

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, July 28, 2008

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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48	55	Regional Response Team Grant

CITY COUNCIL AGENDA
Monday, July 28, 2008

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 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. Closed Session

Resource: Mac McCarley, City Attorney's Office

- Action:**
- A. Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations, and**
 - B. Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling and settlement of claims which are reasonably likely to be litigated within the foreseeable future but are not yet in litigation, as well as the handling of a judicial action – Crowder Construction Company v. City of Charlotte, Charlotte Area Transit System; and STV/Ralph Whitehead Associates, Inc. formerly known as STV North Carolina, Inc.**

3. 2008 Neighborhood Quality of Life Study

Resources: Dr. Owen Furueth, UNC-Charlotte
Stanley Watkins, Neighborhood Development

Time: 20 minutes

Synopsis

- The Neighborhood Quality of Life Study, which analyzes quality of life variables in 173 Neighborhood Statistical Areas (NSA) within the City of Charlotte's boundaries and sphere of influence, is published every two years.

- The study assesses 20 local neighborhood variables representing Social, Crime, Physical and Economic dimensions.
- Utilizing statistical analysis, each NSA is classified as Stable, Transitioning or Challenged. The study is a relative assessment that compares NSAs to each other across the City.
- Below are the results of the 2008 Quality of Life Study rankings along with a comparison to the three previous studies.

Number of NSAs Rankings	2008 Study	2006 Study	2004 Study	2002 Study	% Change 2002 -2008
Stable	90	89	92	100	- 10%
Transitioning	63	60	54	41	+54%
Challenged	20	24	27	32	-38%

- A spatial analysis shows Challenged NSAs. Those that have decreased are primarily confined to the inner-city area. The growth of Transitioning NSAs is in eastern, northern and western portions of the city. Stable NSAs, which have increased slightly, are primarily in the southern and outlying suburban areas.
- As in the 2006 study, the new study provides an analysis of trends in NSA variables over the past six years. For the 173 NSAs, 78 are classified as trending up, 82 had no change and 13 are trending down in the 2008 study.
- A new feature of the 2008 study is additional profile information for each NSA, which includes but is not limited to foreclosures, voter participation and housing characteristics.
- The Neighborhood Quality of Life Study helps the City direct its resources and investments to areas of need as well as measures the results of interventions over time.
- Copies of the study will be distributed at the Council dinner briefing.

Future Action

- Information about the study can be found at <http://neighborhoods.charmeck.org> after July 28, 2008.
- City staff will undertake a comprehensive review of the Neighborhood Quality of Life Study in FY2009. The review will include an assessment of the geography, methodology, variables, and dissemination methods used for the study. The public will be involved in the review process. Periodic reports will be provided to City Council on the progress of the review.

Attachment 1

Map of 2008 Neighborhood Quality of Life Study

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

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

CONSENT

- 5. Consent agenda items 25 through 62 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

6. Public Hearing on Resolution to Abandon a Portion of Peachtree Drive South

Action: A. Conduct a public hearing to close a portion of Peachtree Drive South, and

 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Mr. John C. Hatcher

Right-of-Way to be abandoned

A portion of Peachtree Drive South

Location

Located within the York Road Neighborhood Community in the vicinity of Nations Ford Road, beginning approximately 1,181 feet from the intersection of Marshall Air Drive continuing 361 feet east to its terminus at the southern railway

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner in order to install a cul-de-sac turnaround in place of a current stub street

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Marshall Air Systems, Inc. – No objections
H&I Equipment Corporation – No objections

Neighborhood/Business Associations

- Cedar Knoll (CHA) – No objections
- Clanton Park Community – No objections
- Collinswood Neighborhood Association – No objections
- Colonial Village Neighborhood Association – No objections
- Madison Park Neighborhood Association – No objections
- Southwest Area Neighborhood Coalition – No objections
- Southwest Community Development Corporation – No objections
- Southwold Drive Neighborhood Association – No objections
- Spring Field Community Association – No objections
- Tyvola Ridge at Yorkmont Park Association – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 2

- Resolution
- Map

7. Public Hearing on Resolution to Abandon an Unopened Portion of N. Myers Street and N. Alexander Street

Action: **A. Conduct a public hearing to close a portion of N. Myers Street and N. Alexander Street, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Liberate Financial, LLC- Collin W. Brown/ Kennedy Covington

Right-of-Way to be abandoned

An unopened portion of N. Myers Street and N. Alexander Street

Location

Located within the Belmont Community

N. Myers Street beginning at Charles Avenue continuing approximately 100 feet northeastwardly to its terminus

N. Alexander Street beginning at Charles Avenue continuing approximately 347 feet east to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a future residential development. As part of this proposed development, the petitioner will be granting an easement to the City of Charlotte for a pedestrian connectivity pathway between N. Myers Street and Charles Avenue.

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Perry and Laura Poole – No objections

Cameron and Ian MacConnachie – No objections

Marlinda Bullock – No objections

Stephanie L. Kornegay – No objections

Neighborhood/Business Associations

Belmont Community – No objections

First Ward Neighbors, Inc. – No objections

Elizabeth Community Association – No objections

Plaza Midwood Neighborhood Association – No objections

Chantilly Neighborhood Association – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 3

Resolution

Map

8. Public Hearing on Resolution to Abandon a Residual Portion of Atando Avenue

Action: **A. Conduct a public hearing to close a residual portion of Atando Avenue, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Snider Tire - Russell W. Hunt, Jr.

Right-of-Way to be abandoned

A residual portion of Atando Avenue

Location

Located within the Druid Hills Community at the corner of Atando Avenue and Asbury Avenue beginning approximately 119 feet from the corner of Atando Avenue on Asbury Avenue, continuing approximately 290 feet southwardly around its radius to its terminus on Atando Avenue

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner and to increase the existing lot size for a more viable set back for the proposed residential single family construction

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners - None

Neighborhood/Business Associations

Craighead Community Outreach – No objections

Dillehay Courts – No objections

Druid Hills (Mr. Willie Greene) – No objections

Druid Hills (Ms Maggie Coleman) – No objection

Edison Street Block Association (Mr. Darryl R. Gaston) – No objections

Edison Street Block Association (Ms. Bobbie Toatley) – No objections

Edison Street Block Association (Ms. Diane Wingard) – No objections

Graham Heights Community Association – No objections

Tryon N. Business Corridor Coalition – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 4

Resolution

Map

9. Public Hearing on Resolution to Close a Residual Portion of Denbur Drive (formerly Fayette Road)

Action: **A. Conduct a public hearing to close a residual portion of Denbur Drive, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Centex Homes – John Carmichael/Kennedy Covington

Right-of-Way to be abandoned

A residual portion of Denbur Drive (formerly Fayette Road)

Location

Located within the Robinson Community beginning approximately 11 feet from Albemarle Road continuing approximately 175 feet northwest to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the abutting owner Mr. Wade D. Collins. The abandoned property will be split equally between Mr. Collins and an adjacent owner, Centex Homes, for the purpose of installing a new entranceway sign/wall to be outside the City right-of-way for the Woodbury Subdivision.

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Mr. Wade Dalton Collins – No objections

Neighborhood/Business Associations

Avensong – No objections

Charlotte East Community Partners – No objections

Eastland Area Strategy team (East) – No objections

Larkhaven Homeowners Association – No objections

Robinson Community Association – No objections

Turtle Rock Homeowners Association – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 5

Resolution

Map

ZONING

10. Rezoning Petition 2007-140

Action: Render a decision on proposed rezoning petition 2007-140 by Eastern Hill Land Corporation, for a change from R-3, single family residential to UR-1 (CD) urban residential conditional district for approximately 14.80 acres located on the east side of Reames Road between Bella Vista Court and Lawnmeadow Drive.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this protested petition was deferred from July 21 to July 28 since not all Council members were present at the July 21 zoning meeting.
- The Zoning Committee unanimously recommended approval of this petition with the following modifications:
 - The units have been converted to duplex or single family units.
 - Six-foot sidewalks and eight-foot planting strips are shown along Reames Road and all internal streets.
 - A buffer has been provided between the private alley and the adjoining properties to the north. Details of the buffer are shown on the site plan.
 - Screening and landscaping have been provided to shield the view of the alleys from Reames Road.
 - The amount and location of the tree save area is indicated on the site plan.
 - Additional vegetation will be provided on the properties to the north to provide a denser buffer between the abutting single family properties and the proposed development.
 - The site plan shows 93 lots while the site development table indicates a maximum of 95 lots. The petitioner has agreed to add a note to the site plan stating that if the two additional lots can be configured, building fronts will face the internal streets. In addition, no flag lots will be permitted.
 - No more than 25 percent of the front building elevation will be constructed with horizontal siding.
 - The petitioner has submitted additional elevations showing other design opportunities for homes within the development.
 - The petitioner will dedicate 32 feet from the existing centerline of Reames Road in order to include the planting strip and bike lane within the right of way.

Attachment 6

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Site Map

Siteplan

Elevations

11. Rezoning Petition 2008-011

Action: Render a decision on proposed rezoning petition 2008-011 by Eastern Pride, Inc. – Charles Thomas & Barnes Boykin, for a change from MUDD (CD), mixed-use development conditional district to B-1 PED-O, neighborhood business pedestrian overlay district with optional provisions for approximately .91 acres located between W. Trade Street and W. 5th Street, north of N. Bruns Avenue.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this protested petition was deferred from July 21 to July 28 since not all Council members were present at the July 21 zoning meeting.
- The Zoning Committee unanimously recommended approval of this petition with the following modifications:
 - A tan color brick with a weave pattern will be added from the base to the soldier course, in order to add interest to the building.
 - A pedestrian promenade located at the main entrance and approximately 20 feet in width will connect to the public sidewalk along West Trade Street. This area will also include two rows of street trees flanking both sides of the sidewalk. The pedestrian promenade also extends along the entire length of the building over to the public sidewalk along West Fifth Street.
 - The front of the building has been enhanced with additional height and a more defined and inviting entrance.
 - The new renderings and the elevations depict four sided architecture with additional articulation.
 - The required detention pond and the water quality area will be located in the open space. The detention will be placed underground and the water quality area will be screened. Landscape elements including street trees and plantings for parking lot screening purposes will be located along West Fifth Street, the northerly property line and West Trade Street.
 - Vegetative material will be planted in accordance with the ordinance at five-foot spacing around the parking lot.
 - The site plan notes that if it is feasible, the detention facility will not disturb the oak tree located along West Fifth Street and the determination as to the feasibility will be made during the permitting process.
 - The windows in the front entranceway area will be clear. Two out of the three sets of windows along West Trade Street will be clear. The other windows will be opaque so that the back of the fixtures are not visible from the outside.
 - Down lighting will be provided on the exterior of the building.
 - No temporary signs will be placed in the windows.
 - Shopping carts left in the parking area will be gathered by store personnel and returned to the interior of the store.
 - The building will be built with oversize brick; however, as depicted in the new rendering and the elevations, the brick pattern is broken up with a series of windows, canopies, and soldier courses.
 - The HVAC units will be screened and any ductwork associated with them will go directly into the building and not up the wall. No

ductwork, wires, or pipes will be exposed. In addition, the dumpster or trash handling areas will be screened.

Attachment 7

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Site Map

Siteplan

Elevations

POLICY

12. City Manager's Report

- Transit Report

13. New Bern Transit Station Area Plan



Action: A. Approve the Transportation Committee recommendation to adopt the New Bern Transit Station Area Plan Volume I: Concept Plan, with Proposed Revisions in separate document, and

B. Receive as information Volume II: Implementation Plan.

Committee Chair: Anthony Foxx

Staff Resource: Laura Harmon, Planning

Explanation

- This is a policy document for the New Bern Transit Station Area, updating existing policy in the Central District Plan (1993).
- The area is about 566 acres around LYNX Blue Line transit station at New Bern Street near South Boulevard and extends from I-77 to the Sedgefield neighborhood and from Dunavant Street to Hartford Avenue.
- This is first of a series of plans for station areas along the LYNX Blue Line south of South End to I-485, to be presented over coming months.
- The New Bern plan area includes three distinct areas consistent with the Centers, Corridors, and Wedges Growth Framework: Transit Station Area, General Corridor Area and Wedge Neighborhood Area.
- An interdepartmental team prepared the plan with input from residents and property owners. Two public meetings were held: one on January 17 with 120 citizens attending and one on February 7 with 70 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions.

