

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, August 24, 2009

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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19	21	GangNet Replication Grant
20	22	Justice Assistance Grant
35	39	I-485 Park and Ride Lot Expansion Land Purchase

CITY COUNCIL AGENDA
Monday, August 24, 2009

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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 I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

2. Center City Parking and Wayfinding

Resource: Jim Kimbler, Transportation

Time: 15 minutes

Synopsis

- City staff will present an update for the Center City Parking and Wayfinding Project prior to implementation.
- Final design is complete for the Parking and Vehicular Wayfinding Sign System, with implementation scheduled to begin in late 2009 and to be completed by the opening of the NASCAR Hall of Fame in spring 2010.
- Project history, goals, schedule, sign design and cost will be presented.
- The project is funded by a federal congestion mitigation and air quality grant.

Future Action

- In fall 2009, City Council will be asked to authorize a contract for production and installation of the vehicular wayfinding signs.

3. FY2009 Airport Annual Report

Resources: Dr. Henry Nicholson, Airport Advisory Committee
Jerry Orr, Aviation

Time: 15 minutes

Synopsis

- A video highlighting accomplishments of the past year will be presented.

4. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

6:30 P.M. CITIZENS' FORUM
Meeting Chamber

7:00 P.M. AWARDS AND RECOGNITION

5. Proclamation for National Life Insurance Awareness Month

Action: Mayor to recognize Bonnie Williams with the National Association of Insurance and Financial Advisors (NAIFA) to present her with a proclamation to highlight September as National Life Insurance Awareness Month.

CONSENT

- 6. Consent agenda items 24 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 Cultural Arts Facilities Permanent Financing

Action:

- A. Hold a public hearing that addresses the amendment to the existing Installment Purchase Contract related to the Cultural Arts Facilities and the execution and delivery of series 2009E Certificates of Participation (COPS) in an amount not to exceed \$160 million as part of the permanent financing for the Cultural Arts Facilities,**
- B. Adopt a resolution to close the public hearing, and**
- C. Adopt a resolution authorizing the City Manager to execute an amendment to the existing Installment Purchase Agreement for the Cultural Arts Facilities for the purpose of obtaining permanent financing in an amount not to exceed \$160 million.**

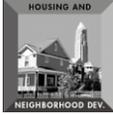
Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation

- In September 2007, City Council approved the set of agreements which allowed the construction of four new Wachovia related cultural facilities valued at \$126.9 million and the renovation of Discovery Place valued at \$31.6 million.
- Cash flow needs for construction/renovation of these facilities was met by using short term Commercial Paper to achieve the lowest possible cost of financing during this two year construction cycle.
- Now is an opportune time to move to permanent financing on these five cultural facilities, all of which will be delivered within their approved budgets.
- The 2009E COPS will be used as part of a refunding of the outstanding Commercial Paper Certificates of Participation (Cultural Arts Facilities), Series 2007A.
- The funds will be used to refinance the acquisition, construction and equipping of the Bechtler Museum of Modern Art, the Mint Museums, the Harvey B. Gantt Center for African-American Arts + Culture, the Knight Theater and the renovation of Discovery Place (collectively, the Cultural Arts Facilities), pay the balance of the cost of constructing the Cultural Arts Facilities and pay costs related to the execution and delivery of the 2009E Certificates.
- The financing model has been continuously monitored and remains viable despite the recent economic downturn affecting rental car taxes.
- The resolution provides for the execution and delivery of documents required for permanent financing.
- A notice of public hearing was published in the Charlotte Observer on August 7, 2009 for the purpose of soliciting public comment on the 2009E certificates of participation (COPS) as part of the permanent financing for the Cultural Arts Facilities.

Attachment 1

Resolution

8. Public Hearing on Proposed Non-Residential Building Code

Action: Hold a public hearing to receive comments regarding the proposed Non-Residential Building Code as required under North Carolina General Statute §160A-364(a).

Committee Chair: Susan Burgess

Staff Resources: Walter Abernethy, Neighborhood & Business Services
Mike Jenkins, Neighborhood & Business Services

Proposed Ordinance

- The City's Code Enforcement Division is currently responsible for enforcement of the City's Minimum Housing Code (Chapter 11).
- Chapter 11 provides limited enforcement authority related to commercial structures.
- Adoption of a new Non-Residential Building Code would provide Code Enforcement staff more enforcement authority related to the condition of commercial structures.
- The proposed ordinance establishes specific standards of fitness and an enforcement process for all non-residential structures.
- The proposed ordinance seeks to address unsafe and dilapidated conditions associated with both vacant and occupied commercial structures. Potential standards of fitness for commercial structures could include:
 - Electrical code violations
 - Structural integrity
 - Open doors and windows
 - Plumbing and sanitary facilities
 - Egress
 - Smoke detectors
 - Fire code violations
 - Debris accumulation
 - Mechanical systems
- The ordinance may include enforcement tools including repair, demolition, and the issuance of civil penalties associated with non-compliance.

New Legislative Authority

- On August 21, 2007 the Governor signed into law Senate Bill 556 entitled An Act Authorizing Municipalities to Adopt Ordinances Establishing a Non-Residential Building or Structure Code.
- The bill gave municipalities the authority to adopt ordinances that establish standards of fitness for commercial structures and other non-residential buildings.

Stakeholder Process

- On February 11, 2008 City Council authorized Neighborhood Development to create a stakeholder process to develop standards of fitness in support of a new Non-Residential Building Code.

- The stakeholder process began in September 2008 and ended in March 2009. The stakeholder committee consisted of representatives from business and industry, neighborhoods, and City/County staff.
- On April 8, 2009 the stakeholder committee developed a proposed ordinance and forwarded it to the Housing & Neighborhood Development Committee for consideration.

Committee Discussion

- The Housing & Neighborhood Development Committee reviewed the proposed standards of fitness and the proposed enforcement process at three meetings: April 8, 2009, May 13, 2009 and July 27, 2009.
- The Committee discussed the administration and enforcement of the ordinance and the maintenance standards. Specific points of discussion included the more expensive proposed civil penalty of \$500 for the first day of non-compliance to an order and \$50 each day thereafter of a non-residential structure compared to the civil penalty of \$100 for the first day of non-compliance to an order and \$10 each day thereafter for a residential structure.
- The Committee also discussed the maintenance standards. Only electrical, mechanical and plumbing devices and systems that are intended to be used or are being used at the time of inspection or are required by law are subject to the applicable portion of this article. This was established through the stakeholder process to provide thresholds and enforcement triggers to ensure reasonable inspections and compliance expectations.

Next Step

The proposed Non-Residential Building Code Ordinance will be on the Housing & Neighborhood Development Committee's September 9, 2009 agenda for additional review.

Funding

\$500,000 allocated in FY2010 Neighborhood & Business Services operating budget for program start up

Attachment 2

Proposed Ordinance
Stakeholder's Committee

ZONING

9. Rezoning Petition 2009-062

Action: Render a decision on proposed rezoning 2009-062 HSREI, LLC, for a change from R-3, single family residential and I-1 (CD), light industrial, conditional to I-1 (CD) light industrial, conditional and I-1 (CD) SPA, light industrial, conditional, site plan amendment, with five year vested rights for approximately 5.85 acres located on the east side of Union School Road near the intersection of Stowe Lane and Union School Road.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The Council voted on July 20, 2009 to expedite the decision on this petition from the normal September 21, 2009 Zoning meeting to the August 24, 2009 business meeting.
- This petition is found to be consistent with the Northeast District Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
 - Note 8 has been amended to delete reference to administrative approval required for the removal of buffers that may no longer be required due to change in abutting use and/or zoning.
 - Note 8 has been amended to state that the buffer areas adjacent to existing single family homes will not be reduced.
 - A note has been added indicating sewer service from Cabarrus County will serve this site.
 - A note has been added that no parking and/or maneuvering space is located in the setback along Stowe Lane.

Attachment 3

Zoning Committee Recommendation
Vicinity Map
Site Map
Site Plan

POLICY

10. City Manager's Report

- CATS CEO Recruitment Process

Attachment 4

Memo on Recruitment Process

11. 125 Additional Police Officers



- Action:**
- A. Accept a COPS grant in the amount of \$8,545,950 from the U.S. Department of Justice under the American Recovery and Reinvestment Act (ARRA) and**
 - 1. Add an additional 50 Police Officers, and**
 - 2. Appropriate \$8,545,950 in ARRA funds to fund salaries and benefits for the 50 Police Officers for a three-year period, and**

 - B. Reallocate existing budgeted General Fund Resources and**
 - 1. Add an additional 75 Police Officer positions**
 - 2. Reallocate \$1.4 million in supplemental General Fund street resurfacing funds, and**
 - 3. Appropriate \$2.4 million from the Public Safety reserve fund.**

Staff Resources: Rodney Monroe, Police
 Phil Reiger, Transportation
 Ruffin Hall, Budget and Evaluation

125 Police Officer Allocations

- CMPD requested 125 additional police officer positions as part of the FY2010 budget process.
- On March 23, 2009, Council approved the Police Department's application for 150 additional police officer positions to be funded under the COPS Hiring Program, a component of the American Recovery and Reinvestment Act (ARRA).
- On July 29, 2009, CMPD received notice it was awarded 50 officers under the COPS Hiring Program, the maximum number of officers awarded to any police agency.
- The \$8,545,950 in ARRA funds covers entry level salaries and benefits for the officers for three years.
- The City is responsible for funding equipment and other expenses related to the new positions. As a part of the FY2010 Budget, City Council allocated up to \$2.8 million in Public Safety reserves for funding these one-time start up costs. It is recommended that \$2.4 million of those reserves be used for these one-time costs.
- The City must agree to retain all officer positions under the COPS Program for a minimum of one year after the grant funding ends; the retention period for each officer position will be based upon the actual hiring date.
- The retained positions must be in addition to the number of locally funded positions that would otherwise have existed without federal funds.
- The 50 new police officers funded under the COPS Hiring Program will be hired on September 14, 2009.

