

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, November 23, 2009

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

Item #	Page #	Title
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17	14	Highway 51 Intelligent Transportation System Project

CITY COUNCIL AGENDA
Monday, November 23, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. Sponsorship Policy

Resources: James Mitchell, Restructuring Government Committee Chair
Kim McMillan, Corporate Communications
Bob Hageman, City Attorney's Office

Time: 20 minutes

Synopsis

- In December 2008 City Council referred to the Restructuring Government Committee a request to review and develop a sponsorship policy for the City of Charlotte.
- The Committee reviewed current policies and guidelines related to advertising and sponsorships to include CATS, Airport and Animal Care and Control. Additionally, the Committee discussed and reviewed Mecklenburg County's sponsorship policy.
- The City Attorney's Office facilitated a discussion with the Committee on 1st Amendment Forums, government speech and significant policy issues.
- Based on Committee discussion and legal guidance, the Committee is proposing a sponsorship policy which will establish guidelines for official sponsorships by the City of Charlotte with external companies and organizations.
- The policy will be administered through the Office of Corporate Communications.

Future Action

- The proposed sponsorship policy is item 14, page 12 of this agenda.

3. Long-Term Investment Program

Resources: Greg Gaskins, Finance
David Moore, NEPC, LLC

Time: 30 minutes

Synopsis

- In July 2007 the North Carolina General Assembly granted the City's request for authority to utilize higher return investments including equities and corporate bonds.
- In December 2008 Council authorized the Long-Term Investment Program (LTIP) with investments up to \$150 million and approved an Investment Policy Statement (IPS) of investment goals, objectives, and guidelines.
- The expanded investment authorization allows matching the City's long-term liabilities with longer term assets and to earn significantly higher returns over time.
- The long-term investment strategy uses maximum diversification allowable under state statute. In light of economic and market changes, the City's investment consultant, NEPC, LLC (formerly New England Pension Consultants), reexamined the diversification strategy and recommended changes to the Investment Policy Statement.
- The IPS has been revised to include a section on roles and responsibilities consistent with best practices of the Government Finance Officers Association Committee on Retirement and Benefits Administration. These revisions establish formal oversight for the Long-Term Investment Program by designating parties with fiduciary responsibility to ensure that all aspects of the Investment Policy Statement are carried out regularly and consistently.
- NEPC and City staff have conducted investment manager searches and arranged finalist interviews with staff that resulted in the selection of seven firms to manage the portfolio.
- Initial investment for the Long-Term Investment Program is planned for January 2010.

Future Action

- The action to consider a revised Investment Policy Statement for the LTIP, as recommended by the City's investment consultant, is item 20, page 16 of this agenda.

4. Federal Legislative Strategy

Resources: Patsy Kinsey, Governmental Affairs Committee Chair
Boyd Cauble, City Manager's Office

Time: 30 minutes

Explanation and Committee Action

- Since early October, City Key Business Units and the Mayor and Council began submitting items for consideration for the FY2011 federal legislative agenda.
- On November 9 the Governmental Affairs Committee reviewed and approved a listing of projects seeking federal appropriations approval during the FY2011 appropriations process. The Committee vote was 2 to 1 (For: Kinsey and Dulin. Against: Burgess).

- Additionally, the Governmental Affairs Committee approved requesting that the federal delegation support various policy issues which could impact the City of Charlotte.
- Some items are submitted as “place holders” awaiting staff recommendations and final Council approval.
- Attached are full explanations of the following summary of proposed legislative requests.

Proposed Federal Legislative Agenda

Earmark Requests

- Transit
 - Funding for NE Corridor Preliminary Engineering - \$40,000,000
 - Support TIGER Grant for North Corridor Commuter Rail Project - \$300,000,000, contingent upon I-85/Yadkin River Bridge not being eligible
- Police
 - Priority Offenders - \$966,960
 - Emergency Communications Co-Location - \$5,000,000, contingent upon local approvals
 - Police Activities League Youth Initiative - \$260,000
 - Gang of One - \$1,050,000
 - Electronic Monitoring of Priority Offenders Under Court-Directed Probation - \$500,000
- Eastland Mall Site Flood Control Basin - \$1,000,000, contingent upon public/private development agreements
- Briar Creek Outfall - \$4,000,000

Policy Issues

- Transportation Policy Issues
 - Clearer direction about the relationship between states and urban area Metropolitan Planning Organizations
 - Direct allocation to urban areas
- Transit Policy Issues
 - Inclusion of all local priority Transit Projects in Reauthorization of the Surface Transportation Bill
 - Support for proposed changes in smaller project eligibility requirements in the Reauthorization of the Surface Transportation Bill
- Lobbying Against Mandatory Collective Bargaining for Public Safety Officers

Next Step

- Coordinate the presentation of the City’s FY2011 Legislative Agenda to the Congressional Delegation with the City’s lobbyist, Holland and Knight.

Attachment 1

Proposed FY2011 Federal Legislative Agenda
Metropolitan Transit Commission Legislative Agenda

5. 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**

**6. Presentation of Proclamation for Homeless
Awareness Month**

Action: Mayor McCrory to recognize Carson Dean, Director of the Men's Shelter and Liz Clasen-Kelly of Urban Ministries to present them with a proclamation recognizing November as Homeless Awareness Month. They will share a three minute video.

**7. Recognition of the 60th Anniversary of the Berlin
Airlift and the 20th Anniversary of the fall of the Berlin
Wall**

Action: Mayor McCrory to recognize Kurt Waldhausen, Honorary Consul for Germany, to highlight the 60th Anniversary of the Berlin Airlift and the 20-year anniversary of the fall of the Berlin Wall, including the overall unique relationship between Germany and the United States.

**8. Recognition of Mayor McCrory's Support of the
Charlotte International Cabinet**

Action: Mayor McCrory to recognize Dr. Maha Gingrich, Chair, Charlotte International Cabinet, and Alina MacNichol, Executive Director of the Charlotte International Cabinet, to present the Mayor with a token of appreciation from the Cabinet for his support during his tenure as Mayor.

CONSENT

- 9. Consent agenda items 26 through 45 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

10. Public Hearing on Resolution to Close a Residual Portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue

Action: A. Conduct a public hearing to close a residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue, and

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Paul V. Mee

Right-of-Way to be abandoned

A residual portion of Matheson Avenue and a 10-foot alleyway between Wesley Avenue and Matheson Avenue

Location

Located within the Historic North Charlotte Neighborhood Association (NoDa)

A residual portion of Matheson Avenue: A triangular shaped right-of-way beginning 200 feet southeast from Clemson Avenue, continuing approximately 30 feet southeastwardly to its terminus, and consisting of approximately 208 square feet

A 10-foot wide alleyway: Beginning at Wesley Avenue and continuing 80 feet south to its terminus at Matheson Avenue consisting of approximately 800 square feet

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner for future home expansion

Notification

In accordance with standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners,

neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

City of Charlotte – No objections

Neighborhood/Business Associations

Historic North Charlotte Neighborhood Association (Noda)- No objections

Optimist Park- No objections

Plaza Midwood Neighborhood Association- No objections

Plaza Shamrock Neighborhood Association- No objections

Villa Neighborhood Organization (Villa Heights)- No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 2

Map

Resolution

POLICY

11. City Manager's Report

12. Federal Legislative Agenda for FY2011

Action: Approve the Government Affairs Committee recommendation to adopt the Federal Legislative Agenda for FY2011.

