

**Mayor Anthony Foxx**

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

**Mayor Pro Tem Patrick D. Cannon**

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

**CITY COUNCIL MEETING**  
**Monday, February 14, 2011**

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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.

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
12	10	Old City Hall Building Mechanical Upgrade

**CITY COUNCIL AGENDA  
Monday, February 14, 2011**

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Jim Schumacher, City Manager's Office

**Time:** 5 minutes

#### Synopsis

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

### 2. Water and Sewer Rate Methodology Study Results

**Committee Chair:** Warren Cooksey, Restructuring Government

**Resource:** Barry Gullet, Utilities

**Time:** 30 minutes

#### Synopsis

- The rate methodology study was conducted to evaluate rate design alternatives to address rate equity, environmental, and economic sustainability concerns. The study was completed in January 2011.
- A Stakeholder Advisory group was formed to provide input regarding the current water and sewer rate structure and possible alternatives.
- Ten public meetings were held across the city and county to gather input on the rate structure.
- Several rate methodology changes are proposed based on the results of the rate structure evaluation and public input process.
- Proposed Rate Methodology Changes include:
  - Addition of an availability fee to recover a target of 20% of annual debt service costs and enhance revenue stability
  - Lowering the single family residential sewer cap and transitioning to a winter average consumption methodology for sewer charges
  - Adjustment of water usage tiered rate calculations
  - Adding financial incentives to install irrigation meters
  - Adjusting one of the testing parameters used to assess industrial wastewater surcharges for regulated industrial/commercial customers
- Charlotte-Mecklenburg Utilities Advisory Committee has reviewed and supports consideration of the methodology changes.
- The presentation will discuss the proposed changes to the rate methodology as recommended for consideration by Council's Restructuring Government Committee on January 27, 2011.
- The Restructuring Government Committee voted 4 to 1 to recommend the consideration of rate methodology changes (Cooksey, Cannon, Kinsey, Mitchell voted yes; Turner voted no).
- A joint public hearing with the Charlotte-Mecklenburg Utilities Advisory Committee is required by interlocal agreement to consider rate methodology changes. The public hearing is item 8, page 6 of this agenda.

**Future Action**

- Staff recommends that City Council consider adoption of the proposed methodology changes on February 28, 2011.

**Attachment 1**

Proposed Rate Methodology Changes

**3. Airport Taxi Service Plan Overview**

**Resource:** Jerry Orr, Aviation

**Time:** 30 minutes

**Synopsis**

- In November 2008, the Airport gave Council a dinner briefing explaining the need to improve the overall quality of taxi service available to Airport customers.
- Since the 2008 dinner briefing, a detailed analysis of the current operation was conducted, and input was gathered from the taxi industry.
- In July, and again in September 2010, the Airport discussed its Request for Proposals to Provide Airport Taxi Service (Taxi RFP) with Council.
- On September 20, 2010, the Airport issued its Taxi RFP and received nine proposals by the October 11, 2010 deadline. The Selection Committee, comprised of Jerry Orr (Aviation Department), Drew Riolo (Airport Advisory Committee), Major Tim Danchess (CMPD), and Tim Newman (CRVA), analyzed the proposals and decided to interview five of the companies. After those discussions, the Selection Committee agreed that three companies should receive Operating Agreements.
- Based on analysis of the operational needs and also on the expertise of all the companies who proposed, the Airport will issue each company 35 permits, for a total of 105, to serve the Airport in shifts of approximately 50 hours per week. Each of the three companies will also receive 17 permits, for a total of 51, to operate as needed during peak times, which are anticipated to be used for approximately 10-20 hours each per week. The Airport will use an efficiency approach to these taxi permits which will better balance supply and demand.
- The key elements of the Plan to Upgrade Airport Taxi Service are:
  - Element One: The Airport has proactively increased the resources dedicated to managing the ground transportation system, including additional staff and upgraded technology.
  - Element Two: The Selection Committee unanimously recommends Crown Cab, Inc., Kashmary Enterprises d/b/a King Cab, and Taxi USA d/b/a Yellow Cab (the "companies") for Operating Agreements.
  - Element Three: As part of the Operating Agreements, the companies will be required to provide a newer, modernized fleet. The rules that would take effect with the new Operating Agreements establish Airport standards, including the requirement for an upgraded fleet. These rules are part of the contract and apply only to those taxi companies who hold Operating Agreements. These requirements include GPS and backseat credit card technology, as well as model year requirements.
- The Operating Agreements will be effective April 1, 2011 and are subject to renewal annually.
- Contract Terms:
  - Companies will pay \$500/year for Standard Permits. No charge for Peak Time Permits

- Companies will pay trip charge of \$1.00 per trip for both standard and peak time permits for each trip dispatched from the Airport to serve an on-demand customer.
- The upgraded plan is item 13, page 11 of this agenda.

#### 4. Housing Locational Policy

**Committee Chair:** Patsy Kinsey

**Resource:** Pamela Wideman, Neighborhood & Business Services

**Time:** 30 Minutes

##### Synopsis

- Staff will brief City Council on the Housing & Neighborhood Development Committee's recommended revised Housing Locational Policy (Policy), which includes feedback from the November 22, 2010 public hearing.
- The current Policy was approved by City Council on November 26, 2001, and was amended on September 24, 2003.
- The Policy provides a guide for the development of new, rehabilitated or converted City, Federal or State subsidized multi-family housing developments designed to serve, in whole or part, households earning 60% or less of the area median income.
- The objectives of the Policy are to:
  - Avoid undue concentration of subsidized multi-family 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 permissible and non-permissible Neighborhood Statistical Areas for the development of new subsidized multi-family rental housing
- On June 24, 2010, City Council approved a draft revised Policy and requested that Neighborhood & Business Services staff host a series of public forums during the months of July and August to gain citizen input on the revised Policy.
- Five public forums were hosted throughout the City. Forums were held in the North, South, East, West and Central regions. A total of 158 citizens attended the forums and the following reoccurring themes were raised at each of the forums:
  - Half-mile proximity restriction
  - Necessity of a Housing Locational Policy
  - Geographical Dispersion
  - Aesthetics and on-site property management
  - Impact on property values
  - Inclusionary Zoning
  - Proximity to goods and services
  - Policy application to City assisted developments
  - Policy Exemptions for seniors, disabled, and special needs populations
- During the months of August, September and October, the Housing & Neighborhood Development Committee met with Neighborhood & Business Services staff to develop the attached revised Housing Locational Policy.
- On October 18, 2010, the Housing & Neighborhood Development Committee voted 3-1 (Kinsey, Cannon, Mitchell for, Cooksey opposed) on the proposed revised Housing Locational Policy.

- On November 8, 2010, Neighborhood & Business Services staff provided a dinner briefing to City Council on the revised policy.
- On November 22, 2010, a public hearing was held and 16 people spoke on the Locational Policy topic. There were three reoccurring themes mentioned during the public hearing:
  - Percentage cap per Neighborhood Statistical Area
  - ½ mile radius restriction
  - Methodology around rehabilitations and conversions
- Due to these comments, City Council voted to refer the revised policy back to the Housing & Neighborhood Development Committee for additional review.
- On February 2, the Housing & Neighborhood Development Committee reviewed the revised policy, inclusive of the public hearing comments, and voted 2-1 to recommend the revised policy be presented as a dinner topic on February 14 (Kinsey and Cannon voted yes; Cooksey voted no).