- Given that 50 officers were awarded rather than the requested 150, the City Manager recommends that Council approve funding an additional 75 police officer allocations. The additional 75 allocations plus the 50 positions funded by COPS would give CMPD the 125 sworn officers it requested for FY10 and increase the number of sworn police positions from 1640 to 1715.
- Proposed hiring schedule:
 - 50 officers funded by ARRA – September 14, 2009
 - 50 officers – January 25, 2010
 - 25 officers – April 26, 2010
- Initial start-up costs include vehicles, uniforms and equipment.

Recommended Funding Sources for 125 Officers

	FY2010	FY2011	FY2012	FY2013	FY2014
COPS Grant (ARRA)	\$2,106,621	\$2,843,459	\$3,059,305	\$536,565	\$0
Reserve for Public Safety	2,466,550	0	0	0	0
Redirect Supplemental Street Resurfacing Funds	1,434,537	4,468,323	4,468,323	4,468,323	4,468,323
Net Increase to General Fund	0	888,290	1,234,065	4,230,462	5,551,306
Total	\$6,007,708	\$8,200,072	\$8,761,693	\$9,235,350	\$10,019,629

Street Resurfacing

- The FY2010 budget in the Powell Bill Fund includes \$14.0 million for contracted street resurfacing. This level of funding would resurface approximately 170 miles of streets, based on current asphalt prices.
- In addition, Council approved a transfer of 0.6 cents of the existing property tax rate from the Capital Investment Program to the General Fund to provide an additional \$4.5 million in supplemental funding to the City's Street Resurfacing Program. This addition would allow the City to resurface an additional 46 miles of streets in this fiscal year for a total of 216 miles of streets. This additional funding would achieve the 12 year resurfacing cycle goal.
- Prior to the additional \$4.5 million supplemental funding, the projected street resurfacing cycle is estimated at 15 years. The target is 12 years.
- Reducing the General Fund supplemental funding by \$1.4 million in FY10 will reduce the number of additional street miles to be resurfaced by 17 miles and add approximately one year to the resurfacing cycle.
- In FY2011 and future years, reallocating the \$4.5 million to cover the incremental cost of the 125 additional Police Officers would result in a loss of 40-50 additional street resurfacing miles per year.

Street Resurfacing Budget Summary

	FY2010	FY2011	FY2012	FY2013	FY2014
Powell Bill Resurfacing Budget	\$14,025,066	\$14,220,347	\$14,419,534	\$14,622,705	\$14,829,939
Budgeted General Fund Supplement	4,468,323	4,468,323	4,468,323	4,468,323	4,468,323
Transfer Portion of Supplement to Police	(1,434,537)	(4,468,323)	(4,468,323)	(4,468,323)	(4,468,323)
Revised Resurfacing Budget	\$17,058,852	\$14,220,347	\$14,419,534	\$14,622,705	\$14,829,939
Change in Supplemental Street Miles Resurfaced	(17.08)	(50.66)	(49.42)	(48.22)	(47.05)

Attachment 5
Budget Ordinances

12. Carolina Theatre Eighth Amendment



Action: Approve the Economic Development & Planning Committee’s recommendation to approve the eighth amendment to the Purchase and Sale Agreement for the Carolina Theatre with CMP Carolina Theatre, LLC (CMP), to extend the closing date until December 1, 2011 at no cost to CMP and direct staff to negotiate a property maintenance agreement between CMP and the City.

Committee Chair: John Lassiter

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

Explanation

- In January 2006 the City entered into a Purchase and Sale Agreement with CMP for the Carolina Theatre for \$1,000,000.
- This Agreement provided for a closing in January 2007. Six previous Council actions have extended the closing date in reaction to project complexity and to changing market conditions, but did not alter the agreement in any other way.
- On June 15, 2009 the Economic Development & Planning Committee recommended a seventh extension to December 1, 2011.
- On June 16, 2009 staff became aware of a potential easement issue that warranted further investigation and on June 22, Council voted to extend the option through approval of a seventh amendment until August 31, 2009 while the issues were researched and resolved.
- All required payments have been made. These payments, along with the \$50,000 payment in the original agreement, now total \$250,000 in non-refundable deposits to the City.
- CMP has made excellent progress on reaching pre-sale goals and other milestones, such as securing preliminary permit approval, completing easement and air-rights negotiations and licensing agreements with theatre operators, but has faced continued volatility in the national credit and real estate markets, due to recent mergers and acquisitions in the local economy. While much of the financing has been secured for the project, approximately 30% is still in negotiation.

- As of December 22, 2008 the site was valued "as is" at \$2,530,000.
- A temporary easement currently exists on the Carolina Theatre property to allow fire egress from the Montaldo's building. Converting the easement to a permanent easement will compromise the ability of the current developer or any future developer to redevelop the site, thereby compromising the value of the parcel. This easement runs nearly the length of the entire parcel.
- The Montaldo's building owners and its future tenants are evaluating options to create fire egress that exits to the Hearst Plaza.

Committee Discussion

- The Economic Development and Planning Committee discussed the Carolina Theatre at two meetings: May 13, 2009 and June 15, 2009.
- On June 15, 2009 staff presented two options to the Committee:
 - Have CMP make a fair market value offer on Carolina Theatre subject to an upset bid process, or
 - Extend the existing option at no cost to the developer for two to three years
- The Committee discussed both options and voted unanimously (Lassiter, Carter and Kinsey) to extend the existing option at no cost to the developer until December 1, 2011 and directed staff to include a negotiated property maintenance agreement between CMP and the City.

Attachment 6

June 15, 2009 Economic Development and Planning PowerPoint Presentation

13. Small Business Opportunity Program Changes

Action: **A. Approve the Restructuring Government Committee recommendations to revise the Small Business Opportunity (SBO) Program, and**

B. Direct staff to make these and other modifications to clarify the existing SBO Program, to be effective November 16, 2009.

Committee Chair: James E. Mitchell, Jr.

Staff Resources: Eric Campbell, City Manager's Office
Cindy White, City Attorney's Office
Nancy Rosado, Neighborhood & Business Services

Explanation

- In July 2008 City Council referred the Small Business Opportunity (SBO) Program to the Restructuring Government Committee for review.
- The review was conducted over several months, focusing on the goal matrix, personal net worth, good faith efforts and the timing of goal attainment.
- Over the past year, the Restructuring Government Committee has considered feedback from various stakeholder groups, including certified SBEs, Contractors, and SBO Liaisons, among others.
- Initial recommendations from the Restructuring Government Committee were presented to City Council during the June 22, 2009 dinner briefing.
- Based on the City Council's dinner briefing discussion, the City Manager referred the SBO Program back to the Restructuring Government

Committee for additional review of the net worth cap, good faith efforts, and new small businesses entering the program.

- The Restructuring Government Committee met on July 27, 2009 to discuss the issues raised by City Council.
- Staff has prepared a revised version of the SBO Program incorporating these changes and other modifications proposed for clarity and administration. For example, changes will allow the City Manager to appoint a designee to hear appeals of the SBO Program Manager's decisions, and to grant non-compliance waivers in the absence of the SBO Program Manager.
- The revised SBO Program incorporating these changes was sent in the August 19, 2009 Council-Manager Memo.
- Upon approval from City Council, the changes will become effective November 16, 2009.