Committee Chair: Patsy Kinsey

Staff Resource: Boyd Cauble, City Manager's Office

Explanation and Committee Action

- On July 27, 2009 the City Council directed that the 2010 Federal Legislative Agenda be considered by the current City Council.
- On November 9, the Governmental Affairs Committee reviewed and approved a listing of projects seeking federal appropriations approval during the FY2011 appropriations process. The Committee voted 2 to 1 to recommend the legislative agenda (For: Kinsey and Dulin. Against: Burgess)

Earmark Requests

- Transit
 - Funding for NE Corridor Preliminary Engineering - \$40,000,000
 - Support TIGER Grant for North Corridor Commuter Rail Project - \$300,000,000
- Police
 - Priority Offenders - \$966,960
 - Emergency Communications Co-Location - \$5,000,000
 - Police Activities League Youth Initiative - \$260,000
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 - Electronic Monitoring of Priority Offenders Under Court-Directed Probation - \$500,000
- Eastland Mall Site Flood Control Basin - \$1,000,000
- Briar Creek Outfall - \$4,000,000

Policy Issues

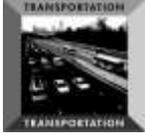
- Transportation Policy Issues
 - Clearer direction about the relationship between states and urban area Metropolitan Planning Organizations
 - Direct allocation to urban areas
- Transit Policy Issues
 - Inclusion of all local priority Transit Projects in Reauthorization of the Surface Transportation Bill
 - Support for proposed changes in smaller project eligibility requirements in the Reauthorization of the Surface Transportation Bill
- Lobbying Against Mandatory Collective Bargaining for Public Safety Officers

Next Step

- Present the FY2011 Legislative Agenda to the City's Congressional Delegation

Attachment 1

Proposed FY2011 Federal Legislative Agenda
Metropolitan Transit Commission Legislative Agenda

13. Non-System Residential Street Program

Action: Approve the Transportation Committee's recommended changes to the Non-System Residential Street Program.

Committee Chair: Anthony Foxx

Staff Resource: Phil Reiger, Transportation

Explanation

- In 1975 the City developed the Non-System Residential Street Program (NSRSP) to address many unpaved streets within the city limits that were not being maintained by the city or the state.
- In 1992 City Council expanded the policy to encourage greater use of the program.
- Recently, the Shopton Road West NSRSP project highlighted some problems with the current policy, such as:
 - A connection between the Water/Sewer Main Extension Policy and NSRSP, which required the construction of a street in order for residents to access utility services
 - High project costs
 - Unclear and out-of-date business processes
- On June 8, 2008, City Council asked staff to update and revise the City's policy for addressing sub-standard, unmaintained streets.
- The attached policy addresses the original concerns regarding Shopton Road West. It also assists with Wright Avenue residents' concerns, and they are supportive of the new policy.
- On November 9, 2009 City Council approved placing this item on the November 23 business meeting agenda.

Summary of Recommendations

- Future streets developed and designated as private are ineligible for the program.
- Provisions are included to ensure that investments made through the NSRSP meet the future demands of anticipated growth.
- The City's financial exposure is limited by requiring projects to cost under \$1 million to be eligible for the program.
- A revision to the Water/Sewer Main Extension Policy is recommended and integral to the amended NSRSP to allow for the extension of services through donated easements rather than requiring a City maintained street right of way. This revision uncouples the NSRSP and Water/Sewer Main Extension Policy and offers citizens the option to obtain water/sewer services without the burden of building a full street. The Utilities Advisory Committee voted to support the proposed changes. City Council will consider changes to the water/sewer extension policy in early 2010.

Assessments

- The proposed policy requires the use of special assessments to collect the property owners' 50% share of NSRSP projects. Special assessments

mitigate the City's financial risk and provide citizens an array of payment options.

- Property owners will be assessed based on the following.
 - 1/3 length of frontage
 - 1/3 area of parcel
 - 1/3 equal allocation among parcels

Support of Affected Property Owners

- In order to ensure affected property owners support a requested project, staff plans to implement a series of two petitions. The petition process will be consistent with existing programs requiring petitions.
- The first petition will be required before the City will design the project. The petitioner will be required to collect signatures from 60% of the affected property owners and pay a non-refundable deposit equal to 50% of the design cost.
- The second petition will be required before the City will construct the project and assess the properties. The petitioner will be required to collect signatures from 80% of the affected property owners. (State statute requires that property owners supporting the petition must represent 50% of the total frontage.)

Prioritization

- In the event that demand for NSRSP projects exceed program funding, the City will use the following criteria (in priority order) to prioritize projects:
 - Motor Vehicle and Pedestrian Safety
 - Access to Public Services (i.e. Police, Fire, Medic, SWS)
 - Cost per lot

Wright Avenue

- Wright Avenue qualifies for the revised NSRSP as proposed.
- Property owners have expressed interest in building Wright Avenue through the NSRSP.

Transportation Committee Discussion

- On September 28, 2009 the Transportation Committee reviewed staff's NSRSP recommendations in light of discussions concerning Wright Avenue.
- On October 28, 2009 the Transportation Committee voted unanimously (Burgess, Barnes, Carter) to recommend the policy revisions to City Council.
- Committee discussion centered around the percentages needed for the two required petitions. The first petition requires 60% of property owners to sign in support of designing the proposed street. The second petition requires 80% of the property owners to sign in support of the property assessment for building the street. The Committee was comfortable with 60% and 80% petition requirements after staff explained that a non-refundable deposit equal to 50% of the design cost is required from the property owners before the City will design the street.

Funding

Powell Bill Street Maintenance Fund and Transportation Capital Investment Plan

Attachment 3

Recommended NSRSP Policy

NSRSP Presentation

14. Sponsorship Policy

- The Restructuring Government Committee will meet on November 18. The Committee recommendation and agenda item will be included in the Friday, November 20 Council-Manager Memo.

15. Boards and Commissions Resolution

- The Restructuring Government Committee will meet on November 18. The Committee recommendation and agenda item will be included in the Friday, November 20 Council-Manager Memo.