Plan Recommendations

- Transit Station Area:
 - Promote mix of transit supportive land uses in Transit Station Area, generally within 1/2 mile of the station
 - Ensure that new development adjacent to Sedgefield and other neighborhoods provides good transition
 - Orient development along rail line to multi-use (pedestrian/bike) trail
- General Corridor Area:
 - Maintain locations for light industrial and warehouse uses
 - Maintain single-family neighborhood at Miller Street and Chicago Avenue
 - Support moderate density residential use at Southside Homes, Brookhill Village, and the industrial property on Tremont Avenue; any redevelopment to be under specific criteria, including development of affordable housing
- Wedge Neighborhood Area:
 - Maintain single-family portion of Sedgefield consistent with existing land use and zoning

- Support moderate density residential use at Sedgefield Apartments; any redevelopment to be under specific criteria: open space, affordable housing, retention of street network and tree canopy, and appropriate height and density transition to neighborhood
- Transportation & Streetscape:
 - Provide new street connections at key locations. Maintain and enhance existing street network as redevelopment occurs. Pursue limited number of new grade crossings of rail line at key locations.
 - Improve and expand sidewalk system, and eliminate gaps
 - Enhance pedestrian and bicycle crossings at key locations; add bicycle lane on Hartford Avenue
- Streetscape Cross Sections:
 - Provide future cross sections of streets, identifying building setbacks and supplementing requirements in Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines
- Infrastructure and Environment:
 - Make street trees a feature of all streets, and reduce impervious surfaces
 - Design buildings to reduce stormwater runoff and improve water quality
- The plan is available at www.charmeck.org/Departments/Planning/Area+Planning/Transit+Station+Area+Plans

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- Planning Committee received public comments at their February 19 meeting. Comments included property owners at periphery of station area wishing to be included in the TOD area for higher density, and an industrial property owner wishing to remain in operation for a time.
- At their March 18 meeting, Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

Transportation Committee and City Council

- City Council's Transportation Committee received a briefing at their April 28 meeting. Committee discussion included:
 - Affordable housing: Southside Homes, Brookhill Village, and Sedgefield Apartments have redevelopment possibilities
 - Redevelopment of industrial property: Availability of continuing light industrial sites; price of land in area exceeds industrial use pricing
 - Stretching TOD boundaries: Requests from several property owners for higher density designations further than ½ mile from the station, or where it intrudes into existing stable single-family neighborhoods
- After additional discussion at their May 12 meeting, the Transportation Committee voted unanimously (Council members Foxx, Turner, Barnes, Burgess and Carter) to forward the plan to Council for public comment.
- The City Council public comment session was held on June 9. Comments included two stakeholders involved with property at the periphery of the station area wishing to be included in the TOD area for higher density.
- After additional discussion at their June 23 meeting, Transportation Committee voted unanimously (Council members Foxx, Turner, Barnes, Burgess and Carter) to recommend adoption of the New Bern Transit Station Area Plan Volume I: Concept Plan, with the Proposed Revisions in the separate document and with additional language to follow City Council's adopted Affordable Housing Policies.

Attachment 8

Proposed Revisions to Draft Document

14. Belmont Retail Development

- Action:**
- A. Approve the Economic Development and Planning Committee recommendations to direct staff to secure an option to purchase Robert Lunn property at Parkwood and Pegram for appraised value of \$472,125, and**
 - B. Engage the Charlotte Mecklenburg Development Corporation (CMDC) in pre-development work to determine commercial/retail feasibility for Parkwood and Pegram.**

Committee Chair: John Lassiter**Staff Resource:** Tom Flynn, Economic Development**Explanation**

- On June 18, 2008 the Economic Development and Planning Committee (Lassiter, Mitchell, Carter, Foxx and Kinsey) unanimously recommended directing staff to:
 - Secure an option to purchase Robert Lunn's property at Parkwood and Pegram for the appraised value of \$472,125
 - Option Robert Lunn's property, consisting of two parcels, Parkwood Grocery and an adjacent vacant parcel on Parkwood
 - Not include "Josh's", a non-conforming, vacant convenience store, in this option
 - Engage CMDC in predevelopment work to determine commercial/retail feasibility
- Any purchase of property would come back to City Council prior to purchasing, with information from CMDC's pre-development work.
- These actions will provide an opportunity to purchase key parcels, at appraised value, and set up a key location for retail/commercial development and engage CMDC in pre-development work.
- Additional benefits of redevelopment at Parkwood and Pegram are:
 - Removes blight at key intersection
 - Leverages adjacent City owned land for private sector development
 - Sets up redevelopment now or in the future
 - Completes Belmont Plan recommendation
 - Complements planned intersection improvements
 - Benefits Optimist Park redevelopment

Next Steps

- If Council approves the option on the Lunn property and engages CMDC in predevelopment work, the next steps are:
 - CMDC's pre-development work will determine the feasibility of commercial/retail development at Parkwood and Pegram.
 - If feasible, Council will be requested to approve the purchase of the Lunn property.
- Staff will continue to:
 - Assist the Historic Landmark Commission to negotiate the purchase of Walkers Grocery located at Belmont and Pegram, due to its historical

significance. Walkers is a vacant, nonconforming convenience store, owned by Charles Woodard.

- Work with Stewart & Perina on planning requirements to redevelop the property located at 1021 Belmont Avenue. Stewart & Perina is an operating convenience store, located at 1021 Belmont Avenue and owned by Roger Stewart, who has requested the City's assistance in redeveloping his property for mixed-use.
- Work with Robert Lunn to negotiate a price for Josh's and determine potential for redevelopment. Josh's is a vacant, nonconforming convenience store, owned by Robert Lunn and is located at 18th Street and Seigle Avenue.

Funding

Neighborhood Improvement Bonds

Attachment 9

Belmont Retail Development Power Point presentation to Economic Development & Planning Committee on June 18, 2008

15. First Ward Parking and Park Conceptual Framework



- Action:**
- A. Approve the Economic Development and Planning Committee recommendation to approve a Conceptual Framework relative to parking for the First Ward Park project and all other conceptual features of the proposal except as follows: remove references to the closing of Eighth Street within the current Conceptual Framework. The Committee expresses a preference that Eighth Street remain open to vehicular traffic, with exceptions for certain times/circumstances, and**
 - B. Direct staff in collaboration with Mecklenburg County, UNC Charlotte and Levine Properties to develop a First Ward Park Plan, taking into account the Committee (and Council) preference on Eighth Street.**

Committee Chair: John Lassiter

Staff Resource: Ron Kimble, City Manager's Office
Tom Flynn, Economic Development

Explanation

- This Conceptual Framework outlines a public/private partnership with Levine Properties, Mecklenburg County and UNC Charlotte to develop parking, park and adjacent land in First Ward.
- This public/private partnership would fund 1,335 public parking spaces, 305 of which would be used by UNC Charlotte for their new 135,000 square foot UNC Charlotte Center City Building. The County would build a four acre park on the block surrounded by Seventh and Brevard Streets and the light rail line (see attached Site Plan).
- Levine Properties plans for development around the park and nearby parcels includes two million square feet office; 2,150 residential units and 282,000 square feet of retail. This represents an estimated \$1.2 billion private sector investment.
- The Conceptual Framework has the following key terms:

- City/County economic development grant for up to 1,335 parking spaces
- Grant payments last for ten years based on 45% of incremental taxes generated by the private development.
- Maximum grant payment amount equal to parking financing gap (currently estimated at \$26.1 million) plus/minus appraisal value difference on Developer/County land exchange. Final maximum grant payment amount will be determined in Development Agreement.
- County provides funds for designing and building park.
- City provides funds for cost of raising Brevard and Eighth Street.
- UNC Charlotte contributes \$4.2 million to cost of 305 parking spaces.
- Levine Properties contributes \$11 million to cost of parking decks and owns, operates and assumes all risk of cost overruns and operating losses from the decks.
- Details of the Conceptual Framework are attached.
- The County Commission will vote on this Conceptual Framework on August 5, 2008.
- If Council and Commission approve the Committee's recommendation, staff will begin working with the County on a park design that incorporates keeping Eighth Street open in some form and provides options for Council's consideration. Staff would also begin working with all of the partners on a Development Agreement based on this Conceptual Framework. Staff would bring both back to Committee and Council for review and approval.

Committee Discussion

- On July 16 the Committee voted 3-2 to approve this recommendation. (For: Lassiter, Mitchell and Foxx; Against: Carter and Kinsey).
- The Committee discussion focused on the closing of Eighth Street between Brevard and the Lynx line. The closing had been requested by UNC Charlotte and Levine Properties and supported by County staff in order to create an unimpeded park/open space between their new Center City facility and ImaginOn and the rest of Center City.
- The Committee's recommendation addresses this issue by directing staff to work with the other stakeholders to develop a park design that keeps Eighth Street open in some form. One possibility discussed was designing Eighth Street to be open most of the time, but be able to close it for special events in the park.
- The Committee also discussed the impact that this synthetic tax incremental financing (TIF) would have on the ability to use synthetic TIF in other more challenged areas of the City. Staff estimates that this synthetic TIF would, at its greatest annual payment, reduce the annual synthetic TIF capacity available under the Council policy to \$4,532,320 million (see attached chart).

Attachment 10

PowerPoint Presentation (with site maps)
Synthetic TIF Model

16. Mobile Food Vendor Zoning Text Amendment



Action: Approve the Community Safety Committee recommendation to adopt zoning text amendment #2008-079 which modifies regulations for mobile food vendors.

Committee Chair: Warren Turner

Staff Resource: Katrina Young, Planning
Sandra Montgomery, Planning
Tammie Keplinger, Planning

Explanation

- In response to issues expressed at the May 19 City Council Zoning hearing by interested citizens and vendors, City Council referred the text amendment to the Community Safety Committee for further review and discussion.
- At the May 19, 2008 City Council Zoning Meeting, a public hearing for a text amendment to the Zoning Ordinance was held (rezoning petition #2008-079) which would affect the regulations for mobile food vendors.
- On June 11, 2008 staff met with several mobile food vendors who spoke at the May 19 public hearing. The vendors object to the 9:00 p.m. closing hour, (which is currently in effect) and expressed a desire to stay open later. The vendors requested that the time be changed to stay open between 8:00 a.m. to 11:00 p.m. during daylight savings time, and between 8:00 a.m. to 9:00 p.m. during the remainder of the year.

Text Amendment Summary

- The proposed standards for mobile food vending service include:
 - Issuance of a permit for up to 30 days at one location, renewable up to two additional times, for a total period of 90 days per calendar year at one location
 - Proof of property owner permission to locate the mobile food vending service on the property
 - Trash receptacles must be provided no further than 10 feet from the vendor.
 - The vendor is responsible for removing all trash, litter and refuse on the site at the end of each business day.
 - Hours of operation: 8:00 a.m. to 9:00 p.m.
 - Parking shall be provided and shall not be located in any minimum required parking spaces for other businesses on the site.
 - Minimum 400 foot separation from any other mobile food vendor service
 - Minimum 400 foot separation from a residential use or residential zoning district
 - A zoning use placard must be posted in the front window of the vehicle or trailer.
 - If a notice of violation is issued, then the operator is not eligible to renew the permit at the same location, during that calendar year.
- These regulations would not be applicable in the following situations:
 - Special events recognized by the City where mobile food vendors are permitted
 - Non-profit, fundraising events of five days or less, where persons or organizations participate in duly recognized fundraising events, including religious, charitable, patriotic, or philanthropic events

Committee Recommendation and Discussion

- The Community Safety Committee voted on extending the hours for mobile food vendors during daylight savings time to 11:00 p.m. The vote was two (Turner, Kinsey) to one (Peacock) against the extension. The Committee also voted unanimously (Turner, Kinsey, Peacock) to recommend the zoning text amendment to the full Council for approval, as presented by staff.
- City Council's Community Safety Committee received staff input at their June 19 meeting. Committee discussion included:
 - Charlotte Mecklenburg Police Department officers objected to the later closing hours because:
 - o Vendors and their customers are more vulnerable to crime.
 - o The vendors locate in crime hot spots, and are an open air, cash only business that makes them robbery targets.
 - o Shots were fired at a vendor on April 21.
 - o There are issues with multiple vendors at the same intersection and complaints from citizens in adjacent residential areas regarding noise and loitering.
 - o Some vendors stay open until 2:00 a.m.
 - o Council Committee members
 - Wanted the ordinance to be strictly enforced
 - Discussed the idea of more stringent penalties
 - Expressed the need to have this type of diversity in neighborhoods and business corridors
 - Did not want this proposed change to impact City sanctioned or neighborhood festivals

Attachment 11

Rezoning Petition #2008-079 Text Amendment

17. 2009 Annexation Process



- Actions:**
- A. Adopt six Resolutions of Intent that state the City's intent to consider annexation of areas with an anticipated effective date of June 30, 2009,**
 - B. Establish a schedule for holding the public informational meetings and the public hearings for the proposed annexation areas, and**
 - C. Adopt the annexation reports developed for each of the six 2009 annexation areas.**

Staff Resource: Jonathan Wells, Planning

Explanation

- The Resolutions of Intent are required as a prerequisite to continue the 2009 annexation process.
- The resolutions describe the annexation areas and establish dates for public informational meetings and public hearings on the issue of annexation.
- Recommended date for public informational meeting is September 18, 2008.
- Recommended date for public hearing is October 27, 2008.

- Passage of Resolutions of Intent (and establishing dates of public informational meetings and hearings) are next steps in the 2009 annexation process.
- Annexation qualifying areas are Hood Road North, Hood Road South, Spring Park, Eastfield, Providence/I-485 and Berewick.
- Council is required to adopt an Official Report for each of six annexation areas.
- Summary Reports for each annexation area, Resolutions of Intent and Annexation Questions and Answers will be provided in the Wednesday, July 23 Council-Manager Memo. Summary Reports differ from Official Reports in that the Official Reports contain engineer stamped drawings of existing and proposed water transmission mains and sewer trunk lines in annexation areas.
- Official Reports may be viewed by Council in either the City Clerk's office or in the Planning Department.