**Future Action**

Staff recommends City Council consider action on the revised policy at the February 28 business meeting.

**Attachment 2**

Draft revised Housing Locational Policy

**5. Answers to Mayor and Council Consent Item Questions**

**Resource:** Jim Schumacher, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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



## **CONSENT**

- 6. Consent agenda items 18 through 37 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 7. Public Hearing on Towing Ordinance

**Action:** Hold a public hearing on the proposed amendment to the City's towing ordinance.

**Committee Chair:** Patrick Cannon, Community Safety

**Staff Resources:** Eric Campbell, City Manager's Office  
Mark Newbold, Police Attorney's Office

#### Explanation

- Council's Community Safety Committee approved the proposed amendment of the towing ordinance in its entirety at its December 14 meeting. The full Council received a dinner briefing on the amendments on January 24.
- The Community Safety Committee began discussing this issue in November 2009 due to citizen complaints regarding predatory towing practices including excessive fees.
- The proposed amendments cover only tows from private property, including apartment and condominium parking lots.
- City staff sought feedback from citizens, towing companies, and parking lot owners and the proposed ordinance is an attempt to balance their concerns.
- Major changes in the ordinance include the requirements for signage in parking lots and the fees and practices for trespass tows.
- The proposed ordinance amendment will be on Council's February 28 agenda.

**Attachment 3**  
Ordinance

### 8. Joint Public Hearing on Revisions to the Water and Sewer Rate Methodology

**Action:** Conduct a joint public hearing with the Charlotte-Mecklenburg Utilities Advisory Committee to consider proposed revisions to the Water and Sewer Rate Methodology.

**Committee Chair:** Warren Cooksey, Restructuring Government

**Staff Resource:** Barry Gullet, Utilities

#### Explanation

- A joint public hearing with the Utilities Advisory Committee is required by interlocal agreement to consider rate methodology changes.
- A rate methodology study was conducted to evaluate rate design alternatives to address rate equity, environmental and economic sustainability concerns.
- A Stakeholder Advisory group was formed and ten public meetings were held across the city and county to gather input on the rate structure.
- Proposed Rate Methodology changes Include:
  - Addition of an availability fee to recover a target of 20 percent of annual debt service costs and enhance revenue stability

- Lowering the single family residential sewer cap and transitioning to a winter average consumption methodology for sewer charges
- Adjustment of water usage tiered rate calculations
- Adding financial incentives to install irrigation meters
- Adjusting one of the testing parameters used to assess industrial wastewater surcharges for regulated industrial/commercial customers
- Utilities Advisory Committee supports the proposed revisions.
- On January 27, the Restructuring Government Committee voted 4 to 1 to recommend consideration of the proposed changes (Cooksey, Cannon, Kinsey, Mitchell voted yes; Turner voted no).
- Council will be requested to consider approving the proposed methodology revisions on February 28, 2011.

**Attachment 1**

Proposed Rate Methodology Changes

## POLICY

### 9. City Manager's Report

### 10. I-77 High Occupancy Toll Lanes Resolution



**Action:** Approve the Transportation Committee recommendation to adopt a resolution supporting the North Carolina Department of Transportation's (NCDOT) I-77 High Occupancy Toll (HOT) Lanes project between Uptown Charlotte and Lake Norman.

**Committee Chair:** David Howard

**Staff Resources:** Norman Steinman, Transportation  
Tim Gibbs, Transportation

#### Explanation

- NCDOT has proposed High Occupancy Toll (HOT) Lanes as an alternative to address congestion on I-77 from Uptown to Lake Norman. HOT Lanes would be implemented on I-77 from I-485 North to Lake Norman and the existing High Occupancy Vehicles (HOV) Lanes from I-485 North to I-277 (Brookshire Freeway) would be converted to HOT Lanes. Motorists will have an option to travel in free general purpose lanes or pay a toll in adjacent HOT Lanes that offer travel time savings, especially during peak periods.
- Toll costs will vary based upon travel conditions, time of day and the level of congestion in the general purpose lanes.
- The Charlotte Region Fast Lanes Study identified I-77 as one of the most likely candidates based on travel time savings and improved traffic flow. The study analyzed primary routes and freeways in the region to determine those facilities that would be best suited for managed lanes (including HOT Lanes).
- The project has received endorsements from the following jurisdictions and organizations:
  - Lake Norman Chamber of Commerce
  - Lake Norman Regional Economic Development Corporation
  - Lake Norman Transportation Commission
  - Lake Norman Rural Planning Organization
  - Towns of Cornelius, Davidson & Huntersville
  - Regional Roads Committee
  - Mecklenburg-Union Metropolitan Planning Organization (MUMPO)
- MUMPO's 2035 Long Range Transportation Plan and the North Carolina 2012-2018 State Transportation Improvement Plan will likely be amended in spring 2011 to include this project. The project will be funded by NCDOT and tolls collected from the use of the HOT Lanes.

#### Committee Discussion

- Council's Transportation and Planning Committee received a presentation on the I-77 HOT Lane project at its December 13 meeting.
- The Transportation Committee voted unanimously (Howard, Carter, Cooksey, Kinsey) in favor of the HOT Lanes resolution at their January 27 meeting.

**Attachment 4**  
Resolution

## 11. Four-Year Terms for Mayor and City Council

**Action:** Consider referring to the Restructuring Government Committee a review of four year terms for the Mayor and members of City Council.

### **Explanation**

- At the January 24, 2011 Council meeting, the Council voted to place a committee referral on the February 14 agenda to review four year terms for the Mayor and members of City Council.
- The Council discussed referral to the Restructuring Government Committee.

## BUSINESS

### 12. Old City Hall Building Mechanical Upgrade



**Action:** Award the low bid contract of \$517,834.65 to Southern Comfort of Charlotte Inc. for the Old City Hall Building mechanical upgrade.

**Staff Resource:** Jeff Furr, Engineering & Property Management

#### Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program, which is part of the American Recovery and Reinvestment Act.
- This project was included in the City's Energy Strategy and the application to the DOE was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed. In the following months, staff selected the consultant, designed improvements, and bid the project.
- According to the DOE grant requirements, all projects must be completed by July 26, 2012.

#### Explanation

- This project consists of a 44,000 square foot, four-story Old City Hall Building that houses approximately 125 employees. The building was originally built in 1924 and has undergone several renovations and mechanical upgrades since original construction. An energy audit conducted by a consultant in 2009 recommended energy conservation measures to be made to this facility.
- This project includes removal and replacement of all HVAC air terminal boxes throughout the building, associated controls, selected lighting replacement, and replacement of damaged ceiling tiles.
- It is estimated that energy operating costs will be reduced by 15% as a result of the newly installed equipment and controls, reduced lighting loads and occupancy sensors. This converts into an annual energy cost savings of approximately \$10,000. Annual maintenance costs savings are estimated to be approximately \$25,000.

#### Small Business Opportunity

Established MWSBE Goal: 8.0%

Committed MBE Goal: 3.2 %

Committed WBE Goal: 4.2%

Committed SBE Goal: 13.8%

Southern Comfort of Charlotte, Inc. committed 3.2% (\$16,460) of the total contract amount to the following certified MBE firm: A-1 Quality Insulating (insulation); 4.2% (\$21,700) to the following certified WBE firm: Palmetto Air & Water (test and balance); and 13.8% (\$71,468) to the following SBE firm: Electric System Specialists (electrical).