16. Afro-American Cultural Center Sales Proceeds

- The Housing and Neighborhood Development Committee will meet on November 18. The Committee recommendation and agenda item will be included in the Friday, November 20 Council-Manager Memo.

BUSINESS

17. Energy Efficiency and Conservation Block Grant



Action: Approve Charlotte's Energy Efficiency and Conservation Strategy and grant application to the US Department of Energy (DOE) for \$6,530,000.

Staff Resources: Julie Burch, City Manager's Office
Rob Phocas, City Attorney's Office

Explanation

- On March 26 the City was notified that Charlotte is eligible to receive \$6.78 million in funding for the Energy Efficiency and Conservation Block Grant (EECBG).
- The funding is provided in three phases:
 - Initial funding for up to \$250,000 to develop an Energy Efficiency and Conservation Strategy and approved activities
 - Upon approval of the Strategy by Department of Energy, which is anticipated by April 2010, the City can access half of the grant - \$3,265,000 to implement the programs and activities.
 - The remaining \$3,265,000 is awarded after reporting initial results of the programs and activities in the Strategy.
- The deadline for submitting the Strategy for the EECBG Block Grant is December 4, 2009. The City must obligate the entire \$6.7 million within 18 months after notice of the initial award (August 4, 2009), and spend the entire grant within three years after notice of the initial award.
- City Council received a briefing on the Strategy on November 9, and a public meeting was held on November 12. Approximately 35 people attended the public meeting. Comments about the City's strategy were positive, including support for weatherization and neighborhood initiatives, electric vehicles, and business and partnership opportunities presented by the grant.
- There are 18 projects in the recommended Strategy, which fall into the following categories:
 - Energy Investments in Revitalization Areas
 - Neighborhood Energy Challenge
 - Catalyst Projects
 - Air Quality Specific Projects
 - Public Building Energy Efficiency
 - Energy Strategy Implementation
- DOE's stated purposes for the EECBG program is to create and implement strategies in a community that:
 - Reduce fossil fuel emissions
 - Reduce total energy use
 - Improve Energy Efficiency
- DOE encourages communities to develop many different, new and innovative approaches to meet these purposes within their eligible activities.
- The proposed 18 projects demonstrate leadership and a commitment to the EECBG purpose through the implementation of new and innovative approaches and technologies. Through outreach to citizens and local businesses who wanted to learn more and participate in energy efficiency, these projects have been developed with the intent of meeting DOE's

purposes and serving as demonstrations that can be repeated and duplicated throughout the community to transform Charlotte's energy practices.

- City Council requested additional information on the projects which is included in the attached revised and updated project summaries and Q&A document.

Attachment 4

Proposed EECBG Energy Strategy – Revised and Updated November 18, 2009
Q&As – November 9 Council Dinner Briefing
Summary of EECBG November 12 Public Meeting Comments

18. Highway 51 Intelligent Transportation System Project



Action: Award the low bid of \$629,361.57 to Whiting Construction Company for the construction of the Highway 51 Intelligent Transportation System Project.

Staff Resource: Debbie Self, Transportation

Explanation

- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions. Fiber optic cabling combined with traffic management cameras, dynamic message signs, highway advisory radio and other traffic information devices creates an Intelligent Transportation System (ITS).
- The Highway 51 ITS Project includes approximately 13 miles of fiber optic cable along Pineville-Matthews Road (NC 51) from Johnston Road to Elizabeth Lane and along Providence Road from Pineville-Matthews Road to High Ridge Road.
- The project also includes 17 traffic management cameras along Pineville-Matthews Road and Providence Road.
- In addition to providing enhanced communication to the traffic signals along Pineville-Matthews Road, the Highway 51 project provides a critical link to connect the traffic signal systems on Ardrey Kell Road, Ballantyne Commons Parkway and Johnston Road to the central traffic management center.
- Pursuant to Council questions at the October 12, 2009 meeting, staff has confirmed that NCDOT will not allow any modifications or substitutions of the Highway 51 ITS project because deadlines obligating federal funds have already passed.

Funding

- The City secured a federal ITS grant in the amount of \$4 million in Federal Highway Administration (FHWA) funds through the American Recovery and Reinvestment Act of 2009. The grant will be administered by NCDOT through a municipal agreement.
- The municipal agreement was approved by City Council on July 27, 2009.
- The \$4 million grant is divided into four parts as follows:
 - Part A: Migration to Ethernet/IP Communication and Digital Video Conversion
 - Part B: Highway 51 ITS Project

- Part C: Trade Street/Beatties Ford Road ITS Project
- Part D: University Area ITS Project
- City Council approved Part A on October 12, 2009.
- City Council is being asked to approve Part B with this action.
- City Council will be asked to approve Parts C and D at the December 14, 2009 meeting.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 8.0%

Committed DBE Goal: 8.1%

Whiting Construction Co. committed 8.1% (\$51,008.50) of the total contract amount to the following DBE firm: Utility Coordination Consultants, Inc.

Funding

American Recovery and Reinvestment Act of 2009

19. Lake Norman Transportation Commission Funding Request

- Action:**
- A. Consider a Request from the Lake Norman Transportation Commission to Fund a Portion of an Urban Land Institute (ULI) study of the North Commuter Rail line and the Need for Expanded Interstate Highways in an Amount Not to Exceed \$10,000, and**
 - B. Adopt a budget ordinance, if appropriate, providing \$10,000 from Council's Discretionary Account.**

Explanation

- The mission of the Lake Norman Transportation Commission (LNTC) is as follows:
"Unite the lake towns of Huntersville, Cornelius, Davidson and Mooresville to advocate and persuade local, state and federal officials to give high priority to needed road, interstate and commuter rail improvements which facilitate the quality of life in the Lake Norman area and provide the vital infrastructure for continued economic growth."
- The LNTC is convening a Urban Land Institute panel on January 25-28, 2010 at a cost of \$85,000.
- The purpose of the panel includes the following:
 - Assess and project economic potential
 - Evaluate need for expanded interstates and the commuter rail system
 - Calculate economic investment/jobs which would occur based on sound infrastructure
 - Summarize public/private infrastructure financing being used in the United States
 - Provider underwriters with a visionary case study for use with citizens and clients
- The towns of Cornelius, Davidson, Huntersville and Mooresville have committed up to \$10,000 each. CATS has also committed \$10,000.
- The LNTC has also requested funding from private sector interests in north Mecklenburg.
- The LNTC has requested that the City of Charlotte, Mecklenburg County and Iredell County also contribute toward the cost of the study. The

request per jurisdiction is a not to exceed amount of \$10,000. The public share of the cost will be reduced according to the private sector participation in the project.

Funding

- If Council chooses to participate in the funding of the project, the recommended funding source is the Council Discretionary Account, the balance of which is currently \$65,668.