Consistency with City Council Policies

- Annexation process and proposed annexation areas are consistent with involuntary annexation policies approved by City Council on June 23, 2003.
- Areas are considered for annexation on two year cycles.
- Annexation effective date is recommended to be June 30, 2009.
- Areas are qualified for annexation without regard to whether City revenues exceed costs.
- The City will provide reasonable and timely annexation information to owners of affected properties.

Consistency with State Annexation Statutes

- On June 11, 2007, City Council passed Resolutions of Consideration delineating geographic areas to be initially considered for annexation. Preliminary Annexation Report presented to City Council on July 21, 2008 summarizes areas currently proposed for annexation within those original geographic areas.
- Approval of annexation reports by City Council is required by state annexation statutes that specify certain information be included regarding extension of municipal services to the annexation areas. The reports include:
 - Relevant maps
 - Statement indicating how areas meet annexation criteria
 - Description of City services to be provided
 - Statement of method by which the City plans to finance the extension of services
 - Impact statement on rural fire departments and fire protection
 - Impact statement on City finances and services
- Reports must be approved by City Council at least 30 days prior to the annexation public informational meeting that has been proposed to be held on September 18, 2008

Community Input

The annexation public hearing is proposed to be scheduled on October 27, 2008.

18. North Carolina League of Municipalities Green Challenge Resolution



Action: Consider a resolution affirming Charlotte's commitment to resource conservation and committing Charlotte to participation in the North Carolina League of Municipalities (NCLM) Green Challenge effort.

Staff Resource: Julie Burch, City Manager's Office

Explanation

- Council requested that this item be added to the agenda.
- Green Challenge is an NCLM sponsored effort to encourage member cities to conserve resources and save money.
- The intent of the initiative is to protect the environment and operate municipal government in a more cost-effective, energy efficient and environmentally friendly manner.
- The program is divided into three levels and will be implemented over the next three years.
- Cities and towns that sign the resolution and complete a requisite number of first level green steps will be recognized at the NCLM Annual Conference, which will be held in Charlotte in October.
- To achieve first level recognition, cities over 10,000 must complete three of five steps.
- As a result of Council adopting Environment as a Focus Area and subsequent related policy actions, Charlotte is in an excellent position to accept the Green Challenge.
- NCLM's five required steps and City accomplishments that staff believes qualify the City for first level recognition, are outlined in an attachment.
- Adoption of the resolution and continued work on first level efforts will have no additional funding impact.
- NCLM will distribute criteria for achieving intermediate and advanced level recognitions after the October conference.

Attachment 12

Summary of accomplishments
Green Challenge Resolution

BUSINESS

19. Johnston and Mecklenburg Mills Agreement to Sell the Properties to NoDa Mills, LLC



- Action:**
- A. Approve the purchase and sale agreement with NoDa Mills, LLC to sell the Johnston and Mecklenburg Mills and the adjacent properties for \$475,000 to NoDa Mills, LLC, and**
 - B. Adopt a resolution authorizing the sale of the Johnston and Mecklenburg Mills and adjacent property to the NoDa Mills, LLC pursuant to the terms of the Purchase and Sale Agreement.**

Staff Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy

- City's Mixed Housing Development Policy adopted by City Council on September 24, 2003
- Charlotte Region Transit Station Area Joint Development Principles and Policy Guidelines: The Joint Development Policies, adopted by the Charlotte City Council in April 2003
- The City's FY2008 Consolidated Plan was approved by City Council on May 29, 2007. The Plan identified the need for affordable, safe and decent housing for low and moderate-income families. The Plan reaffirmed the three basic goals of the City's Housing Policy, which are as follows:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing
 - Support family self-sufficiency initiatives

Explanation

- In January 2006, the City foreclosed and took ownership of the Mecklenburg and Johnston Mill apartments and the adjacent buildings. The City took possession of the property after the owners defaulted on its loan and the property was cleared from bankruptcy.
- On February 12, 2007 City Council approved a Request for Proposal (RFP) process to dispose of the Mill properties. The RFP was issued to solicit developers to acquire and redevelop the Mills and adjacent properties. NoDa Mills, LLC was one of the four respondents to the RFP.
- The four proposals were reviewed by a selection committee consisting of representatives from the North Davidson Neighborhood Association, North Davidson Business Association, Neighborhood Representatives from Villa Heights and Belmont and City staff from Economic Development, Planning, CATS, Real Estate, the Historic Landmarks Commission and Neighborhood Development.
- On November 12, 2007 the City Council selected NoDa Mills, LLC as the developer for the Mills properties and authorized staff to negotiate an agreement for the sale of the Johnston and Mecklenburg Mills and the adjacent properties.
- NoDa Mills, LLC is a partnership between Tuscan Development and Banc of America Community Development Corporation.
- NoDa Mills, Banc of America and the City's attorneys (Horack and Talley) had extensive discussions about contract points over the last eight

months, as well as changing market conditions which caused NoDa Mills to reassess the project throughout the contract preparation period.

General Terms

- The properties will be sold to the NoDa Mills, LLC for \$475,000. NoDa Mills, LLC intends to subdivide the site into four distinct parcels and sell three of these parcels to third party developers. If NoDa Mills, LLC is able to complete the land development for less than anticipated and/or to sell the land parcels for more than anticipated, thus generating additional net proceeds, the developer will agree to split those additional proceeds 50/50 with the City.
- The two existing Mill properties will be preserved and renovated to develop approximately 170 mixed income rental apartments (95 market rate apartments and 75 affordable apartments). The exact number of units will be finalized upon architectural review of the building.
- The agreement addresses NoDa Mills, LLC achieving a minimum of 10 percent of the 75 affordable units available to households earning 30 percent or less of the area median income (AMI), (\$19,320 for a household of four) through the acceptance of qualified tenants with Section 8 vouchers. The remaining 67 units will serve households earning 60 percent of AMI (\$38,640 for a household of four).
- The City will provide names and addresses of former residents of Mecklenburg Mill to give qualifying residents preference in residing in the new development.
- In addition to the mixed-income rental development, this overall site is anticipated to be improved with the following via the sale of the three parcels to third party developers:
 - A parcel of vacant land on the site will be improved with approximately 28 for-sale condominium units and 6,500 square feet of retail.
 - The Boxing Academy will be redeveloped into a restaurant/catering facility.
 - The single room occupancy building will be redeveloped into art gallery/office space.
- The site will contain:
 - Pedestrian-friendly retail streetscape along 36th Street
 - Retail and Pedestrian connectivity to the proposed transit line
- NoDa Mills, LLC will have a 120 day due diligence period to complete the environmental review and other engineering work. The 120 day period can be extended by the developer for an additional 120 days in the event there are environmental matters beyond a Phase I environmental assessment. Thirty days is allowed for the attorneys to prepare the closing documents. The closing of the sale is projected to be on or before December 30, 2008.
- Construction of the land development piece will begin in early 2009. The multi-family redevelopment will start in late 2009 or early 2010 (depending upon the timing of state-awarded tax credits and tax-exempt bond funding). Thus completion of the project would be by 2012 (subject to funding).

Attachment 13

Development Agreement
NoDa Mills LLC Proposal Presentation
Mills Background
Resolution

20. Streetcar Financial Feasibility Study and Advisory Task Force



- Action:**
- A. Approve a contract with Bay Area Economics in the amount of \$224,775 to conduct an economic development and financial feasibility study for the proposed streetcar,**
 - B. Approve a budget ordinance appropriating up to \$112,388 in private matching funds, and**
 - C. Approve the structure and charge for the Charlotte Streetcar Advisory Task Force.**

Staff Resources: Peter Zeiler, Economic Development
David Carol, Transit
Jim Schumacher, City Manager's Office

Feasibility Study

- The proposed streetcar line would operate between the Rosa Parks Place Transit Center and the Eastland Transit Center. Under the current 2030 Corridor System Plan, service would be implemented in two phases between 2018 and 2023. Conceptual Engineering for the project was completed by Transit in 2006 and included a draft Environmental Assessment, a conceptual alignment and preliminary cost estimates.
- On May 12, 2008 the City Council directed the City Manager to undertake an economic development and financial feasibility study for the Charlotte Streetcar Project. The study, planned for completion by the end of the year, will quantify and define the benefits of streetcar operations and identify options for accelerating funding of the project.
- Bay Area Economics (BAE), along with Warren & Associates, and Integra Realty Resources, has been selected to perform the study. The contract amount is \$224,775.
- Bay Area Economics (BAE) will collect data to evaluate alternate forms of funding, to include:
 - Existing development and tax revenue base of area adjacent to streetcar alignment
 - Projected future development absent the streetcar
 - Projected future development with the streetcar
 - Capture of the increased development value for funding the streetcar system
- BAE will evaluate the successes and lessons learned from other streetcar systems and their financing mechanisms, and provide recommendations of possible financing structures based partially on their findings about development potential.
- BAE will further research qualitative successes and lessons learned from the construction of streetcar systems in other cities including, but not limited to equity issues, impacts to affordable housing and access to employment opportunities and then evaluate the potential qualitative impacts in Charlotte.

Matching Funds

- Several private sector representatives have expressed an interest in funding up to one-half of the cost of the economic development feasibility

study, up to \$250,000, however, Council has not made proceeding with the study contingent on private contributions.

- The success of the private sector fundraising efforts is not yet known.
- City staff is continuing outreach to private parties that will likely be positively impacted by the streetcar to secure the matching funds contemplated by the City Council.
- This action appropriates anticipated funds to be received from the private sector for the purpose of completing this feasibility study.

Streetcar Advisory Task Force

- During the June 23 business meeting, the City Council requested recommendations for forming a Charlotte Streetcar Advisory Task Force. The Task Force would advise and assist the Council as it considers whether to accelerate the design and construction of a streetcar line.
- The recommended structure for the Task Force is as follows:
 - 12 members, including a Chair, appointed by the City Manager after consultation with the Mayor and City Council members
 - Members to represent neighborhood, civic and business organizations, institutions and other major employers along the streetcar corridor, and public and non-profit agencies
 - Appointments to be made immediately for service through the end of 2009
- Alternate methods of appointment the Council may consider include:
 - Standard Council/Mayor nominations and appointments (2/3 by Council, 1/3 and Chair by Mayor)
 - Individual Council member appointments of a single individual with Chair appointed by the Mayor
- The recommended charge for the Task Force is as follows:
 - Review and comment on interim and final reports from the economic and financial feasibility study
 - Review and comment on key assumptions included in the 2006 Conceptual Engineering Study
 - Assist in communicating information to member organizations and the public along the streetcar corridor
 - The Task Force work will be complete in January 2009.

Small Business Opportunity

The City negotiated an SBE goal with Bay Area Economics after the proposal selection process. Bay Area Economics committed 25.0% (\$56,125) of the total contract amount to the following SBE firm: Warren & Associates (\$56,125).

Funding

Economic Development Capital Investment Plan

Attachment 14

Budget Ordinance

21. Carolina Theater Fifth Amendment

Action: Approve the Fifth Amendment to the Purchase and Sale Agreement for the Carolina Theater with CMP Carolina Theater, LLC to extend the closing date to October 31, 2008 and to give CMP Carolina Theater, LLC the right to an additional 90 day extension provided certain conditions are met.

Staff Resource: Tom Flynn, Economic Development

Explanation

- In January 2006, the City entered into a Purchase and Sale Agreement with CMP Carolina Theater, LLC for the Carolina Theater.
- This Agreement provided for a closing in January 2007 and allowed for two extensions, both of which would require a \$25,000 non-refundable payment. Council approved a third and fourth extension, both of which were accompanied by \$25,000 non-refundable payments. CMP Carolina Theater exercised an outside closing date extension clause in the Fourth Amendment, extending the outside closing date to July 29, 2008 and provided the \$25,000 non-refundable payment. These payments, along with the \$50,000 payment in the original agreement, now total \$175,000 in non-refundable deposits.
- The Carolina Theater has made excellent progress on reaching pre-sale goals and other milestones such as permit issuance, but has faced rapidly changing and extraordinary credit conditions. Carolina Theater has negotiated finance terms based on their existing pre-sales and is seeking this extension in order to close on the offered term sheets.
- Approval of this Amendment will extend the closing date until October 31, 2008. For this extension, CMP will make an additional non-refundable payment of \$25,000. This payment will be credited to the purchase price at closing.
- This Amendment also provides for an additional 90 day extension beyond October 31, 2008 if CMP Carolina Theater accomplishes the following prior to October 31, 2008.
 - Secures full financing for the project
 - Secures an air rights easement with Bank of America
 - Secures foundation and footing construction permits
 - Finalizes City Fire and County LUESA documents in regards to the automobile elevators
- This 90 day extension would be accompanied by a separate \$25,000 non-refundable payment which would be applied to the purchase price at closing.
- If CMP Carolina Theater does not close on the property, the City would retain the total of all non-refundable payments received via this fifth amendment. This would bring total payments made to the City to \$225,000.
- If Carolina Theater is unable to close financing within the terms of this final amendment, staff will recommend no further amendments and will begin exploring alternative redevelopment scenarios for the theater.