Committee Discussion

- The Restructuring Government Committee met on July 27, 2009 to discuss the issues raised at the June 22nd dinner briefing, and approved the following recommendations (3-0; Cooksey, Kinsey, and Peacock).
- The last two recommendations reflect changes based on the dinner briefing discussion.
 - Adopt revised SBO goal matrix using subcontract value and number of subcontractor categories available instead of contract value and number of available SBEs
 - Maintain personal net worth cap of \$750,000, but exclude the personal net worth of the spouse
 - Delete the following Good Faith Efforts (GFE) requirements:
 - Section 5.3.10: Covering Subcontractors under Bidders Bond or Insurance on the Construction Contract up for Award
 - Section 5.3.12: Facilitating Joint Ventures between SBEs
 - Allow a low bidder to commit 75% of the SBE goal up front, and commit the remaining 25% of the SBE goal within three business days after bid date (bid date is usually several weeks prior to Council action)
 - Revise "Working With a New SBE" GFE requirement by defining a "New SBE" as an SBE that:
 - Was certified within a year prior to the bid date, and
 - Will be used on a project currently being bid
 - Add GFE opportunity for Bidders who have exceeded the SBE goal on a previous City project of equal or greater value by 50% in the past two years; assign 20 point value, 12% of minimum GFE requirement

Attachment 7

July 27, 2009 Restructuring Government Committee Presentation

June 22, 2009 Council Dinner Briefing Presentation

BUSINESS

14. Charlotte Streetcar Project Professional Services

- Action:**
- A. Authorize the City Manager to negotiate and execute a contract for professional services with URS Corporation to provide design and engineering services for the City's proposed Streetcar project in an amount not to exceed \$4.5 million,**
 - B. Adopt a resolution authorizing the City Manager to execute a federal grant contract that allocates \$237,500 in federal funds for the Charlotte Streetcar project, and**
 - C. Adopt a budget ordinance appropriating the grant and transferring \$59,375 from the Streetcar budget to the Transit budget for the local match.**

Staff Resources: Jeb Blackwell, Engineering & Property Management
John Muth, Transit

Policy

Tran. (1, 3 & 5) and Transportation Action Plan Goals (1, 2 and 5)

Professional Services Contract

- The contract with URS Corporation for \$4.5 million advances design and engineering for the Charlotte Streetcar Project to 30% design which is a normal decision point for transit projects on whether to proceed.
- The 30% design work is anticipated to be completed in the third quarter of 2010.
- There will be three significant outcomes of the contract: better information on cost, schedule, and the ability to coordinate with public and private work that occurs along the corridor prior to construction of the streetcar project. Also, elements such as utility impacts, design, stop locations, urban design, vehicle maintenance facility, street modifications, signal systems, environmental assessment and vehicle propulsion technology will be developed during this phase of the project.
- On May 1, 2009 the City issued a Request for Qualifications (RFQ) for preliminary design and engineering services. Four responses to the RFQ were received on May 15, 2009.
- An evaluation team, comprised of representatives from CATS, Engineering & Property Management, Planning, Neighborhood & Business Services, and Utilities selected URS Corporation as the best qualified firm for the work.

Federal Grant

- This action authorizes the City Manager to execute the federal grant contract for funds allocated to the Charlotte Streetcar project in federal FY2009 of \$237,500. This grant requires a local match of 20% of the federal allocation (\$59,375).
- The budget ordinance appropriates \$296,875 for the Streetcar project, which represents the federal amount (\$237,500) plus the local match (\$59,375). The federal amount will be reimbursed to the City once the funds are transmitted from the Federal Transit Administration.

Disadvantaged Business Enterprise Opportunity

Established Project Specific DBE Goal: 8%

Committed DBE Goal: 9.6%

The following DBE firms have been designated as sub-consultants on the project: Neighboring Concepts, SEPI and Dovetail.

Funding

Transportation Capital Investment Plan and federal grant

Attachment 8

Resolution

Budget Ordinance

15. Reduction of Beer and Wine Excise Tax Revenue

Action: Adopt a budget ordinance appropriating \$2 million from General Fund Balance – Capital Reserves to cover reduced beer and wine excise tax revenues due to the impact from the State of N.C.’s FY2010 budget.

Staff Resources: Greg Gaskins, Finance
Ruffin Hall, Budget and Evaluation

Explanation

- The State of North Carolina General Assembly adopted the State FY2010 budget on August 5, 2009 and it was signed into law by Governor Perdue on August 7, 2009.
- The approved State budget includes a provision reducing the share of beer and wine excise tax proceeds to municipalities and counties in North Carolina by two-thirds for FY2010.
- The City’s share will return to previous levels in the FY2011 budget and thereafter unless the General Assembly and the Governor take specific action to do otherwise.
- Council adopted the City’s FY2010 budget on June 8, 2009 (prior to State budget approval). The City’s budget included approximately \$3.2 million in revenue from beer and wine excise tax proceeds. The revenue is shared with the State.
- Due to the State’s two-thirds reduction provision, City staff estimates the loss of approximately \$2 million in beer and wine excise tax revenue out of the \$3.2 million budgeted for FY2010.

Use of Capital Reserves

- By Council policy, General Fund fund balance in excess of the Council 16% policy is transferred to the subsequent capital budget as Capital Reserves.
- For FY2010, staff recommended and Council approved keeping the \$16 million in Capital Reserves within General Fund fund balance instead of transferring to the capital budget for two purposes:
 - \$12 million for potential future economic deterioration
 - \$4 million for Public Safety capital equipment (\$1.2 million for Fire apparatus and \$2.8 million for one-time Police start-up costs related to new police officer positions).
- On May 26, 2009, Council appropriated \$2.6 million of General Fund fund balance for a portion of the SafeLight/SafeSpeed payment owed to Charlotte-Mecklenburg Schools.

- Thus, the current balance for Capital Reserves set aside for potential future economic deterioration is \$9.4 million.
- Staff recommends reserving the remaining \$7.4 million of Capital Reserves until the February 2010 Council Retreat, due to the uncertain nature of future revenues.
- If the revenue outlook improves by the February Retreat, Council may allocate the remaining \$7.4 million in Capital Reserves to the capital budget consistent with the current policy.

Funding

General Fund Balance – Capital Reserves for potential future economic deterioration.

Attachment 9

Budget Ordinance

16. Homeless Prevention and Rapid Re-Housing Program Implementation



Action: A. Authorize the City Manager to enter into contracts with:

- 1. Crisis Assistance Ministry for \$1,030,000 to administer homeless prevention services for approximately 160 individuals and families and to develop and manage the Rapid Re-Housing Program,**
- 2. Workforce Initiative for Supportive Housing (WISH) for \$900,217 to provide supportive services for the rapid re-housing services for approximately 100 individuals and families, and**

B. Adopt a budget ordinance appropriating \$1,930,217 for the federal Homeless Prevention and Rapid Re-Housing Program.

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) established the Homelessness Prevention and Rapid Re-Housing Program (HPRP), under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act).
- On November 12, 2007, City Council adopted the More Than Shelter – 10 Year Plan to End and Prevent Homelessness. The plan goals are:
 - Safe permanent housing
 - Outreach and Education
 - Homeless prevention

Explanation

- The HPRP is part of the American Recovery and Reinvestment Act of 2009. Based on HUD's formula allocation, the City of Charlotte has been allocated \$1,930,217 from this source of stimulus funds.
- On June 29, 2009, the City received notification from HUD that its application for HPRP funds has been approved.

- The HPRP focuses on housing for homeless and at-risk households earning 50% or less than the area median income. The funds under the HPRP are intended to serve two populations of persons facing housing instability:
 - Individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing)
 - Individuals and families who are currently in housing but are at risk of becoming homeless (homeless prevention)

Crisis Assistance Ministry (\$1,030,000)

- Crisis Assistance Ministry (CAM) has served as Mecklenburg County’s Lead Agency for emergency financial assistance (homeless prevention) since 1985.
- Crisis Assistance receives \$380,000 annually from the City for emergency rent and utility assistance and over 2,300 families are served each year with these funds.
- As part of the City Council-approved HPRP application, \$245,000 has been allocated for direct rent and utility assistance for homeless prevention portion of the program over the three year grant period.
- It is anticipated that approximately 160 individuals and families will receive this homeless prevention assistance.
- CAM will serve as the Lead Entity for the HPRP Program. As the Lead Entity, CAM will develop a program model, manage the coordination of client intake and assessments, program partner relationships, hiring and supervision of up to five case management professionals, and monitoring/reporting to meet HUD requirements.
- CAM will also assist in developing a marketing/outreach plan to communicate the availability of the program to the public and referring agencies. CAM will seek to leverage the City’s federal funds with local resources. The proposed contract breakdown is as follows:

- Homeless Prevention	\$ 245,000
- Case Management	675,000
- Monitoring and Reporting	90,000
- Data Collection	20,000
Total	\$1,030,000

- Case managers will develop individualized service and housing plans, coordinate services such as medical and mental health, substance abuse, housing assistance, completing applications, budgeting, credit repair, legal and employment assistance throughout the term of the rapid re-housing to help families move from this temporary assistance program to a stable situation. Case managers will also seek to access workforce development (job training) and other stimulus funds for eligible program participants.

Workforce Initiative for Supportive Housing (\$900,217)

- The WISH contract funds will provide the extended rental and utility assistance for the new program plus housing relocation and stabilization services including client moving costs.
- It is anticipated that approximately 100 individuals and families will receive rapid re-housing assistance. WISH has administered a targeted rapid re-housing program for the last year and a half. The City has provided \$200,000 for rental assistance to support the WISH program. The program has served approximately 70 homeless families (including 130 children). The model used by WISH includes family support plans,

holistic family development social work and volunteer Hope Teams. The program is designed to drive families to self-sufficiency with intensive social work and relationships with trained volunteers.