#### Funding

Federal Stimulus Money (EECBG) (\$440,000)

Building Maintenance (City) (\$77,834.65)

### 13. Airport Taxi Service Plan

**Action: Approve a plan to provide upgraded Airport taxi service.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In November 2008, the Airport gave Council a dinner briefing explaining the need to improve the overall quality of taxi service available to Airport customers.
- Since the 2008 dinner briefing, a detailed analysis of the current operation was conducted. The findings are as follows:
  - There are currently 12 different companies holding Operating Agreements, which includes a total of 144 taxi permits.
  - This arrangement contributes to inconsistency in areas such as customer service, the condition and appearance of the vehicles, and technological capabilities.
  - The number of permitted vehicles typically far exceeds demand, except for a few peak times during the week.
  - There are often significant wait times for each permitted taxi between dispatches for Airport fares.
- Staff has also been gathering input from the taxi industry.
  - Staff surveyed all the Airport drivers and received 91 responses.
  - Staff met with all the taxicab companies that operate at the Airport.
  - Staff had multiple discussions with the Independent Taxicab Owners & Operators Association, the Airport Taxi Association, and individual drivers.
- In 2010, the Airport discussed its Request for Proposals to Provide Airport Taxi Service ("Taxi RFP") with Council.
- The key elements of the Plan to Upgrade Airport Taxi Service are:
  - Element One: The Airport has proactively increased the resources dedicated to managing the ground transportation system.
    - o The Airport appointed a Ground Transportation Manager with responsibility for the entire commercial curb.
    - o The Airport doubled the number of ground transportation inspectors and added administrative support.
    - o The Airport invested in technology to facilitate the dispatch system and increase efficiency.
  - Element Two: The Selection Committee unanimously recommends Crown Cab, Inc., Kashmary Enterprises d/b/a King Cab, and Taxi USA d/b/a Yellow Cab (the "Companies") for Operating Agreements.
    - o On September 20, 2010, the Airport issued its Taxi RFP and received nine proposals by the October 11, 2010 deadline. The Selection Committee, comprised of Jerry Orr (Aviation Department), Drew Riolo (Airport Advisory Committee), Major Tim Danchess (CMPD), and Tim Newman (CRVA), analyzed the proposals and decided to interview five of the companies. After those discussions, the Selection Committee agreed that three companies should receive Operating Agreements.
    - o The Airport will use an efficiency approach to taxi permits which will better balance supply and demand. Based on analysis of the operational needs and also on the expertise of all the companies who proposed, the Airport will issue each company 35 permits, for a total of 105, to serve the Airport in shifts of approximately 50 hours per

week ("Standard Permits"). Each of the three companies will also receive 17 permits, for a total of 51, to operate as needed during peak times ("Peak Time Permits"). It is anticipated that the companies will be asked to call in taxis holding Peak Time Permits for approximately 10-20 hours each per week.

- Element Three: As part of the Operating Agreements, the companies will be required to provide a newer, modernized fleet. The rules that would take effect with the new Operating Agreements establish Airport standards, including the requirement for an upgraded fleet. These rules are part of the contract and apply only to those taxi companies who hold Operating Agreements.

#### **Contract Terms**

- The Operating Agreements will be effective April 1, 2011 and are subject to renewal annually.
- The companies will pay the Airport a permit fee of \$500/year for Standard Permits but will pay no permit fee for the Peak Time Permits. Each Operating Agreement is expected to generate about \$85,000 annually.
- The companies will pay the Airport a trip charge of \$1 per trip for both the Standard and Peak Time Permits for each trip the permitted taxi took after being dispatched by the Airport to serve an on-demand customer.
- The companies will provide permitted taxis with GPS and backseat credit card technology. Permitted taxis will display a uniform Airport decal.
- The companies will provide permitted taxis that are of a model year no more than three years old when it enters Airport taxi service and remain in service no more than three years. By way of example, if a 2008 vehicle received an Airport permit in 2011, it would be eligible to retain that permit through 2013.

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

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

- A. BUSINESS ADVISORY COMMITTEE – new position resulting from City Council’s action to change the structure and charge of the Committee.**
- One appointment for a three year term beginning immediately and ending April 28, 2014 for a member recommended by the Metrolina Native American Association

**Attachment 5**  
Applications

- B. CIVIL SERVICE BOARD**
- One appointment for an unexpired term beginning immediately and ending May 15, 2013. James Harrell has not met the City Council attendance requirement for 2010.

**Attachment 6**  
Applications

- C. COMMUNITY RELATIONS COMMITTEE**
- Two appointments for unexpired terms beginning immediately and ending June 30, 2013. Karen Johnson has not met the City Council attendance requirement for 2010. Nichole Johnson has resigned.



**Attachment 7**

Applications

**D. HISTORIC DISTRICT COMMISSION**

- One appointment for an unexpired term beginning immediately and ending June 30, 2012 for an open category seat. Karen Rush has not met the City Council attendance requirement for 2010.

**Attachment 8**

Applications

**E. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM**

- One appointment for an unexpired term for a neighborhood leader beginning immediately and ending April 15, 2011, and then continuing for a full two year term expiring April 15, 2013. Renee Barfield has not met the City Council attendance requirement for 2010.

**Attachment 9**

Applications

**F. STORM WATER SERVICES ADVISORY COMMITTEE**

- One appointment for a land developer for an unexpired term beginning immediately and ending June 24, 2011. Hollis Nixon has not met the City Council attendance requirement for 2010.

**Attachment 10**

Applications

**G. TREE ADVISORY COMMISSION**

- One appointment for an unexpired term beginning immediately and ending December 13, 2012. Susan Tompkins has not met the City Council attendance requirement for 2010.

**Attachment 11**

Applications

**15. Appointments to Boards and Commissions**

**Action: Vote on blue paper ballots and give to Clerk at dinner.**

**A. CHARLOTTE INTERNATIONAL CABINET**

- One appointment for an unexpired term beginning immediately and ending June 30, 2012 in the open category.
- One appointment for an unexpired term beginning immediately and ending June 30, 2013 in the business category.
  - Cynthia Barnes (eligible for open or business) by Council Member Barnes
  - Sean Gautam (eligible for open or business) by Council Members Burgess, Carter, Cooksey, Dulin, Howard and Peacock
  - Scott Jensen (eligible for open or business) by Council Member Kinsey

- Debra Moffitt (eligible for open) by Council Member Burgess
- Matt Njoku (eligible for open) by Council Member Barnes
- Yolanda Perry (eligible for open or business) by Council Member Turner
- Jim Peterson (eligible for open or business) by Council Member Dulin
- Hans Plotseneder (eligible for open) by Council Member Howard
- Charles Prendergast (eligible for open or business) by Council Members Cooksey and Peacock
- Kurt Robinson (eligible for open or business) by Council Members Kinsey and Mitchell
- Aaron Sanders (eligible for open or business) by Council Members Carter, Mitchell and Turner

### **Attachment 12**

#### Applications

### **B. HOUSING AUTHORITY**

- One appointment for an unexpired term beginning immediately and ending December 17, 2012.
  - Pamela Gordon by Council Members Barnes and Howard
  - Robert Johnson, Sr. by Council Member Carter
  - Dennis La Caria by Council Member Burgess
  - Jim Peterson by Council Members Cooksey and Peacock
  - William Scurry by Council Member Turner
  - David Sharp by Council Member Mitchell
  - Robert Szymkiewicz by Council Member Kinsey