22. Loaves & Fishes Contract

- Action:**
- A. Consider making a one time appropriation of \$50,000 to supplement a local food bank, Loaves & Fishes,**
 - B. Adopt a budget ordinance appropriating \$50,000 from City Council's FY2009 Discretionary Account, and**
 - C. Authorize the City Manager to develop and execute a contract with Loaves & Fishes for food assistance to low and moderate income residents in the amount of \$50,000.**

Explanation

- At the Council Zoning meeting on July 21, 2008, Council voted unanimously to place this item on the July 28, 2008 agenda.
- Food donation supplies are running low in community food pantries. Needs are great due to the downturn in the economy. Local agencies report that rising energy and food prices have increased the number of low and moderate income Charlotte residents seeking food assistance from local food agencies.
- It is estimated that 80,000 individuals from Charlotte-Mecklenburg have received assistance from local food banks over the past 12 months.
- Loaves & Fishes is a local agency which, in 2006, served 72% of those individuals seeking food assistance in the Charlotte community.
- A one time \$50,000 appropriation would purchase the equivalent of three weeks of food. This action would ensure funds appropriated by Council would benefit individuals within the Charlotte city limits.
- Council has provided funding to community agencies through budget appropriations in the past. For example, in the FY2009 Adopted Budget, Council approved \$380,000 in funding for Crisis Assistance Ministries to assist in rent and utility payments and \$240,000 to United Family Services to assist in financial and mortgage counseling services.

Funding

FY2009 Council Discretionary Account. The remaining balance of the FY2009 Council Discretionary Account will be \$200,000 if Council approves this action.

Attachment 15

Staff Report
Budget Ordinance

23. Appointments to Boards and Commissions

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

A. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a Town representative for a three year term beginning immediately and ending June 30, 2011.
 - Tina Breese Whitley is recommended by Matthews Mayor Lee Meyers and CRVA Chief Executive Officer Tim Newman.

Attachment 16

Applications

B. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for a three year term beginning September 22, 2008 and ending September 21, 2011.
 - Kris Andrew Wampler by Council member Lassiter
 - Michelle Denise Wingo by Council member Carter

Attachment 17

Applications

C. PAROLE ACCOUNTABILITY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 1, 2010.
 - Kevin Timothy Foley by Council member Kinsey
 - Mary J. Hancock (Jamie) by Council member Carter
 - Carilyn K. Ibsen by Council member Lassiter
 - Mark C. Loflin by Council member Cooksey

Attachment 18

Applications

D. PLANNING COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
 - Tracy Finch by Council member Mitchell
 - Greg Godley by Council member Kinsey
 - Christopher M. Olds by Council member Burgess
 - David Romero by Council member Dulin
 - Leigh W. Rounds by Council member Lassiter
 - Claire Fallon by Council members Foxx and Lassiter

Attachment 19

Applications

E. ZONING BOARD OF ADJUSTMENT

- One appointment for an unexpired term beginning immediately and ending January 30, 2010.
 - Randall Dean Fink by Council members Carter and Cooksey
 - Carilyn K. Ibsen by Council member Kinsey
 - Gregory K. Lipscomb by Council member Burgess

Attachment 20

Applications

24. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

25. Various Bids

A. **Bus Reconditioned Alternators and Starter Motors** **Transit**

Staff Resources: Jim Zingale, Transit
 Jay Fagel, Transit

Action

Approve a one year contract to the low bidder, American Auto and Truck, on a unit cost basis for an estimated annual sum of \$35,670. These reconditioned alternators and starter motors will be used in the maintenance of the bus fleet. Authorize the City Manager to approve up to two, one year renewals.

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).

B. Bus Transmissions and Alignments Parts Transit

Staff Resource: Jim Zingale, Transit

Action

Approve a one year contract to Covington Power Services on a unit cost basis for an estimated annual sum \$295,294.80. Authorize City Manager to approve up to two, one year renewals. Charlotte Area Transit System (CATS) will purchase parts of major components to repair the bus fleet. These parts will include transmissions and parts for front and rear-end alignments that will be installed by CATS.

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. Bus Rear Axle Reconditioning Transit

Staff Resource: Jim Zingale, Transit

Action

Award a one year contract to the low bidder, Triple S on a unit cost basis for an estimated annual sum of \$247,706. Rear Axle reconditioning is essential for bus maintenance operations. Authorize the City Manager to approve up to two, one year renewals.

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).

D. Various Bus Parts Transit

Staff Resource: Jim Zingale, Transit

Action

Award a one year contract to National Fleet Services for an estimated amount of \$320,000. This is a unit price contract for bus parts that will be based on actual need. CATS will purchase parts of major components to repair the bus fleet including seals, bearings, wheel studs, hubs, lug nuts, and alternator parts. Authorize City Manager to approve up to two, one year renewals.

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 Wheel Conditioning Transit

Staff Resource: Jim Zingale, Transit

Action

Award a contract to the low bidder, Marshall Aluminum Polishing, on a unit cost basis for an estimated annual sum of \$115,240. Wheel cleaning and polishing will extend the life of the current wheels and defer purchase of replacements. Wheels gather a film from brake dust and road grime that needs to be removed for inspection of cracks and jagged edges that affect safety and tire wear. Authorize City Manager to approve up to two, one year renewals for this contract with possible price adjustments as authorized in the contract.

Small Business Opportunity

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

F. Avis Rental Car Parking Expansion Airport

Staff Resource: Jerry Orr, Aviation

Action

Award the low bid of \$232,230 by Blythe Construction, Inc. to expand Avis Rental Car's existing storage parking lot on the Airport. All costs are recovered through rates and charges paid by Avis Rental Car.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.59%

Blythe Construction committed 5.59% (\$13,000) of the total contract amount to the following SBE firm: All Points Trucking, Inc.

G. Airport Security Camera System Airport

Staff Resource: Jerry Orr, Aviation

Action

Award the low bid of \$449,724 by Johnson Controls to purchase and install new cameras at the Airport. To enhance security at the Airport, Council adopted a resolution on February 25, 2008 accepting a grant in the amount of \$2,050,000 from the Department of Homeland Security's Transportation Security Administration to provide a replacement system. This contract will provide the purchase and installation of approximately 300 cameras.

Small Business Opportunity

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

H. Fire First Responder Medical Supplies BSS

Staff Resources: Rich Granger, Fire
Genetta Carothers, Business Support
Services

Action

Award the low bid unit price contracts for providing Medical Supplies to the Charlotte Fire Department for an initial term of one year. Medical supplies are carried on fire trucks to allow firefighters to treat citizens with medical emergencies.

Examples are oxygen masks, bandages, tapes and stethoscopes. Authorize the City Manager to renew up to four additional one year terms with possible price adjustments as authorized by the contract to the following vendors:

Southeastern Emergency Equipment, in the estimated annual amount of \$36,000 for 59 various items to be ordered as needed.

Henry Schein Matrix Medical, in the estimated annual amount of \$22,000 for various protective gloves to be ordered as needed.

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).

I. Fire Uniforms BSS

Staff Resources: Rich Granger, Fire
Aubrey Miller, Business Support Services

Action

Award the low bid of \$408,487 by Best Uniforms, Inc. for a unit price contract for fire uniforms for a term of three years.

Authorize the City Manager to renew the agreement for two additional one year terms with possible price adjustments as authorized by the contract. This contract will provide uniform items such as long and short sleeve shirts, pants, leather belts, shoes and boots.

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).

26. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$9,838.74.

Staff Resource: Scott Greer, Finance

Attachment 21

Resolution

List of property tax refunds

27. In Rem Remedy

For In Rem Remedy #A-F, 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.

Complaint

- A. 2717 Olde Steele Creek Road (Neighborhood Statistical Area 2 – Pinecrest Neighborhood)
- B. 1931 Pegram Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)
- C. 3044 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Field Observation

- D. 3917 Amerigo Street (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)
- E. 6008 Carver Blvd. (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood)
- F. 2017 Wilson Avenue (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)

Complaint

A. 2717 Old Steele Creek Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2717 Old Steele Creek Road (Neighborhood Statistical Area 2 – Pinecrest Neighborhood).

Attachment 22

B. 1931 Pegram Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1931 Pegram Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).

Attachment 23

C. 3044 Reid Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3044 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 24

Field Observation

D. 3917 Amerigo Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3917 Amerigo Street (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).

Attachment 25

E. 6008 Carver Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6008 Carver Boulevard (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 26

F. 2017 Wilson Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2017 Wilson Avenue (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).

Attachment 27

CONSENT II

28. General Obligation Bond Referendum

- Action:**
- A. Introduce each of the three bond orders and approve a resolution to authorize a General Obligation Bond Referendum including \$170,200,000 of Street Bonds, \$47,000,000 of Neighborhood Improvement Bonds and \$10,000,000 of Housing Bonds, and**
 - B. Set a public hearing for August 25, 2008.**

Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation

- On June 23, 2008 City Council approved resolutions authorizing staff to proceed with actions necessary to conduct a general obligation bond referendum for these bonds. This is the second of three Council actions required.
- These bond orders authorize the type and amount of bonds to be placed on the November 4, 2008 referendum ballot.
- These bond orders authorize a tax sufficient to pay annual principal and interest on the bonds and confirm that a sworn statement of the City's debt is on file with the City Clerk for public inspection. The existing tax rate adopted by Council in June 2008 is projected to be sufficient to pay debt service on these bonds when they are issued.
- The City's FY2009-2013 Capital Investment Plan includes projects to be funded by these bonds.
- The action does the following:
 - Introduction of bond orders for \$170,200,000 of Street Bonds, \$47,000,000 of Neighborhood Improvement Bonds, and \$10,000,000 of Housing Bonds
 - Designation of Finance Department Staff to file the Sworn Statement of Debt with the City Clerk
 - Setting of the City Council meeting on August 25, 2008 as the date for a public hearing concerning the bond orders

Funding

Municipal Debt Service Fund

Attachment 28

Resolution
Notice of Public Hearing
List of Projects
Referendum Schedule

29. Water and Sewer Revenue Bonds

Action: Adopt a resolution directing staff to apply to the Local Government Commission (LGC) for authorization to issue up to \$350 million in water and sewer revenue bonds.

Staff Resource: Scott Greer, Finance

Explanation

- On July 26, 2004 Council approved the water and sewer revenue bond anticipation program that was planned to be converted to permanent financing in two years.
- It is estimated that \$320 million will be used to repay the revenue bond anticipation notes and \$30 million in new funding will be used for cash flow of capital projects prior to the implementation of a new commercial paper program.
- Council will be asked in the following action (item 30, page 37) to adopt a resolution reauthorizing the commercial paper program for the next two years.
- This action is the first of two that authorizes application to the LGC for the sale of these bonds.
- The second action authorizing the bond order and related documents will occur at the August 25, 2008 Business Meeting.

Funding

Water and Sewer Fund

Attachment 29

Resolution

Series 10 Indenture

30. Water and Sewer Commercial Paper Reauthorization

Action: Adopt a resolution reauthorizing the issuance of up to \$400 million of water and sewer system revenue bond anticipation notes for the purpose of funding projects approved in the City's Capital Investment Plan and authorizing certain additional related documents.

Staff Resource: Scott Greer, Finance

Explanation

- In June 2004, City Council authorized the issuance of \$400 million in water and sewer system revenue anticipation notes (commercial paper) to provide cash flow for water and sewer capital projects. The program is reauthorized every two years when permanent financing is issued.
- Council reauthorized the program in June 2006.
- In a previous action (item 29, page 37), Council was asked to approve an application for permanent financing for the commercial paper issued to cover cash flow from August 2006 to September 2008.
- Issuing commercial paper lowers the overall cost of financing the capital plan by issuing temporary short term debt to fund the cash flow of construction projects. Long term debt is issued when the projects are

complete. The result is not paying interest on borrowed funds until the funds are spent on a project. Short term commercial paper also carries a lower interest rate.

- In two years, Council and the Local Government Commission (LGC) will be asked to approve 30 year financing for the notes issued under this commercial paper program.
- The LGC is expected to reauthorize the water sewer commercial paper program on or before August 5, 2008.
- At the August 25, 2008 business meeting, Council will be asked to approve a note resolution and bond order that is required before the City can sell notes.

Funding

Water Sewer Debt Service Fund

Attachment 30

Resolution

31. Eastland Mall Redevelopment Phasing Alternatives

Action: Authorize the City Manager to enter into a contract not to exceed \$100,000 with Land Design as lead consultant for the design of phasing alternatives for the redevelopment of Eastland Mall.

Staff Resource: Tom Flynn, Economic Development

Explanation

- One of Council's three adopted priorities is the redevelopment of Eastland Mall, composed of over 90 acres with over 10 different property owners.
- In April 2008 Council authorized the City Manager to execute an option agreement with the owner of Belk. In June 2008 Council authorized an option for the Dillard's parcel at Eastland Mall. These two parcels total 25.45 acres. These options expire on November 30, 2008 with options to extend until March 1, 2009.
- In January 2007 Council approved the Urban Land Institute (ULI) Study of the redevelopment of Eastland Mall and in March 2007, received the recommendation to redevelop Eastland Mall into a mixed use town center.
- While the ULI recommendation was for the demolition of the entire Mall as a prelude to redevelopment, the ULI study did not have time to go into the specifics of how that plan could be implemented.
- This contract will enable staff to examine alternative redevelopment scenarios to determine redevelopment phasing opportunities and their feasibility. Location options for the police station, fire station and streetcar terminal will be incorporated into these redevelopment scenarios.
- Land Design will lead a team with 505 Design and Economic Research Associates as subconsultants.
- Results will be shared with Council in Fall of 2008.