Project Hope, New Collaborative

- To execute this contract, Crisis Assistance Ministry and WISH will form a new collaborative called Project Hope to develop and implement the federal Homeless Prevention and Rapid Re-Housing Program. This partnership will combine the unique expertise of both providers into one program.
- Project Hope will serve as the entry point for client referrals into the HPRP Program. Qualifying local agencies will access program services by pre-screening and referring individuals and families to Project Hope. A Project Hope Assessor will handle client intake and determine program eligibility for clients referred by the local agencies.
- On May 11, 2009 City Council approved the three-year budget for use of the Homeless Prevention and Rapid Re-Housing funds:

– Rapid Re-housing	\$ 900,217	46%
– Case Management	675,000	35
– Homeless Prevention	245,000	13
– Data Collection	20,000	1
– Monitoring and Reporting	<u>90,000</u>	<u>5</u>
Total	\$1,930,217	100%

Ten-Year Plan to End and Prevent Homelessness

- The HPRP supports two goals of the Ten-Year Plan to End and Prevent Homelessness, which include:
 - Getting homeless families and individuals into safe appropriate housing as soon as possible
 - Promoting housing stability for families and individuals most at risk of becoming homeless

Key Program Requirements

- The HPRP program is a three year program and 60% of the funds (\$1,158,130) must be expended within two years of the date HUD signs the grant agreement and 100% of the funds (\$1,930,217) must be spent within three years of the date of the agreement (July 20, 2012).
- All program participants, at a minimum, must receive an initial assessment with a Project Hope case manager from a qualified referring agency.
- Project Hope Program participants must be reevaluated every three months to receive additional assistance for a maximum of 18 months.

Funding

Funding comes from federal Homeless Prevention and Rapid Re-Housing Program funds as part of the American Recovery and Reinvestment Act of 2009

Attachment 10

- HUD Award Letter
- HPRP Program Flow Chart
- Budget Ordinance

17. Airport Diesel Emissions-Economic Recovery Grant Award



- Action:**
- A. Authorize the Aviation Director to accept an \$80,000 Diesel Emissions-Economic Recovery (DEER) grant from the N.C. Department of Environment & Natural Resources, Air Quality Division (DENR), and**
 - B. Adopt a budget ordinance appropriating \$80,000.**

Staff Resource: Jerry Orr, Aviation
Robert Phocas, City Attorney's Office

Explanation

- On April 27, 2009 City Council approved an application for federal stimulus grant funding through the N.C. Department of Environment & Natural Resources, Air Quality Division (DENR), for diesel emission reduction projects.
- Charlotte Douglas International Airport (CLT) applied for \$216,800 to retrofit 13 shuttle buses with EPA certified diesel particulate filters (DPFs) and eight dump trucks with EPA certified diesel oxidation catalysts.
- On August 11, 2009, DENR notified CLT it had been awarded \$80,000 to install diesel particulate filters on five CLT shuttle buses.
- The proposed retrofits will reduce particulate matter, hydrocarbons and carbon monoxide, which will create a healthier environment for passengers and maintenance workers.
- CLT has partnered with Mecklenburg County Air Quality to gain technical support as necessary to help ensure a successful project.

Attachment 11

Budget Ordinance

18. Davidson Street Bus Facility Renovation



- Action:** **Authorize the City Manager to amend the existing contract with PB Americas, Inc. (PB) for an amount not to exceed \$2,200,000 to perform construction administration/design services for the completion of the Davidson Street Bus Facility Renovation and Expansion Project.**

Staff Resource: John Muth, Transit

Explanation

- On April 27, 2009 City Council approved Phase 1 Renovation of the Davidson Street Bus Facility. Renovations would be paid for in part by a stimulus Federal Transit Capital Assistance Program grant and in part with Federal Formula Program grant and local funds.
- The Davidson Street Bus Facility design services contract and proposed amendment are funded via the federal formula grant and local transit funds.
- Federal stimulus funds totaling \$20,766,306 are dedicated to the construction phase of this project.
- The Davidson Street Bus Facility was constructed in 1980-1981.

- This facility no longer meets modern design standards and requires renovations and improvements.
 - The needed renovations were identified several years ago.
 - Due to budget restraints, only the conceptual design is complete.
 - Under this project, the 29 year old Davidson Street Bus Facility will be renovated using standards to make it comparable to the modern South Tryon facility. The renovations will create a safer working environment for employees, improve operational efficiency, lower maintenance costs, and bring the Davidson Street Bus Facility up to modern building standards.
- The renovation and expansion of the Davidson Street Bus Facility has been divided into three Contracts. The contracts are:
 - Contract A – Maintenance Building Renovation
 - Contract B – Administration Building Renovation. This renovation includes new offices to move the Special Transportation Services (STS) group to the Davidson Street Bus Facility.
 - Contract C – Staff Parking Deck Construction
- Council approved the original design contract for the renovation of this facility in 2005. The design work completed during that phase included:
 - Master planning
 - Programming and existing conditions surveys
 - Existing equipment inventory and analysis
 - Environmental investigation
 - Conceptual design
- Contract Amendments #1 and #2 consisted of work efforts within the original contract amount to assess a retaining wall and perform an emergency generator analysis.
- On May 11, 2009 City Council approved an amendment to the original contract for the completion of Design and Bid documents for Contract A and to advance to 30% design Contracts B and Contract C. The \$700,000 amendment was necessary to accelerate the project to meet the federal intent to stimulate the economy.
- The proposed amendment #4 will provide funding for:
 - Construction Administration of Contracts A, B and C
 - Final Design and Bid Preparation of Contracts B and C
 - A Project Design Contingency
- The scope for this amendment does not include the area of the North Davidson Maintenance Facility project for which the City has requested rezoning.
- The total value of this contract (following Council approval) will be \$3,850,000 and will be funded by Federal Formula Grant funds and local capital program funds.
 - As a matter of comparison, four years ago the total design cost of the City's South Tryon Street bus facility was \$3,453,985.
- The following attachments provide more detail on the contract and subsequent amendments:
 - A summary of the original contract and amendments
 - Comparison of design costs between proposed Davidson Street Bus Facility renovation and South Tryon facility construction
- The contract with PB Americas is expected to establish project continuity from design through project completion and facilitate the use of the ARRA stimulus funds in a timely manner.

Disadvantaged Business Enterprise (DBE) Opportunity

Established DBE Goal: 9.0%

Committed DBE Goal: 8.3%

This is an amendment to the original contract awarded by Council dated February 28, 2005 and amended May 11, 2009. The DBE firms identified were: Case Consulting, Rohadfox Construction Control Services Corporation, and H& H Engineering.

Funding

Transit Capital Investment Fund

Attachment 12

CATS Contract Summary and Facility Cost Comparison

19. GangNet Replication Grant



- Action:**
- A. Accept a grant from the Governor's Crime Commission, in the amount of \$335,135, for replication of the GangNet program in western North Carolina, and**
 - B. Adopt a budget ordinance appropriating \$335,135 in funds from the Governor's Crime Commission.**

Staff Resource: Steve Willis, Police

Explanation

- GangNet is the database that CMPD uses to track gang members, their activities, and their associates.
- The database is used statewide so that law enforcement agencies throughout the state can have comprehensive information on gang members known to police.
- The Governor's Crime Commission provides funding for the replication of the database throughout the state. CMPD serves as the administrator for the database for the western part of the state.
- The grant funds three contract employees to administer the system; a Business Systems Specialist, a Management Analyst, and an Investigative Technician, at a cost of \$236,460.
- Grant funds also include \$10,875 for employees to travel to each county in the region and to attend an annual conference, \$62,800 for computer software and hardware, and \$25,000 for tech refresh for the web server and database.
- The Crime Commission has chosen to fund this grant with funds from the state portion of the Justice Assistance Grant received under the American Recovery and Reinvestment Act (ARRA). The grant will be subject to the federal reporting requirements associated with ARRA.

Funding

\$335,135 from the Governor's Crime Commission

Attachment 13

Budget Ordinance

20. Justice Assistance Grant



- Action:**
- A. Accept the 2009 Recovery Act Justice Assistance Grant (JAG), in the amount of \$4,453,144, from the U.S. Department of Justice, and**
 - B. Adopt an ordinance appropriating \$4,453,144 in Justice Assistance Grant funds from the U.S. Department of Justice.**

Staff Resources: Rodney Monroe, Police
Darrellyn Kiser, Police

Explanation

- The Justice Assistance Grant (JAG) is a formula grant awarded annually to states and local jurisdictions to be used for law enforcement purposes.
- In 2009, the Justice Department awarded additional JAG grants with funds from the American Reinvestment and Recovery Act (ARRA).
- The grant allocates \$4,453,144 to Mecklenburg County.
- The enabling legislation for the grant requires all jurisdictions within the same county to file a joint application. CMPD filed on behalf of all Mecklenburg County jurisdictions and will handle financial reporting for all agencies receiving grant funds.
- The City will receive \$3,200,545 and the County will receive \$1,066,848.
- The remainder of the funds, \$185,751, was allocated by the Justice Department to Pineville, Matthews, Mint Hill, Huntersville, and Cornelius.
- The grant period runs for four years and grant budgets can be changed during the life of the grant.
- Council approved the grant application at its April 27 meeting.
- CMPD's spending plan for the City share of the grant is attached. Major expenditures will include:
 - Overtime for police officers
 - Electronic case papering system
 - Police Activities League for youth
 - Right Moves for Youth
 - Equipment for police vehicles, including laptop computers

Funding

\$4,453,144 from the U.S. Department of Justice; no City matching funds are required

Attachment 14

Spending Plan
Budget Ordinance

21. Council 2009 Meeting Calendar Amendment

Action: Approve an amendment to the Council 2009 meeting calendar changing the start time of the November 16, 2009 City Council Zoning Meeting from 6:00 pm to 5:00 pm to allow Council members to attend the annual Charlotte Chamber of Commerce meeting.