Attachment 5

Letter of Request
Budget Ordinance

20. Long-Term Investment Program

- Action:**
- A. Approve a revised Investment Policy Statement for the Long-Term Investment Program, as recommended by the City's investment consultant, NEPC, LLC, and**
 - B. Authorize the City Manager or his designee to execute contracts with investment management firms to implement the investment strategy.**

Staff Resources: Greg Gaskins, Finance
David Moore, NEPC, LLC

Background

- On July 19, 2007 the North Carolina General Assembly granted the City's request for authority to utilize higher return investments including equities and corporate bonds.
- On December 8, 2008 Council authorized:
 - The Long-Term Investment Program to increase earnings on long-term capital reserves
 - Up to a \$150 million to be transferred from the City investment pool to the Long-Term Investment Program (approximately 10% of City investments)
 - A contract with NEPC, LLC (formerly New England Pension Consultants) as Investment Consultant for the Long-Term Investment Program
 - An Investment Policy Statement (IPS) of goals, objectives, and guidelines for the Long-Term Investment Program developed by NEPC and City staff
 - A contract with Regions Bank as Custodian for the Long-Term Investment Program
 - Director of Finance authorized to approve additional documents necessary to implement the Long-Term Investment Program

Explanation

- Since program adoption, NEPC and City staff interviewed 15 investment management firms resulting in the selection of seven firms to manage the portfolio.
- In light of economic and market changes, NEPC reexamined the diversification strategy for the Long-Term Investment Program and recommended revisions

- This action adopts revisions to the Long-Term Investment Program's Investment Policy Statement to include a section on roles and responsibilities consistent with best practices of the Government Finance Officers Association Committee on Retirement and Benefits Administration. These revisions establish formal oversight for the Long-Term Investment Program by designating parties with fiduciary responsibility to ensure that all aspects of the Investment Policy Statement are carried out regularly and consistently. This revised Investment Policy Statement, with an accompanying letter of recommendation from NEPC, is attached.
- Upon approval of this action, City staff will begin investing under this program in January 2010
- The City Manager or his designee will execute contracts with investment management firms to implement this strategy. Management fees are based on a percentage of the assets invested as stipulated in each contract. Annual fees for each manager are expected to range from \$125,000 to \$275,000 and paid out of assets (generally investment income). Fees are competitive and in line with the industry standards.
- The anticipated initial group of managers include: Artio Global Management, Evergreen Investment Management, IronBridge Capital Management, Mondrian Investment Partners, Pacific Investment Management (PIMCO), Rainier Investment Management and Rothschild Asset Management.
- Each firm will be evaluated on performance per the investment policy statement and are subject to replacement.
- This action intends to grant the City Manager the authority to contract with the initial firms as well as any additional or replacement firms as the program requires.

Funding

Long-Term Investment Program

Attachment 6

Revised Investment Policy Statement with cover letter

21. Weed and Seed Grant

- Action: A. Accept a grant award of \$142,000 in federal funds for the fifth year of the Weed and Seed Initiative, and**
- B. Adopt a budget ordinance appropriating the \$142,000 grant.**

Staff Resources: Tom Warshauer, Neighborhood & Business Services
Kim Barnes, Weed and Seed Site Coordinator
Kerr Putney, Police

Explanation

- On August 27, 2009 the U.S. Department of Justice awarded the City of Charlotte a Weed and Seed Grant in the amount of \$142,000. This award represents the final year of funding for the current Weed and Seed grant.
- The initiative targets the Central Avenue Corridor, between Briar Creek Road and Eastland Mall, and the West Boulevard Corridor, between West and Wilkinson Boulevards (see attached map).

- The West Boulevard Corridor will receive 25% (\$35,500) of the grant award to continue Weed and Seed initiatives along the West Boulevard Corridor and the remaining 75% (\$106,500) will be used to continue Weed and Seed initiatives along the Central Avenue Corridor.

Weed and Seed Goals and Administration

- The Weed and Seed strategy is a multi-agency approach to law enforcement, crime prevention and community revitalization. This strategy involves a two-pronged approach: law enforcement and prosecutors cooperate in “weeding out” the negative community influences and “seeding” the community with prevention, intervention, treatment and neighborhood revitalization services.
- The Weed and Seed Initiative represents a collaborative effort among the U.S. Justice Department, the Charlotte-Mecklenburg Police Department and Neighborhood & Business Services.
- The Weed and Seed Program goals are to:
 - Reduce armed robberies
 - Expand awareness and access to community policing efforts
 - Decrease truancy through school-based truancy programs
 - Raise awareness in the international community of existing social services
 - Improve relations among residents and diverse populations
 - Support programming that educates and empowers residents along the corridor
- The Weed and Seed Initiative is operated by the Neighborhood & Business Services Key Business and staffed by two full-time temporary employees, funded through the grant.
- A Steering Committee comprised of residents and business owners along the Central Avenue and West Blvd Corridors will continue working with the City to implement the program (see attached list).

Results

West Boulevard Corridor

- In 1998 the Charlotte Weed and Seed Initiative began in the West Boulevard Corridor and received total funding of \$980,000 to support Weed and Seed Initiatives along the West Boulevard Corridor.
- The Charlotte Weed and Seed Strategy initially targeted nine neighborhoods along the West Boulevard Corridor.
- The “weeding” activities yielded a 57% reduction in the overall crime rate along the West Boulevard Corridor. Activities included targeting drug activity hot spots, closing nuisance locations and bike patrols to reduce property crimes.
- The “seeding” activities included employment training, drug intervention and treatment programs, nuisance abatement and youth enrichment opportunities.

Central Avenue Corridor

- The City of Charlotte has received \$750,000 since 2005 to support the Weed and Seed Initiative along the Central Avenue corridor.
- The “weeding” activities along Central Avenue have yielded a 45% reduction in robberies.
- Some of the “seeding” accomplishments have included:
 - 50% decrease in unexcused absences among students completing the Truancy Intervention and Prevention program.
 - Conducted 18 neighborhood resource fairs in which over 2,000 residents participated. These festivals increased residents’ awareness of community resources, community policing and promoted cultural

- diversity along the Central Avenue Corridor. The festivals also promoted the importance of education, reading and family time.
- Created and distributed 1,575 neighborhood resource guides to residents providing information on prevention, intervention, and neighborhood restoration programs along the targeted area.
 - Results of service contractors supported by Weed and Seed funding:
 - o Latin American Coalition – Provided business counseling to 25 Latino business owners along Central Avenue to ensure the sustainability of small businesses as a part of the neighborhood restoration goal.
 - o Girls Scouts - Recruited 180 girls to participate in troops in targeted areas. Girls learned about self-esteem, participated in community services projects, and learned the importance of community awareness.
 - o Substance Abuse Prevention Services - Provided prevention services to 1,000 residents along Central Avenue Corridor through the Lights in the Community program.
 - o Anuvia - Provided substance abuse awareness to over 80 Latino youth through Too Good for Drugs curriculum.
 - o Jacob's Ladder - Served over 100 residents, providing resume writing, and interviewing and employability skills.
 - o Center for Community Transitions - Provided support to families who have incarcerated family members.
 - o Epic International - Served as a Safe Haven to the target area, serving the communities youth, seniors and families. Epic provided food to 7,344 residents in need along the Central Avenue Corridor. Also provided ESL classes, parenting classes, and pre-employment training to 24 residents. Epic International made 6,000 referrals for service for clients.