Small Business Opportunity

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

Funding

Housing and Neighborhood Development Capital Investment Plan

32. New Tire Contracts

- Action:**
- A. Award unit price contracts, for providing new tires and related services for all City vehicles and other rolling stock equipment to the following eight vendors in the combined estimated annual amount of \$1,000,000 for the term of one year, and**
- 1. Gerrard Tire Company, Inc.**
 - 2. Griffin Brothers Tire, wheels, & Auto Repair**
 - 3. Parrish Tire Company**
 - 4. Piedmont Truck Tires, Inc.**
 - 5. Snider Tire, Inc.**
 - 6. Summerfield Auto Repair, Inc.**
 - 7. TCI Tire Centers**
 - 8. Wingfoot Commercial Tire Systems, LLC**
- B. Authorize the City Manger to renew the contracts up to four additional one year terms with possible price adjustments as authorized by the contract.**

Staff Resources:

Karen King, Business Support Services
Mehl Renner, Business Support Services

Explanation

- The City has determined that the best way to purchase new tires is by executing contracts with multiple vendors to provide all major tire brands rather than attempt to depend on a single vendor source. For the last eight years, this methodology has reduced tire costs due to competition among vendors, and reduced vehicle downtime by providing alternate sources for tires during emergency situations and when certain vendors experience supply problems. Mecklenburg County and other North Carolina public agencies are also eligible to use these contracts.
- An invitation to bid was issued and included specifications for 81 tire sizes and related service requirements for the City and Mecklenburg County.
- Eight responsive, responsible bids were received and determined eligible for contract award. All pricing is based on a discount as it applies to the most current government price index for a given brand of tire.
- Business Support Services/Equipment Management Division will continue to base individual purchasing decisions on tires that best match a vehicle's operating conditions, purchase price, and product availability. This will also ultimately determine the total amount spent with each vendor. The overall tire program is aimed at providing the lowest tire cost per mile and at improving vehicle availability.

Small Business Opportunity

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

Funding

Various key business operating budgets

33. General Helicopter and Turbine Engine Repair Services and Maintenance

Action:

A. Approve a contract with Edwards and Associates, Inc. for General Helicopter Repair Services and Maintenance for one year at a not to exceed amount of \$123,000, and

B. Approve a contract with Standard Aero for Turbine Engine Repair Service and Maintenance for one year at a not to exceed amount of \$110,000.

Staff Resource: Benton Herring, CMPD
 Marcy Mars, Business Support Services

Explanation

- Police owns one 1997 Bell 407 helicopter and one 1998 Bell 407 helicopter.
- The helicopters are used to enhance the service provided by officers on patrol and include: patrol support, vehicle pursuits, search and rescue, surveillance and emergency medical transport.
- The two helicopters require periodic general maintenance, overhaul, repair, avionics, painting, interior refurbishment and overall maintenance support.
- The two Bell 407 helicopters are equipped with turbine engines and require repair, service, overhaul and on-site tech support in order to be maintained.
- The City released a Request for Proposal (RFP) and received two proposals.
- Selection criteria included proximity to Charlotte, training, certifications, experience in safety and training practices of employees, management and price. Because this is a service contract, proximity may be considered.
- Edwards and Associates submitted pricing for General Helicopter Repair Services and Maintenance. Their pricing is considered market rate and offers a 10% discount off list price for Bell Helicopter parts. This company is the only company capable of providing these services within reasonable proximity to Charlotte. They have performed this type of repair work for the City in the past and the quality of their work is superior.
- Standard Aero submitted pricing for the Turbine Engine Repair Services and Maintenance only. Their pricing is considered market rate and offers a 15% discount on parts from the current year price list for engine parts. They have provided excellent work for the City in the past.

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

Police Operating Budget

34. GangNet Grant

Action: Accept an additional \$250,000 grant award from the Governor's Crime Commission.

Staff Resource: Steve Willis, Police

Explanation

- North Carolina GangNet was established in 2006 to provide a centralized statewide gang intelligence database. The database includes information on where individuals were encountered, why they are considered a gang member, criminal activity and known associates.
- GangNet is an ongoing state program that includes funding for maintenance of system hardware and software, and staff to analyze the data and administer the system.
- CMPD is the grant coordinator for the western part of the state.
- Following discussions with the Governor's Crime Commission regarding a grant for 2008, CMPD was advised to submit a request for additional funds for the 2007 grant in lieu of a 2008 grant award.
- The grant of \$250,000 will be used to continue the GangNet program specifically, three positions (Intelligence Analyst, Systems Applications Specialist and Investigative Technician).
- The grant period is extended to June 30, 2009.
- There are no matching City funds required. Grant revenue was anticipated and included in the FY2009 budget.

35. Public Safety Radio System Upgrade

Action: A. Approve the purchase of a public safety radio system without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e) (6), and

B. Approve a contract with Motorola, Inc. in the amount of \$15,118,590 to purchase radio equipment for a 20 channel, eight site digital regional public safety radio system.

Staff Resource: Dennis Baucom, Business Support Services

Sole Source Exception

- G.S. 143-129 (e) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- Motorola is the only manufacturer capable of providing this equipment in order for this radio system to be compatible with radio systems in the region and the NC State radio system.
- Motorola is the only vendor capable of providing a radio system that will allow integration of the existing equipment.

Service Description

- The City provides operating, maintenance, and overall management for the joint City of Charlotte/Mecklenburg County public safety radio system.

- The radio system provides service to all City and County departments, the towns of Cornelius, Huntersville, Davidson, Matthews, Gastonia, Belmont and Mount Holly, state agencies, and federal agencies.
- An Interlocal Agreement was also recently signed to provide services to Union County.

Current System

- The current radio system supports 12,850 local system users and an additional 3,210 users from other areas throughout the state for interoperability during a crisis. The system processes over 2.8 million radio transmissions per month.
- The Charlotte/Mecklenburg public safety radio system currently operates as a Motorola 4.1 analog simulcast system.
- The system is operating on the final software release for this system. There are no further updates and no further expansion of the system.
- With the announcement of the final operating release, Motorola also notified customers that parts availability and support will end in 2016.

Radio System Upgrade

- In FY2002 the City approved a \$26.5 million, three phase capital program to upgrade the radio system. This digital upgrade is the final phase of that program.
- Phase three of the capital program has a total cost of \$15,118,590 (see table below).
- The key component of the Charlotte/Mecklenburg's digital system is the Master Site equipment. This portion of the network consists of electronic equipment and software that controls all functions of the radio network. This equipment upgrade is being leveraged as part of the regional project. Since only one Master Site needs to be deployed to support the entire region, this portion of the project is being funded through federal grants.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Facilities Capital Investment Plan. All operating and capital costs are paid by the radio system users through a per unit monthly charge.

- This table shows the funding for Phase three of the project.

Public Safety Interoperable Communications Grant	\$2,993,356.80
FY2007 Urban Area Initiative Grant	\$900,000.00
FY2008 Urban Area Initiative Grant	\$900,000.00
FY2009 Urban Area Initiative Grant	\$900,000.00
Current Reserves	\$427,594.00
Capital Program	
FY08	\$6,050,000.00
FY09	\$2,947,639.20
Total	\$15,118,590.00

36. Managed Internet Technology Security Services

- Action:**
- A. Approve a contract for three years in an amount not-to-exceed \$585,000 to SecureWorks, Inc. to provide managed internet technology security services, and**
 - B. Authorize the City Manager to approve necessary increases in the contract amount for additional security services if needed, for a total contract amount not to exceed \$700,000.**

Staff Resource: Randy Moulton, Chief Information Office
Billy Belcher, Business Support Services

Explanation

- The City requires managed internet technology security services to ensure protection for the City's Computer Network Infrastructure.
- The Procurement Services Division issued a Request for Proposals (RFP) and received three responses.
- SecureWorks met and/or exceeded all requirements in response to the RFP and is the leading managed security services provider safeguarding more organizations than any other computer security vendor.
- The City's Information Security infrastructure will be monitored 24x7—365 days per year.
- SecureWorks will provide a Sherlock Enterprise Security Monitoring Platform that is deployed on the City's information technology network and aggregates enterprise wide security events from routers, firewalls, intrusion detection systems and servers.
- Malicious and unknown events are sent real-time via a secured connection to the SecureWorks Secure Operation Centers where the information is correlated and continuously scrutinized by Intrusion Analysts.
- The City will retain access to the information technology enterprise equipment and will retain the ability to generate security reports, update escalation procedures and make help desk requests via the customer portal if needed.
- Additional services may be required during the term of the contract and include the following:
 - The addition of new City computer hardware
 - IT Security protection for new City buildings or offices
 - The addition of new security technology for the City's information technology infrastructure

Small Business Opportunity

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

Funding

Office of the Chief Information Officer, Fire, and Utilities Operating Budgets

37. Utilities Mowing and Related Services

- Action:**
- A. Approve a one year contract for Mowing and Related Services at water treatment plants, water towers and radio towers to the following companies:**
- 1. Napper Services for a total five year contract amount not to exceed \$410,000,**
 - 2. A-1 Services and John Todd Landscaping for a total five year contract not to exceed \$220,000, and**
 - 3. Triple L for a total five year contract not to exceed \$600,000.**
- B. Authorize the City Manager to renew the contracts for four additional one year terms with possible price adjustments as authorized by the contract.**

Staff Resources: Doug Bean, Utilities
Beth Hudson, Business Support Services

Explanation

- The Procurement Services Division issued a Request for Proposals for Mowing and Related Services for Multiple Locations for Utilities and Network Technology Services division of Business Support Services for water treatment plants, water towers and radio towers throughout the County.
- The mowing locations were divided into eight groups based primarily on proximity to other locations. Vendors were requested to price for individual groups. Services to be priced included mowing, trimming, and/or spraying at all locations with additional mulching, pruning, lime, seed and aerating at some of the locations.
- The City received nine proposals. The evaluation team reviewed proposals, conducted reference checks, performed visual inspections of equipment and met with specific vendors.
- The Evaluation Team recommends awarding Groups 1, 2, 3, 4, and 5 to Napper Services; Groups 6 and 8 to Triple L Landscape; and Group 7 to A-1 Services and John Todd Landscaping (a listing of the groups and locations is attached). These vendors submitted the lowest pricing for the groups in which award is recommended.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy). However, two of the three bidders (A-1 Services and Triple L) are both SBEs.

Funding

Utilities Operating Budget and Business Support Services Operating Budget

Attachment 31

List of Groups/Locations of Various Mowing Locations

38. Utilities Right-of-Way Mowing and Related Services

- Action:**
- A. Approve a one year contract for Right of Way Mowing and Related Services to the following companies:**
1. HPC Land Services for a total three year contract amount not to exceed \$124,135, and
 2. Asplundh Tree Expert Company for a total three year contract not to exceed \$137,171.
- B. Authorize the City Manager to renew the contracts for two additional one year terms with possible price adjustments as authorized by the contract.**

Staff Resources: Doug Bean, Utilities
Billy Belcher, Business Support Services

Explanation

- Charlotte Mecklenburg Utilities requires mowing services to maintain brush and vegetation growth and trash pick up in the rugged area of the right-of-ways.
- The Procurement Services Division issued a Request for Proposal for Right-of-Way Mowing and Related Services and received four responses.
- The companies will provide right-of-way mowing and related services to three areas for Utilities.
 - Area 1: Catawba River Pump Station to Oakdale Road
 - Area 2: Franklin Water Treatment Plant to Vest Water Treatment Plant
 - Area 3: Lee S. Dukes Jr. Water Treatment Plant to Highway 21
- The companies will provide the following services once a year on an annual basis:
 - Mowing
 - Right-of Way clearing
 - Brush removal and disposal
 - Trash removal from areas
 - Tree cutting and stump removal
- The companies will mow, cut and remove vegetation and trash from:
 - Rights-of-Way
 - Easements
 - Retention Ponds
 - Ditch-lines
 - Other areas as addressed at the time of service

Small Business Opportunity

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

Funding

Utilities Operating Budget

39. Southwest Water Transmission Main Phase B–1 Construction Contract Change Order #2

Action: Approve construction contract change order #2 for \$429,100.30 with Sanders Utility Construction Company, Inc. for the Southwest Water Transmission Main Phase B-1.

Staff Resource: Doug Bean, Utilities

Explanation

- The Southwest Water Supply project provides for a new source of water to southwestern Mecklenburg County by constructing a major transmission main from the Franklin Water Treatment Plant to Steele Creek Road.
- Council awarded the initial construction contract in the amount of \$9,683,459.78 on October 8, 2007.
- Change order #1, in the amount of \$90,000, was approved by the City Manager on December 12, 2007 for upgrading to an all-welded steel pipeline in lieu of joints with gaskets as originally bid.
- Change order #2 involves installing an additional 727 linear feet of 48-inch water transmission main along Steele Creek Road that was originally planned to be in the next phase of the project and will be bid in a few months.
- This change order request is a result of easement negotiations with David Land LLC for an easement located at the intersection of Steele Creek Road and Byrum Road. During easement negotiations, it was determined that the schedule for the next phase of the waterline had significant financial impacts to their proposed development. The property owner requested the City accelerate this section of the project since it is adjacent to the phase under construction.
- The contractor has agreed to the original bid prices plus a material cost escalation for the steel pipe since the manufacturer can not honor the bid prices from a year ago. Staff has confirmed the proposed prices are competitive.
- The new contract total is \$10,112,560.08.