Staff Resources: Tammie Keplinger, Planning
Stephanie Kelly, City Clerk's Office

Explanation

- As this is an election year, no zoning public hearings will be held in November.
- Additionally, the City of Charlotte special legislation indicates that if someone speaks against a conditional rezoning petition in October and a valid protest petition is filed against it, the Council may not vote on it until after the December organizational meeting following the election.
- As a result, not only will no zoning public hearings be held in November but no decisions on any controversial cases will occur.
- The Charlotte Chamber of Commerce annual meeting is scheduled for November 16, the same night as the City Council Zoning Meeting.
- The Planning Commission Chairman and staff are recommending that the November City Council Zoning meeting start time be moved from 6:00 pm to 5:00 pm. It is anticipated that the meeting will last no longer than 30 minutes.

22. Appointment 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, 2010.
 - Dale Gillmore nominated by Council members Carter, Cooksey, Dulin, Foxx, Kinsey, Lassiter, Peacock and Turner
 - Olma Echeverri nominated by Council member Burgess

Attachment 15

Applications

23. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

24. Various Bids

A. Sidewalks and Accessible Ramps FY2010

EPM

Staff Resource: Becky Chambers, Engineering & Property Management

Action

Award the low bid of \$392,981.30 by Bullseye Construction Company. This contract will construct sidewalks and wheelchair ramps at various locations throughout the City to fill in gaps. Locations will be constructed for CATS and CDOT. The maximum duration of the original contract period will not exceed two years from the original notice to proceed date.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 10.18%

Bullseye Construction Inc. committed 10.18% (\$40,000) of the total contract amount to the following SBE firm: On Time Construction Inc. Bullseye Construction is also an SBE firm.

Attachment 16

List of candidate sites

B. Veterinary Supplies**CMPD**

Staff Resource: Michelle Littlejohn, Police

Action

Award the low bid unit price contract for providing veterinary supplies to Butler Animal Health Supply in the estimated annual amount of \$45,000 for the term of one year, and authorize the City Manager to renew up to four, one year terms with possible price adjustments at the time of renewal as authorized by the contract.

Animal Control purchases a lengthy list of veterinary supplies ranging from rubbing alcohol to antibiotics. The contract cost is based on an estimate of all purchases during the contract year. A detailed price list is available upon request.

Small Business Opportunity

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

C. Franklin Elevated Water Storage Tank Renovations **CMU**

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$816,000 by Utility Services Company, Inc. for renovations to the elevated water storage tank located adjacent to the Franklin Water Treatment Plant. The tank is to be sand blasted to remove rust and lead coatings, brought up to OSHA structural compliance, a chlorine mixing system installed, and the entire tank repainted.

Small Business Opportunity

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

D. Bus Electrical System Parts**CATS****Staff Resource:** Tom Livingston, Transit**Action**

Award the low bid three year unit price contract to Muncie Transit Supply for a contract amount not to exceed \$261,000 (the estimated annual amount is \$87,000). CATS will purchase bus electrical system parts such as bus ballasts, relays, connectors and fuses for the entire CATS bus fleet. The total contract value amount is based on the prior year's usage and required inventory stock levels. The bus electrical system parts will be ordered on an as-needed basis. Pricing will remain firm for the first year of the contract. Price adjustments for the second and third year will be based on manufacturers' price index.

Small Business Opportunity

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

E. Bus Lighting System Parts**CATS****Staff Resource:** Tom Livingston, Transit**Action**

Award the low bid three year unit price contract to Carolina Rim & Wheel Company in amount not to exceed \$150,000. (The estimated annual amount is \$50,000). CATS will purchase bus lighting system parts such as lamps and bulbs for replacement and repairs to the headlights of the entire bus fleet. These bus lighting system parts will be ordered on an as-needed basis. The total contract value is based on the prior year's usage and required inventory stock levels. Pricing will remain firm for the first year of the contract. Price adjustments for the second and third year will be based on manufacturers' price index.

Small Business Opportunity

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

F. Airport Elevated Roadway Repairs**Aviation****Staff Resource:** Jerry Orr, Aviation**Action**

Award the low bid of \$347,500 with MV Momentum, LLC for the Airport's Elevated Roadway repairs. The elevated roadway was constructed in 1988 and current plans are for it to remain in service for another three to five years. This contract provides all labor and materials for necessary repairs, along with unit prices for any additional repairs that may be discovered during the course of the contract.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 0%
MV Momentum Construction, LLC failed to meet the SBE goal, but earned the required number of Good Faith Effort Points.

25. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$17,987.20.

Staff Resource: Scott Greer, Finance

Attachment 17

List of business license refunds
Resolution

26. Resolution of Intent to Abandon a Residual Portion of South Poplar Street, South Poplar Street Connector, an Alleyway off South Poplar Street, a Residual Portion of West Martin Luther King Jr. Boulevard, and an Alleyway off West Martin Luther King Jr. Boulevard

Action: A. Adopt the resolution of intent to abandon a residual portion of South Poplar Street, South Poplar Street Connector, an alleyway off South Poplar Street, a residual Portion of West Martin Luther King Jr. Boulevard, and an alleyway off West Martin Luther King Jr. Boulevard to incorporate right-of-way into adjacent parcels for the new Romare Bearden Park project, and

B. Set a public hearing for September 28, 2009.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 18

Map
Resolution

27. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety:

- A. 2507 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- B. 2813 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)

Complaint:

- C. 3056 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Field Observation:

- D. 400 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- E. 402 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- F. 404 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- G. 406 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- H. 410, 412, 414, 416 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- I. 418, 420, 422, 424 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- J. 7819 Burch Shire Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- K. 314 South Hoskins Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- L. 4021 Northaven Drive (Neighborhood Statistical Area 40 – Sugaw Creek/Ritch Avenue Neighborhood)
- M. 2550 Polk and White Road (Neighborhood Statistical Area 129 – Prosperity Church Road Neighborhood)

Public Safety:

A. 2507 Dundeen Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2507 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 19

B. 2813 New Pineola Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2813 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

Attachment 20

Complaint:

C. 3056 Reid Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3056 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 21

Field Observation:

D. 400 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 400 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 22

E. 402 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 402 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 23

F. 404 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 404 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 24

G. 406 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 406 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 25

H. 410, 412, 414, 416 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structures at 410, 412, 414, 416 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 26

I. 418, 420, 422, 424 Bacon Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structures at 418, 420, 422, 424 Bacon Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 27

J. 7819 Burch Shire Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7819 Burch Shire Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 28

K. 314 South Hoskins Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 314 South Hoskins Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 29

L. 4021 Northaven Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4021 Northaven Drive (Neighborhood Statistical Area 40 – Sugaw Creek/Ritch Avenue Neighborhood).

Attachment 30

M. 2550 Polk and White Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2550 Polk and White Road (Neighborhood Statistical Area 129 – Prosperity Church Road Neighborhood).

Attachment 31

CONSENT II

28. Water and Sewer Refunding

Action: Approve a series of resolutions that do the following:

1. Authorize and approve the issuance of Water/Sewer refunding bonds not to exceed \$105 million related to the existing 2006B Water/Sewer revenue bonds and swap agreement, and
2. Authorize and approve the final execution of documents relating to issuance, delivery and execution relating to the 2009 refunding bonds.

Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation:

- City Council approved the refunding of the 2006B Water/Sewer revenue bonds and the issuance of 2009 refunding bonds at its June 22, 2009 business meeting. This item is the second of two items required in connection with the 2006B Water/Sewer system refunding.
- This action approves the issuance of up to \$105 million in 2009 Water/Sewer revenue bonds.
- This action provides for the final execution of documents relating to issuance, delivery and execution relating to the 2009 refunding bonds.
- The refunding bonds will be issued at a lower rate than what the system is currently paying yielding lower annual debt service for system.
- The savings to the Water/Sewer system will be approximately \$1.5 million in reduced debt service.

Funding

Water/Sewer Debt Service

Attachment 32

Resolution

29. Bus Parts

- Action:**
- A. Approve a sole source exemption for Original Equipment Manufacturer (OEM) bus parts without competitive bidding per G.S. 143-129 (e)(6), and
 - B. Approve a three year contract with MCI Service Parts, Inc. in an amount not to exceed \$210,000 (the estimated annual amount is \$70,000).

Staff Resource: Tom Livingston, Transit

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:

- Performance or price competition is not available
- Replacement of bus parts are under warranty restrictions
- A needed product is available from only one source or supply
- Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since the parts must be interchangeable and compatible with MCI buses, and are required to maintain bus warranties.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- CATS uses Original Equipment Manufacturer (OEM) bus parts in the daily maintenance and repair of the bus fleet.
- The OEM bus parts meet the required specification standards to keep the buses in the proper operating condition and to maintain the bus warranties. The only source of supply for these bus parts is the bus manufacturer, MCI Service Parts.
- The OEM bus parts will be ordered on an as-needed basis. The contract amount is based on the prior year's usage amount and required inventory stock levels.
- The contract includes a discount percentage off the manufacturer's fleet list pricing. The discount percentage will remain firm for the entire life of the contract.