### **Attachment 13**

#### Applications

### **C. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

- Five appointments for two year terms beginning March 2, 2011.
  - Incumbent
    - Owen Sutkowski by Council Members Barnes, Burgess, Cooksey, Howard and Mitchell. Sutkowski is eligible for reappointment and would like to be reappointed.
  - New
    - Gregory Antman by Council Members Mitchell and Peacock
    - Christopher Brown by Council Members Carter, Howard and Peacock
    - Rodney Faulkner by Council Member Howard
    - Kevin Gottehrer by Council Members Barnes, Burgess, Carter, Kinsey and Peacock
    - Paul Hurlburt by Council Members Burgess, Cooksey, Howard, Kinsey and Peacock
    - Michael Knight by Council Members Burgess, Cooksey and Peacock
    - Dazzell Matthews, Sr. by Council Members Barnes, Carter and Kinsey
    - Randall Miller by Council Members Barnes, Kinsey and Mitchell
    - Erik Monroe by Council Members Barnes, Kinsey, Mitchell and Turner
    - Eric Montgomery by Council Member Mitchell
    - William Strong by Council Member Cooksey

- Adrian Woolcock by Council Members Carter, Cooksey and Howard

**Attachment 14**  
Applications

**16. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

**17. Closed Session**

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



## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

## 18. Brookshire/I-485 Area Plan Sidewalk Improvements

**Action:** Award a low bid contract of \$271,147.70 to Carolina Cajun Concrete, Inc. for the Brookshire-I-485 Area Plan Sidewalk Improvements.

**Staff Resource:** Sharon Buchanan, Engineering & Property Management

### Explanation

- This project will include the construction of sidewalks, access ramps, crosswalks and pedestrian signals.
- One section of this project is located along Rozzelles Ferry Road from Winding River Road to Mt. Holly-Huntersville Road. The other section is located along Mt. Holly-Huntersville Road from Rozzelles Ferry Road to 300 feet west of Couloak Drive.
- These improvements were identified in the Brookshire/I-485 Area Plan adopted by City Council.
- Construction is expected to be complete in third quarter 2011.

### Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.13%

Carolina Cajun Concrete, Inc. committed 9.13% (\$24,766.90) of the total contract amount to the following SBE firm(s): Eco-FX, Inc. (Erosion Control), On Time Construction, Inc. (masonry), Ground Effects, Inc. (pavement markings), Muddrunners, Inc. (hauling), and Streeter Trucking (hauling).

### Funding

Transportation Capital Investment Plan

## 19. Hidden Valley Phase 6 Neighborhood Improvement Project

**Action:** Award a low bid contract of \$441,959.96 to OnSite Development, LLC for the Hidden Valley Phase 6 Neighborhood Improvement Project.

**Staff Resource:** Mark Grimshaw, Engineering & Property Management

### Explanation

- The Hidden Valley Neighborhood Improvement Project (NIP) covers a large area. The project was divided into six phases to match available funding appropriations
- The Hidden Valley Phase 6 (NIP) will include the construction of new sidewalk, curb and gutter, storm drainage infrastructure, planting strips for street trees and a water line on Dawn Circle.
- This NIP was one of 13 included in the 2008 bond referendum.
- Construction completion is scheduled for third quarter 2011.

### Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.06%

OnSite Development, LLC. committed 7.06% (\$31,200) of the total contract amount to the following SBE firms: B & B Concrete Construction of Charlotte, Inc. (concrete), D's Trucking Service Inc. (hauling), Husky Corporation Corp. (pipe construction), Muddrunners, Inc. (hauling) and On Time Construction, Inc. (masonry).

### **Funding**

Neighborhood Capital Investment Plan

## **20. Hunter Acres Pond Project**

**Action: Award the low bid contract of \$418,631.40 to Harvest Environmental Services, Inc. for the Hunter Acres Pond Project.**

**Staff Resource:** Jennifer Smith, Engineering & Property Management

### **Policy**

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve public water quality and flood control goals.

### **Explanation**

- Hunter Acres is a 3.5 acre pond located in north Charlotte near the Derita community between West Sugar Creek Road, Gibbon Road and Christenbury Road.
- Crestland Avenue is a neighborhood street that runs across the top of the dam forming the pond.
- The dam was determined to be unstable and was breached in January 2010 and as a result, Crestland Avenue was closed.
- The Hunter Acres Pond Project will include the removal of the remaining dam, construction of a new dam, reconstruction of Crestland Avenue and grading to form a safety shelf around the edge of the pond.
- Storm Water Services agreed to replace Crestland Avenue across the new dam as part of easement negotiations. Both residents and CDOT believe the street is important for neighborhood connectivity.
- Construction is expected to be complete in June 2012. Crestland Avenue will reopen at this time as well.

### **Background**

- The selected ponds drain to creeks that are identified as impaired by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into the creeks.
- Improved water quality in the creeks supports the City's objective to sustain the quality of the environment for future generations.
- Enhancing existing ponds on private property provides public benefits by:
  - Removing pollutants
  - Reducing stream bank erosion
  - Addressing access and flooding issues
  - Alleviating the burden on the storm water system
- Using existing ponds is a better value than obtaining property to build new ponds.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.04%

Harvest Environmental Services, Inc. committed 6.04% (\$25,284.32) of the total contract amount to the following SBE firm(s): Bullington Construction, Inc. (guardrail), McCallum Sales, Inc. (project sign), Pandtl, Inc. (erosion control), and D's Trucking Service, Inc. (hauling).

**Funding**

Storm Water Capital Investment Plan

**21. Eastburn Storm Drain Improvements**

**Action:** Award the low bid contract of \$4,454,752.50 to Blythe Development for construction of the Eastburn Storm Drain Improvements.

**Staff Resource:** Jennifer Smith, Engineering & Property Management

**Explanation**

- This project was identified as a storm water capital improvement project through the ranking process that involves analysis of customer drainage requests including complaints of structure and road flooding.
- The work includes grading, drainage culverts and structures, curb and gutter, driveways, sidewalks, stream restoration features, water line and sanitary sewer relocations, milling, resurfacing and landscaping.
- The watershed area is primarily urbanized consisting of single and multi-family residential mixed with commercial development.
- The area is bound by Fairview Road to the north, Archdale Drive to the south, Park Road to the east and Sharon Road to the west.
- Completion is scheduled for the second quarter of 2013.

**Small Business Opportunity**

Established SBE Goal: 10%

Committed SBE Goal: 10.00%

Blythe Development Co. committed 10.00% (\$445,500) of the total contract amount to the following SBEs: A-1 Precision Fencing (fencing), Aardvark Engineers (geo-tech testing), Absolute Business Solutions (traffic control), Bullington Construction (guardrail), Landmark Materials (hauling), R&N Construction (erosion control) and Blythe Brothers Contracting (sewer).

**Funding**

Storm Water Capital Investment Plan



## 22. Fire Station 18 Addition Project

**Action:** Award a low bid contract of \$295,950 to Morlando Construction, LLC for construction of the Fire Station 18 Addition Project.

**Staff Resources:** Rich Granger, Charlotte Fire Department  
William Haas, Engineering & Property Management

### Explanation

- Fire Station #18 is located at 2337 Keller Avenue, near Beatties Ford Road.
- This project includes adding an exercise facility, women's bathroom/shower, relocating the driveway to accommodate expansion space, and resurfacing and re-stripping the parking area with new markings and signage for accessible parking.
- Firefighters are required to pass a physical fitness requirement each year which requires an appropriate fitness program. The new exercise facility will allow firefighters to exercise and remain close to the fire truck for emergency response.
- The renovation of this 1970 facility will provide appropriate space for continued operations and defer the need for building replacement.
- Construction is scheduled to be complete in fourth quarter 2011.

### Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 12.67%

Morlando Construction, LLC committed 12.67% (\$36,026) of the total base bid contract amount to the following SBE firms: PandTL Inc. (erosion control), B&B Concrete Construction (concrete) and Gastonia Ironworks (structural steel).

### Funding

Government Facilities Capital Investment Plan

## 23. Public Safety Equipment

**Action:** A. Award the low bid unit price contracts for providing public safety equipment for a term of three years to the following:

1. Streicher's
2. Lawmen's Safety Supply, Inc

B. Authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY 2011 estimated expenditures are anticipated to be a combined total of \$300,000.

**Staff Resource:** Greg Crystal, Police

### Explanation

- These contracts will provide the Charlotte Mecklenburg Police Department (CMPD) with various types of public safety equipment.
- An Invitation to Bid was issued and included specifications for 100 types of safety equipment, including holsters of all types, sprays, bullet proof vests, rank insignia, restraining ties, leg irons, etc.

- Multiple contracts are recommended to ensure the availability of safety equipment as required by Police. Two other bids received were non-responsive.
- Police will place orders as needed.

#### **Small Business Opportunity**

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

#### **Funding**

Police Operating Budget

## **24. FY11 Sanitary Sewer Main Rehabilitation and Point Repair**

- Action: A. Approve the low bid of \$520,127.48 by Atlantic Coast Contractors, Inc. for miscellaneous sewer system repairs, and**
- B. Authorize the City Manager to renew the contract for a maximum of three additional terms with possible price adjustments based on the terms of the contract.**

**Staff Resource:** Barry Gullet, Utilities

#### **Explanation**

- This project includes repair of sewer system defects, including manholes and service laterals, installing new sewers to replace defective sewers, burst pipes, sewer cleaning, television inspection, restoration and other miscellaneous sewer system repair work throughout Mecklenburg County.
- This work is necessary in order to maintain the operational integrity of the system and to help to reduce sewer overflows.
- Areas are selected for rehabilitation and repair by on-going field evaluations and the occurrence of sewer overflows.
- The contract provides for three renewal terms, at the sole discretion of the City, with unit price adjustments based on the Construction Cost Index.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.24%

Atlantic Coast Contractors exceeded the SBE established goal and committed 7.24% (\$37,650.00) of the total contract amount to the following SBE firms:

Cover All Paving & Seal Coating, paving services

The Carolina Landworks, Inc., installation of sod

Victor Melton Construction, hauling services

The Huffstetler Group, Inc. concrete repair

Venture Utility Construction, storm drain construction

#### **Funding**

Utilities Capital Investment Plan

## 25. Tractors and Wheeled Excavator

**Action:**

**A. Award the low bid unit price contract for the purchase of tractors and wheeled excavators for a term of two years to the following:**

1. James River Equipment
2. H & E Equipment Services

**B. Authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2011 expenditures are anticipated to be a total of \$521,810.**

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

**Explanation:**

- This contract is to provide landscaping tractors and wheeled excavators to City of Charlotte departments such as Engineering and Property Management (E&PM) and Charlotte Department Of Transportation (CDOT).

**Landscaping Tractors**

- During FY2011, the City budgeted to purchase three Landscape Tractors for the Landscape Management Division of Engineering & Property Management at a unit price of \$58,348 each.
- These Tractors are equipped with permanent lawn mowing attachments and are used for cutting along the side of the roads and rights of ways in the City of Charlotte.
- All replacement Tractors will be equipped with the most current EPA Tier Three high efficiency diesel engines that will reduce harmful emissions.
- The vehicles to be replaced are:
  - 1999 New Holland - Life to date maintenance costs total \$86,808. Pending mechanical repairs to continue the use of this vehicle total \$6,000.
  - 2001 New Holland - Life to date maintenance costs total \$111,152. Pending mechanical repairs to continue the use of this vehicle total \$20,000.
  - 2002 New Holland - Life to date maintenance costs total \$105,654. Pending mechanical repairs to continue the use of this vehicle total \$3,700.

**Wheeled Excavator**

- During FY2011, the City budgeted to purchase one Gradall wheeled excavator for CDOT Street Maintenance Division at a unit price of \$332,500.
- This piece of equipment provides support for CDOT, Street Maintenance Division and is used for leveling new or resurfaced roads within the City.
  - The vehicle to be replaced is a 1996 Gradall. Life to date maintenance costs total \$201,009.40. Pending mechanical repairs to continue the use of this vehicle total \$74,000.

**Small Business Opportunity**

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

**Funding**

Capital Equipment Lease Purchase Fund

**26. Engineering Services for the McKee Road/Providence Road Intersection Improvements**

**Action: Approve a contract with Michael Baker Engineering, Inc. in the amount of \$848,000 for engineering services for the McKee Road and Providence Road intersection improvements.**

**Staff Resource:** Tim Greene, Engineering & Property Management

**Explanation**

- The McKee Road and Providence Road intersection improvements are part of the Intersection Capacity and Multi-Modal Enhancement Program, which improves accommodations for vehicles, pedestrians, bicyclists and transit users.
- This contract will provide planning and design services for improvements to the McKee Road/Providence Road intersection including:
  - Pedestrian signals and/or crosswalks
  - Signal timing
  - Crossing distances
  - Sidewalks
  - Wheelchair ramps
  - Bicycle lanes
  - Other intersection design improvements as may be required
- These improvements will complement NCDOT's recent widening of Providence Road south of I-485.
- Funding for this project was included in the November 2010 Transportation Bonds.
- Michael Baker Engineering, Inc. was selected using the Council approved qualifications-based selection process.

**Small Business Opportunity**

The City negotiated a SBE goal with Michael Baker Engineering, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Michael Baker Engineering, Inc. committed 11.10% (\$94,135) of the total contract amount to the following SBE firms: Capstone Civil Group, PA (civil engineering) and Hinde Engineering, Inc. (utilities engineering).

**Funding**

Transportation Capital Investment Plan

## 27. Environmental Services

- Action:**
- A. Approve contracts for environmental services with the following firms:**
- HDR Engineering, Inc. of the Carolinas, \$125,000,
  - Hart & Hickman, PC, \$125,000,
  - ATC Associates of North Carolina, PC, \$75,000,
  - Shield Engineering, Inc., \$75,000,
  - S&ME, Inc., \$75,000,
  - Terracon Consultants, Inc., \$75,000, and
  - URS Corporation – North Carolina, \$75,000.
- B. Authorize the City Manager to execute up to two renewals to each contract. Each renewal will not exceed the original contract value.**

**Staff Resource:** Douglas Pierotti, Engineering & Property Management

### Explanation

- E&PM's Environmental Services Program includes:
  - Management of former City landfills
  - Asbestos-in-building surveys
  - Property audits
  - Environmental site assessments to support City property acquisitions and economic development projects
  - Rapid response to environmental contamination
  - State/federal EPA reporting obligations
  - Remediation of contaminated properties
- These contracts provide ongoing support of City compliance with federal and state Environmental Protection Agency (EPA) regulations. Failure to provide these services for environmental compliance would subject the City to potential fines, violations and a reduced quality of life for employees and citizens.
- These firms were selected using the Council approved qualifications-based selection process.
- Multiple firms were selected due to the variety of expertise required to meet EPA compliance.