Small Business Opportunity

All additional work involved in this change order will be performed by Sanders Utility Construction Co. and their existing subcontractors. This change order complies with Part D: Section 6 of the SBO Program.

Funding

Utilities Capital Investment Plan

40. Old Dowd Road Water Main Extension Change Order #1

Action: Approve Change Order #1 with Scurry Construction, Inc. of Cornelius, North Carolina in the amount of \$293,240 for extension of a water main to tie into the existing Charlotte Mecklenburg Utilities water main on Old Dowd Road.

Staff Resources: Jerry Orr, Aviation
Doug Bean, Utilities

Explanation

- In March 2008 City Council awarded a contract to Scurry Construction, Inc. in the amount of \$3,376,681.47 for paving, drainage, water main and sewer force main installation for a new section of Old Dowd Road.
- This relocation was necessary to replace a portion of the existing Old Dowd Road located in the footprint of the new runway.
- As part of the project, Charlotte Mecklenburg Utilities funded the installation of a portion of water main along the new road.
- Change Order #1 will fund the extension of the water main to tie into the existing line on the east end of the new road. The change order prices have been negotiated for most items to be at nearly the same unit costs as the original contract amount.
- Change Order #1 will increase the contract total to \$3,669,921.47.

Disadvantaged Business Enterprise

Established DBE Goal: 18%

Committed DBE Goal: 6.50%

Scurry Construction committed to 6.5% DBE participation with the original contract. There is no additional DBE participation associated with this change order as the additional work is to be self performed.

Funding

Utilities Capital Investment Plan

41. Airport Parking Deck

- Action:**
- A. Award the low bid of \$44,875,000 by Shelco, Inc. for construction of a 3,200 parking space parking deck,**
 - B. Approve a contract with Mactec Engineering and Consulting, Inc. in the amount of \$250,000 for material testing services, and**
 - C. Adopt a budget ordinance in the amount of \$45,125,000 from the Airport Discretionary Fund to be repaid from proceeds of the 2008 General Airport Revenue Bonds.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2007 City Council approved a contract with LS3P Associates, LTD for architectural design, engineering and construction administration services for a new parking deck.
- The 3,200 space deck will be used for the Airport's Business Valet parking and public parking, includes 6,000 square feet of lobby space, and will be located on the corner of Wilkinson Boulevard and Harlee Avenue. This parking deck will increase parking capacity to meet the growing demand.
- These contracts will provide for the construction of the parking deck and materials testing services during construction. Materials testing ensures the strength of the concrete structure throughout the construction process.
- Funding for these contracts comes from proceeds of the 2008 General Airport Revenue Bonds, the debt service of which is paid for by parking revenues.

Small Business Opportunity

Shelco

Established SBE Goal: 18%

Committed SBE Goal: 2.97%

Shelco, Inc. failed to meet the SBE goal, but earned the required number of Good Faith Effort Points. They have committed 2.97% (\$1,334,400) of the total contract amount to the following SBE firm: Southern States Rebar.

Mactec

Established SBE Goal: 0%

Committed SBE Goal: 5%

The City negotiated a SBE goal with Mactec Engineering and Consulting, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) Mactec committed 5% (\$12,500) to the following SBE firm: Capstone Civil Group.

Funding

Airport Capital Investment Plan

Attachment 32

Budget Ordinance

42. Airport Relocation Assistance Services Change Order

Action: Approve a change order to the contract with Terrell Hundley & Carroll, Inc. in the amount of \$375,000 extending the contract until July 2009 for relocation assistance services required for the Airport's land acquisition programs.

Staff Resource: Jerry Orr, Aviation

Explanation

- Property acquired by the Airport is purchased in accordance with federal regulations under the Noise Program or Master Plan. Federal regulations require the Airport to provide relocation assistance services to those affected by such property acquisitions.
- In April 1999 Council approved a three year contract in the amount of \$900,000 with Terrell Hundley & Carroll, Inc. (THC). THC was selected to provide the relocation services necessitated by the Airport's acquisition of land under its Master Plan and Noise Program.
- In November 2002 Council approved a change order in the amount of \$325,000 and extended the contract through December 2003.
- In July 2004 Council approved Change Order #2 in the amount of \$540,000 and extended the contract through December 2006.
- In October 2006 Council approved Change Order #3 in the amount of \$475,000 and extended the contract through December 2007.
- The Airport continues to need relocation assistance services for ongoing and upcoming Noise Program and Master Plan projects, including anticipated relocations of a mobile home park with approximately 55 tenants/homeowners and properties on West Boulevard, including a business park with 76 tenants. Continuing to use THC will provide consistency and continuity of service for those eligible for relocation assistance under the Airport programs.
- The change order will fund THC's work until July 2009. The hourly rates are competitive and consistent with industry standards for these services.
- The cost of providing relocation assistance services covered by this change order is eligible for 75% reimbursement by the Federal Aviation Administration.

Disadvantaged Business Enterprise Program

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its DBE goal through a mix of contract-specific goals and race-neutral means. No goal was set for this contract because THC is not a DBE and other participation opportunities are not anticipated.

Funding

Airport Capital Investment Plan

43. State Aviation Grants

- Action:**
- A. Adopt a resolution accepting a North Carolina Department of Transportation (NCDOT) grant in the amount of \$500,000 for FY2008, and**
 - B. Adopt a budget ordinance to appropriate funds received from the North Carolina Department of Transportation grants in the amount of \$500,000.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the NCDOT Division of Aviation allocates funds for the State's Aid to Airports grant program to the state's airports.
- The FY2008 allotment from this fund is \$500,000 for airports in Charlotte, Greensboro and Raleigh.
- This grant will fund a portion of the \$43,626,829 grading and drainage contract for the Third Parallel Runway, awarded to ES Wagner on February 28, 2007. The balance of the funding comes from Federal Aviation Administration grants and proceeds of the 2004 General Airport Revenue Bond issue.

Attachment 33

Resolution
Budget Ordinance

44. Transit Management Services

- Action:**
- A. Approve a three year agreement with McDonald Transit Associates Inc. to provide transit management services for the Bus Operations Division, at an estimated annual cost not to exceed \$600,000, and**
 - B. Authorize the City Manager to negotiate and execute contract renewals not to exceed \$650,000 per year for up to two additional years.**

Staff Resource: Jim Zingale, Transit

History

- On June 9, 2003, City Council approved a three-year agreement (allowing renewals for up to two additional years) with McDonald Transit Associates Inc. (McDonald) to manage the operation and maintenance of Charlotte Area Transit System's (CATS) Bus Operations Division for a not to exceed cost of \$600,000 per year.
- After recent negotiations, CATS maintained the same not to exceed costs approved by City Council in 2003.
- The City does not engage in the direct management of the bus operations division.
- Federal law requires public transit systems that receive federal funds to allow collective bargaining rights to employees necessary for the operations of bus systems.

- North Carolina law restricts cities from contracting directly with labor organizations.

Description of Services

- McDonald will oversee the administration and the management of the day-to-day bus operations and maintenance at CATS' South Tryon and North Davidson Street facilities.
- McDonald will assign three managers to supervise and manage the 800+ employees, including bus drivers, mechanics, and administrative personnel.
- McDonald corporate provides various services including acting as the lead for the Bus Operations Division in negotiations with the International Brotherhood of Teamsters Local 71 and the United Transportation Union.
- McDonald manages transit services in numerous states around the country. Managers among the various locations share opinions and expertise when managing maintenance, operations and employee relations.

Procurement Process

- CATS issued a Request for Proposal (RFP), on March 20, 2008. On April 24, 2008, proposals were received from two of the largest transit management firms:
 - McDonald Transit Associates Inc. - Fort Worth, Texas
 - First Transit, Inc. – Cincinnati, Ohio.
- An evaluation committee that included representatives from several CATS' divisions as well as from Budget and Evaluation reviewed and evaluated each firm according to the following criteria:
 - Qualifications of proposed staff and organization of the operation
 - Qualifications of the proposing firm
 - Operating methodology and management plan including proposed incentives, disincentives, and value engineering
 - Cost effectiveness
 - Firm's financial viability
- The proposal submitted by McDonald was determined to provide the best overall value to the City.
 - McDonald is a national employee owned firm with over 35 years of well-respected service in the transit management field.
- McDonald has proposed an experienced local transit management team for Charlotte to oversee CATS' Bus Operations Division. Each of its three proposed local management staff (General Manager, Assistant General Manager for Operations, and a Maintenance Manager) demonstrated strong transit management qualifications for the CATS' project. The firm will also provide corporate resources for labor negotiations and quality assurance activities as needed.

Small Business Opportunity

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

Funding

Transit Operating Budget

45. Transit Schedules and Brochures Contract Amendment

- Action:**
- A. Approve a contract amendment for \$200,000 with Imperial Printing Products Co., Inc. for the printing of schedules and brochures, and**
 - B. Authorize the City Manager to renew the contract for three additional one year terms with overall cost for additional terms not to exceed \$750,000 in total.**

Staff Resource: Kim Taylor, Transit

Background

- On March 26, 2007, City Council approved a unit price contract with Imperial Printing Products Co., Inc. for the printing of schedules and brochures. The contract had an initial two-year term totaling \$326,126 with the option to renew for three additional one year terms at \$163,063 per year.
 - The unit prices are fixed providing for a 2% escalation annually. Examples of unit prices include:
 - Four panel schedule - \$85 per thousand units
 - Five panel schedule - \$105 per thousand units
- The contract was estimated to provide for the printing of 1.5 to 2 million schedules and brochures per year. The resulting contract reduced CATS' cost per printed schedule by 27%.

Current Circumstances – Results of Increased Ridership

- Charlotte Area Transit System (CATS) recorded a 71% increase in schedule and brochure usage from FY2007 to FY2008. In FY2008 (July 2007 to May 2008) more than 2.7 million schedules and brochures have been printed due to the following:
 - The higher than predicted ridership after the opening of the LYNX Blue Line and related bus services have resulted in an increase in the use of printed materials by customers.
 - Special events, including the CIAA, ACC, NCAA Basketball Tournaments and Speed Street, have resulted in additional printing of schedules and maps for visitors.
 - The significant increase in the cost of fuel has increased ridership on CATS services by over 16% through May 2008. This increased ridership includes the following:
 - 9.8% increase on express services
 - 15% increase on regional express services
 - 18% increase on community circulators
 - Ridership of over two million customers on the LYNX Blue Line since its opening in November 2007
- Increasing demand has required a system-wide expansion in the number of outlets that display brochures and schedules.
- CATS regularly promotes the use of ridetransit.org as an alternative for customers' to obtain information. The transit website appears on every transit vehicle and on every printed brochure and schedule. It is also actively promoted during public outreach sessions.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current Contractor and their existing subcontractors. (Part D: Section 6 of the SBO Policy). Imperial Printing Products has committed all outsourced delivery services (estimated to be approximately \$3,450 annually) to the following SBE firm: Elite Delivery Services.

Funding

Transit Operating Budget

46. Transit Market Research Services Contract

Action:

A. Approve a one-year contract with MarketWise, Inc. in the amount of \$99,000 for Marketing Research Services, with the scope of work to include conducting surveys of existing and potential customers regarding their opinion and satisfaction with Charlotte Area Transit Services (CATS) services, and

B. Authorize the City Manager to renew the contract for four additional years not to exceed \$479,999 over a five year period.

Staff Resource: Olaf Kinard, Transit

Explanation

- Transit's market research program obtains information using onboard and telephone surveys of perceptions, attitudes, beliefs, expectations, and needs of current transit customers and non-customers in relation to their commutes and public transit. The information identifies what service elements are most important to customers and non-riders and how CATS is performing on these service elements.
- CATS varies the marketing services requested each year to specifically address areas that require updating. This process defers costs and pinpoints areas where ongoing analysis of customers' sentiments must occur. The contract cost per year is scheduled for the following amounts:

- Year one	\$ 99,000
- Year two	\$ 79,500
- Year three	\$104,950
- Year four	\$ 84,250
- Year five	<u>\$111,300</u>
- Total Contract	\$479,999
- Recommendations are developed from the research and are used to:
 - Develop programs to enhance customer service
 - Design services to attract new customers
 - Develop business initiatives for CATS' Strategic Operating Plan
 - Determine the allocation of finite resources
- Prior results of similar research have resulted in strategies including:
 - Focus on seniors programs
 - Enhance safety to attract new riders
 - Install new bus stop signs, shelters and schedule information at bus stops
 - Increase frequency of service on weekends
 - Develop programs to increase ridership, up 74% since FY1998

- A Request for Proposals was issued and six responses were received.
- Proposals were evaluated on the basis of market research experience, cost, references, and project team and transit experience.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) On this contract, no SBEs were selected as part of the overall consultant project team.