Small Business Opportunity

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

Funding

Transit Operating Budget

30. Airport Runway Project Change Order

Action: Approve change order #7 with E.S. Wagner Co., LLC in the amount of \$2,367,943.90 for additional work on the Third Parallel Runway.

Staff Resource: Jerry Orr, Aviation

Explanation

- In February 2007, Council approved a contract with ES Wagner in the amount of \$43,626,829 for grading of the new runway.
- In August 2007, Council approved change order #1 in the amount of \$3,514,989 allowing the Airport to expedite the paving of Wallace Neel Road and providing additional clearing and erosion control modifications.
- In January 2008, Council approved change order #2 in the amount of \$1,585,744 providing funding for additional clearing around the runway to improve line of sight from the Air Traffic Control Tower, additional pavement for the relocation of Wallace Neel Road, and payment for fuel escalation.
- In May 2008, Council approved change order #3 in the amount of \$2,099,884 providing funding for constructing a road to the future airfield electrical vault, additional erosion control measures and maintenance, and payment for fuel escalation.

- In August 2008, Council approved change order #4 in the amount of \$1,468,699 for additional clearing for navigational aid lights and payment for fuel escalation.
- In August 2008, Council approved change order #5 in the amount of \$2,191,341 for additional clearing & grubbing and excavation in preparation for a separate contract to build two Taxiway Bridges.
- In November 2008, Council approved change order # 6 in the amount of \$1,976,046.07 for additional grading at the runway light line and NAVAID shelter pads, as well as for fuel escalations.
- Change order #7 includes:
 - Additional berms on the west side of the runway to shield vehicular lights on I-485 from the Air Traffic Control Tower line of sight
 - Installation of permanent stormwater management devices as required by the environmental permits issued for construction
 - Additional erosion control maintenance on the site as requested by NCDWQ
 - Payment for fuel escalation as calculated using the NCDOT fuel escalation formula as required by contract
- As with previous change orders, this change order takes advantage of favorable bid pricing due to large quantities in existing contract and facilitates an expedited construction schedule.
- The budget for the grading and drainage for the runway was \$71,457,950. The total contract amount to date, including this change order is \$58,831,477.
- Funding for this change order comes from proceeds of the 2007 General Airport Revenue Bond Issue, the debt service of which is paid by Passenger Facility Charge (PFC) revenues, and proceeds from federal grants.

Disadvantaged Business Opportunity

ES Wagner Co. committed to 13.5% DBE participation with the original contract. They maintain that commitment with the addition of this change order.

Funding

Aviation Capital Investment Plan

31. Charlotte-Mecklenburg Housing Partnership Loan Payments for Double Oaks

Action: Adopt a budget ordinance appropriating \$464,455 in an annual payment from the Charlotte Mecklenburg Housing Partnership for payment on the City's outstanding Section 108 loan to the Department of Housing and Urban Development (HUD).

Staff Resource: Richard Woodcock, Neighborhood & Business Services

Explanation

- On November 24, 2008 City Council approved the Double Oaks Redevelopment Contracts.
- This action is required to fund the annual payment on the City's outstanding Section 108 loan to HUD.
- On November 24, 2008 City Council accepted the Double Oaks \$10 million Section 108 loan from HUD and authorized the City Manager to

negotiate an agreement with the Charlotte-Mecklenburg Housing Partnership Inc. to use the proceeds from the Section 108 Loan for the Double Oaks Redevelopment Project.

- This Double Oaks Redevelopment project entails converting 576 deteriorating apartment units built in 1949 to a new mixed-use and mixed income community consisting of 108,000 square feet of non-residential uses and 940 residential units. The total cost of the project about \$120 million with total city investment of \$25 million.
- The current status of the Double Oaks project is:
 - Relocation of all tenants of Double Oaks apartments is complete.
 - Demolition of all of the existing buildings is complete.
 - Construction has begun on 120 affordable rental units. The construction of an additional 96 affordable rental units and a daycare are scheduled to begin in September 2009.
 - Construction of new infrastructure has begun.

Funding

Double Oaks Section 108 Loan, Neighborhood & Business Services Grant Fund

Attachment 33

Budget Ordinance

32. Municipal Agreement to Maintain Traffic Signals

Action: Adopt a resolution to authorize the Transportation Key Business Executive to execute Municipal Agreements and any subsequent renewals up to five years with the North Carolina Department of Transportation (NCDOT) for annual maintenance of traffic signals and computerized signal systems.

Staff Resource: Scott Putnam, Transportation

Explanation

- To improve the consistency and quality of traffic signal maintenance, NCDOT has implemented a traffic signal maintenance program statewide. Through Municipal Maintenance Agreements, the State has reimbursed the City for the implementation of this maintenance and signal timing program for traffic signals on State system streets within the City. Of the 720 traffic signals in the City that CDOT maintains, 489 (68%) are on State maintained roads.
- The first agreement, Schedule C, acknowledges that the City will be responsible for the operation and all maintenance of State system signals within the City, both hardware and software. Schedule C details the level of maintenance that must be provided by the City, as well as detailed reimbursement rates to be provided by NCDOT. The previous agreement expired in FY2009 and needs to be renewed. The new agreement will be renewable annually, for up to five years. The estimated reimbursement from the State for Schedule C is up to \$600,000 annually.
- The second agreement, Schedule D, will reimburse the City for operation and maintenance of computerized traffic signal systems that control the operations of traffic signals (signal timing) on State system streets within the City. This agreement was also renewable annually and expired in FY2009. The new agreement will be renewable annually, for up to five

years. The estimated reimbursement from the State for Schedule D is up to \$200,000 annually.

Funding

Transportation Operating Budget

Attachment 34

Resolution

33. Uniform Rental Services

Action:

A. Approve a contract with UniFirst Corporation for uniform rental services for an initial term of two years in the estimated annual amount of \$500,000, and

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

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City has multiple contracts for both uniform rental services and uniform purchases for various Key Business Units (KBUs).
- Business Support Services solicited uniform rental services for Mecklenburg County through RFP #269-2008-138, posted August 20, 2008.
- As a result of that solicitation, UniFirst Corporation was awarded the contract for Mecklenburg County.
- Since the execution of that contract, many City departments have expressed an interest in using the contract and UniFirst Corporation has agreed to match or beat the pricing with an increase in the level of services that the City departments are currently receiving.
- Business Support Services went through a process of contacting City departments to assess their current needs and any issues they may be having.
- As a result of the assessment, Utilities, Solid Waste Services and Transportation wish to capitalize on economies of scale with this contract which will allow for savings and consistency of products and services.
- The company will supply City KBUs with the following services to include, but not be limited to:
 - Supplying rental garments including basic field garments, supervisory garments, flame-resistant garments, and Class II and Class III High-Visibility garments
 - Supply walk-off mats and mop heads as needed
 - Launder and maintain all rental garments, mats, and mop heads on a weekly basis
 - Replacement of any damaged or worn garments, throughout the term of the contract, with new garments
 - Supply the City KBUs with Lockers and Soil bins
 - Track and report on all garments on a weekly basis, to include garment pickups, drop-offs, missing garments, and damaged garments

- The cost estimates are based upon unit costs applied to the current number of employees within each KBU and division that will be using the services.
- The recommended contract has no price escalations from year to year.
- The contract is available for all City KBUs to use.

Small Business Opportunity

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

Funding

Various KBU operating budgets

34. Public Auctions for Disposal of Equipment and Police Unclaimed Property

Action:

A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and

B. Authorize said items for sale by public auctions on September 19, 2009, September 26, 2009 and October 28, 2009.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for three public auctions as follows:
 - On September 19, 2009 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment - Exhibit A)
 - On September 26, 2009 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required)
 - On October 28, 2009 at 10:00 a.m. to dispose of City owned Computers and miscellaneous office items declared as surplus (see attachment - Exhibit B)
- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- Currently, premise based auctions are more widely attended (300 – 450) than electronic auctions (less than 20), especially for vehicles. The City's auction strategy is to use both premise based auctions and electronic auctions when feasible to achieve the best monetary return.
- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company (Rogers Realty and Auction Company, Inc.) will conduct each auction.
- Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment – 9.50% of the total gross sale price

- Police unclaimed property – 9.50% of the total gross sale price
- Miscellaneous items – 9.50% of the total gross sale price

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated. (Part C; Section 2.4 of the SBO Policy). Rogers Realty and Auction Company, Inc. is a woman owned business.

Funding

Business Support Services Operating Budget

Attachment 35

Exhibit A (list of property to be declared as surplus)

Exhibit B (list of property to be declared as surplus)

Resolution

35. I-485 Park and Ride Lot Expansion Land Purchase

Action:

A. Approve the purchase of approximately 3.54 acres for \$2,060,000 for the expansion of the I-485 Park and Ride Lot, PID 205-102-33, located at 9530 South Boulevard, and

B. Authorize the City Manager or his designee to execute any and all documents necessary to facilitate this transaction.

Staff Resources: Laura Rushing, Engineering & Property Management
John Muth, Transit

Explanation

- Approve the purchase of 3.54 acres (154,202 square feet) for the expansion of the I-485/South Boulevard Park and Ride Lot, PID 205-102-33 located at 9530 South Boulevard, for \$2,060,000 based on the appraisal.
- This property, currently occupied by the Texas Road House restaurant, is adjacent to the existing Park and Ride lot near I-485 and South Boulevard at the end of the LYNX Blue Line Light Rail.
- CATS developed the existing Park and Ride lot in 2007 to serve the light rail line.
- The parking structure provides 1,047 spaces and the recent expansion added an additional 85 spaces. Development of the parcel as surface parking would yield approximately 300 additional spaces and would be especially useful during special events, bringing the total available to about 1,432.
- Spaces are currently leased from Texas Road House to accommodate overflow parking needs when the structure is full. CATS' experience with ridership increases linked to spikes in fuel prices and special event parking needs indicate a need to be proactive with parking capacity at this location. The availability of the contiguous parcel provides a permanent solution.
- The parcel, combined with the newly opened adjacent overflow parking area could potentially present an attractive transit oriented development opportunity. Development of the site as surface parking would allow CATS to maintain that potential future use.

