 to kick-off the update process.
- A 45 member Citizen Advisory Group worked with staff from December 2008 through January 2010 to refine the policy document.
- An online survey was available from October 2008 through January 2009 with 154 responses.
- A final Public Workshop was held on April 20, 2010.
- Public Comment with the Planning Commission was held on May 3, 2010.

### **Charlotte-Mecklenburg Planning Commission**

- The Planning Commission held a special meeting on May 3, 2010 to receive public comments on the Centers, Corridors and Wedges Growth Framework draft document. Although there were no speakers at the meeting, the Commission did discuss the draft document at length and requested that staff provide them additional information at their June meeting including:
  - Boundaries of Free Trade Zones and State Economic Development Zones
  - Clarification on how various policy documents fit together and how the Centers, Corridors and Wedges document will be used
  - Clarification of how the Activity Centers and Growth Corridors were identified and how they connect to each other
  - Explanation of the overall vision and plan for the community
- The Planning Commission reviewed the draft document at their June 7, 2010 meeting and unanimously recommended adoption. The discussion focused on responses to questions raised at the Commission's May meeting, including:
  - How the Centers, Corridors and Wedges concept addresses economic development
  - How the boundaries of Activity Centers and Growth Corridors were established
  - How Comprehensive Planning is established
  - How the Growth Framework will be used in area planning
- One Commissioner recommended that staff develop an explanation of how all the City's various plans and policy documents fit together.

### **Transportation and Planning Committee**

- City Council's Transportation & Planning Committee received an update on the Centers, Corridors and Wedges Growth Framework at their March 25, 2010 meeting and a more in depth overview at their May 10, 2010 meeting. At these two meetings, the Committee discussed the protection of established neighborhoods in Growth Corridors:
  - How Corridors are defined
  - The need to clarify that density in the Wedges is lower than in Activity Centers and Growth Corridors
  - Density levels for the intown portions of Wedges
  - The possible use of Centers, Corridors and Wedges at a regional level
- The Committee voted unanimously (Howard, Barnes, Cooksey and Kinsey) to forward the document to Council for public comment.

- After public comment, the document will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

**Attachment 3**

Centers, Corridors and Wedges Growth Framework

## POLICY

### 10. City Manager's Report

- Update on Charlotte-Mecklenburg Utilities Customer Service

#### **Attachment 4**

Utilities Advisory Committee's Review of Water Solution Task Force Recommendations

### 11. Filling the Current Council member Vacancy

**Action: Consider appointing an eligible individual to fill the At-Large Council member vacancy.**

**Staff Resources:** Curt Walton, City Manager  
DeWitt F. McCarley, City Attorney's Office

#### **Explanation**

- Mayor Pro Tem Susan Burgess resigned from the City Council on June 7, 2010.
- G.S. 160A-63 provides that the vacancy on Council be filled by appointment of the City Council. In cities whose elections are conducted on a partisan basis, the person appointed must be a member of the same political party as the person being replaced. Other eligibility qualifications are:
  - Be a registered voter
  - Be 21 years of age or older
  - Be a resident of the City
  - Not be a disqualified felon
- Council will need to decide when their appointee will assume office.
- Notice of the vacancy has been posted on the City's website. All applications received will be provided to the Mayor and Council.

### 12. Electing a Mayor Pro Tem

**Action: Consider electing a Mayor Pro Tem to serve at the pleasure of the Council.**

**Staff Resources:** Curt Walton, City Manager  
DeWitt F. McCarley, City Attorney's Office

#### **Explanation**

- Mayor Pro Tem Susan Burgess resigned from the City Council on June 7, 2010.
- G.S. 160A-70 directs the Council to elect from among its members a Mayor Pro Tem to serve at the pleasure of the Council.

### 13. New Coca Cola Promotional Recycling Agreement



**Action:** Approve the Environment Committee recommendation to authorize the City Manager to execute a six-month partnership agreement with Coca Cola Consolidated to implement within the City of Charlotte a recycling promotion program entitled "Recycle and Win – Bigger and Better" that is designed to educate and expand citizen participation in residential recycling.

**Committee Chair:** Edwin Peacock

**Staff Resource:** Victoria Garland, Solid Waste Services

#### Background

- On January 12, 2009, Council approved a one-year agreement with Coca Cola Consolidated to implement its promotional recycling program entitled Recycle and Win, based upon the Environment Committee's recommendation.
- The program was designed to expand citizen participation in residential recycling and ran from February 2009 until February 2010.
- Under the Coke program Charlotte and Mecklenburg County citizens had the opportunity to be rewarded for recycling "the right way".
- Coke and Keep Mecklenburg Beautiful mailed recycling education materials to all City and County households (approximately 200,000 City).
- Residents could choose to participate in the program by placing a Coke Recycle and Win sticker (provided by Coke) on their recycling bin. This made them eligible to win a \$50 prize if their recycling efforts were randomly selected by Coke's Prize Patrol team.
- During the one-year program, 520 Mecklenburg County residents were randomly awarded \$50 Harris Teeter gift certificates for recycling "the right way". This included 357 Charlotte residents who received gift certificates that had a total value of \$17,850. The awards were evenly distributed throughout the City.
- While the Coke promotion increased public awareness of recycling, there was no increase in residential recycling tonnage. The lack of measurable impact in volume may have resulted from residents reducing their product consumption, a nationwide trend due to the economic downturn.

#### New Program Proposal

- Coca-Cola proposed a new program for the coming year, called Bigger and Better, with recycling participation goals similar to the program completed in February.
- Council referred the new proposal to the Environment Committee on February 22, 2010.
- The program reinforces the implementation of the new single-stream recycling program.
- The program would run for six months, October 4, 2010 through March 31, 2011.
- Prize awards provided by Coke are \$100 instead of the \$50 previously awarded. Approximately 175 city residents, evenly distributed throughout the city, will receive awards.
- The first program was well received by Charlotte residents and also has been implemented in Raleigh, Nashville and Charleston, West Virginia.

- All of Mecklenburg County, including the unincorporated areas, would participate.
- As with the previous promotion, Coke would mail informational packets to each City of Charlotte residence. The packets would include “opt in” stickers to be placed on residents’ recycling carts, a detailed explanation of how the program works, and educational information about the City’s recycling program.
- The City’s role would be to:
  - Provide input and approval of educational materials used for the promotion to ensure consistency and accuracy with the City’s own educational materials
  - Maintain the normal collection schedule for recycling
- CharMeck 311 representatives would also be provided information to be able to respond to citizen calls and direct them to the appropriate Coke representatives.
- The program supports the Environment Focus Area Plan goal to increase annual recycling tonnage by 20% through single-stream recycling for single-family households. Solid Waste Services estimates this additional promotion of recycling could increase the amount of recyclables to be collected from 0.5% to 5%.
- The program is consistent with the Council’s adopted Sponsorship Policy.
- There are no out of pocket costs to the City to participate. As with the first program, staff will provide monthly status updates to Council on recycling tonnage collected and any operational impacts.
- The City or Coke will have the right to terminate the agreement if either party breaches any term or condition in the agreement that is not corrected within 14 days.
- Although the City did not experience an increase in residential recycling tonnage during the first Coke program, this new initiative could still increase recycling participation, which diverts more materials away from the landfill.

#### **Committee Discussion**

- Coca-Cola presented the proposal to the Council Environment Committee on March 22, 2010.
- On May 24, 2010 the Committee reviewed the attached Program Overview and asked about the minor changes between the new program and the 2009 program. Council members present were Peacock, Carter, Dulin, and Howard.
- The Committee unanimously agreed to recommend the new Coke Recycling Promotion to the full Council.
- With Council approval, the City Manager will execute a new partnership agreement with Coke, effective October 4, 2010 through March 31, 2011.

#### **Attachment 5**

Program Overview

## 14. Small Business Strategic Plan



**Action:** Approve the recommendations of the Economic Development Committee to:

- 1. Approve the Small Business Strategic Plan, and**
- 2. Authorize expenditures up to \$150,000 from the Business Corridor Revitalization Strategy Fund for the development, marketing, and branding of a small business web portal.**

**Committee Vice Chair:** James Mitchell

**Staff Resources:** Tom Flynn, Neighborhood & Business Services  
Nancy Rosado, Neighborhood & Business Services

### Explanation

- On January 11, 2010, City Council directed staff, in collaboration with the City's small business resource partners, to develop a strategic plan (Plan) to support the 27,000 small businesses in Charlotte-Mecklenburg.
- In developing the recommended Plan, staff collaborated with a number of resource partners, including the Charlotte Chamber, CPCC's Institute of Entrepreneurship, the Small Business Technology Development Center, Mecklenburg County, Self-Help Credit Union, the Small Business Administration, the Charlotte Regional Economic & Workforce Recovery Initiative, the Employers Association, Counselors to America's Small Business, the Business Expansion Funding Corporation and Carolinas Minority Supplier Development Council.
- The City Council-appointed Business Advisory Committee also provided significant input into the development of this Plan and voted to recommend the approval of the Plan to the City Council.
- The key recommendation of the Plan is for the City to improve connections between the 27,000 small businesses and the small business resource providers. To accomplish this, the City would take a leadership role to build and strengthen a consortium of small business resource providers to develop, market, and brand a small business web portal.
- Phase I of the web portal would provide the following:
  - A single-site providing comprehensive small business resource information
  - A consolidated event/training opportunities calendar
  - Centralized information on local government contracting opportunities
  - Information on how to start a business
  - Small business success stories
  - Links to websites of small business resource partners for additional information
  - Useful business resources, such as loan and grant programs
- Key elements of the recommended Plan are:
  - Vision: To be the premier community for small business investment and growth
  - Mission: To create an environment to help small business thrive in Charlotte-Mecklenburg through collaboration and public/private/non-profit partnerships
  - Objectives:
    - Build and strengthen a sustainable local consortium of business resource partners



- Increase awareness of small business resources by developing a web portal with a recognizable brand and on-going marketing support
- Provide information and resources that meet changing market needs
- Promote public/private/non-profit partnerships to enable business owners to find capital
- Increase opportunities for small businesses to expand local sales
- The recommended Plan includes action steps to accomplish each objective.
- The success of the recommended Plan will be evaluated on the following metrics:
  - An annual web-survey of small businesses to measure the percentage increase of small businesses' satisfaction with the Charlotte business climate, and the percentage increase of small businesses' satisfaction with small business resources and services
  - Web analytics to measure the success of the web portal
  - Increased use of Small Business Resource Partners resources and programs
  - Specific measures on small business vitality (i.e. number of people employed by small business; decline in number of small business failures)
- The Mecklenburg County Board of Commissioners voted to support the Small Business Strategic Plan on June 1, 2010.