### Small Business Opportunity

#### HDR Engineering, Inc.

HDR Engineering, Inc. included the following SBEs as part of their supporting team: Harvest Environmental Services (general construction); Joel E. Wood & Associates, PLLC (engineering and surveying); R. Joe Harris & Associates, PLLC (surveying) These SBEs will be utilized as the project evolves (Part C: Section 2.2 of the SBO Policy).

#### Hart & Hickman, PC

Hart & Hickman, PC included SBEs as part of their supporting team. These SBEs will be utilized as the project evolves (Part C: Section 2.2 of the SBO Policy).

#### ATC Associates of North Carolina, PC

Informal contracts (below \$100,000) are not subject to establishing SBE subcontracting goals and are considered exempt contracts (Section 23.1 of the SBO Policy).

Shield Engineering, Inc.

Informal contracts are not subject to establishing SBE subcontracting goals and are considered exempt contracts (Section 23.1 of the SBO Policy).

S&ME, Inc.

Informal contracts are not subject to establishing SBE subcontracting goals and are considered exempt contracts (Section 23.1 of the SBO Policy).

Terracon Consultants, Inc.

Informal contracts are not subject to establishing SBE subcontracting goals and are considered exempt contracts (Section 23.1 of the SBO Policy).

URS Corporation - North Carolina

Informal contracts are not subject to establishing SBE subcontracting goals and are considered exempt contracts (Section 23.1 of the SBO Policy).

**Funding**

Environment Capital Investment Plan

## **28. Engineering Services for Pond and Dam Rehabilitation Projects Amendment #1**

**Action: Approve amendment #1 with Armstrong Glen, P.C. in the amount of \$350,000 to provide funding for pond and dam rehabilitation projects.**

**Staff Resource:** Jennifer Smith, Engineering & Property Management

**Policy**

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve public water quality and flood control goals.

**Explanation**

- The original contract for \$500,000 was approved by City Council on September 8, 2008. The feasibility, planning and design for Wilora Lake, Revolution Park Pond and Enclave Pond have been completed with these funds.
- Amendment #1 will provide funds in the amount of \$100,000 for Wilora Lake construction administration, geotechnical investigations and dam embankment redesign.
- Amendment #1 will also provide funds in the amount of \$250,000 for the feasibility study of Shadowlake Pond. If the study determines it to be feasible, these funds will also be used to complete planning, design and construction administration of the Shadowlake Pond project.
- The project is located in south Charlotte in the vicinity of Carmel Road and Pineville-Matthews Road. The pond lies south of Quail Ridge Drive between Ryder Avenue and Carpenter Drive in the Shadowlake Neighborhood.
- The planning and design will evaluate typical retrofits/repairs to the existing pond including:
  - Repair or replacement of the outlet structure
  - Stabilization of the embankment
  - Installation of an additional planted area for pollutant removal

- Shadowlake Pond was selected as the next project based on the 2009 Pond Ranking.
- Armstrong Glen, P.C. was selected using the Council approved qualifications-based selection process.

### **Small Business Opportunity**

For professional services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). Armstrong Glen, P.C. will use the following SBEs for each work order as the contract requires: On Target Utility Locate Services (utility locating), Habitat Assessment & Restoration Program, Inc. (stream restoration), Boyle Consulting Engineers (geotechnical engineering) and Survey & Mapping Control, Inc. (surveying).

### **Funding**

Storm Water Capital Investment Plan

## **29. Median Maintenance for Landscape Services**

- Action:** Approve three year contracts for median maintenance landscape services with:
- A. The Byrd's Group, Inc. for East District A in the amount of \$390,641.64,
  - B. The Byrd's Group, Inc. for East District B in the amount of \$253,033.80,
  - C. The Byrd's Group, Inc. for West District A in the amount of \$244,477.08,
  - D. A-1 Services & John Todd Landscaping for West District B in the amount of \$311,719.08,
  - E. Accolade Designs for South District A in the amount of \$175,320, and
  - F. The Byrd's Group, Inc. for South District B in the amount of \$192,791.52.

**Staff Resource:** Chris Davis, Engineering & Property Management

### **Explanation**

- The firms were selected using the Council approved qualifications-based selection process.
- The contract period for each of these contracts is three years with no renewals.
- These contracts provide for routine landscape maintenance activities that include turf, tree, shrub and bed maintenance as well as trash removal provided on a fourteen day frequency.

### **A. The Byrd's Group, Inc. for area East District A**

- East District A area is bounded by North Tryon Street, University City Boulevard, W.T. Harris Boulevard and Independence Boulevard.
- The total contract amount for three years will be \$390,641.64.

### **B. The Byrd's Group, Inc. for area East District B**

- East District B is an area bounded by University City Boulevard, W.T. Harris Boulevard, the City limits and Independence Boulevard.
- The total contract amount for three years will be \$253,033.80.
- C. The Byrd's Group, Inc. for area West District A**
  - West District A is an area bounded by Brookshire Boulevard, I-85, Freedom Drive and the City limits.
  - The total contract amount for three years will be \$244,477.08.
- D. A-1 Services & John Todd Landscaping for area West District B**
  - West District B is an area bounded by Freedom Drive, I-277, South Tryon Street and the City limits.
  - The total contract amount for three years will be \$311,719.08.
- E. Accolade Designs for area South District A**
  - South District A is an area bounded by South Tryon Street, East Morehead Street, Providence Road, Sharon Road, South Wendover Road, Fairview Road and Tyvola Road.
  - The total contract amount for three years will be \$175,320.00.
- F. The Byrd's Group, Inc. for area South District B**
  - South District B is an area bounded by East Morehead Street, Providence Road, Sharon Road, South Wendover Road, Fairview Road, Sardis Road, Independence Boulevard and I-277.
  - The total contract amount for three years will be \$192,791.52.

**Small Business Opportunity**

No SBE goals were set for these contracts because subcontracting opportunities were not identified (Part B: Section 2.4 of the SBO Policy). However, one of the recommended prime contractors, A-1 Services & John Todd Landscaping, is an SBE, yielding 19.88% overall SBE utilization.

**Funding**

Engineering and Property Management Operating Budget

**Attachment 15**

Area map

**30. Public Safety Communications Back-up Microwave Connection**

**Action:**

- A. Approve the purchase of a public safety back-up (or contingency) microwave connection, as authorized by the sole source exception of G.S. 143-129(e)(6), and**
- B. Approve a contract with Motorola for the purchase of a communication connection in an estimated amount of \$288,658.**

**Staff Resources:** Charles Robinson, Business Support Services  
 Jeff Dulin, Charlotte Fire Department

**Sole Source Exception**

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



- Sole sourcing of the microwave communication will ensure compatibility with the current City of Charlotte Public Safety Radio System.

#### **Explanation**

- The Public Safety contingency microwave connection is a system of equipment to link the Police/Fire Training Academy to the Public Safety Radio System master site in Matthews, NC. The connection will allow back-up communications for public safety in the event that Fire and/or Police communication centers are unable to provide communications for first responders and law enforcement personnel.
- Motorola will provide a turn-key solution, including engineering services and the necessary equipment to establish the microwave communications connections between the Training Academy and the Matthews site.