Next Grant Application

- Police has identified the Farm Pond Area as the next Weed and Seed site due to criminal activity and the ability to leverage existing public and private resources.
- The selection of the Farm Pond area will also complement the City's efforts to revitalize the area around Eastland Mall as well as the current Weed and Seed efforts along the Central Avenue Corridor.
- The Weed and Seed process requires a significant amount of community organization, including the formation of a steering committee and developing partnerships that serve as the in-kind match for grant funds, prior to submission of the grant application. Staff will begin that work in January 2010 with the goal of applying for the funds by December 1, 2010.

Funding

U.S. Justice Department Weed and Seed Grant

Attachment 7

Map of Weed and Seed Areas (Central Avenue Corridor and West Boulevard Corridor)

Weed and Seed Steering Committee

Budget Ordinance

22. VW Beagle at Freedom Drive and Morehead Street

- This item will be included in the Friday, November 20 Council-Manager Memo.

23. Appointments to Boards and Commissions

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

A. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2010
 - Madelyn Baer nominated by Council member Foxx
 - Beverly Grant-Turner nominated by Council members Cooksey and Peacock

Attachment 8

Applications

B. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending March 1, 2011
 - Geoffrey Owen nominated by Council members Barnes, Burgess, Foxx and Kinsey
 - Thomas Turner nominated by Council members Lassiter and Peacock

Attachment 9

Applications

C. TREE ADVISORY COMMISSION

- One appointment for a three year term beginning December 14, 2009
 - Oliver Sharman nominated by Council member Carter
 - Susan Tompkins nominated by Council members Barnes, Dulin, Foxx, Kinsey, Peacock and Turner
 - Kerry Allen Watts nominated by Council members Cooksey and Lassiter

Attachment 10

Applications

24. Mayor and Council Topics

Council members may share information and raise topics for discussion.

25. Closed Session

Action: Adopt a motion to go into closed session pursuant to:

- 1. NCGS 143-318.11(a)(4) 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**
- 2. NCGS 143-318.11(a)(6) to consider competence, performance, character, fitness, compensation and other conditions of employment of the City Attorney.**

CONSENT

Introduction to CONSENT

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

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy. Price lists for unit price contracts are available upon request.

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

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

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

Contractors and Consultants

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

CONSENT I

26. Various Bids

A. Sanitary Sewer Line Cleaning

CMU

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$270,240.08 by Performance Contracting, Inc. This project includes cleaning approximately 346,000 linear feet of sewer lines in areas with historically high numbers of sewer overflows, and video inspection of 20% (70,000 linear feet) of the lines for quality assurance and pipeline assessment.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 5.00%

Performance Contracting, Inc. exceeded the SBE goal and committed 5.00% (\$13,515) of the total contract amount to: Jaamco Drain Cleaning & Video Inspection, Inc.

B. Street Main Extensions FY2010 Contract A **CMU**

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$1,131,262.80 by Davis Grading, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County. The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.00%

Davis Grading, Inc. met the SBE goal and committed 5.00% (\$56,567.50) of the total contract amount to the following SBE firms: Boyle Consulting Engineers, MTC Consultants, Jaamco Drain Cleaning & Video Inspection, Inc. and Dallas 1 Construction.

C. Street Main Extensions FY10 Contract B **CMU**

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$1,258,512.80 by Davis Grading, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County. The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.00%

Davis Grading, Inc. met the SBE goal and committed 5.00% (\$62,930.50) of the total contract amount to the following SBE firms: Boyle Consulting Engineers, MTC Consultants, Jaamco Drain Cleaning & Video Inspection, Inc. and Dallas 1 Construction.

D. Pump Replacement Parts **CMU**

Staff Resource: Doug Bean, Utilities

Action

Award the low unit price contract to Pete Duty & Associates for replacement pump parts in the estimated amount of \$50,661 for the term of one year and authorize the City Manager to renew up

to two additional one-year terms with possible price adjustments annually as authorized by the contract.

The parts consist of four different types: suction plate, impeller, volute, and rotating pump assemblies. These items will be purchased on an as-needed basis for use in lift stations throughout Mecklenburg County.

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. Airport Maintenance Shop Office Phase IV Aviation

Staff Resource: Jerry Orr, Aviation

Action

Award the low bid contract with Edison Foard, Inc. in the amount of \$298,500 for the renovation of office space. In December 2004 the Airport acquired a vacant 121,640 square foot "big box" building on Wilkinson Boulevard. In September 2008 City Council approved a design contract with C Design for the renovation of 4,500 square feet of office and support space in the building. This construction contract will provide facilities for the Airport's Development and Accounting divisions and permit a relocation of additional Airport personnel from the terminal building.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 2.17%

Edison Foard, Inc. failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 2.17% (\$6,500) of the total contract amount to the following SBE firm: Carolina Demolition LLC.

F. Airport Janitorial Contract Aviation

Staff Resource: Jerry Orr, Aviation

Action

Award the low bid service contract, not to exceed \$16,883,156.10, by Sunshine Cleaning Services, Inc. for janitorial services to be paid on a unit cost basis in a total amount not to exceed \$16,883,156.10 for a three year period and authorize the City Manager to execute up to two, one-year extensions.

The contractor will be responsible for providing all personnel management, supervision, equipment and janitorial supplies necessary to perform cleaning tasks. The contract sets the cleaning specifications, performance standards, the equipment and number of cleaners required per shift. These bid amounts are fixed for the term of the contract.

Small Business Opportunity

The City negotiated an SBE goal for this service contract after the bid process (Part C: Section 2.2 of the SBO Policy). Sunshine Cleaning committed 11.70% (\$1,975,329) to the following SBE firms: GDC Supplies and The Professional Mgt Group.

G. Fred D. Alexander Boulevard, Section C**EPM**

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Action

Award the low bid of \$3,241,488.75 by Blythe Development, Inc.

Section C is the third of three sections of work to construct Fred D. Alexander Boulevard from Freedom Drive to Brookshire Boulevard. This section includes approximately 4,800 feet of four-lane median-divided roadway, sidewalk, bicycle lanes, erosion control, grading, drainage, electrical pull boxes and conduit, concrete paving and related work.