#### **Committee Discussion**

- On May 13, 2010, the Economic Development Committee voted unanimously (Burgess, Mitchell, Carter, Dulin and Kinsey) to recommend approval of the Plan to the City Council.
- The Committee met several times to discuss the Plan. Key issues raised and discussed by the Committee include:
  - How would City certified SBE's benefit from this Plan? The 800 City certified SBE's will benefit by having easier access to information and contracting opportunities on the web portal. The Mayor-appointed Small Business Opportunity Task Force has reviewed the recommended Plan and voted to support the Plan.
  - What are the Small Business Resource Partners bringing to the table? The Small Business Resource Partners will provide a commitment to be an active consortium member, including in-kind services and staff time for the development and maintenance of the web portal. They will also assist with brand awareness through co-branding opportunities on their websites and printed material.

#### **Funding**

One time funding of \$150,000 from the Business Corridor Revitalization Strategy Fund. On-going staff and costs funded from reallocating existing resources. The Business Corridor Revitalization Strategy Fund has a current balance of \$15,591,675, with an additional \$2,000,000 budgeted for FY2011.

#### **Attachment 6**

Small Business Strategic Plan

## 15. ReVenture Project Concept Framework



**Action: Approve the Economic Development Committee's recommendation to recommend the ReVenture Concept Framework.**

**Committee Vice Chair:** James Mitchell

**Staff Resource:** Ron Kimble, City Manager's Office

### Background

- ReVenture Park is a proposed Renewable Energy Eco-Industrial Park consisting of 667 acres.
- ReVenture was first presented to City Council at the March 1 Workshop.
- The project is located on the Mecklenburg County side of the Catawba River on Highway 27.
- Tom McKittrick of Forsite Development is their lead representative.
- Clariant is the current land owner and has been located there since 1936.
- The site is a brownfield site on Superfund list.

### Explanation

- On June 2, the ReVenture Concept Framework was unanimously recommended to the City Council by the Economic Development Committee (Burgess, Mitchell, Carter, Dulin and Kinsey). The Concept Framework consists of the following:

#### Swap of Statesville Avenue Site for Long Creek Pump Station Site

- The City and Developer will exchange the Statesville Avenue Landfill Site for the current Long Creek Pump Station Site.
- The value of the Statesville site is set at \$50,000, and the value of the Pump Station Site is to be determined by a total value of various components.
- The Developer will indemnify the City from all Federal, State and third party claims related to contamination from the Statesville site.
- The proposed development plan and proposed uses must be mutually agreed upon by the Developer and the City.
- The City will support the Memorandum of Understanding which commits the City's municipal solid waste to Developer.

#### Future Long Creek Wastewater Treatment Plant Site (LCWTP)

- The City will secure an option for the future LCWTP site and the City will pay an agreed upon value for the existing discharge and permit allocation for the Developer's private treatment plant.
- The City will reserve the right to design, build, own and operate the future LCWTP as approved by the Charlotte City Council.
- The City will continue to negotiate with partners in Gaston County. The Utilities (CMU) capital improvement program includes the first phase of a 12 million gallon per day treatment plant.
- CMU will treat the contaminated ground water from the ReVenture site when the future LCWTP is built and Developer agrees to accept treated discharge from the LCWTP equal to or greater than the amount of contaminated ground water sent to the LCWTP.
- Developer will discontinue the treatment of third party wastewater on the existing private waste water treatment facility.

- CMU agrees to provide biosolids and Developer agrees to guarantee the acceptance of CMU's biosolids that would be used as fuel for the proposed biomass plant.

#### Other Components

- City will provide necessary support to assist Developer in procuring financing through Recovery Zone Bonds from Mecklenburg County.
- The City will authorize the City Manager's Office to negotiate exclusively with the Developer.
- The City will provide a formal letter of endorsement illustrating its support for the ReVenture Project.

#### Next Steps

- Continue to discuss/resolve environmental issues with DENR and EPA
- Reach agreement on financial issues for land swap, Clariant Treatment Plant, and other considerations
- Continue negotiations with Gaston County entities
- Bring draft agreement back to Economic Development Committee

#### **Attachment 7**

May 25 PowerPoint Presentation to Economic Development Committee

## **16. Carolina Thread Trail Master Plan Resolution**

**Action: Adopt a resolution supporting the Carolina Thread Trail Master Plan for Mecklenburg County.**

**Staff Resource:** Ken Tippet, Transportation

#### **Policy**

The Carolina Thread Trail will help implement key objectives of the Bicycle Plan and the Transportation Action Plan (TAP).

#### **Explanation**

- The Carolina Thread Trail Master Plan calls for a regional network of trails and greenways connecting 15 counties, including Mecklenburg County and the City of Charlotte.
- The Thread Trail will connect many smaller trail systems throughout the Region and has been coordinated with the City's Bicycle Plan.
- The Council adopted a resolution of support for the Carolina Thread Trail on September 9, 2009.
- City of Charlotte representatives participated on the technical advisory team and served on the steering committee charged with identifying proposed routing of the Carolina Thread Trail.
- The Master Plan will serve as a guideline for developing future proposed trail segments and does not imply a commitment of funding by local governments.
- Adopting the Master Plan resolution will help to make Carolina Thread Trail grant applications to the state and federal government more competitive. The Carolina Thread Trail has raised approximately \$15 million in private capital to advance trail segments.

- Carolina Thread Trail representatives are now seeking a resolution to adopt the Carolina Thread Trail Master Plan. All jurisdictions within Mecklenburg County have approved adoption of the Master Plan.

**Attachment 8**

Executive Summary

Resolution

## BUSINESS

### 17. 2011 Annexation Process

- Actions:**
- A. Adopt three resolutions of intent that state the City's intent to consider annexation of areas with an anticipated effective date of June 30, 2011,**
  - B. Establish a schedule for holding the public informational meetings and the public hearings for the proposed annexation areas, and**
  - C. Adopt the annexation reports developed for each of the three 2011 annexation areas.**

**Staff Resource:** Jonathan Wells, Planning

#### **Explanation**

- The resolutions of intent are required as a prerequisite to continue the 2011 annexation process.
- The resolutions describe the annexation areas and establish dates for public informational meetings and public hearings on the issue of annexation.
- Recommended date for public informational meeting is August 5, 2010.
- Recommended date for public hearing is August 23, 2010.
- Passage of Resolutions of Intent and establishing dates of public informational meetings and hearings are next steps in the 2011 annexation process.
- Annexation qualifying areas are Rhyne, Whitehall, and Camp Stewart South.
- Council is required to adopt an Official Report for each of three annexation areas.
- Official Reports are available for review in either the City Clerk's office or in the Planning Department.

#### **Consistency with City Council Policies**

- Annexation process and proposed annexation areas are consistent with involuntary annexation policies approved by City Council on June 23, 2003.
- Areas are considered for annexation on two year cycles.
- Annexation effective date is recommended to be June 30, 2011.
- Areas are qualified for annexation without regard to whether City revenues exceed costs.
- The City will provide reasonable and timely annexation information to owners of affected properties.

#### **Consistency with State Annexation Statutes**

- On June 8, 2009, City Council passed Resolutions of Consideration delineating geographic areas to be initially considered for annexation. The Preliminary Annexation Report summarizes areas currently proposed for annexation within those original geographic areas.
- Approval of annexation reports by City Council is required by state annexation statutes that specify certain information be included regarding

extension of municipal services to the annexation areas. The reports include:

- Relevant maps
- Statement indicating how areas meet annexation criteria
- Description of City services to be provided
- Statement of method by which the City plans to finance the extension of services
- Impact statement on rural fire departments and fire protection
- Impact statement on City finances and services
- Reports must be approved by City Council at least 30 days prior to the annexation public informational meeting that has been proposed to be held on August 5, 2010.

### **Community Input**

The annexation public hearing is proposed to be scheduled on August 23, 2010.

### **Attachment 9**

Resolutions of Intent  
Annexation Summary Reports

## **18. Airport Intermodal Facility**

**Action: Approve a Master Development Agreement with Norfolk Southern Railway Company, which will result in the execution of a Lease with Option to Purchase Airport Land upon which to construct an Intermodal Facility.**

**Staff Resource:** Jerry Orr, Aviation

### **Policy**

Airport Master Plan

### **Explanation**

- Since 1998, the Airport has been in discussions with Norfolk Southern Railway Company (NS) about the relocation of the existing NS Intermodal Facility from its existing location along North Davidson and North Brevard Streets in Charlotte to a location owned by the City at the Airport. The intent is to allow NS to remove existing operations from downtown Charlotte and construct and operate expanded facilities on land unneeded for aviation purposes at the Airport.
- The Airport and NS agreed and obtained the consent of the FAA, on the terms of a lease of an initial 160 acres of Initial Leased Premises at the Airport to NS upon which NS can construct Phase I of a new Intermodal Facility, and have agreed upon the terms of a Master Development Agreement which will govern all the conditions of said development, construction and eventual operation.

### **Master Development Agreement**

- The Master Development Agreement provides, among other things, that:
  - Upon the occurrence and satisfaction of certain conditions precedent, NS will execute the lease of the Initial Leased Premises and construct Phase I of the new Intermodal Facility.

- The City shall design and construct all public roadway improvements necessary for the Intermodal Facility and ensure that they are operational by January 1, 2012.
- NS will have the option to purchase the Initial Leased Premises and additional expansion areas as needed in the future upon the payment of the fair market value of the property at the time the option is exercised.
- Upon completion of the new Intermodal Facility, NS will vacate the existing premises in downtown.
- The City will have an option to purchase the land containing the existing Intermodal Facility at fair market value after NS relocates to the Airport premises.
- The conditions precedent to execution of the lease of the Initial Leased Premises include:
  - Securing the necessary approvals from numerous federal and state agencies
  - Securing \$39 million in federal funding (although NS can opt to proceed even if less funding is made available)
  - Confirming that the environmental condition for the new site is adequate to support operation of an Intermodal Facility
  - Confirming that there are no defects in title
  - NS obtaining an easement from NCDOT to construct tracks under the I-485 overpass
  - City and NS agreeing to construction easements
  - Commitment by City and/or NCDOT to construct and open by January 1, 2012 the extension of West Boulevard/Garrison Road between its connection with Interstate 485 and the entrance to the new Intermodal Facility
  - Commitment by City and/or NCDOT to construct and open by December 31, 2011 the traffic ramps connecting the West Boulevard/Garrison Road extension to Interstate 485
  - City or NS reaching agreements with Piedmont Natural Gas and any relevant property owners about relocation of gas lines
- Under the Lease, NS will pay to the Airport an annual ground rental for all the property under lease equal to ten percent of its fair market value as established by an appraisal until the property is conveyed to NS by deed. Upon the conveyance of all the property under lease to NS, the Lease will be terminated.
- NS is not prepared to execute the lease at this time because all of the conditions precedent have not yet been satisfied, but has executed the Master Development Agreement and is seeking Council approval of same.