#### **Small Business Opportunity**

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

#### **Funding**

2009 Urban Areas Security Initiative Grant

## **31. Criminal Information Access Fees**

**Action:**

**A. Approve payments totaling approximately \$150,000 per year to the NC Department of Justice – State Bureau of Investigation SBI for the use of approximately 900 Division of Criminal Information (DCI) terminals for a period of three years, and**

**B. Authorize the City Manager to approve the DCI terminal access fee payments for two additional years with possible fee adjustments. The total cost over five years is estimated to be \$750,000.**

**Staff Resources:** Deputy Chief Katrina Graue, Police  
Greg Crystal, Police

#### **Explanation**

- DCI serves as a central telecommunications network linking local, state, and national criminal justice and law enforcement agencies for the purposes of collecting, organizing, and disseminating data on crimes and criminals. The central computer network operates 24 hours a day, seven days per week.
- During traffic stops, patrol officers use DCI to retrieve law enforcement data such as vehicle registration, stolen vehicle notifications, and drivers license information.
- Police detectives use DCI to retrieve criminal history records as a part of their investigative work.
- The user fee is based on the number of authorized DCI terminals. Accordingly, the amount may vary from year to year.
- The current billing rate from the NC State Bureau of Investigation is \$25 per month for a desktop terminal and \$12 per month for each mobile terminal.
- There are currently 116 desktop terminals and 785 mobile terminals. The mobile units are in all marked patrol vehicles and designated unmarked vehicles.

**Funding**  
Police Operating Budget

### 32. Airport Communications Design Contract

**Action: Approve a contract with DB Consulting, Inc. in the amount of \$120,000 for master planning and design services for communications systems at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The terminal building and related facilities require very extensive communications systems that provide data and information to tenants, passengers, and Aviation Department staff. These systems will expand as the facilities expand.
- This contract will provide funding for the master planning and design of communications systems, such as the access control system, public address system, cabling infrastructure, and the Airport's video system, both in the existing terminal and expansions of the facilities at the Airport. Expansions will include the East Terminal Expansion, the Hourly/Rental Car Parking Deck, the Concourse E expansion, and other projects as assigned by the Aviation Director.
- DB Consulting was selected for this contract because of their extensive experience with Airport communications systems, and their specific experience with the communications systems at the Airport.

**Small Business Opportunity**

For professional service based contracts, the City negotiates SBE goals after the selection process. No SBE goal was set for this project because subcontracting opportunities were not identified.

**Funding**  
Aviation Capital Investment Plan

### 33. Airport Concourse E Expansion Change Order

**Action: Approve Change Order #1 with Edison Foard, Inc. in the amount of \$190,444 for the construction of the Concourse E Expansion.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In February 2010, Council approved a contract with LS3P & Associates, Ltd. to design a 120 foot four-gate expansion to Concourse E to accommodate an additional six US Airways Express flights.
- In April 2010, City Council approved a contract with Edison Foard, Inc. in the amount of \$2,986,000 to construct the four gates and add two additional passenger loading bridges.
- Change order #1 will fund a change in the building foundations due to unsuitable soils under the expansion area. It also funds modifications to one of the passenger loading bridges so it can be used at a different gate and changes to the building's HVAC system, both of which will help facilitate the construction of the next expansion to the concourse.

- The new contract total is \$3,176,444.

#### **Small Business Opportunity**

All additional work involved with this change order will be performed by the current contractor and existing subcontractors.

#### **Funding**

Aviation Capital Investment Plan

### **34. Airport Entrance Road Design Contract**

**Action: Approve a contract in the amount of \$1,943,619 with HNTB North Carolina, P.C. for engineering services for the Airport Entrance Road.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- In 1975, the NCDOT Transportation Improvement Program (TIP) included a project to design and construct an Airport Entrance Road from I-85 to the Airport.
- NCDOT did design the road; however, the construction funding has continuously been pushed into the later years of the TIP and the road has not been built.
- Because of significant growth in local passengers since 1975, the NCDOT road design has become inadequate.
- In October 2007, City Council approved a contract in the amount of \$679,893 with HNTB to provide master planning services that included vehicle modeling, preliminary engineering and cost estimates for a new entrance road design.
- HNTB has developed a roadway design under that contract; however, the estimated cost of that road system, approximately \$60 million, was more than the funds available for the project, approximately \$20 million.
- In April 2010, City Council approved a change order in the amount of \$351,050 to provide funds for HNTB to develop a road scheme that utilized as much of the future roadway alignment and existing road system as possible, but reduce the project scope to fit within the available funds. HNTB delivered a package that represents 30% design plans under that contract.
- This contract will take this new alignment and provide construction documents, bidding services, and construction administration for the road section, access control for the entry and exit plazas for public parking, and dynamic signage for the roadway that provides customers with pertinent information about parking and special advisories as they approach the Airport.
- HNTB was selected using the Council approved qualifications-based selection process.
- HNTB was selected for this contract because of their extensive experience in road design, their positive working relationship with NCDOT, and specific experience with the development of the plans for this road network.
- The Airport has also advertised a Request of Qualifications for engineering services related to the design of four bridges that are required for this road network. Council will be asked to approve a contract for these services at a future business meeting.

**Disadvantaged Business Opportunity**

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

**Funding**

Aviation Capital Investment Plan

**35. Refund of Property Taxes**

**Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$23,829.70.**

**Staff Resource:** Sherry Hite, Finance

**Attachment 16**

Resolution

List of property tax refunds

## PROPERTY ITEMS

### 36. Property Transactions

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

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

#### Acquisitions

- A. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 21  
**Owner(s):** D.L. Phillips Investment Builders, Inc.  
**Property Address:** 2100 and 2120 East Independence Boulevard  
**Property to be acquired:** 12,317 sq. ft. (.283 ac.) in Sanitary Sewer Easement, plus 11,548 sq. ft. (.265 ac.) in Temporary Construction Easement  
**Improvements:** 4,052 sq. ft. Warehouse/Retail Building  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Commercial  
**Tax Code:** 127-102-04  
**Total Parcel Tax Value:** \$1,001,100  
**Purchase Price:** \$70,550
- B. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 22  
**Owner(s):** D.L. Phillips Investment Builders, Inc.  
**Property Address:** 2121 East Independence Boulevard/1110 and 1116 Morningside Drive  
**Property to be acquired:** 11,971 sq. ft. (.275 ac.) in Sanitary Sewer Easement, plus 12,504 sq. ft. (.287 ac.) in Temporary Road Access easement, plus 10,210 sq. ft. (.234 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-1  
**Use:** Commercial