Construction contract of Section B2, from Freedom Drive to Old Mount Holly Road, was awarded by Council on October 12, 2009, and is scheduled for completion the fourth quarter of 2011. Section B-1, from Old Mount Holly Road to Valleydale Road, is currently under construction. Section C, from Valleydale Road to Brookshire Boulevard, is scheduled for completion by the 4th quarter of 2011. Funding to complete these sections of Fred D. Alexander Boulevard was included in the 2008 Transportation Bonds.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 10.47%

Blythe Development committed 10.47% (\$339,514.54) of the total contract amount to the following SBE firms: Express Logistics, Major Contractors, Bullington Construction, MUGO Gravel & Grading, Absolute Business Connections, and Landmark Materials.

27. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 3314 Cedarhurst Drive (Neighborhood Statistical Area 41 – Derita/Statesville Neighborhood)

Complaint:

- B. 3639 Barringer Drive (Neighborhood Statistical Area 1 – Clanton Park/Roseland Neighborhood)

Field Observation:

- C. 634 E & F Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood)
- D. 1809 Camp Greene Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- E. 2315 Celia Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- F. 5211-29 Elcar Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- G. 3109 Florida Avenue (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood)
- H. 2443 & 2443-1 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- I. 1524 Merriman Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood)
- J. 2840 Ridge Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- K. 2224/26 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- L. 423 Solomon Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)

Public Safety:

A. 3314 Cedarhurst Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3314 Cedarhurst Drive (Neighborhood Statistical Area 41 – Derita/Statesville Neighborhood).

Attachment 11

Complaint:

B. 3639 Barringer Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3639 Barringer Drive (Neighborhood Statistical Area 1 – Clanton Park/Roseland Neighborhood).

Attachment 12

Field Observation:

C. 634 E & F Billingsley Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 634 E & F Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).

Attachment 13

D. 1809 Camp Greene Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1809 Camp Greene Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 14

E. 2315 Celia Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2315 Celia Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 15

F. 5211-29 Elcar Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5211-29 Elcar Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).

Attachment 16

G. 3109 Florida Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3109 Florida Avenue (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

Attachment 17

H. 2443 & 2443-1 Marlowe Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2443 & 2443-1 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 18

I. 1524 Merriman Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1524 Merriman Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

Attachment 19

J. 2840 Ridge Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2840 Ridge Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 20

K. 2224/26 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2224/26 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 21

L. 423 Solomon Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 423 Solomon Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 22

CONSENT II

28. NASCAR Hall of Fame Exhibit Contracts

- Action:**
- A. Approve a License Agreement with NASCAR Media Group, L.L.C. related to video footage for Hall of Fame exhibits,**
 - B. Approve an amendment for \$300,000 with Ralph Appelbaum Associates, Inc. for exhibit design services and the addition of the NMG License Agreement, and**
 - C. Approve an amendment for \$150,000 with Electrosonic, Inc. for audio-visual system components and installation for exhibits.**

Staff Resource: Jim Schumacher, City Manager's Office

A. License Agreement with NASCAR Media Group, L.L.C. (NMG)

- NMG is working as a subcontractor to Appelbaum to create video footage that will be used in exhibits.
- City contracts normally provide that all work product and intellectual property rights associated with the work product is owned by the City. Since NMG will be using video and film from its archives, it is necessary to clarify with this agreement that the City will own the videos produced for the Hall of Fame, but will not acquire any rights to the original materials.
- Appelbaum is supervising NMG's exhibit work and pays NMG from funds incorporated into the Appelbaum contract in September 2008.

B. Amendment with Ralph Appelbaum Associates, Inc. (RAA)

- Ralph Appelbaum Associates, Inc. is the exhibit design firm.
- The City Council approved the initial contract with RAA in December 2006 for \$3,740,000.
- On September 22, 2008 the City Council approved an amendment for \$4,132,245 with RAA for design of expanded exhibits and for media production, bringing the contract total to \$8,172,245.
- This amendment will move \$300,000 of existing exhibit contingency funds into the RAA contract for subcontractors and contingency items, bringing the contract total to \$8,472,245.
- The action also amends the RAA contract to incorporate the NMG License Agreement related to intellectual property rights.

C. Amendment with Electrosonic, Inc.

- Electrosonic, Inc. is the firm providing audio and video equipment for the exhibits.
- On April 13, 2009 the City Council approved the contract with Electrosonic in April 2009 for \$6,652,859.
- This amendment will move \$150,000 of existing exhibit contingency funds into the Electrosonic contract for equipment spare parts and other contingency items, bringing the total to \$6,802,859.
- With these two amendments, the remaining exhibit contingency will be approximately \$90,000.

Small Business OpportunityContract with Ralph Appelbaum Associates, Inc.

All additional work involved in this amendment will be performed by the current consultant, Ralph Appelbaum Associates and their existing subconsultants.

Contract with Electrosonic, Inc.

All additional work involved in this amendment will be performed by the current consultant, Electrosonic, Inc. and their existing subconsultants.

Funding

Project Contingency, NHOF Capital Investment Plan

29. Prosperity Church Road Interchange/Interstate 485 Connectivity Municipal Agreement

Action: Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Interstate 485 Connectivity/Prosperity Church Road Interchange Improvement Project in the amount of \$7,100,000.

Staff Resources: Danny Pleasant, Transportation
Andy Grzymiski, Transportation

Explanation

- The municipal agreement authorizes payment of \$7,100,000 to NCDOT for changes to the Prosperity Church Road/I-485 interchange and a major collector crossing. The funds are appropriated in the Transportation Capital Investment Plan (Participation in State Roadway Projects and Connectivity).
- Due to the accelerated I-485 funding schedule announced by Governor Perdue, the NCDOT has requested the municipal agreement to formalize the City's funding commitment. With this approval, right-of-way acquisition for the Prosperity Church Road interchange can begin.
- The NCDOT's engineers cost estimate for the remaining I-485 segment is \$185 million, which includes the City's payment of \$7.1 million for connectivity and interchange improvements.

Prosperity Church Road Interchange

- In 1999 the Mecklenburg County Board of Commissioners adopted a land use and urban design plan for the Prosperity Church Road Villages. In that same year, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) adopted the recommendations of the I-485 Interchange Analysis that called for three bridge crossings over I-485 in the vicinity of Prosperity Church Road to establish a grid pattern street network (see attachment).
- This plan was undertaken to implement a recommendation of the Northeast District Plan that a compact, pedestrian-oriented mixed use village be developed at the proposed interchange.
- In 2001 MUMPO asked NCDOT to construct the I-485/Prosperity Church Road interchange as a split diamond interchange (to enhance the grid

network) instead of a simple diamond as identified in the recommendations from the 1999 studies (see attachment).