**Attachment 10**

Master Development Agreement including the form of the Lease as Exhibit C

## 19. Airport Bus Purchase and Grant Acceptance



- Action:**
- A. Adopt a resolution accepting a U.S. Department of Energy grant from Triangle J Council of Governments in the amount of \$1,000,000 for the purchase of five DesignLine Turbine/Electric hybrid buses,**
  - B. Approve the purchase of turbine/electric hybrid buses, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6),**
  - C. Approve a contract with DesignLine International Holdings, LLC for the purchase of five turbine/electric hybrid buses in the amount of \$535,000 each (for total of \$2,675,000), and**
  - D. Adopt a budget ordinance appropriating \$1,000,000 received from the grant to the Airport's Capital Project Fund. Matching funds of \$1,675,000 are available in the Airport Operating Budget.**

**Staff Resource:** Jerry Orr, Aviation

### Clean Cities Recovery Act

- The Triangle J Council of Governments, in partnership with the other Clean Cities programs in North and South Carolina, has received a \$12 million grant through the Department of Energy's Clean Cities FY2009 Petroleum Reduction Technologies Projects program. This program will distribute \$300 million dollars nationally under the American Recovery and Reinvestment Act of 2009. Triangle J calls its program to replace gas and diesel vehicles "Carolina Blue Skies and Green Jobs Initiative."
- The Centralina Council of Government's Clean Fuels Coalition received \$2.1 million, of which the Airport grant amount is \$1,000,000.
- This grant is specifically to go towards the acquisition of five DesignLine Hybrid buses for use in the Airport's Parking Shuttle operations.
- These buses will replace existing diesel fuel buses in the Airport's parking shuttle bus fleet.

### 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; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because the DesignLine buses are specified in the grant.
- Purchases made under the sole source exemption require City Council approval.

### DesignLine Hybrid Buses

- In October 2007, the Council approved the sole source purchase of two DesignLine Hybrid buses that have been in the Airport's bus fleet and have met performance standards.
- The DesignLine Proprietary Series Hybrid system uses a fuel-burning turbine in conjunction with regenerative braking to charge a battery bank which powers all electrical accessories as well as the electric drive train.



The hybrid buses are well suited for the airport shuttle system, which has very short distance and frequent stops.

- The five DesignLine buses to be acquired will be manufactured in Charlotte.
- The purchase price of \$535,000 per unit includes a three-year unlimited mileage, bumper-to-bumper warranty.
- The DesignLine bus achieves a 41% increase in fuel mileage over the existing diesel shuttle bus fleet, while also reducing NOx emissions by 42% and CO emissions by 38%, based on modeling performed by Mecklenburg County's Air Quality Division.

#### **Small Business Opportunity**

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

#### **Funding**

\$1,000,000 Grant will be appropriated to the Airport's Capital Project Fund. The matching funds of \$1,675,000 will be funded from the Airport Operating Budget.

#### **Attachment 11**

Budget Ordinance  
Resolution

## **20. 2010 Housing Trust Fund Projects**

- Action: A. Approve a financial commitment of \$1,400,000 for the Arrowood Station Senior Multi-Family Rental Housing Development, and**
- B. Approve financial commitments of \$500,000 for Moore Place and \$500,000 for Carya House, a total of \$1,000,000 for Special Needs Housing Developments.**

**Staff Resources:** Zelleka Biermann, Neighborhood & Business Services  
Stan Wilson, Neighborhood & Business Services

#### **Policy**

- City's FY2006-FY2010 Consolidated Action Plan:
  - Approved by City Council on June 13, 2005
  - Identified the need for affordable, safe and decent housing for low and moderate-income families
  - Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

#### **Explanation**

- On December 14, 2009 City Council approved the Housing Trust Fund (HTF) Advisory Board's recommendation for allocating \$2,947,121 available in Housing Trust Funds. The funding was allocated to the Multi-Family Rental and Special Needs Housing categories as follows: Multi-Family Rental (\$1,473,560) and Special Needs (\$1,473,561).
- Staff issued a Request for Proposals to developers. Staff received proposals from developers and evaluated and ranked them based on the

Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.

- On May 24, 2010 City Council received a briefing on the FY2010 HTF Project Recommendations.

**Multi-Family Rental Housing**

<b>Project Score</b>	<b>Project Name</b>	<b>Developer</b>	<b>Affordable Units</b>	<b>Type</b>	<b>City Funding</b>
123	Arrowood Station Seniors	Wood Partners	105	New Construction	\$1,400,000
	<b>Total</b>		<b>105</b>		<b>\$1,400,000</b>

-----Cut-Off Line for Funding-----

120	Westinghouse Apartments	Charlotte-Mecklenburg Housing Partnership	90	New Construction	\$1,465,505
107	Willow Oak Run	Mills Construction/Willow Oak Run LLC	85	New Construction	\$685,000

**Special Needs Housing**

<b>Project Score</b>	<b>Project Name</b>	<b>Developer</b>	<b>Affordable Units</b>	<b>Type</b>	<b>City Funding</b>
114	Moore Place	Urban Ministry Center	85	New Construction	\$500,000
92	Carya Home	The Affordable Housing Group	8	New Construction	\$500,000
	<b>Total</b>		<b>93</b>		<b>\$1,000,000</b>

- All projects listed under the Multi-Family category, have applied to the North Carolina Housing Finance Agency (NCHFA) for Low-Income Housing Tax Credits. It is anticipated that not all projects will receive funding from NCHFA. The NCHFA will announce its tax credit project awards in August 2010. Should the top ranking project fail to receive a tax credit allocation, funding would be given to the next highest ranking project.
- Based on the proposals submitted, the Multi-Family proposals request exceeds available funds by \$2 million. The Arrowood Station project uses all available funding for the Multi-Family Category.
- The two special needs proposals can be fully funded. The remaining \$473,561 will be available for the next round of Request for Proposals.

**Funding**

City Housing Bonds (Housing Trust Fund)

**Attachment 12**

Dinner Briefing Presentation – May 24, 2010  
Project Sources and Uses

## 21. Charlotte-Mecklenburg Housing Partnership Locational Policy Waiver Request for the Westinghouse Apartments Project

**Action: Approve the Charlotte-Mecklenburg Housing Partnership's (CMHP) request for a waiver of the Housing Locational Policy for the Westinghouse Apartment multi-family development.**

**Staff Resources:** Zelleka Biermann, Neighborhood & Business Services  
Stan Wilson, Neighborhood & Business Services

### Policy

- City's FY2006-FY2010 Consolidated Action Plan:
  - Approved by City Council on June 13, 2005
  - Identified the need for affordable, safe and decent housing for low and moderate-income families
  - Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

### Explanation

- The CMHP's Westinghouse Apartment project is a new construction project consisting of 90 housing units, of which 65 are affordable to households earning 50% of the area median income (AMI) and 25 units will serve households earning 24% or less.
- The project is located in a prohibited area, per the Housing Locational Policy, because it is within half a mile of the Summerfield Apartments, a 52 unit multi-family affordable development owned and managed by Crosland Inc.
- A waiver is required for any assisted multi-family housing development located in a prohibited area. Assisted multi-family housing is defined as any existing or proposed multi-family rental housing development consisting of five or more residential units receiving assistance from local, state or federal government with the housing units restricted to serve households earning 60% or less than AMI.
- Previously there were questions regarding the homeownership rate and whether or not it met the Housing Locational Policy requirements (50% homeownership). Based on the draft 2010 Quality of Life data, the Olde Whitehall NSA is proposed to incorporate the Arysley neighborhood. The homeownership rate of the new NSA has been determined to be above 50%, therefore meeting this requirement of the Housing Locational Policy.
- Notification letters about the requested waiver and the June 14, 2010, Council meeting were mailed to the adjoining property owners and neighborhood associations on May 21, 2010, as per the policy.
- The Westinghouse Apartments project is an approved use for the property, which is zoned Commercial Center District and Mixed Use Development District-Optional.
- On April 6, 2010, CMHP met with the Arysley neighborhood residents and introduced the proposed development.
- CMHP has submitted a funding application for the Westinghouse Apartments to the State of North Carolina for a funding allocation of 2010 Federal Low Income Housing Tax Credits (LIHTC).
- CMHP requested Housing Trust Fund (HTF) dollars for the Westinghouse Apartments but the project fell below the line for funding. Despite not

receiving a recommendation for funding, CMHP is still requesting the waiver.

### **Attachment 13**

Map

Project Summary – Westinghouse Apartments

History of Project Waivers

Preliminary 2010 Quality of Life NSA Statistics

## **22. Sixth Amendment to Agreement for Purchase and Sale of Real Property to Scaleybark Partners, LLC**

- Actions:**
- A. Authorize the City Manager to execute a sixth amendment to Agreement for Purchase and Sale of Real Property with Scaleybark Partners, LLC to reflect a technical restructuring of the City's \$2,000,000 investment in the Scaleybark Station transit oriented development, and**
  - B. Authorize the City Manager to negotiate and execute such other documents necessary to complete the restructuring contemplated by the Sixth Amendment to Agreement for Purchase and Sale of Real Property with Scaleybark Partners, LLC.**

**Staff Resources:** Tom Flynn, Neighborhood & Business Services  
Peter Zeiler, Neighborhood & Business Services

### **Policy**

Housing Trust Fund set-aside for transit oriented development

### **Explanation**

- In order to make the developer eligible for the highest score on its 2010 low income housing tax credit application, the purchase and sale agreement between the City of Charlotte and Scaleybark Partners, LLC needs to be technically restructured to modify the description of the City's investment in the affordable housing component of the Scaleybark project.
- On February 29, 2008, the City completed a sale of property to Scaleybark Partners, LLC (Developer) for transit oriented development at the Scaleybark Station pursuant to the Agreement for Purchase and Sale of Real Property between Scaleybark Partners, LLC and the City of Charlotte (the Purchase and Sale Agreement).
- Prior to completing the sale, the City used \$2 million of its Housing Trust Fund to purchase a portion of the larger site sold to Developer. The City discounted the Developer's purchase price for the entire Scaleybark site by \$2 million in exchange for the Developer's commitment to partner with the Charlotte Mecklenburg Housing Partnership (CMHP) to develop 80 affordable housing units at the site.
- CMHP intends to apply to the North Carolina Housing Finance Agency (NCHFA) for low income housing tax credits (LIHTC) to partially finance the development of the 80 affordable housing units. The current Purchase and Sale Agreement obligates the Developer to refund the \$2 million to the City if CMHP is unable to secure LIHTCs by December 31, 2017.
- NCHFA's 2010 Qualified Allocation Plan sets forth the scoring criteria for

LIHTC applications. One of the criteria is City investment in the project. In order for CMHP to score the highest number of points in the City investment category, and to increase the likelihood of it receiving a LIHTC allocation from NCHFA, the City's investment must be in the form of a loan with a term of at least 20 years.