Funding

Transit Operating Budget

47. Buffer Zone Protection Program Grant

Action:

A. Accept a grant in the amount of \$365,770 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, which administers the U.S. Department of Homeland Security’s 2007 Buffer Zone Protection Program, and

B. Adopt a budget ordinance appropriating \$365,770 in grant funds received from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management.

Staff Resource: Jeff Dulin, Fire

Explanation

- The Buffer Zone Protection Program was established by the U.S. Department of Homeland Security to ensure adequate preparedness for a response to terrorism events on critical infrastructure.
- The Department of Homeland Security has identified multiple sites in Mecklenburg County that it deems as critical infrastructure. Federal law does not allow public disclosure of the sites.
- This is a continuation of the project to create Buffer Zone Protection Plans that was approved by City Council on February 12, 2007. The City plans to purchase software to assist in the development and support of the protection plan.

Attachment 34

Budget Ordinance

48. Regional Response Team Grant

- Action:**
- A. Accept a grant in the amount of \$251,571 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, on behalf of the U. S. Department of Homeland Security to assist in preparing for response to terrorism-related events,**
 - B. Approve the purchase of a Hazardous Materials Identification System without competitive bidding, as authorized by the sole source exemption of G.S. 143-129 (e) (6), and**
 - C. Approve the purchase of the Identification System from Smiths Detection for \$99,455.**

Staff Resource: Jeff Dulin, Fire

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source of supply; or
 - Standardization or compatibility is the overriding consideration.
- Smiths Detection of Danbury, Connecticut is the sole manufacturer and direct source of the Gas ID and Raman Responder RCI product.
- Sole source purchases require City Council approval.

Explanation

- The Department of Homeland Security made funding available through the FY2007 State Homeland Security Grant to provide the Regional Response Teams (RRT) with funding for training and equipment to first responders that will enable them to prepare for and respond to acts of terrorism and major disasters.
- The Charlotte Fire Department has the regional response team for Region 7. This means that Charlotte's hazardous materials team will respond wherever needed in the region.
 - Region 7 consists of 11 North Carolina counties: Cleveland, Gaston, Lincoln, Catawba, Alexander, Iredell, Rowan, Stanly, Union, Cabarrus, and Mecklenburg.
- Grant funding will be spent on hazmat detection equipment and training for members of the RRT-7 team.
- A portion of the funds will be used to purchase the GasID and Raman Responder RCI Identification System. This is the only portable solid, liquid and gas identification system designed for use in field environments by emergency responders that uses the DiComp technology. The system provides molecular detection and analysis of an extensive array of nerve agents, explosives, toxic industrial chemicals, clandestine lab chemicals and white powders within the GasID and Responder RCI system as well as a library collection of over 6,000 gases and vapors including chemical warfare agents and other volatile compounds within the GasID component.
- This system is currently in use by hundreds of U.S. military installations and over one thousand HazMat teams throughout the United States.
- Grant revenue was anticipated and included in the FY2009 budget.

49. Urban Search and Rescue Grant

Action: Accept the grant in the amount of \$170,000 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, on behalf of the U. S. Department of Homeland Security.

Staff Resource: Jeff Dulin, Fire

Explanation

- The Department of Homeland Security through the Office of Grants and Training has made funding available through the FY2007 State Homeland Security Grant Program. This program was established to provide federal reimbursement to state and local governments for the costs associated with preparing for, responding to, training and exercising to ensure adequate preparedness for a response to an act of terrorism or natural disasters. In North Carolina, the North Carolina Division of Emergency Management administers this program for the U. S. Department of Homeland Security.
- Grant funds will be used to purchase protective clothing for members of the Urban Search and Rescue task force. This clothing will be worn while responding to technical rescue incidents that include victim search, rescue, body recovery, and site stabilization during operations, such as building/structural collapse, vehicle/person extrication, confined space entry, trench/cave-in rescue, and rope rescue.
- Grant revenue was anticipated and included in the FY2009 budget.

50. Urban Search and Rescue Exercise Grant

Action: Accept a grant in the amount of \$65,000 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, on behalf of the U. S. Department of Homeland Security to conduct an Urban Search and Rescue (USAR) exercise.

Staff Resource: Jeff Dulin, Fire

Explanation

- The Department of Homeland Security made funding available through the FY2007 State Homeland Security Grant to conduct an Urban Search and Rescue (USAR) Exercise that will test the deployment readiness and response of the State USAR teams.
- Grant funding will be spent on meals, supplies for the exercise, printing costs, office supplies, and expendables such as wood and concrete panels, nails, tools and fuel.
- Grant revenue was anticipated and included in the FY2009 budget.

51. South College Street Pedestrian Bridge Air Rights Easement

Action: Adopt a resolution granting air rights over South College Street to Charlotte Downtown Apartments, L.P. for \$7,943.04

Staff Resource: Linda Poissant, Transportation

Explanation

- Staff recommends the granting of air rights to Charlotte Downtown Apartments, L.P. for the construction of a new pedestrian bridge across South College Street connecting the proposed residential building to the proposed parking deck. The pedestrian bridge will be located on South College Street between East Bland Street and East Catherine Street.
- The design of the pedestrian bridge conforms with the City's Overstreet Connections Policy and is recommended by the Transportation Key Business, Engineering and Property Management Key Business, and the Planning Key Business.
- The air rights easement cost is equal to 50% of the tax value of the adjacent private property ($\$10.08 \text{ per sq. ft.} \times 1,576 \text{ sq. feet} = \$15,886.08 \times .5 = \$7,943.04$).

Attachment 35

Resolution

52. Street Maintenance UNCC Impact Study Contract

Action: Approve a contract with The University of North Carolina at Charlotte to study the impact of heavy vehicle loads on asphalt pavements in the amount of \$219,737.

Staff Resource: Layton Lamb, Transportation

Explanation

- In April of 2005 CDOT gave Council a report on the major causes leading to Charlotte's overall street pavement decline.
- The four major contributors are:
 - Damage to pavement due to heavy vehicle loads
 - Higher pavement and asphalt costs
 - Antiquated residential pavement standards
 - Utility cut excavations
- The heavy vehicle study will evaluate and quantify the additional cost to the City for premature street repairs associated with heavy vehicles.
- The anticipated results of the study will lead to recommendations by CDOT staff to make policy changes or implement programs to combat or offset the costs associated with repair of the premature pavement failure.
- The study will also evaluate what other cities across the country are doing to combat this problem. The study will take approximately three years to complete. There will be milestone results at the end of the first and second years.

Actions Taken to Prevent Street Pavement Decline

- In 2006, Council addressed the increased cost of asphalt as well as the goal of increasing the frequency of the resurfacing cycle.
- The antiquated residential pavement standards issue was addressed by the City Engineer by increasing the residential street standards in April 2006.
- City Council addressed the utility cut issue effective November 2007 by approving a utility cut degradation fee paid by the utility companies. Revenue is used to subsidize street maintenance and the resurfacing program.

Funding

Powell Bill – Street Maintenance Fund FY2009 Operating Budget

53. Planning and Design Engineering Services for Neighborhood Improvement Projects

- Action:** Approve engineering services contracts using 2006 voter-approved Neighborhood Improvement Bonds with:
- A. Mulkey, Inc. in the amount of \$259,824 for design services for Revolution Park Neighborhood Improvement,
 - B. Mulkey, Inc. in the amount of \$356,110 for design services for Enderly Park Neighborhood Improvement,
 - C. Mulkey, Inc. in the amount of \$142,160 for planning services for Ponderosa Neighborhood Improvement,
 - D. Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) in the amount of \$164,000 for planning services for Hope Park Neighborhood Improvement, and
 - E. Armstrong Glen, PC in the amount of \$164,828 for planning services for Pawtucket Neighborhood Improvement.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- This item awards five professional services contracts – three for planning and two for design. The funding for these contracts was included in the 2006 Neighborhood Improvement Bonds – planning/design funds. These funds allow for advance planning/design reducing wait time for project implementation. The approach is similar to the roads program and the three year vote to drive initiative. Below is a summary of the Neighborhoods and Bond Year for construction.

CONSULTING FIRM	NEIGHBORHOOD	BOND YEAR FOR CONSTRUCTION FUNDING
Mulkey, Inc.	Revolution Park	2006
Mulkey, Inc.	Enderly Park	2008
Mulkey, Inc.	Ponderosa	2008
PBS&J	Hope Park	2010
Armstrong Glen, PC	Pawtucket	2010

- The Neighborhood Improvement Program provides infrastructure improvements such as curb and gutter, sidewalk, storm drainage, street resurfacing and street trees.

Planning Phase Engineering Services for Neighborhood Improvement Projects

- Nineteen consulting firms submitted qualification packages to provide engineering services for the neighborhood projects. Chosen firms were selected pursuant to a Council approved qualifications-based selection process, performed in accordance with NC State General Statutes.
- These planning contracts will include a review of existing infrastructure and identify alternatives for roadway and pedestrian improvements by conducting a series of public meetings and developing conceptual plans, planning reports and cost estimates.
- The planning phase is expected to last nine to twelve months.

Design Phase Engineering Services for Neighborhood Improvement Projects

- On May 14, 2007, Planning Phase contracts were approved for 14 Neighborhood Improvement Projects. Planning phase work is now either completed or nearing completion. These design phase contracts are the second group of several design phase contracts that will be presented to Council for approval during the next several months.
- The chosen firms were selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- These design contracts will carry forward the planning phase work. Deliverables include 50%, 70%, 90% and 100% Design Plans for each neighborhood.
- The design phase is expected to last twelve to eighteen months. Allowances for real estate and construction phase assistance activities are also included in the contract.

Small Business Opportunity

Revolution Park Neighborhood Improvement

The City negotiated an SBE goal with Mulkey, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). Mulkey, Inc. committed 5% (\$13,791) of the total contract amount to the following SBE firm: Hinde Engineering.

Enderly Park Neighborhood Improvement

The City negotiated an SBE goal with Mulkey, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). Mulkey, Inc. committed 4% (\$14,291) of the total contract amount to the following SBE firm: Hinde Engineering.

Ponderosa Neighborhood Improvement

The City negotiated an SBE goal with Mulkey, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). Mulkey, Inc. committed 38% (\$53,891) of the total contract amount to the following SBE firm: Neighboring Concepts.

Hope Park Neighborhood Improvement

For services based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). PBS&J included SBEs on their project team; however the work to be completed by the Consultant in this phase will not require the services of those SBEs.

Pawtucket Neighborhood Improvement

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, no SBEs were selected as part of the overall consultant project team.

Funding

Neighborhood Capital Investment Plan

Attachment 36

Map of neighborhoods

54. I-277/Caldwell Street Interchange

Action:

A. Approve Change Order #1 to the Blythe Development contract for the I-277/Caldwell Street Interchange Project in the amount of \$3,380,000, and

B. Adopt a budget ordinance appropriating to the project account up to \$3,380,000 from unallocated land sale proceeds (including up to \$350,000 in private utility company reimbursements and \$800,000 from Utilities).

Staff Resources: Jim Schumacher, City Manager's Office
Jeb Blackwell, Engineering & Property Management
Barry Shearin, Utilities

Explanation

- This project constructs interchange and street modifications in the vicinity of the NASCAR Hall of Fame, creating surplus right of way to be sold by the City and providing a pedestrian/bicycle link between South End and the Center City.
- Substantial water, wastewater, and private utility infrastructure is also being installed at this time to avoid construction disruption at another time.
- The City Council awarded the contract to Blythe Development on July 23, 2007 in the amount of \$21,367,759.09.
- Change Order #1 provides funds for additional scope being added to the project at favorable prices and additional rock excavation costs resulting from the large drainage culvert alignment being moved outside NCDOT right of way as directed by the NCDOT.

- A large drainage culvert is being relocated to the edges of the surplus right of way in order to maximize the value of the parcels to be sold. The culvert alignment directed by the NCDOT has increased the amount of rock excavation. These costs (estimated at \$2,230,000) will be funded from the \$12 million unallocated land sales in the Capital Investment Plan and offset in the sale of the surplus parcels.
- The project includes the installation of joint conduit system to be used by the private utility companies, such as Time Warner Cable. Time Warner requested an extension of the conduits along Stonewall Street. Time Warner and other users will reimburse costs associated with installing the conduits (estimated at \$350,000).
- Similar to the drainage culvert, a wastewater line is being relocated from surplus parcel 3 into street rights of way in order to maximize the value of the parcel. The cost of the relocation will be offset in the sale of the land and Charlotte-Mecklenburg Utilities (CMU) will contribute the cost of upgrading the line for future capacity.
- CMU has elected to add the installation of a water line along Stonewall Street for future capacity needs by adding the work to this contract at favorable prices. In addition, CMU has added other miscellaneous work, such as installing the water line along Caldwell Street beneath Fourth Street by boring under the street instead of an open cut, which would significantly impact Fourth Street traffic. CMU's total reimbursements are estimated at \$800,000.
- This change order does not include an adjustment for asphalt cement price increases as provided in the contract. If an adjustment is necessary when asphalt is being placed, a second change order will be prepared at that time.
- Change Order #1 will increase the contract amount to \$24,747,759.09.