- City staff has been working with NCDOT to calculate the supplemental funding needed to cover the added cost of constructing the split diamond interchange. The difference of \$4.7 million includes the cost of additional environmental work and a credit for right of way savings as well as the cost for structural changes.
- The project was included in the FY2003 Transportation Capital Investment Plan.
- Since that time, the City Council has approved seven rezoning cases consistent with the Prosperity Church Road Villages Lane Use Plan.

I-485 Connectivity

- The City also requested NCDOT to construct a major collector crossing on I-485 between the Prosperity Church Road and Mallard Creek Road interchanges to allow for a future north-south connector street between Ridge Road and Johnston-Oehler Road (see attachment). This crossing is identified on the Council approved major collector map.
- Two public meetings to receive neighborhood comments and input about this connector road were held in October 2008. The response was overwhelmingly positive.
- The connector road is proposed to travel underneath I-485. Constructing the bridges now would avoid future cost and traffic disruption to I-485.
- NCDOT has estimated this cost to be \$2,400,000. Funding has been included in the Participation in State Roadway Projects and Street Connectivity Capital Investment Plan accounts for this project.
- The connector road is expected to be built partially by the City and partially through future land-development activity. It will also connect with a proposed service road that NCDOT will build parallel to I-485, which will provide important east-west connectivity.

Funding

Transportation Capital Investment Plan

Attachment 23

Resolution

Area map

Prosperity Church Road/I-485 Interchange Chronology

I-485 Crossing Background

30. Voluntary Annexation Public Hearing Date

Action: Adopt resolutions setting public hearings for December 14, 2009 for Reedy Creek Elementary School and the Steele Creek Road School site petitions for voluntary annexation.

Staff Resource: Bryman Suttle, Planning

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- Two voluntary annexation petitions have been received for properties in Charlotte's extraterritorial jurisdiction immediately outside the current City limits.
- The petitioner is Charlotte-Mecklenburg Schools.
- Properties are:
 - 10801 Plaza Road Extension and
 - Three parcels (identification numbers 219-09-104, 219-09-105, and 219-09-105) located in the 16000 block of Steele Creek Road
- The 26 acre Plaza Road Extension property is improved with an elementary school. The 30.5 acre Steele Creek Road property is vacant and is planned for a future middle school.
- Both petitioned properties share boundaries with current City limits, and are both located within Charlotte's extraterritorial jurisdiction.
- Public hearings are required prior to City Council taking action on annexation requests.
- The purpose of the required public hearings is to obtain public input on the requested voluntary annexations.
- The resolution sets Monday December 14, 2009 as the date for public hearings on the voluntary annexations.

Consistency with City Council Policies

- Consistent with City Council voluntary annexation policies adopted on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not have undue negative impact on City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Attachment 24

Resolutions

Maps

31. Professional Design Services for Utility Projects within NCDOT Projects

Action: Approve a professional services contract with Hinde Engineering, Inc., in the amount of \$806,650, for design of water and sewer projects within NCDOT projects.

Staff Resource: Doug Bean, Utilities

Explanation

- This contract provides for professional engineering services on an as-needed basis, for design of water and sewer infrastructure within NCDOT roadway projects.
- NCDOT will reimburse the City for a portion of the total contract amount (\$206,650) for relocation design services associated with an I-485 project.
- Hinde Engineering was selected using the Council approved selection process, based on their prior experience and expertise with the inspection and design of all aspects of utility engineering.

Small Business Opportunity

For service-based contracts, the City negotiates SBE commitments after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Hinde Engineering, Inc. committed 5.00% (\$40,333) of the total contract amount to the following SBE firms: Lyon's Utility Locating, and Barry D. Davis Surveying. Hinde Engineering is also an SBE.

Funding

Utilities Capital Investment Plan

32. Miscellaneous Pipe Fitting Supplies

Action:

- A. Approve the purchase of pipe fitting supplies, as authorized by the previously bid or "piggybacking" exception of N.C.G.S. 143-129(g),**
- B. Approve a contract with HD Waterworks Supply for the purchase of pipe fitting supplies in the estimated annual amount of \$500,000 for the term of three years, and**
- C. Authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Doug Bean, Utilities

Piggybacking Exception

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.

- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.

Explanation

- Utilities uses hundreds of various size pipe fittings, clamps and related items to maintain and repair more than 8,000 miles of pipe, 70 pump stations and 13,000 hydrants.
- Bextar Texas Metropolitan Water District competitively solicited pipe fitting supplies and awarded a contract to the lowest responsive bidder, HD Waterworks Supply, on August 24, 2009.
- HD Waterworks Supply is a nationwide firm, with 265 locations, including Charlotte. Currently Utilities has contracts with HD Waterworks Supply for water meter valves and various types of brass fittings.
- Bextar's contract was selected because it included all of the items needed by Utilities' Field Operations Division.

Small Business Opportunity

Piggybacking contracts are exempt from the SBO Program (Appendix Section 23.2 of the SBO Policy).

Funding

Utilities Operating Budget

33. Police Providence Division Station Design Services

Action: Approve a contract with Creech & Associates, PLLC for \$379,500 for architectural services to design a new office facility for the Police Providence Division.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- Creech & Associates was selected to design the new division station for the Charlotte-Mecklenburg Police Department Providence Division.
- The facility will be approximately 12,500 square feet and will include office space, parking areas and landscaping.
- The Division Station will be located at Wendover Road and Ellington Avenue. This location is highly visible and easily accessible for citizens. It will be a positive new element in the Grier Heights neighborhood.
- The chosen firm was selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.

Sustainable Facility Decisions

- The facility will be designed and constructed in accordance with the Policy for Sustainable City Facilities which was adopted by City Council in September 2009. This is the first RCA to include this summary of policy implications for a facility.
- The following chart summarizes the facility-specific planning-phase goals which support the City's Sustainability Priorities defined in the policy.

Sustainability Priorities	Facility-Specific Planning-Phase Goals
Preserve Land & Trees	<ul style="list-style-type: none"> ▪ Selected site is a redevelopment site ▪ Facility will fit into neighborhood context
Conserve Clean Water Resources	<ul style="list-style-type: none"> ▪ Indoor water usage 20% below State Code requirement ▪ Outdoor water usage 50% below State Code requirement
Reduce Energy Use & Carbon Footprint	<ul style="list-style-type: none"> ▪ Energy consumption 30% below ASHRAE requirement ▪ Utilize insulated concrete form (ICF) exterior wall system for increased insulation ▪ Utilize solar water heating
Maximize Transportation Alternatives	<ul style="list-style-type: none"> ▪ Location provides excellent access to existing bus routes ▪ Facility will include bicycle rack
Lead by Example & Encourage Local Sustainable Industry	<ul style="list-style-type: none"> ▪ Utilize geothermal heating and cooling system (funded through Energy Efficiency & Conservation Block Grant)
Protect Occupant Health, Maximize Productivity & Encourage Sustainable Employee Behaviors	<ul style="list-style-type: none"> ▪ Finishes with low or no Volatile Organic Compounds ▪ Integrated daylight system for office environment ▪ Recycling locations

- The facility will be designed so that it can earn at least 40 of 100 LEED points, qualifying the facility for LEED basic certification. The decision whether to pursue certification will be made at a later time.
- Sustainability goals will be achieved through facility design that balances cost and station functionality. Projections regarding costs and benefits will be calculated during the design phase.