- None of the terms in the current Purchase and Sale Agreement contemplate a 20-year City loan and the NCHFA does not consider the City's \$2 million purchase price discount to Developer as an investment in the affordable housing development. The proposed Sixth Amendment to the Purchase and Sale Agreement converts the \$2 million discounted purchase price into a 20-year loan between the City and CMHP. This amendment satisfies the NCHFA selection criteria.
- At the end of the 20-year loan period, CMHP will make a balloon payment of \$1,560,000 to the City as full repayment of the loan. The \$440,000 difference between the \$2,000,000 loan amount and the repayment obligation is a result of changes in the market values of tax credits and general credit access issues. CMHP intends to purchase 1.3 more acres from Developer than was contemplated in the original Purchase and Sale Agreement to accommodate less expensive surface parking instead of the planned structured parking. CMHP has agreed to pay Developer \$500,000 for the additional 1.3 acres. Because CMHP's proforma will not work with a \$500,000 payment to Developer and a \$2,000,000 balloon payment to the City, CMHP will pay the City the land's appraised value (\$2,060,000) minus the \$500,000 payment to the Developer.
- If CMHP receives a 2010 LIHTC allocation, the Developer will sell the land set aside for the affordable housing units to CMHP and the City Manager will negotiate the details and execute Sixth Amendment creating CMHP's obligation to reimburse the City to meet NCHFA guidelines.
- If CMHP is not successful in their 2010 LIHTC application, the City Manager will not execute the Sixth Amendment and the existing agreement is not modified.
- Changes in the market values of tax credits and general credit access issues will result in CMHP purchasing more acreage from Scaleybark Partners than was contemplated in the Agreement. The extra acreage will accommodate surface parking instead of the planned structured parking for the affordable housing. CMHP would therefore deduct the purchase price of the additional acreage from the original obligation of \$2,000,000 resulting in a balloon payment of \$1,560,000 instead of \$2,000,000

**Attachment 14**  
Sixth Amendment

## 23. Charlottetown Terrace Loan Restructuring

**Action:** Approve the Charlotte Housing Authority's request to restructure the Charlottetown Terrace Housing Trust Fund (HTF) award from a loan award to a grant award.

**Staff Resources:** Zelleka Biermann, Neighborhood & Business Services  
Stan Wilson, Neighborhood & Business Services

**Explanation**

- The Charlotte Housing Authority (CHA) requests City approval to restructure the Charlottetown Terrace Housing Trust Fund (HTF) award

from a loan to a grant award in order to avoid a \$1 million funding gap for the project.

- On June 8, 2009, the City Council approved a loan in the amount of \$1,000,000 to the Charlotte Housing Authority (CHA) for the rehabilitation of Charlottetown Terrace as part of the FY2009 Housing Trust Fund Special Needs Housing Request for Proposals. Rehabilitation typically includes roof replacement, electrical, HVAC in common areas, window replacement, etc.
- Charlottetown Terrace, located at 1000 Baxter Street, is comprised of 161 special needs housing units serving households earning 30% or less than area median income, including persons meeting the federal definition of a disability (physical or mental disability, drug/alcohol rehabilitation).

**Need to Restructure Loan**

- The approved City loan structure is a non-amortizing loan with simple interest at 2% for 20 years, with an affordability period of 50 years.
- Originally the CHA planned to support project funding with state-issued Low Income Housing Tax Credits. Subsequently, the Department of Housing and Urban Development has awarded Charlottetown Terrace a \$6,200,000 grant that restricts the use of additional loans for the project.
- If the HTF award remains a loan, the CHA will have a \$1 million funding gap for the project.
- All past HTF awards to the CHA for its public housing rehabilitation projects have been in the form of grants.
- The project schedule remains the same with construction starting August 2010 and completion in September 2011.

**Funding**

City Housing Bonds (Housing Trust Fund) – Approved June 8, 2009

**Attachment 15**

CHA Request Letter  
Source of Funds

**24. Code Enforcement Demolition of 2403 Wilkinson Boulevard**

**Action:**

**A. Adopt ordinances authorizing use of the In Rem Remedy to demolish and remove four buildings located at 2403 Wilkinson Boulevard, and**

**B. Approve a demolition contract with Environmental Holdings Group, LLC in the amount of \$232,590 for demolition of structures at 2403 Wilkinson Boulevard.**

**Staff Resource:** Walter Abernethy, Neighborhood & Business Services

**Explanation**

- 2403 Wilkinson Boulevard site numbers one, two, three and four (also known as the old Economy Inn) are located in the Westover Hills neighborhood, at the intersection of Wilkinson Boulevard and Berryhill Road. The property was found to be in violation of Chapter 11 of the City’s Housing Code, which addresses abandoned structures, following a field observation by staff.

- The property is zoned Industrial-2 and consists of four structures including an office and three motel buildings with significant asbestos contamination.
- Code Enforcement found the buildings unsafe and accessible to the public, therefore, a public hazard.
- The current owner of the property is Vaastu Enterprises LLC.
- Code Enforcement issued a Finding of Fact and Order to demolish the four buildings on December 18, 2009, and the Charlotte Housing Appeals Board upheld this decision on February 19, 2010.
- The award for demolition is \$232,590 and staff recommends that the cost of demolition be funded from Business Corridor Revitalization Strategy Fund for the following reasons:
  - Demolition supports the goals of the Business Corridor Revitalization Strategy by eliminating a blighted influence on the business corridor.
  - The site is within the Freedom Drive/Wilkinson business corridor.
- A lien will be placed on the property for the demolition costs, and when the lien is paid, the proceeds will be returned to the Business Corridor Revitalization Strategy Fund.

### **Selection Process**

- In response to Request for Proposals (RFP), the City received 10 proposals.
- The Evaluation Team comprised of staff from Business Support Services and Neighborhood & Business Services evaluated service providers on the following criteria:
  - Background and experience of the company
  - Operational qualifications of personnel
  - Proposed solution
  - Willingness and ability to comply with the RFP and contract terms and conditions
  - References
  - Cost of service provision
- After thorough evaluation, the Evaluation Team unanimously considered Environmental Holdings Group, LLC the service provider best meeting the established requirements.

### **Small Business Opportunity**

Established SBE Goal: 4.00%

Committed SBE Goal: 3.27%

Environmental Holdings Group, LLC (EHG) did not meet the SBE Goal or the minimum Good Faith Effort points. The SBO Program Manager issued a Non-Compliance waiver on the basis it being minor in nature (Part C: Section 6.3.1 of the Program Policy). EHG earned 85 of the required 90 GFE points for compliance, as an additional 20 available GFE points were missed due to a minor technicality. EHG committed 3.27% (\$7,600) of the total contract amount to the following SBE: TWD Enterprises, Inc. (hauling). Subsequent to the proposal opening, EHG committed to a cumulative utilization of 4.08% (\$9,500) to TWD Enterprises.

### **Funding**

Business Corridor Revitalization Strategy Fund

### **Attachment 16**

Code Enforcement Process

## 25. Code Enforcement Demolition of 200 Wesley Heights Way

**Action:** Approve a demolition contract with Environmental Holdings Group, LLC in the amount of \$236,090 for demolition of three structures at 200 Wesley Heights Way and a contingency not to exceed \$75,000 for the unknown asbestos removal due to areas identified as unsafe conditions during the inspection.

**Staff Resources:** Tom Flynn, Neighborhood & Business Services  
Walter Abernethy, Neighborhood & Business Services

### Explanation

- Cannon Cathedral is located at 200 Wesley Heights Way, in the Seversville neighborhood. The current owner of the property is New Bethel Church Ministries, Inc.
- The property is zoned Urban Residential and consists of three structures including a large sanctuary with significant asbestos contamination.
- The property was found to be in violation of Chapter 11 of the City's Housing Code, which addresses abandoned structures, following a complaint by the Charlotte-Mecklenburg Police Department.
- On July 8, 2009, Code Enforcement staff found the buildings unsafe and accessible to the public, therefore, a public hazard.
- On September 1, 2009, Code Enforcement issued a Finding of Fact and Order to demolish the three buildings. The Charlotte Housing Appeals Board upheld this decision on December 15, 2009.
- The award for demolition is \$236,090 and staff recommends the cost of demolition be funded from Business Corridor Revitalization Strategy funds for the following reasons:
  - Demolition supports the goals of the Business Corridor Revitalization Strategy by eliminating a blighted influence on the business corridor.
  - The site is within the Beatties Ford Road business corridor and adjacent to the Rozzelles Ferry Road business corridor.
- The 4.4 acres of land was recently appraised at \$2.8 million. The City will recover the cost of the demolition from either the current property owner, or through a foreclosure sale of the land using the upset bid process.
- A lien will be placed on the property for the demolition costs. When the lien is paid, proceeds equaling the cost of demolition will be returned to the Business Corridor Revitalization Strategy Fund.