**Tax Code:** 129-075-07  
**Total Parcel Tax Value:** \$487,100  
**Purchase Price:** \$49,775

- C. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 71  
**Owner(s):** D & A Investment Group, LLC And Perierra Management, LLC F/K/A Perierra Management, LLC  
**Property Address:** 6023 Park South Drive  
**Property to be acquired:** 1,329 sq. ft. (.031 ac.) in Storm Drainage Easement, plus 234 sq. ft. (.005 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** O-1  
**Use:** Office  
**Tax Code:** 179-022-41  
**Total Parcel Tax Value:** \$7,392,900  
**Purchase Price:** \$20,550
- D. Project:** Freedom Drive Widening, Parcel # 304  
**Owner(s):** Carothers Holding Company, Inc.  
**Property Address:** 4600 Freedom Drive  
**Property to be acquired:** 2,900 sq. ft. (.067 ac.) in Fee Simple, plus 10,799 sq. ft. (.248 ac.) in Existing Right-of-Way, plus 500 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 11,656 sq. ft. (.268 ac.) in Sidewalk and Utility Easement, plus 49 sq. ft. (.001 ac.) in Utility Easement, plus 12,861 sq. ft. (.295 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-5  
**Use:** Funeral (Mortuary, Cemetery, Crematorium, Maus)  
**Tax Code:** 057-062-13  
**Total Parcel Tax Value:** \$153,700  
**Purchase Price:** \$13,050
- E. Project:** Freedom Drive Widening, Parcel # 448  
**Owner(s):** Alderwoods (North Carolina), Inc.  
**Property Address:** 4601 Freedom Drive  
**Property to be acquired:** 15,332 sq. ft. (.352 ac.) in Fee Simple, plus 3,531 sq. ft. (.081 ac.) in Existing Right-of-Way, plus 2,360 sq. ft. (.054 ac.) in Storm Drainage Easement, plus 3,850 sq. ft. (.088 ac.) in Sidewalk and Utility Easement, plus 12,043 sq. ft. (.276 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** O-2  
**Use:** Office  
**Tax Code:** 059-061-15  
**Total Parcel Tax Value:** \$118,900  
**Purchase Price:** \$56,275
- F. Project:** Freedom Drive Widening, Parcel # 449  
**Owner(s):** Carothers Holding Company, Inc.  
**Property Address:** 4601 Freedom Drive

**Property to be acquired:** 14,398 sq. ft. (.331 ac.) in Fee Simple, plus 4,081 sq. ft. (.094 ac.) in Existing Right-of-Way, plus 595 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 3,769 sq. ft. (.087 ac.) in Sidewalk and Utility Easement, plus 43 sq. ft. (.001 ac.) in Utility Easement, plus 9,662 sq. ft. (.222 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees and Shrubs

**Zoned:** R-4

**Use:** Office

**Tax Code:** 059-061-12

**Total Parcel Tax Value:** \$1,087,200

**Purchase Price:** \$24,875

- G. Project:** Louise Avenue Capital Improvement Project, Parcel # 14

**Owner(s):** Barnhardt Manufacturing Company

**Property Address:** Hawthorne Lane

**Property to be acquired:** 11,994 sq. ft. (.275 ac.) in Storm Drainage Easement, plus 983 sq. ft. (.023 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-22MF

**Use:** Multi Family

**Tax Code:** 081-181-70

**Total Parcel Tax Value:** \$360,400

**Purchase Price:** \$16,400

- H. Project:** Rea Road Widening / Improvements, Parcel # 67

**Owner(s):** Crystean Uwanawich and Stephen Sonny Danny Johnson

**Property Address:** 5020 Rea Road

**Property to be acquired:** 871 sq. ft. (.020 ac.) in Fee Simple, plus 395 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 2,361 sq. ft. (.054 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 211-232-56

**Total Parcel Tax Value:** \$231,300

**Purchase Price:** \$50,000

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

- I. Project:** Revolution Park Neighborhood Improvement Project, Parcel # 20

**Owner(s):** Emma Lee Miller by her Attorney-In-Fact Ada Miller, Lula Miller and Roy Lee Miller

**Property Address:** 2724 Phillips Avenue

**Property to be acquired:** 220 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,333 sq. ft. (.031 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Landscaping on property.

**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 145-044-41  
**Total Parcel Tax Value:** \$59,600  
**Purchase Price:** \$13,600

## Condemnations

- J. Project:** Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel # 20  
**Owner(s):** M.O. Burgess, Jr. And Any Other Parties Of Interest  
**Property Address:** 144 Coulwood Drive  
**Property to be acquired:** 756 sq. ft. (.017 ac.) in Fee Simple, plus 69 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 1,233 sq. ft. (.028 ac.) in Sidewalk and Utility Easement, plus 34 sq. ft. (.001 ac.) in Storm Drainage Easement and Sidewalk Utility Easement Overlap, plus 489 sq. ft. (.011 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 031-071-14  
**Total Parcel Tax Value:** \$120,200  
**Appraised Value:** \$1,350  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owner is opposed to the project. After initial contact, staff recommends condemnation approval.
- K. Project:** Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel # 36  
**Owner(s):** Betty C. Williams And Any Other Parties Of Interest  
**Property Address:** 311 Gum Branch Road  
**Property to be acquired:** 2,242 sq. ft. (.051 ac.) in Fee Simple, plus 2,794 sq. ft. (.064 ac.) in Existing Right-of-Way, plus 1,398 sq. ft. (.032 ac.) in Sidewalk and Utility Easement, plus 5,381 sq. ft. (.124 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 031-072-13  
**Total Parcel Tax Value:** \$146,100  
**Appraised Value:** \$5,775  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** At the property owner's request, staff has been working with the property owner's son, who has declined all requests for meetings to discuss the project. In order to maintain the project schedule, condemnation is recommended.
- L. Project:** Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel # 84  
**Owner(s):** Paul F. Henderson and Wife, Doris B. Henderson  
**Property Address:** 435 Gum Branch Road



**Property to be acquired:** 15,303 sq. ft. (.351 ac.) in Storm Drainage Easement, plus 4,332 sq. ft. (.099 ac.) in Temporary Construction Easement

**Improvements:** Brick Column

**Landscaping:** Trees and Shrubs

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 031-073-06

**Total Parcel Tax Value:** \$160,100

**Appraised Value:** \$10,800

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** Property owner has concerns regarding the width of the storm drainage easement. Staff has explained that the width of the easement is related to the amount of storm water that will flow through the easement and the width necessary for future maintenance. Staff and the owner have not resolved the issue. In order to maintain the project schedule, condemnation is recommended.

- M. Project:** Shamrock Drive- Proposed 10" Sanitary Sewer Relocation, Parcel # 1
- Owner(s):** Alliance Pp2 Fx2, Limited Partners And Any Other Parties Of Interest
- Property Address:** 3267 Shamrock Drive
- Property to be acquired:** 40.84 sq. ft. (.001 ac.) in Sanitary Sewer Easement, plus 682.45 sq. ft. (.016 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-17 MF
- Use:** Multi Family
- Tax Code:** 099-063-45
- Total Parcel Tax Value:** \$5,860,000
- Appraised Value:** \$1,000
- Property Owner's Counteroffer:** None
- Reason For Condemnation:** This project will replace a section of existing sewer that is too flat to flow properly. At the property owner's request, condemnation is recommended.
- N. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 21
- Owner(s):** 4601 Statesville Road, LLC And Any Other Parties Of Interest
- Property Address:** 4601 Statesville Road
- Property to be acquired:** 3,011 sq. ft. (.069 ac.) in Permanent Easement Within Road, plus 2,043 sq. ft. (.047 ac.) in Temporary Construction Easement
- Improvements:** Light Posts and a Commercial Sign
- Landscaping:** None
- Zoned:** B-2
- Use:** Commercial
- Tax Code:** 041-101-11
- Total Parcel Tax Value:** \$314,000
- Appraised Value:** \$33,850
- Property Owner's Counteroffer:** \$250,000

**Reason For Condemnation:** This project will widen Statesville Road from Starita Road to Sunset Road. The improvements will include four lanes, planted median, left turn lanes, bike lanes, sidewalks and street lighting. Landscaping is planned to be installed after the road construction is complete. At the property owner's request, the plan has been changed to incorporate larger turns at the property's entrance. However, staff and the property owner have not resolved the difference in the appraisal value and their counter offer. In order to maintain the project schedule, condemnation is recommended.

### 37. Meeting Minutes

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

- November 15, 2010
- November 22, 2010
- December 6, 2010