- The price was based upon appraisal and appraisal review, as required by federal law for projects using federal funding.
- Concept development and planning phases will begin shortly after acquisition is complete, with the construction document phase later in the fiscal year.

Small Business Opportunity

Contracts for the acquisition or lease of real estate are considered exempt Contracts (Appendix Section 23.4 of SBO Policy)

Funding

Transit Capital Investment Plan

Attachment 36

Map

36. Property Transactions

Action: Approve the following property transaction(s) (A-Y) and adopt the condemnation resolution(s) (Y-AF).

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

Acquisitions

- A. Project:** Freedom Drive Widening, Parcel # 290
Owner(s): Glenwood Associate Reformed Presbyterian Church
Property Address: 5024 Freedom Drive
Property to be acquired: 1,388 sq. ft. (.032 ac.) in Fee Simple, plus 7,632 sq. ft. (.175 ac.) in Existing Right-of-way, plus 6,924 sq. ft. (.159 ac.) in Sidewalk and Utility Easement, plus 157 sq. ft. (.004 ac.) in Utility Easement, plus 17,251 sq. ft. (.396 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$19,200
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-17MF
Use: Church
Tax Code: 057-071-13
Total Parcel Tax Value: \$1,245,600
- B. Project:** Freedom Drive Widening, Parcel # 291
Owner(s): Gerald R. Hargett, Sr. and wife, Sylvia C. Hargett
Property Address: 4924 Freedom Drive
Property to be acquired: 9,284 sq. ft. (.213 ac.) in Fee Simple, plus 7,362 sq. ft. (.169 ac.) in Existing Right-of-way, plus 3,512 sq. ft. (.081 ac.) in Storm Drainage Easement, plus 5,414 sq. ft. (.124 ac.) in Sidewalk and Utility Easement, plus 117 sq. ft. (.003 ac.) in Utility Easement, plus 6,485 sq. ft. (.149 ac.) in Slope Easement, plus 6,245 sq. ft. (.143 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$31,875

Remarks: This acquisition was negotiated and settled with property owner(s).

Zoned: R-17MF

Use: Multi Family

Tax Code: 057-071-12

Total Parcel Tax Value: \$159,600

- C. Project:** Freedom Drive Widening, Parcel # 293
Owner(s): Jimmie D. Allen and wife, Margaret B. Allen
Property Address: Freedom Drive
Property to be acquired: 9,290 sq. ft. (.213 ac.) in Fee Simple, plus 4,884 sq. ft. (.112 ac.) in Existing Right-of-way, plus 2,994 sq. ft. (.069 ac.) in Storm Drainage Easement, plus 4,714 sq. ft. (.108 ac.) in Sidewalk and Utility Easement, plus 48 sq. ft. (.001 ac.) in Utility Easement, plus 5,156 sq. ft. (.118 ac.) in Slope Easement, plus 8,865 sq. ft. (.204 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-061-02
Total Parcel Tax Value: \$54,300
- D. Project:** Freedom Drive Widening, Parcel # 306
Owner(s): Donald D. Doggett and wife, Niwen Sun
Property Address: 4500 Freedom Drive
Property to be acquired: 262 sq. ft. (.006 ac.) in Fee Simple, plus 214 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 1,591 sq. ft. (.037 ac.) in Sidewalk and Utility Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement, plus 10,377 sq. ft. (.238 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,000
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-041-07
Total Parcel Tax Value: \$100,100
- E. Project:** Freedom Drive Widening, Parcel # 310
Owner(s): Henry Thomas Bennett
Property Address: 4418 Freedom Drive
Property to be acquired: 854 sq. ft. (.020 ac.) in Fee Simple, plus 1,287 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 2,615 sq. ft. (.060 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs

Purchase Price: \$15,000

Remarks: This acquisition was negotiated and settled with property owner(s).

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-042-03

Total Parcel Tax Value: \$95,600

- F.** **Project:** Freedom Drive Widening, Parcel # 312
Owner(s): Thurman Lee Doreauk a/k/a T. Lee Doreauk
Property Address: 4400 Freedom Drive
Property to be acquired: 1,567 sq. ft. (.036 ac.) in Fee Simple, plus 1,534 sq. ft. (.035 ac.) in Sidewalk and Utility Easement, plus 6,337 sq. ft. (.145 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-042-05
Total Parcel Tax Value: \$95,400
- G.** **Project:** Freedom Drive Widening, Parcel # 318
Owner(s): Tommy Edward Martin and any and all heirs of Cora Avery Johnson Martin
Property Address: 4322 Freedom Drive
Property to be acquired: 1,024 sq. ft. (.024 ac.) in Fee Simple, plus 1,300 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement, plus 2,535 sq. ft. (.058 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-043-03
Total Parcel Tax Value: \$76,500
- H.** **Project:** Freedom Drive Widening, Parcel # 330
Owner(s): William R. Allen and wife, Betty F. Allen
Property Address: 4220 Freedom Drive
Property to be acquired: 912 sq. ft. (.021 ac.) in Fee Simple, plus 1,295 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 2,760 sq. ft. (.063 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5

Use: Single Family Residential
Tax Code: 063-091-30
Total Parcel Tax Value: \$67,300

- I. Project:** Freedom Drive Widening, Parcel # 348
Owner(s): Richard L. Eppley and wife, Kathryn G. Eppley
Property Address: 3908 Freedom Drive
Property to be acquired: 1,895 sq. ft. (.044 ac.) in Slope Easement, plus 515 sq. ft. (.012 ac.) in Existing TCE, plus 807 sq. ft. (.019 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,200
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 063-052-07
Total Parcel Tax Value: \$78,200
- J. Project:** Freedom Drive Widening, Parcel # 416
Owner(s): Justin C. Cross and wife, Brianna M. Cross
Property Address: 3949 Freedom Drive
Property to be acquired: 736 sq. ft. (.017 ac.) in Fee Simple, plus 722 sq. ft. (.017 ac.) in Sidewalk and Utility Easement, plus 1,539 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$31,600
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-022-04
Total Parcel Tax Value: \$84,300
- K. Project:** Freedom Drive Widening, Parcel # 422
Owner(s): Lafayette Lee
Property Address: 4001 Freedom Drive
Property to be acquired: 4,640 sq. ft. (.107 ac.) in Fee Simple, plus 3,893 sq. ft. (.089 ac.) in Existing Right-of-way, plus 2,470 sq. ft. (.057 ac.) in Sidewalk and Utility Easement, plus 25 sq. ft. (.001 ac.) in Utility Easement, plus 3,837 sq. ft. (.088 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$25,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-021-01
Total Parcel Tax Value: \$83,500

- L. Project:** Freedom Drive Widening, Parcel # 425
Owner(s): Evelyn L. Miller
Property Address: 4037 Freedom Drive
Property to be acquired: 4,468 sq. ft. (.103 ac.) in Fee Simple, plus 5,017 sq. ft. (.115 ac.) in Existing Right-of-way, plus 263 sq. ft. (.006 ac.) in Storm Drainage Easement, plus 1,725 sq. ft. (.040 ac.) in Sidewalk and Utility Easement, plus 4,292 sq. ft. (.099 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$27,500
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-021-04
Total Parcel Tax Value: \$122,300
- M. Project:** Freedom Drive Widening, Parcel # 435
Owner(s): Quang Thanh Doan and Phong T. Doan
Property Address: 4121 Freedom Drive
Property to be acquired: 5,396 sq. ft. (.124 ac.) in Fee Simple, plus 2,643 sq. ft. (.061 ac.) in Existing Right-of-way, plus 2,612 sq. ft. (.060 ac.) in Sidewalk and Utility Easement, plus 770 sq. ft. (.018 ac.) in Utility Easement, plus 5,485 sq. ft. (.126 ac.) in Slope Easement, plus 2,450 sq. ft. (.056 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$27,500
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 059-041-04
Total Parcel Tax Value: \$135,800
- N. Project:** Freedom Drive Widening, Parcel # 438
Owner(s): John J. Johnson and wife, Sharon D. Johnson
Property Address: 4237 Freedom Drive
Property to be acquired: 2,682 sq. ft. (.062 ac.) in Fee Simple, plus 1,310 sq. ft. (.030 ac.) in Existing Right-of-way, plus 1,319 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 5 sq. ft. in Utility Easement, plus 3,195 sq. ft. (.073 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,985
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-041-06
Total Parcel Tax Value: \$141,300