### Selection Process

- In response to Request for Proposals (RFP), the City received five proposals.
- The Evaluation Team, comprised of Business Support Services and Neighborhood & Business Services staff, evaluated the proposals based on the following criteria:
  - Background and experience of the company
  - Operational qualifications of personnel
  - Proposed solution
  - Willingness and ability to comply with the RFP and contract terms and conditions
  - References
  - Cost of service provision



- After thorough evaluation, the Evaluation Team unanimously considered Environmental Holdings Group, LLC, of Charlotte, North Carolina, the service provider best meeting the established requirements

### **Council Discussion**

- On May 24, 2010, City Council approved the following actions related to the Code Enforcement demolition of Cannon Cathedral at 200 Wesley Heights Way:
  - Adopt ordinances authorizing the use of In Rem Remedy to demolish and remove the structures, and
  - Adopt an ordinance to demolish and approve the use of Business Corridor Revitalization Strategy Funds to pay for the demolition.
- The owner of the property (New Bethel Ministries) spoke at the May 24, 2010, meeting and advised Council that they had acquired their own demolition contractor and had applied for a demolition permit on May 24, 2010. The property owner committed to begin the demolition by June 11, 2010.
- Council voted to defer the approval of a demolition contract with Environmental Holdings Group, LLC for \$236,090 and a contingency not to exceed \$75,000 for asbestos removal until their June 14, 2010 Business Meeting and gave New Bethel Ministries until June 11, 2010, to begin the demolition of the three buildings.

### **Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.05%

Environmental Holdings Group, LLC met the SBE goal and committed 8.05% (\$19,000) of the total contract amount to the following SBE firm: TWD Enterprises, Inc. (hauling).

### **Funding**

Business Corridor Revitalization Strategy Fund

### **Attachment 17**

Aerial Photo of 200 Wesley Heights Way  
Code Enforcement Process

## **26. Nominations to Boards and Commissions**

**Action: Nominate citizens to serve as specified.**

### **A. TEN YEAR PLAN TO END AND PREVENT HOMELESSNESS ADVISORY BOARD**

- This is a new board created by City Council on May 24, 2010.
- This is a working title for the Board. The existing Housing Trust Fund Advisory Board will recommend a name for this new community-based advisory board at its June 10, 2010 meeting.
- Six appointments for staggered initial terms beginning July 1, 2010 as follows:
  - One appointment for a term ending June 30, 2011 for a representative of the affordable housing community
  - One appointment for a term ending June 30, 2012 for a representative of the community

- One appointment for a term ending June 30, 2013 for a representative of the donor/philanthropic community
- One appointment for a term ending June 30, 2011 for a representative of the financial community
- One appointment for a term ending June 30, 2012 for a representative of the legal community
- One appointment for a term ending June 30, 2013 for a representative of the real estate community

**Attachment 18**

Applications

**27. 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."

## 28. Resurfacing FY2010-A

**Action: Award the low bid contract in the amount of \$4,874,014.89 to Blythe Construction, Inc. for street resurfacing during FY2010.**

**Staff Resource:** Layton Lamb, Transportation

#### **Explanation**

- This project consists of resurfacing approximately 48 miles of City streets.
- Work includes:
  - Traffic control
  - Asphalt and concrete pavement milling
  - Base failure repair
  - Asphalt surface treatment
  - Utility adjustments
  - Manhole frame and cover replacements
  - Wheelchair ramp construction and repair
  - Asphalt paving
  - Pavement marking
- This is the last of three resurfacing contracts for FY2010. Council approved the first contract in November 2009 (Contract C), the second in March 2010 (Contract B). These contracts are currently in progress.

- The three contracts will collectively pave an estimated 160 to 190 street miles (depending on asphalt price stability) throughout the City.
- In FY2009, 100 miles were resurfaced; 104 miles were completed in FY2008.
- The FY2010-A resurfacing contract will target many streets with pavement failures that contribute to the development of potholes.
- FY2010-A completion is scheduled for September 3, 2010.

#### **Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.05%

Blythe Construction Inc. committed 8.05% (\$392,358) of the total contract amount to the following SBE firm: Carolina Cajun Concrete (sidewalk and driveway).

#### **Funding**

Powell Bill Street Maintenance Fund

#### **Attachment 19**

List of Streets

## **29. Ready Mix Concrete**

- Action:**
- A. Award the low bid unit price contract to Concrete Supply Co., for the purchase of Portland Cement Concrete, a brand of ready mix concrete, for the term of one year, and**
  - B. Authorize the City Manager to extend the contracts for four additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 expenditures are anticipated to be an estimated total of \$670,000.**

**Staff Resource:** Layton Lamb, Transportation

#### **Explanation**

- This contract will provide Portland Cement Concrete, a brand of ready mix concrete, to the Street Maintenance Division of CDOT. Ready mixed concrete is used by Street Maintenance crews performing the maintenance, repair and installation of sidewalks, curb and gutter, driveways, and accessible ramps found within the street rights of way. The contract provides for both the delivery and/or pick-up of concrete products from Concrete Supply Co.

#### **Small Business Opportunity**

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

#### **Funding**

Powell Bill Street Maintenance Fund

### 30. York-Cama Neighborhood Improvements and Peterson Drive Storm Drain Improvements

**Action:** Award the low bid contract of \$1,429,660.10 to 8-Star Construction Company for York-Cama Neighborhood improvements/Peterson Drive storm drain improvements.

**Staff Resources:** Lamar Davis, Engineering & Property Management  
Matthew Gustis, Engineering & Property Management

#### Explanation

- York-Cama was included as one of nine neighborhoods in the 2006 Neighborhood Improvement Program (NIP) Bond Referendum and is bounded by I-77, Yancey Road, Heriot Avenue, and South Boulevard.
- The contract combines a NIP project and a storm drainage project. Together, the improvements include grading, drainage, new curb and gutter, sidewalks, drives and wheelchair ramps, planting strips, water and sewer system rehabilitation and asphalt repair. All property owners were in agreement with the project. No condemnations were required.
- The Peterson Drive Storm Drainage Improvements (which include 400 feet of drainage channel work) were originally designed as a separate project. The projects were coordinated so both projects could be placed on the same contract and constructed concurrently, reducing the impact to the neighborhood.
- Completion is scheduled for end of 2<sup>nd</sup> quarter 2011.
- Final surface paving for York-Cama will be done under the 2011 Resurfacing Contract.

#### Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 10.12%

8 Star Construction Co., Inc. committed 10.12% (\$144,707) of the total contract amount to the following SBE firms: The Carolina Landworks, Inc. (seeding/channel work), Howdel Trucking (hauling), and Stinson Trucking (hauling). 8 Star is also a certified SBE.

#### Funding

Neighborhood, Storm Water and Utilities Capital Investment Plans

### 31. Upper Stoney Creek Restoration

**Action:** Award the low bid contract of \$793,980 to Blythe Development Company for construction to preserve, enhance and restore creeks within the Stoney Creek Watershed area.

**Staff Resource:** Matthew Gustis, Engineering & Property Management

#### Explanation

- Stoney Creek is a tributary to Mallard Creek. This creek receives storm water run-off from local residential communities, The Tradition Golf Course and Mallard Creek Community Park.

- The drainage area for the Upper Stoney Creek Watershed is approximately 1,035 acres.
- This project is comprised of three tributaries to Upper Stoney Creek which converge at the downstream floodway at Mallard Creek Road.
- The tributaries total about 7,500 linear feet of open channel that will be preserved, enhanced and restored through this construction, which provides mitigation credit to the City's Mitigation Bank for projects in the Rocky River Basin.
- Construction completion is scheduled for the end of 1<sup>st</sup> Quarter 2011.

#### **Small Business Opportunity**

Established SBE Goal: 7.00%

Committed SBE Goal: 10.54%

Blythe Development Co. committed 10.54% (\$83,665) of the total contract amount to the following SBE firm: Carolina Wetland Services, Inc. (stream bank restoration and planting).

#### **Funding**

Storm Water Capital Investment Plan

## **32. FY2010 Water Main Replacements**

**Action: Award the low bid contract of \$1,492,840.25 by Dallas 1 Construction LLC for replacement of aging water mains throughout Mecklenburg County.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- This contract provides for replacement of approximately 20,000 linear feet of water mains throughout Mecklenburg County that have reached the end of their service life.
- Replacement of these water mains will improve water quality and pressure, and reduce leaks in the areas with reported water quality or low pressure concerns.

#### **Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.00%

Dallas 1 Construction met the goal for this project, and committed 8.00% (\$119,500) to the following SBE firm: Bullseye Construction for water and sewer line installation. Dallas 1 is also a certified SBE.

#### **Funding**

Utilities Capital Investment Plan

### 33. Wastewater Treatment Polymers, Amendment #1

**Action: Approve amendment #1 to the three current contracts for dewatering polymers used at all Utilities' wastewater treatment plants in the total amount of \$578,000.**

**Staff Resource:** Barry Gullet, Utilities

#### Background

- On February 13, 2006, Council awarded contracts to three companies to provide wastewater treatment polymers to Utilities.

Vendor	Original Annual Contract Amount	Amendment Amount
Ciba Specialty Chemicals Corp.	\$75,000	\$27,000
Polydyne, Inc.	\$901,000	\$468,000
Ashland Chemical, Inc.	\$138,000	\$83,000
TOTAL AMENDMENT AMOUNT		\$578,000

- These polymers are used in the dewatering process, which greatly reduces the cost for disposal of wastewater treatment residuals.
- The initial term of these contracts was two years, with options to renew for two additional one-year terms. There are no remaining renewal options on these contracts.

#### Explanation

- The Environmental Management Division of Utilities is currently conducting lab trials for the purpose of establishing performance standards for these polymers.
- In an effort to address chemical costs in wastewater treatment, these polymer trials will determine if the current chemical performance standards and quantity used are still correct for each plant.
- The current contract for polymers expired before the trials were completed and therefore, Utilities is currently purchasing on the open market.
- The amendments will extend the contracts for six months, providing protection for Utilities by guaranteeing competitive pricing during the dewatering polymer trials.
- A formal invitation to bid will be issued in late summer 2010.
- Polymers are the most expensive chemical used in the wastewater treatment process and therefore these trials will serve as a tool of cost-benefit analysis when going out for bids.

#### Small Business Opportunity

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

#### Funding

Utilities Operating Budget

### 34. McNeilus Automated Refuse Collection Truck Body Parts and Service

- Action:**
- A. Approve the purchase of McNeilus Refuse Collection Truck Body Parts as authorized by the sole source exemption of G.S. 143-129(e)(6),**
  - B. Approve a contract with McNeilus Truck & Manufacturing for the purchase of repair and replacement parts in the estimated annual amount of \$220,000 for the term of five years, and**
  - C. Authorize the City Manager to extend the contract for two additional one-year terms as authorized by the contract.**

**Staff Resource:** Charles Robinson, Business Support Services

#### **Sole Source Exception**

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

#### **Explanation**

- Business Support Services/Equipment Management Division currently maintains 60 McNeilus automated refuse collection bodies for Solid Waste Services Trucks. Ten additional units are currently on order.
- McNeilus warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs.
- OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- OEM parts are only available directly from McNeilus Truck & Manufacturing.