Minority and Women Business Enterprise

Per the municipal agreement with NCDOT, the State Minority (MB) and Women (WB) Business Enterprise Program must be followed. All additional work involved in this change order will be performed by the current contractor and their existing subcontractors.

Funding

Transportation Capital Investment Plan and Utilities Capital Investment Plan

Attachment 37

Budget Ordinance

55. Surveying and Mapping Services for Capital Improvement Projects

- Action:**
- A. Approve a contract with Stewart Engineering, Inc. in the amount of \$250,000 for surveying and mapping services,**
 - B. Approve a contract with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) in the amount of \$250,000 for surveying and mapping services,**
 - C. Approve a contract with The Schneider Corporation in the amount of \$250,000 for surveying and mapping services, and**
 - D. Authorize the City Manager to execute two renewals to each contract for \$100,000 per 12 month extension.**

Staff Resource: David Snider, Engineering & Property Management

Contracts for Surveying and Mapping Services

- Typical surveying services contracts include but are not limited to: boundary, topographical, physical, and American Land Title Association Surveys and construction staking.
- These contracts will provide funding for surveying services for ongoing capital improvement projects.
- Projects impacted by this contract include Neighborhood Improvement Program, Sidewalk, Roadway and Storm Water projects.
- These consultants were selected in May 2008, pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- Nineteen firms responded and a total of four firms were selected. A contract with the fourth selected firm was approved by Council on June 23, 2008.
- The surveying division maintains 12 month retainer contracts in order to provide timely response to ongoing project needs and requirements.
- The City may renew each contract up to two times in the amount of \$100,000 per 12 month period.
- The renewals are at the City's option as an incentive to the Consultant for good performance.

Small Business Opportunity

- Stewart Engineering listed in their proposal the following SBEs as supporting team members: Independent Mapping Consultants, Inc. and On Target Utility Locate Services, Inc. Stewart will use these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).
- Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) listed in their proposal the following SBEs as supporting team members: Avioimage Mapping Services, Inc., Independent Mapping Consultants, Inc., Lyons Utility Locating, LLC, and On Target Utility Locate Services, Inc. PBS&J will use these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy)
- The Schneider Corporation listed in their proposal the following SBEs as supporting team members: Independent Mapping Consultants, Inc. and On Target Utility Locate Services, Inc. Schneider will use these SBEs for

each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Transportation Capital Investment Plan

56. Utility Locate Services for Storm Water Projects

Action: Approve Renewal #2 in the amount of \$55,851.00 with On Target Utility Locate Services, Inc. for continued utility location services for storm water projects.

Staff Resource: Steve Canter, Engineering & Property Management

Explanation

- This contract will provide subsurface utility location services.
- Storm Water Services competitively bid this project.
- This is the final renewal for this contract.
 - The City Manager approved the original contract for \$52,500 on May 22, 2006.
 - The City Manager approved Renewal #1 for \$53,581.50 on June 21, 2007.
 - The total contract amount to date including Renewal #2 will be \$161,932.50.
- When originally bid, this contract was for less than \$100,000. The City's new procurement policy clarifies that in determining which contracts require Council approval, staff must include all contract extension and renewal options that the vendor or the City has a right to exercise, or that the City anticipates entering into.
- The original contract document allows for renewals of the contract up to two times, at the City's option, as an incentive to the contractor for productivity and workmanship.

Small Business Opportunity

Informal contracts are not subject to establishing SBE subcontracting goals, and are considered exempt contracts (Appendix Section 23.1 of the SBO Policy). On Target Utility Locate Services, Inc. is an SBE.

Funding

Storm Water Capital Investment Plan

57. Fountain Maintenance Services

Action: Approve a contract with Charlotte Specialty Services for fountain maintenance services, totaling \$134,734 for a three year period.

Staff Resource: Quin Hall, Engineering & Property Management

Explanation

- Landscape Management competitively selected the vendor through a Request for Proposal process.

- This contract provides for the daily, year-round, maintenance, repair, cleaning and operation of four fountains owned by the City. Two fountains are located at the Mint Museum, one at Ninth and Poplar Streets and one in Polk Park.
- The Polk Park and Mint Museum fountains are currently running. They have been equipped with a special timer and filling devices that comply with Charlotte-Mecklenburg Utilities water conservation guidelines. The contractor monitors their operation and will comply with any further restrictions. The Ninth and Poplar fountain is not operating because it cannot be equipped with the special timer device.
- In the event of a Charlotte-Mecklenburg Utilities restriction requiring the fountains to be shut down, water is left in the basins of the fountains and if possible recirculation pumps and filters run to prevent stagnation, clogged filters and to protect drains or other piping. The water also keeps underwater lights protected from vandalism and theft and to provide illumination. The contractor continues to monitor water levels and lights, skim water surfaces for leaves and debris, clean filters and drains, maintain pumps and protect the structural integrity.
- The contract period for this contract is three years with no renewals.

Small Business Opportunity

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

Funding

Engineering and Property Management Operating Budget

58. Rea Road Widening

Action: Approve a contract amendment in the amount of \$375,000 with The LPA Group of North Carolina, P.A. for engineering services.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Rea Road Widening

- This project will improve Rea Road between Highway 51 and Colony Road by providing turn lanes, bike lanes, sidewalks and street trees. It will also improve safety by improving sight distance at intersections along the road.
- The project went through an extensive public input process during the planning phase and received public support for the proposed improvements.
- This amendment provides additional surveying, rate adjustments, completion of design documents; including preparation of right of way plats, bridge and retaining wall design and assistance during real estate acquisition.
- The preliminary project schedule shows construction beginning in summer 2010 assuming the 2008 bonds are approved.

Contract History

- Council approved the original contract for engineering planning and design services for \$995,413 on January 27, 2003.

- The total contract amount to date including Amendment #1 will be \$1,370,413.
- Funding of \$21.3 million for this project is included in the Council approved FY2009-FY2013 Capital Investment Plan.

Small Business Opportunity

All additional work involved in this amendment will be performed by The LPA Group of North Carolina, P.A., and their existing sub-consultants. (Part D: Section 6 of the SBO Policy).

Funding

Transportation Capital Investment Plan

59. Solid Waste Services Facility – Contract A

Action: **A. Waive non-compliance on SBO Form 3 submission requirements by 8 Star Construction, Inc. (8 Star), and**

B. Award the low bid contract in the amount of \$777,186.87 to 8 Star Construction, Inc. for Solid Waste Services Facility – Contract A.

Staff Resource: Michelle Haas, Engineering & Property Management

Solid Waste Services Facility – Contract A

- This contract provides for construction of a 206 space parking lot in connection with the future Solid Waste Services Facility building at Ott Street. Construction is anticipated to be completed in the fourth quarter of 2008 at which time construction will begin on Contract B.
- There will be two subsequent contracts for the administration/ready room building (Contract B) and the remaining parking lots (Contract C). Phased construction is required due to the new facility being constructed in the location of the existing Solid Waste Services Facility.

Waive Non-Compliance

- The SBO Program requires that SBO Form 3 (listing SBEs to be utilized on the project) be submitted with each construction bid.
- 8 Star submitted Form 3 with its bid, but neglected to sign and complete it.
- Subsequent to bid opening 8 Star provided letters of intent committing to utilize two SBEs in amounts over and above the established SBE goal. The dates on the letters of intent indicate that they were signed by 8 Star and the SBEs over a week prior to bid opening.
- Based on staff's investigation and the circumstances surrounding the bid opening, staff believes:
 - That 8 Star negotiated sufficient SBE commitments prior to bid opening to meet the SBE goal, but failed to list them on SBE Form 3 as submitted with its bid;
 - That 8 Star's error was minor in nature because it involved inadequate paperwork as opposed to not conducting the required SBE outreach (and that 8 Star's outreach results are independently verifiable); and
 - That 8 Star's error was inadvertent and does not reflect a lack of diligence on 8 Star's part in attempting to comply with the SBO Program.

- The SBO Program Manager approves the granting of a waiver in this instance, and requests that Council ratify this decision due to the possibility of a bid protest.

Award the Construction Contract to 8 Star Construction, Inc.

- Award the construction contract to 8 Star as the lowest bidder.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 13.30%

8 Star exceeded the SBE goal and committed 13.30% (\$103,340) of the total contract amount to the following SBE firm(s): D.E. Walker Construction Co. and Stinson Trucking, Inc.

Funding

Facilities Capital Investment Plan

60. Sale of I-277 Surplus Parcel 2 to Prada, LLC

Action: Adopt a resolution to:

- A. Accept the offer from Prada, LLC to purchase parcel 2 of the I-277 surplus property for \$145 per square foot (approximately \$23,660,485), subject to upset bid,**
- B. Instruct the City Clerk to advertise the proposed sale for upset bids in accordance with the resolutions, and**
- C. Authorize the City Manager to execute all documents necessary to complete sale of the property.**

Staff Resource: Jim Schumacher, City Manager's Office

Explanation

- Five parcels of I-277 right of way will become surplus as a result of modifications to the Caldwell Street interchange and will be deeded to the City by the North Carolina Department of Transportation.
- The sale of parcel 1 and parcel 3 was approved by the City Council on May 27, 2008, and those buyers are in the due diligence phase of their projects.
- Prada, LLC has submitted an offer and deposit to purchase parcel 2.
- Staff recommends that Council accept the Prada offer and begin the formal upset bid process. The offer includes the following terms:
 - Price of \$145 per square foot, which is the appraised value
 - A deposit of 5% of the purchase price
 - A due diligence period up to 270 days
 - Closing within 30 days of the City's receipt of deed to the parcel
- Mandatory Referral will be completed prior to the sale.

Attachment 38

Survey of Site

Resolution

61. Property Transactions

Action: Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-H).

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

Acquisitions

- A. Project:** Airport Master Plan Land
Owner(s): Jackson Park Ministries
Property Address: 4328, 4350, & 4412 Ashley Drive
Property to be acquired: 3.21 acres
Improvements: Vacant land
Purchase Price: \$151,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land or buildings with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R-17MF **Use:** Vacant Land
Tax Value: \$196,700 (entire parcel value)
Tax Code: part of 115-063-05
- B. Project:** Conway/Briabend Storm Drainage Capital Improvement Project, Parcel # 1
Owner(s): John C. Bybee
Property Address: 4209 Firwood Lane
Property to be acquired: 10,106 sq. ft. (.232 ac.) in Fee Simple (Total Take)
Improvements: House
Landscaping: None
Purchase Price: \$183,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 149-115-02
Total Parcel Tax Value: \$116,600
- C. Project:** Dorman Road Area Sanitary Sewer Outfall to McAlpine Waste Water Treatment Plant, Parcel # 5
Owner(s): Richard B. Baker
Property Address: 12716 Dorman Road
Property to be acquired: 9,137 sq. ft. (.210 ac.) in Sanitary Sewer Easement, plus 5,938 sq. ft. (.136 ac.) in Temporary Construction Easement

- Improvements:** None
Landscaping: None
Purchase Price: \$18,936
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-12
Use: Single Family Residential
Tax Code: 221-101-04
Total Parcel Tax Value: \$112,200
- D. **Project:** South Boulevard Left Turn Lane, Parcel # 3
Owner(s): K. Martin Waters, Jr. And Wife, Dorothy N. Waters
Property Address: 7833 South Boulevard
Property to be acquired: 1,294 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 1,320 sq. ft. (.030 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,125
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 173-326-01
Total Parcel Tax Value: \$416,900
- E. **Project:** Southwest Water Transmission Main Phase C, Parcel # 24
Owner(s): James F. Lomma
Property Address: 11900 Steele Creek Road
Property to be acquired: 14,492 sq. ft. (.333 ac.) in Utility Easement, plus 5,019 sq. ft. (.115 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,810
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Industrial
Tax Code: 199-141-17
Total Parcel Tax Value: \$4,010,600
- F. **Project:** Southwest Water Transmission Main Phase C, Parcel # 27
Owner(s): Thorne Group Investments, LLC
Property Address: 12200 Steele Creek Road
Property to be acquired: 18,709 sq. ft. (.429 ac.) in Utility Easement, plus 9,127 sq. ft. (.210 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,160
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2

Use: Industrial
Tax Code: 199-141-12
Total Parcel Tax Value: \$7,134,700

Condemnations

- G. Project:** Dorman Road Area Sanitary Sewer Outfall to McAlpine Waste Water Treatment Plant, Parcel # 1
Owner(s): Victoria Village, L.P. And Any Other Parties Of Interest
Property Address: 12820 Pinewell Drive
Property to be acquired: Total Combined Area of 14,895 sq. ft. (.342 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,500
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-12
Use: Multi Family
Tax Code: 221-501-05
Total Parcel Tax Value: \$9,990,300
- H. Project:** Shopton Road West Improvement, Parcel # 6
Owner(s): Darrell W. Deloach And Wife, Janet M. Deloach And Any Other Parties Of Interest
Property Address: 11536 Shopton Road West
Property to be acquired: Total Combined Area of 21,019 sq. ft. (.483 ac.) of Fee Simple, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$23,200
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-5
Use: Single Family Residential - Rural Acreage
Tax Code: 199-211-55
Total Parcel Tax Value: \$240,500

62. Meeting Minutes

<p>Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> - May 27, 2008 - May 28, 2008 Budget Workshop - June 2, 2008 - June 9, 2008 - June 16, 2008
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