- O. Project:** Freedom Drive Widening, Parcel # 441
Owner(s): Alan D. Vanreyphen and wife, Bonnie L. Vanreyphen
Property Address: 4321 Freedom Drive
Property to be acquired: 2,701 sq. ft. (.062 ac.) in Fee Simple, plus 1,286 sq. ft. (.030 ac.) in Existing Right-of-way, plus 1,297 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 62 sq. ft. (.001 ac.) in Utility Easement, plus 7,240 sq. ft. (.166 ac.) in Slope Easement, plus 2,661 sq. ft. (.061 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,000
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-041-09
Total Parcel Tax Value: \$112,700
- P. Project:** Freedom Drive Widening, Parcel # 453
Owner(s): Donald D. Simmons and wife, Roslyn B. Simmons
Property Address: 4733 Freedom Drive
Property to be acquired: 3,298 sq. ft. (.076 ac.) in Fee Simple, plus 1,033 sq. ft. (.024 ac.) in Existing Right-of-way, plus 1,166 sq. ft. (.027 ac.) in Storm Drainage Easement, plus 1,295 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 22 sq. ft. (.001 ac.) in Utility Easement, plus 3,294 sq. ft. (.076 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,900
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-061-08
Total Parcel Tax Value: \$96,500
- Q. Project:** Freedom Drive Widening, Parcel # 457
Owner(s): Durham Memorial Baptist Church
Property Address: 5115 Freedom Drive
Property to be acquired: 9,195 sq. ft. (.211 ac.) in Fee Simple, plus 4,403 sq. ft. (.101 ac.) in Existing Right-of-way, plus 3,128 sq. ft. (.072 ac.) in Sidewalk and Utility Easement, plus 6,487 sq. ft. (.149 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$31,400
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-17MF
Use: Single Family Residential
Tax Code: 059-104-19
Total Parcel Tax Value: \$113,900

- R. Project:** Freedom Drive Widening, Parcel # 458
Owner(s): Durham Memorial Baptist Church
Property Address: 1601 Toddville Road
Property to be acquired: 15,038 sq. ft. (.345 ac.) in Fee Simple, plus 29,121 sq. ft. (.669 ac.) in Existing Right-of-way, plus 5,716 sq. ft. (.131 ac.) in Storm Drainage Easement, plus 6,338 sq. ft. (.145 ac.) in Sidewalk and Utility Easement, plus 185 sq. ft. (.004 ac.) in Utility Easement, plus 25,283 sq. ft. (.580 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$55,117
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-17MF
Use: Church
Tax Code: 059-104-18
Total Parcel Tax Value: \$3,848,900
- S. Project:** Freedom Drive Widening, Parcel # 460
Owner(s): Freedom Presbyterian Church in America f/k/a New Life Presbyterian Church in America, Inc.
Property Address: 1646 Toddville Road
Property to be acquired: 28,797 sq. ft. (.661 ac.) in Fee Simple, plus 34,690 sq. ft. (.796 ac.) in Existing Right-of-way, plus 20,345 sq. ft. (.467 ac.) in Sidewalk and Utility Easement, plus 444 sq. ft. (.010 ac.) in Utility Easement, plus 33,654 sq. ft. (.773 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$86,250
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: R-17MF
Use: Church
Tax Code: 059-152-02
Total Parcel Tax Value: \$1,557,700
- T. Project:** Freedom Drive Widening, Parcel # 502
Owner(s): Westview Christian Church f/k/a Thrift Road Christian Church, Inc.
Property Address: 5414 Freedom Drive
Property to be acquired: 15,223 sq. ft. (.349 ac.) in Fee Simple, plus 13,751 sq. ft. (.316 ac.) in Existing Right-of-way, plus 5,385 sq. ft. (.124 ac.) in Sidewalk and Utility Easement, plus 51 sq. ft. (.001 ac.) in Utility Easement, plus 3,901 sq. ft. (.090 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$33,050
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Church
Tax Code: 057-131-34

Total Parcel Tax Value: \$821,600

- U. Project:** Statesville Road I-85 to Sunset, Parcel # 79
Owner(s): Betty J. Pennell
Property Address: 5440 Statesville Road
Property to be acquired: 767 sq. ft. (.018 ac.) in Fee Simple, plus 605 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 733 sq. ft. (.017 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$19,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 045-324-02
Total Parcel Tax Value: \$73,000
- V. Project:** Statesville Road I-85 to Sunset, Parcel # 92
Owner(s): Edward I. Wingate Jr.
Property Address: 5700 Statesville Road
Property to be acquired: 3,060 sq. ft. (.070 ac.) in Fee Simple, plus 41 sq. ft. (.001 ac.) in Utility Easement, plus 2,166 sq. ft. (.050 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$23,675
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 045-421-07
Total Parcel Tax Value: \$115,800
- W. Project:** Statesville Road I-85 to Sunset, Parcel # 93
Owner(s): Elizabeth Smith Collier Family Trust
Property Address: 5708 Statesville Road
Property to be acquired: 3,421 sq. ft. (.079 ac.) in Fee Simple, plus 2.35 sq. ft. in Utility Easement, plus 1,917.85 sq. ft. (.044 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$19,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 045-421-11
Total Parcel Tax Value: \$85,800
- X. Project:** US 29/NC 49 - University City Boulevard Phase I and Phase 2 - N. Tryon Widening, Parcel # 87
Owner(s): 85 City Partners, LLC
Property Address: 7100 MacFarlane Boulevard

Property to be acquired: 13,194 sq. ft. (.303 ac.) in Storm Drainage Easement, plus 7,299 sq. ft. (.168 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$30,000

Remarks: This acquisition was negotiated and settled with property owner(s).

Zoned: I-1

Use: Industrial

Tax Code: 047-231-06

Total Parcel Tax Value: \$2,343,900

- Y.** **Project:** I-485 Park and Ride Texas Roadhouse, Parcel # 5
Owner(s): Texas Roadhouse Holdings LLC, % Glenn He
Property Address: South Boulevard
Property to be acquired: 152,460 sq. ft. (3.500 ac.) in Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$2,060,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Industrial
Tax Code: 205-102-33
Total Parcel Tax Value: \$2,054,900

Condemnations

- Z.** **Project:** Freedom Drive Widening, Parcel # 288
Owner(s): Thomas A. Biggers and wife, Cathy M. Biggers and any other Parties of Interest
Property Address: 5200 Freedom Drive
Property to be acquired: Total Combined Area of 23,568 sq. ft. (.541 ac.) of Fee Simple, plus Existing Right-of-way, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-17MF
Use: Multi Family
Tax Code: 057-071-11
Total Parcel Tax Value: \$151,500
- AA.** **Project:** Freedom Drive Widening, Parcel # 316
Owner(s): George P. Glover, Jr. and any other Parties of Interest
Property Address: 4338 Freedom Drive
Property to be acquired: Total Combined Area of 12,260 sq. ft. (.281 ac.) of Fee Simple, plus Sidewalk and Utility

Easement, plus Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$17,625

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

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-043-01

Total Parcel Tax Value: \$80,600

- AB. Project:** Freedom Drive Widening, Parcel # 380.1
Owner(s): Turnip Investments, LLC and any and all Heirs of Alder E. Melton and Pauline May Melton and any other Parties of Interest
Property Address: 3745 Freedom Drive
Property to be acquired: Total Combined Area of 8,981 sq. ft. (.206 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$75,000
Remarks: Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-013-20
Total Parcel Tax Value: \$58,000
- AC. Project:** Freedom Drive Widening, Parcel # 413
Owner(s): Laura J. Helms and any other Parties of Interest
Property Address: 3929 Freedom Drive
Property to be acquired: Total Combined Area of 5,568 sq. ft. (.128 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$36,625
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-022-01
Total Parcel Tax Value: \$111,200
- AD. Project:** Freedom Drive Widening, Parcel # 454
Owner(s): William M. Leftwich, Emily C. Leftwich and Catherine Leftwich Munn and any other Parties of Interest
Property Address: 4835 Freedom Drive
Property to be acquired: Total Combined Area of 29,119 sq. ft. (.668 ac.) of Fee Simple, plus Storm Drainage Easement,

plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$5,550

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff was unable to reach all owners in order to reach a negotiated settlement.

Zoned: R-4

Use: Single Family Residential - Rural Acreage

Tax Code: 059-061-09

Total Parcel Tax Value: \$52,700

- AE. Project:** Freedom Drive Widening, Parcel # 511
Owner(s): Turnip Investments, LLC and any and all Heirs of Alder E. Melton and Pauline May Melton and any other Parties of Interest
Property Address: 3745 Freedom Drive
Property to be acquired: Total Combined Area of 2,667 sq. ft. (.061 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$2,200
Remarks: Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-013-20
Total Parcel Tax Value: \$58,000
- AF. Project:** Freedom Drive Widening, Parcel # 383
Owner(s): Wanda Barrett and any other Parties of Interest
Property Address: 1231 Edgewood Road
Property to be acquired: Total Combined Area of 4,214 sq. ft. (.097 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$67,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff is recommending condemnation in order to obtain clear title.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-013-03
Total Parcel Tax Value: \$85,100

37. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- June 22, 2009
 - June 29, 2009 Delegation Breakfast
 - July 13, 2009 Delegation Breakfast
 - July 20, 2009