#### **Small Business Opportunity**

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

#### **Funding**

Solid Waste Services Operating Budget



## 35. Multi-Family Solid Waste Collection Contracts Extensions

**Action:** Authorize the City Manager to execute six-month contract extensions with Republic Services d/b/a Allied Waste Services of Fort Mill, beginning July 1, 2010 and ending December 31, 2010, for the:

1. Multi-Family Refuse and Recyclables Collection Contract
2. Multi-Family Bulky Item Collection Contract

The combined cost of the six-month extensions is not to exceed \$1.5 million.

**Staff Resource:** Victoria Garland, Solid Waste Services

### Explanation

- The Multifamily Refuse and Recyclable Collection Contract with Allied Waste Services of Fort Mill provides weekly solid waste collection of garbage and recyclables from multifamily residential communities having 30 or more units and designated public facilities that use dumpsters or compactors.
- Some smaller multifamily communities with less than 30 units that use dumpsters or compactors instead of rollout containers also receive service under this contract.
- The Multifamily Bulky Item Collection Contract also with Allied Waste Services of Fort Mill provides scheduled bulky item collection from multifamily communities and a one-time annual collection of Christmas trees.
- During development of the FY2011 recommended budget, consideration was given to modification of this service to multi-family communities, which delayed the bidding process for new contracts.
- Both contracts expire on June 30, 2010 and the extension periods will be July 1, 2010 thru December 31, 2010.
- During the extension period, staff will request proposals for a single service contract that combines the scopes of service currently provided under the two separate contracts.
- The new service contract would begin January 1, 2011.
- Staff recommends extending the two contracts for six months because:
  - Allied Waste Services has agreed to maintain the current pricing for each contract without increases during the extension periods.
  - It is a good value to the City to maintain the current prices for as long as possible since new contract prices are projected to be higher.
  - Allied Waste Services is a long-term private service partner that has provided a high standard of seamless service for many years.
- The Charlotte Apartment Association supports the extensions because they also provide stability to supplemental solid waste collection price rates for multi-family communities, which also will not change during the extension period.
  - Some multifamily communities choose to contract independently with Allied Waste for extra service beyond what the City provides.
- The City contract pricing is as follows:

<b>Multifamily Refuse and Recyclables Contract</b>		
Collection Type	Current Collection Price	Extension Collection Price
Dumpster/Open Tops	\$6.77 per collection	No Change
Compactors/Closed Tops	\$95.05 per haul	No Change
Recycling Station	\$12.77 per collection	No Change
<b>Multifamily Bulky Item Collection Contract</b>		
Collection Type	Current Collection Price	Extension Collection Price
Bulky Items	\$193.42 per ton	No Change
Christmas Trees	\$878.80 per ton	No Change

**Small Business Opportunity**

All additional work involved in this contract extension will be performed by Allied Waste Services and their existing subcontractor, Urban Disposal, Inc., an SBE (Part D: Section 6 of the SBO Policy). Urban Disposal is the subcontractor for recyclable collection for the Multi-Family Refuse and Recyclables Collection Contract and its compensation for FY2009 was 18.4% (\$391,366) of that contract's total proceeds.

**Funding**

Solid Waste Services General Fund Operating Budget

### 36. Information Technology Project Management and Technical Support Services

**Action:**

**A. Approve a one-year contract with KBA Computer Services, Inc. in an annual amount not to exceed \$98,000 to provide project management and technical support services for the citywide deployment of several software applications, and**

**B. Authorize the City Manager to approve up to three, one-year renewal options as authorized by the contract, contingent upon the company's satisfactory performance.**

**Staff Resource:** Charles Robinson, Business Support Services

**Explanation**

- KBA Computer Services, Inc. has a history of providing successful services to the City since 1999.
- The company will provide project management and technical support for the implementation of a virtual desktop infrastructure and software deployments associated with the Help Desk, and the tracking and management of IT assets.
- The company will also provide project management for the Information Technology Service Management initiative for the City.
- Further, the company will participate in projects identified by the City as they develop. Participation will include planning, communication, documentation, reporting and technical training.
- KBA Consulting's rate of \$82 per hour compares favorably with the established IT contractor rates which were competitively solicited in 2005.

**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). KBA Computer Services, Inc. is also a certified SBE.

**Funding**

Business Support Services Operating Budget

### 37. Agreements with Mecklenburg County for Information Technology Staff Resources

**Action:**

**A. Authorize City Manager to approve agreements with Mecklenburg County for temporary use of Mecklenburg County Information Technology Services employees to work on City technology projects for an initial term of one year, in the estimated amount of \$400,000, and**

**B. Authorize City Manager to enter into other agreements with Mecklenburg County to use County IT staff within approved funding/budget.**

**Staff Resource:** Charles Robinson, Business Support Services

**Explanation**

- Currently, Mecklenburg County has skilled and experienced Information Technology (IT) Services employees that are not fully funded within the County's Budget.
- The City currently has several technology projects that need external resources.
- In order to benefit both organizations, the City is seeking authorization to enter into temporary agreements with Mecklenburg County for County IT staff to provide services for City projects.
- The City is in need of Information Technology services assistance on a temporary basis. The County is seeking to protect its investment in highly skilled and trained personnel that may otherwise be laid off and/or seek employment elsewhere.
- The County has developed expertise in project management and employs Six-Sigma methodologies which are consistent with City practices.
- The information technology services agreements are equivalent to 3.85 FTEs for assistance in the following areas:
  - Interim Project Management services to the Enterprise Resource Planning (ERP) effort until a full-time project manager can be hired. The ERP project targets business process improvements in the areas of financial management, procurement, and project/grant cost accounting. The County staff rate is approximately \$71 per hour in comparison to the IT contractor's rates which range from \$65 to \$156 per hour. Recent project proposals have been in the \$140 to \$160 per hour range for other IT-related Services (0.5 FTE).
  - Project Management services that will aid BSS-IT in developing and managing the Information Technology Infrastructure and Network Technology Services (public safety radio) necessary for an effective shared services environment. Initially identified projects include: wireless device management, desktop management procedure development, and other project management/business process

improvement efforts. The County staff rate is approximately \$71 per hour in comparison to the IT contractor's rates which range from \$65 to \$156 per hour. Recent project proposals have been in the \$140 to \$160 per hour range for other IT-related Services (0.35 FTE).

- Geographic Information Systems (GIS) database architecture design and setup services to support the CityWorks application that is currently underway as a pilot program in City departments. The CityWorks program is being led by Charlotte Mecklenburg Utilities. The County staff rate is approximately \$46 per hour in comparison to the IT contractor's rate for GIS Analysts at \$79 per hour (two FTE).
- GIS Analysis services to map fiber-optic and cabling assets in a unified manner. This inventory mapping is a critical component of a systematic approach to establishing a cohesive baseline for strategic investment and maintenance. The County staff rate is approximately \$37 per hour in comparison to the IT contractor's rate for GIS Tech Specialist at \$50 to \$60 per hour (one FTE).

### **Small Business Opportunity**

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

### **Funding**

Utilities Capital Investment Plan and various Key Business Operating Budgets

## **38. Cellular Services**

- Action:**
- A. Approve the purchase of Cellular Services, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3),**
  - B. Approve Agreements with the following three vendors for the provision of Cellular Services in the estimated annual amount of \$1,335,000:**
    - **AT&T Mobility**
    - **Sprint/Nextel**
    - **Verizon Wireless, and**
  - C. Authorize the City Manager to extend the agreements for additional terms as allowed by the cooperative purchasing contracts with possible price adjustments at the time of annual renewal as authorized by the agreements.**

**Staff Resource:** Charles Robinson, Business Support Services

### **Explanation**

- On March 24, 2010, the City Manager issued a memorandum on FY2011 budget reductions which required Business Support Services (BSS), as the responsible agency, to implement consolidated management of wireless services such as telephone, data devices, and data modems. The estimated annual cost savings are \$97,900.
- The City currently maintains Corporate Pooled Minute Accounts with Sprint/Nextel and Verizon Wireless. The estimated expenditures for cellular services between these two accounts are \$1,009,500 annually.
- The City additionally spends approximately \$423,750 annually with AT&T Mobility.

- Based on the current usage as well as feedback and statistics gathered, an informal Request for Response was sent to AT&T Mobility, Sprint/Nextel, and Verizon Wireless in order to determine available services, ability to meet the City's needs as identified and requested and best pricing solutions from each service provider, which will provide an estimated annual cost savings of \$97,900.
- After thorough evaluation, BSS and the Stakeholder Team recommended awarding contracts to AT&T Mobility, Sprint/Nextel, and Verizon Wireless for cellular services.

#### **Cooperative Purchasing Exemption**

- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.
- AT&T Mobility and Sprint/Nextel have national cooperative purchasing contracts through Western States Contracting Alliance (WSCA) that guarantees their lowest prices.
- The WSCA contracts were competitively bid by the State of Nevada and awarded by the Nevada State Board of Examiners on October 9, 2006. The contract term expires on October 9, 2010.
- The WSCA Agreements allow for interested Agencies to submit Participating Addendums to receive cellular services at the negotiated rates.
- Verizon Wireless has a federal GSA Contract (GS-35F-0119P) that guarantees their lowest prices.
- The GSA contract was awarded on December 03, 2003 with an extension through September 28, 2010.
- The GSA Agreement allows for interested Agencies to submit federal supply schedule purchase orders to receive cellular services at the negotiated rates.
- These contracts are typically extended under the same terms and conditions. At the time of renewal or extension, in the event the terms change and are not deemed favorable to the City, the City would negotiate a new set of terms.

#### **Small Business Opportunity**

Cooperative Group Purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

#### **Funding**

Key Business Units Operating Budgets

### 39. Contractor Reimbursement Agreement

**Action:** A. Authorize the City Manager to negotiate and execute a reimbursement agreement with Steele Creek (1997) LLC, in the amount of \$134,000 for the difference in cost to upgrade the traffic signal installation from wood poles to steel poles/mast arms, as part of a current project, and

B. Adopt a budget ordinance appropriating \$134,000 in contractor reimbursement funding for traffic signal upgrades.

**Staff Resource:** Scott Putnam, Transportation

#### Explanation

- The City is currently constructing a new alignment of Dixie River Road at Steele Creek Road. The City's project includes a standard wood pole installation for traffic signals at this relocated intersection.
- The contractor, Steele Creek (1997) LLC, who owns property adjacent to the City project, prefers steel poles/mast arms for the traffic signals at this location, and is willing to contribute the difference in cost for the installation.
- The contractor agreed to reimburse the City in the amount of \$134,000 on or before June 30, 2012.
- The payment made by the contractor is based on an estimate of additional cost of upgrade prepared by CDOT and supplied to the contractor.
- CDOT will be installing and operating these new signals as part of the existing signal system in the area.

#### Funding

Transportation Capital Investment Plan

#### Attachment 20

Budget Ordinance

### 40. Transit Travel Demand Model

**Action:** Approve a contract with AECOM Technical Services, Inc. to provide professional travel demand modeling services to support transit project evaluation & design, and federally required 'Before and After' studies for the LYNX Blue Line; and in a not to exceed amount of \$500,000.

**Staff Resource:** David McDonald, Transit

#### Policy

Focus Area Initiative 1, Transportation Action Plan Goal 1, and 2030 Transit Corridor System Plan. "Continue implementation of the Centers and Corridors Strategy"

### Explanation

Transit Travel Demand Model development is highly specialized and is the foundation of the required New Starts process to gain approval of a federal full funding grant agreement for the Blue Line Extension.

- The development and use of a Transit Travel Demand Model are not static tasks. Both Transit and CDOT must continue to improve the model in response to changing federal requirements, as well as to improve the accuracy of individual ridership forecasts. This ongoing work ensures that transit related projects are adequately sized, designed, and remain eligible for federal and state funding.
- This contract will provide:
  - The federally required modeling and related documentation for completion of the LYNX Blue Line Extension (BLE) environmental documents and New Starts submission
  - The completion of a federally required analysis of “Before and After” ridership and model performance of the LYNX Blue Line
  - Continuation of modeling support for the update to the 2030 Transit Corridor System Plan
  - Coordination with CDOT to integrate the transit portion of the model with the regional travel demand model
- AECOM Technical Services, Inc has demonstrated a thorough knowledge of transit modeling and the evolving Federal Transit Administration (FTA) requirements for the City’s application and will continue to update and refine the transit portion of the travel demand model and provide assistance to City staff.
- Funding for this project includes federal (\$400,000), state (\$50,000) and local match (\$50,000).

### Selection Process

- A request for qualifications (RFQ) was advertised on April 23, 2010.
  - Six potential proposers were contacted or expressed interest in the project.
  - The committee of Transit and CDOT staff reviewed the proposal and approved AECOM as qualified to perform the work.
  - The criteria for selection included:
    - The consultant team’s experience in providing services for similar projects.
    - The team must have had proven knowledge and experience working with FTA on model development for New Starts Applications.
    - The consultant team’s experience and proven knowledge in developing and applying travel demand models.

### Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 10%

AECOM expects to assign approximately 10% (\$50,000) of the total contract amount to the following DBE firm(s): Connetics Transportation Group will provide data collection, surveys and operations analysis services.

### Funding

Transit Capital Fund

## 41. Lynx Blue Line Rail Grinding Services

**Action: Approve a contract with Loram Maintenance of Way, Inc. of Hamel, MN for rail grinding services along the entire mainline of the CATS Lynx Blue Line and in an amount not to exceed \$213,142.**

**Staff Resource:** Rocky Paiano, Transit

### Background

- On November 17, 2009, CATS issued a formal request for proposals to solicit Rail grinding Services for the 9.4 mile two track system of the CATS Lynx Blue Line.
- Rail grinding is a reconditioning process that removes imperfections and smoothes out all welds for the rail track with minimal metal removal.
- Rail grinding is essential for light rail systems. This reconditioning of rails is required every three to four years. The benefits include:
  - Extending the life of train wheels and rails
  - A smoother and quieter ride for passenger
- This will be the first time that CATS will have the tracks reconditioned since the start of revenue service in November 2007.
- This will be a one-time service without contract renewals.
- An evaluation team received and reviewed two proposals:
  - The team focused on experience, references, equipment, training, technical support and pricing.
  - Loram Maintenance of Way, Inc. was selected by the evaluation team as the overall best offer. Their grinding machines are heavily shielded, well guarded and are equipped with integrated dust suppression systems, which minimize airborne debris.

### Public Coordination

- The rail grinding machinery moves slowly (approximately one mile per hour), generates noise, and will require crossings to be closed as it moves through them.
- CATS is coordinating the timing of the service to minimize the impact on the public and on light rail service.
- The media and public will be notified well in advance of the revised service and closing schedule, and how to avoid inconveniences the service may cause.

### Small Business Enterprise Opportunity

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

### Funding

Transit Capital Fund



## 42. Blue Line Vehicles Sales and Use Tax Accounting

**Action:** Approve an administrative amendment to increase the gross value of the Siemens Transportation Systems, Inc. contract for the Lynx Blue Line light rail vehicles by \$5,100,000 to a not to exceed amount of \$72,800,000, in order to account for the North Carolina sales and use tax due, which must be paid to the State directly or through the vendor, but which is subsequently refundable by the State to the City.

**Staff Resources:** Carolyn Flowers, Transit  
Lisa Flowers, City Attorney's Office

### Summary

- This action will have a net effect of zero on CATS' budget. The amendment is needed in order for CATS to pay sales and use tax on the light rail vehicles (LRVS), which the vendor did not include on its invoices. This will increase the gross value of the contract from \$67.7 million (the total approved by Council in 2004 and 2008) to \$72.8 million. However, the sales and use tax paid by CATS will be refunded by the State; therefore, the net value of the contract will remain \$67.7 million.

### Sales Tax Process

- Commonly, local governments are exempt from their state's sales and use tax. North Carolina, however, employs a "pay and refund" method in which municipalities pay the sales and/or use tax for purchases of tangible personal property and then, at the end of the fiscal year, apply to the State for a refund of the taxes paid during the year.
- Under the normal "pay and refund" process:
  - Vendors include a line item on their invoices for sales tax.
  - The City pays the vendors.
  - The vendors pay the sales tax to the North Carolina Department of Revenue.
  - The City then uses the sales tax line item from the invoices to administer the fiscal year end accounting for its request for refund from the State.
- While the sales tax is most commonly collected from the vendor, the State may collect use tax from the purchaser if the sales tax is not paid by the vendor.

### Background

- On March 22, 2004, Council approved a contract with Siemens for 16 LRVs in an amount not to exceed \$52,500,000 (base contract of \$49,500,000; \$3,000,000 contingency).
- The base contract amount did not include sales tax.
- At that time the applicable sales tax for railroad cars was a maximum of \$1,500 per car (\$24,000) and was easily accounted for in the contract contingency.
- On January 1, 2006 and prior to delivery of the first LRV, the North Carolina sales tax on railroad cars changed to the general state and local sales and use tax rate (7.5% at that time) and eliminated the \$1,500 cap per car. Those changes increased the sales and use tax for the first 16 LRVs from \$24,000 to \$3.8 million.
- Siemens never included sales tax on its invoices to the City and the sales and use tax has not been paid for any of the LRVs.

- An internal Siemens audit has now noted the invoicing error. Upon approval of this action, the City will pay the applicable tax and then implement the normal process to obtain a refund of the tax from the State.
- On May 12, 2008, Council approved an amendment to the Contract to exercise the City’s option to purchase four additional LRVs for an amount not to exceed \$15,200,000.
  - The option was an extension of the original contract terms and Siemens has not included a sales tax line item in its invoices to date.
  - Once the option vehicles are fully accepted by CATS, the normal process for payment and refund of State sales tax by the City will be implemented.
- The total tax assessment for the LRVs is:

First 16 LRVs:	\$3,800,000
Additional 4 LRVs:	<u>\$1,300,000</u>
Total Tax	\$5,100,000

- City staff has advised Siemens that the tax was due to the State upon delivery of the vehicles and, because Siemens did not make timely payment, it is possible that interest and/or penalties will apply.

**Funding**

Transit Capital Investment Plan

**43. Electronic Auctions for Disposal of Solid Waste Services Recycling Trucks**

**Action: A. Adopt a resolution declaring specific vehicles as surplus, and  
B. Authorize said items for sale by electronic auctions beginning July 1, 2010 and ending September 1, 2010.**

**Staff Resources:** Charles Robinson, Business Support Services  
Victoria Garland, Solid Waste Services

**Explanation**

- Pursuant to North Carolina G.S. 160A-270(c) approval is requested to sell 51 Solid Waste Services (SWS) recycling trucks by electronic auction. The auctions are to begin on or about July 1, 2010, pending the decommissioning schedule, and will end on or about September 1, 2010. See attached list of the SWS Recycling Trucks to be auctioned.

**Transition to Single-Stream Recycling**

- These trucks will be removed from service in conjunction with the transition to Single-Stream Recycling collection service, which has been outsourced to Inland Services beginning July 5, 2010. SWS will decommission these trucks since they are unable to retrofit them for alternative uses, thus removing all recycling trucks from SWS’ fleet of vehicles. The City’s contract with Inland allows the City to retain control of Inland’s equipment, in the event of default.
- Estimated proceeds from auction were included in the Single Stream business case as a one-time reduction/offset to the projected costs. These

proceeds have been included in the FY2011 Manager's Recommended Budget as General Fund Revenue.

- The City has included a \$3.5 million performance bond to ensure Inland Services' performance of the recycling services. Additionally, the City's contract with Inland allows the City to retain control of Inland's equipment, in the event of a default.
- With limited storage space at the City's Asset Recovery & Disposal Facility, staff recommends auctioning these recycling trucks now as opposed to storing them for three months until the next live public auction in September 2010. Rolling stock items that sit in storage tend to require ongoing and additional maintenance above and beyond normal maintenance costs.

#### **Staff Recommendation**

- Given the large number of recycling trucks and the varying condition of each, staff recommends employing internet-based electronic auctioning using a full-service vendor and a minimum service vendor.
- Staff believes that the use of two different electronic auction sites will provide a larger audience of qualified bidders most likely needed to promote and complete the sales of all 51 recycling trucks. Auctioning this number of similar vehicles will be a challenge simply due to the availability of so many vehicles at one time.
- Trucks not sold by electronic auction will be sold at on-site auction in September.

#### **Contract Terms**

- The City currently contracts with Rogers Realty and Auction Company for all auction services associated with rolling stock, police unclaimed items, computers, and miscellaneous items for both on-site and electronic auctions at a commission rate of 9.5% as approved by Council on August 25, 2009. Rogers Realty and Auction Company, Inc. is a woman-owned business.
- The contract with Rogers Realty and Auction Company is a full-service contract to include all necessary auction services as well as maintenance of pending auction items, and a more aggressive advertising program designed to ensure qualified bidders and premium prices for all end-of-life assets.
- The Rogers Realty contract is non-exclusive and allows the City to use other acceptable service providers, such as Publicsurplus.com, for electronic auctions when in the City's best interest.
- Publicsurplus.com, with a commission rate of 7%, is an electronic auction service that provides only a hosted website to advertise and auction off end-of-life assets, with no additional on-site services.
- Publicsurplus.com was located through an informal survey of electronic auction service providers in the spring of 2009 in an effort to find a lower commission rate for fire equipment that fit a similar level of service required. Publicsurplus.com has been used successfully over the past year to perform electronic auctions for large equipment and rolling stock.
- Due to the number and condition of several of these recycling trucks, City staff will need to employ the maintenance services and more aggressive marketing services of Rogers Realty to ensure that all recycling trucks are sold.
- Publicsurplus.com will manage the electronic auction of those recycling trucks that require less maintenance, that are in better condition, and that do not require special and/or more aggressive marketing in order to promote the sale.

- The City does not currently utilize GovDeals for electronic auctions due to a higher commission structure. GovDeals Service Options include Standard GovDeals Service at a 7.5% commission rate, Turn-key GovDeals Service at a 15% commission rate, and Impound Service at a 15% commission rate. Additionally, GovDeals does not provide on-site vehicle preparation and maintenance services, which will be required for a large portion of these particular vehicles.

#### **Small Business Opportunity**

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

#### **Funding**

Business Support Services Operating Budget

#### **Attachment 21**

List of property to be declared as surplus  
Resolution

### **44. Declaration of Withdrawal for an Alleyway Located between The Plaza and St. Julien Street**

**Action: Adopt a resolution stating that the alleyway located between The Plaza and St. Julien Street is not part of the adopted street plan (thoroughfare plan).**

**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 136-96, states that a right-of-way not used within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan.
- These unused and unopened rights-of-way are not part of any such plan; therefore, staff has determined that all necessary requirements of the statute will have been met by adopting the resolution.
- Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

#### **Petitioner**

Charlotte Fire Department Credit Union, Charles G. Daughtry, John W. Gaither and North Carolina Department of Transportation – Charles R. Buckley, III

#### **Right-of-Way to be withdrawn**

An alleyway located between The Plaza and St. Julien Street

#### **Location**

Located within the Chantilly community beginning from The Plaza continuing southeastwardly approximately 550 feet to its terminus at St. Julien Street and consisting of 7,382 square feet

**Reason**

To incorporate the right-of-way into adjacent property owned by the abutting owners for future commercial business expansion

**Attachment 22**

Map  
Resolution

**45. Resolution of Intent to Abandon a Portion of East 12<sup>th</sup> Street**

**Action:**   **A. Adopt the resolution of intent to abandon a portion of East 12<sup>th</sup> Street, and**  
**B. Set a public hearing for July 26, 2010.**

**Staff Resources:**   Jeff McSwain, Transportation  
                              Linda Poissant, Transportation

**Attachment 23**

Map  
Resolution

**46. Resolution of Intent to Abandon an Unopened Portion of Hanover Street**

**Action:**   **A. Adopt the resolution of intent to abandon an unopened portion of Hanover Street, and**  
**B. Set a public hearing for July 26, 2010.**

**Staff Resources:**   Jeff McSwain, Transportation  
                              Linda Poissant, Transportation

**Attachment 24**

Map  
Resolution

## **47. Refund of Property and Business Privilege License Taxes**

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,621.99, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$66,406.05.**

**Staff Resource:** Sherry Hite, Finance

### **Attachment 25**

Resolution

List of property tax and business license refunds

## PROPERTY ITEMS

### 48. Property Transactions

**Action:** Approve the following property transaction(s) (A-H) and adopt the condemnation resolution(s) (I-N).

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

#### Acquisitions

- A. Project:** 2009 Annexation Berewick Sewer Improvements, Parcel # 3  
**Owner(s):** Ralph S. Grier, Trustee, For the Family and Marital Trust of the R. Ralph Grier Jr. Revocable Trust Dated 12/2/99  
**Property Address:** 13632 Brown-Grier Road  
**Property to be acquired:** 15,196 sq. ft. (.349 ac.) in Sanitary Sewer Easement, plus 25,327 sq. ft. (.581 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$16,616  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Woodland - Excess on AG PCL  
**Tax Code:** 201-481-01  
**Total Parcel Tax Value:** \$16,851
- B. Project:** 2009 Annexation Berewick Sewer Improvements, Parcel # 4  
**Owner(s):** Steele Creek (1997) Limited Partnership  
**Property Address:** Steele Creek Road  
**Property to be acquired:** 46,855 sq. ft. (1.076 ac.) in Sanitary Sewer Easement, plus 72,315 sq. ft. (1.660 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$37,350  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 201-091-08  
**Total Parcel Tax Value:** \$2,084,600
- C. Project:** 2009 Annexation - Eastfield South, Parcel # 6  
**Owner(s):** Christenbury Farms Incorporated  
**Property Address:** Beard Road  
**Property to be acquired:** 16,143 sq. ft. (.371 ac.) in Sanitary Sewer Easement, plus 19,767 sq. ft. (.454 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees

**Purchase Price:** \$18,133

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

**Zoned:** R-3

**Use:** Woodland - Excess on AG PCI

**Tax Code:** 029-601-01

**Total Parcel Tax Value:** \$3,034 (assessed as farm land)

- D. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 3  
**Owner(s):** Springs Investment, LLC  
**Property Address:** 2801 Randolph Road  
**Property to be acquired:** 3,784 sq. ft. (.087 ac.) in Sanitary Sewer Easement, plus 924 sq. ft. (.021 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$51,075  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** O-2  
**Use:** Office  
**Tax Code:** 155-153-02  
**Total Parcel Tax Value:** \$2,677,900
- E. Project:** Brookshire/ I-485 Area Plan Improvements, Parcel # 16  
**Owner(s):** Cooks Community Volunteer Fire Department, Inc.  
**Property Address:** 3122 Mt. Holly-Huntersville Road  
**Property to be acquired:** 5,774 sq. ft. (.133 ac.) in Storm Drainage Easement, plus 3,353 sq. ft. (.077 ac.) in Sidewalk and Utility Easement, plus 3,242 sq. ft. (.074 ac.) in Sidewalk and Utility Easement Overlap, plus 512 sq. ft. (.012 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$21,875  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 033-012-04  
**Total Parcel Tax Value:** \$239,800
- F. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 35  
**Owner(s):** Stephen L. Feber and Wife, Jocelyn T. Feber  
**Property Address:** 4816 Fairheath Road  
**Property to be acquired:** 941 sq. ft. (.022 ac.) in Sanitary Sewer Easement, plus 3,579 sq. ft. (.082 ac.) in Storm Drainage Easement, plus 719 sq. ft. (.017 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$22,675  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.



**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 179-032-23  
**Total Parcel Tax Value:** \$165,800

- G. Project:** Rea Road Widening, Parcel # 105  
**Owner(s):** Aamer A. Qureshi and Wife, Naila Shalkh  
**Property Address:** 5001 Rea Road  
**Property to be acquired:** 678 sq. ft. (.016 ac.) in Fee Simple, plus 2,273 sq. ft. (.052 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,925  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-532-30  
**Total Parcel Tax Value:** \$351,700
- H. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 73  
**Owner(s):** James McDonald Howell  
**Property Address:** 5400 Statesville Road  
**Property to be acquired:** 560 sq. ft. (.013 ac.) in Fee Simple, plus 105 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 16 sq. ft. in Utility Easement, plus 5,037 sq. ft. (.116 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$62,475  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 045-324-06  
**Total Parcel Tax Value:** \$72,300

## Condemnations

- I. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 9  
**Owner(s):** Wachovia Bank, N.A. And Any Other Parties Of Interest  
**Property Address:** 337 Fannie Circle  
**Property to be acquired:** Total Combined Area of 2,995 sq. ft. (.069 ac.) of Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$700  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-5  
**Use:** 100 Year Flood Plain - Lt  
**Tax Code:** 157-016-13

**Total Parcel Tax Value:** \$52,900

- J. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 16 and # 18  
**Owner(s):** Domar Corporation, Inc. And Any Other Parties Of Interest  
**Property Address:** 4444 Statesville Road  
**Property to be acquired:** Total Combined Area of 5,330 sq. ft. (.122 ac.) of Sidewalk and Utility Easement, plus Permanent Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,250  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 045-271-43 and 045-271-42  
**Total Parcel Tax Value:** \$218,100
- K. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 17  
**Owner(s):** The Realty Associates Fund IX, L.P. And Any Other Parties Of Interest  
**Property Address:** 4525 Statesville Road  
**Property to be acquired:** Total Combined Area of 43,613 sq. ft. (1.001 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Combined Permanent Utility and Storm Drainage, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$113,100  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-1(CD)  
**Use:** Industrial  
**Tax Code:** 041-101-13  
**Total Parcel Tax Value:** \$3,140,000
- L. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 121  
**Owner(s):** Fifth Third Bank, National Association and Any Other Parties of Interest  
**Property Address:** 5330 Sunset Road  
**Property to be acquired:** Total Combined Area of 2,157 sq. ft. (.050 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$7,750  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1

**Use:** Commercial  
**Tax Code:** 041-242-14  
**Total Parcel Tax Value:** \$1,133,000

- M. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 123  
**Owner(s):** GP Portfolio Landlord #4, LLC and Any Other Parties of Interest  
**Property Address:** 6360 Statesville Road  
**Property to be acquired:** Total Combined Area of 2,923 sq. ft. (.067 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,250  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Industrial  
**Tax Code:** 045-431-18  
**Total Parcel Tax Value:** \$708,900
- N. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 124  
**Owner(s):** The Realty Associates Fund IX, L.P. And Any Other Parties Of Interest  
**Property Address:** 3005 Crosspoint Center Lane  
**Property to be acquired:** Total Combined Area of 22,669 sq. ft. (.520 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$23,825  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** I-1 (CD)  
**Use:** Industrial  
**Tax Code:** 041-101-14  
**Total Parcel Tax Value:** \$4,496,200

## 49. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:  
- April 19, 2010