Small Business Opportunity

The City negotiated a SBE goal with Creech & Associates, PLLC after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) Creech & Associates, PLLC committed 11.86% (\$45,000) of the total contract amount to the following SBE firm: Engineering Design Collaborative.

Funding

Government Facilities Capital Investment Plan

34. Seigle Avenue Streetscape Pedestrian Lighting Payment

Action: Approve payment to Duke Energy in the amount of \$127,202.26 for the installation of 28 pedestrian scale lights on the Seigle Avenue Streetscape Project as authorized by the sole source exception of N.C.G.S. 143-129(e)(6).

Staff Resource: Keith Carpenter, Engineering & Property Management

Sole Source Exception

- Duke Energy will provide the materials and installation through a Sole Source Exception.

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

Explanation

- The Seigle Avenue Streetscape Project includes the installation of 28 pedestrian scale lights at selected intersections between 10th Street and Parkwood Avenue. This work is part of the original project budget.
- Because pedestrian and street lighting are excluded from the Duke Power Overhead Relocation Agreement, it is routine practice to obtain Council approval for pedestrian and street lighting for City projects. The one-time cost presented here for approval does not cover maintenance and energy usage, which is paid monthly by Charlotte Department of Transportation in accordance with its Duke Power Lighting Agreement for all City pedestrian and street lights.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan

35. Shopping Center Drive Engineering Services

Action: Approve a contract with PB Americas, Inc. in the amount of \$950,000 for engineering services for the Shopping Center Drive Project.

Staff Resources: Kruti Desai, Engineering & Property Management
Matt Magnasco, Transportation

Explanation

- This major roadway transportation project will create a new street from IKEA Boulevard to IBM Drive, with a new bridge over I-85. It will be located between Harris Boulevard and City Boulevard.
- The intent of this project is to provide east-west connectivity between the University Research Park, Belgate-IKEA developments and the CATS Blue Line Extension on North Tryon Street, as determined by the feasibility study performed by Kimley-Horn and Associates, Inc. in May 2008.
- The developers of Belgate and the new Walmart on North Tryon Street are required to construct the segment of Shopping Center Drive from North Tryon Street to IKEA Boulevard. A portion of this has already been completed.
- The University City Area Plan recommends this project.
- This project will include considerable involvement with NCDOT, Federal Highway Administration, CMS, waterway/environmental regulatory agencies and public stakeholders.

- PB Americas was selected pursuant to a competitive, qualifications-based solicitation conducted in accordance with NC General Statutes. Qualification packages from ten prospective firms were evaluated.
- This project is currently funded for planning, design and partial right-of-way acquisition. Funding for the remainder of right-of-way acquisition and construction is proposed for the 2012 bond.

Small Business Opportunity

The City negotiated an SBE goal with PB Americas, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) PB Americas, Inc. committed 9.43% (\$89,600) to the following SBE firm: Boyle Consulting Engineers, PLLC.

Funding

Transportation Capital Investment Plan

36. U.S. Communities Cooperative Purchasing Agreements

- Action: A. Approve the following U.S. Communities Cooperative Purchasing Agreements as citywide contracts, using the cooperative purchasing exception of N.C.G.S. 143-129(e)(3):**
- 1. Approve a contract with Graybar for the purchase of electrical supplies in the estimated annual amount of \$1,000,000 for the term of three years,**
 - 2. Approve a contract with Home Depot for the purchase of maintenance, repair and operating supplies in the estimated annual amount of \$500,000 for the term of three years,**
 - 3. Approve a contract with GTSI for the purchase of technology products and services in the estimated annual amount of \$2,000,000 for the term of three years,**
 - 4. Approve a contract with Zep for the purchase of janitorial cleaning supplies in the estimated annual amount of \$150,000 for the term of three years,**
 - 5. Approve a contract with Knoll for the purchase of furniture in the estimated annual amount of \$1,000,000 for the term of three years,**
 - 6. Approve a contract with Herman Miller for the purchase of furniture in the estimated annual amount of \$1,000,000 for the term of three years, and**
- B. Authorize the City Manager to extend the contracts for two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Internal Audit Recommendation to Consolidate Contracts

- At the City Manager's request, Internal Audit conducted an overall review of the City's procurement policies and practices and presented its findings to Council in May 2008. Pursuant to Internal Audit's findings and recommendations, Business Support Services, Procurement Services Division identified opportunities to consolidate citywide expenditures for electrical supplies, maintenance, repair and operating supplies, technology products and services, cleaning supplies, and furniture to achieve overall cost savings to the City.

Explanation

- Throughout the fiscal year, Key Business Units routinely request Council approval for individual expenditures of the identified products using available cooperative purchasing agreements offered through U.S. Communities Purchasing Alliance.
- A large percentage of the City's furniture for new facilities (i.e. CMPD Metro Division, CMPD North Tryon Division, Solid Waste Facility), and

other large projects that exceed \$100,000, such as renovation of City Hall, relocation of Human Resources, and 311 are purchased from Knoll or Herman Miller through U.S. Communities.

- Using these furniture contracts streamlines the procurement process. The quality, cost and ability to re-configure existing Knoll and Herman Miller furniture have proven to be beneficial to the City and County.
- Knoll and Herman Miller are both leaders in the industry supporting sustainable practices and most of their products are third party certified and provide credits to contribute to LEED® certification.
- Contracts will be used by all City KBUs on an as need basis and purchases will be documented.
- All estimated annual amounts are based on prior year procurement activity history for each contract.
- Vendors will provide the City with itemized usage reports on a quarterly basis.

U.S. Communities Background

- U.S. Communities contracts are competitively solicited on a national basis using procurement methods that meet City statutory requirements.
- Combining the volumes of government agencies nationwide achieves cost effective pricing and reduces the administrative and overhead cost of suppliers and government agencies alike.
- Currently, over 87,000 public agencies in all 50 states can use the subsequent contracts without the need for further competitive solicitation.
- Each contract is competitively solicited through a single bid process by a selected Lead Public Agency. Business Support Services/Procurement Services Division (BSS/PSD) has served as Lead Agency for several contracts previously approved by City Council and the Board of County Commissioners.
- All suppliers awarded contracts must sign a commitment that the U.S. Communities contract pricing is the lowest available to local agencies nationwide.
- BSS/PSD compares pricing offered through U.S. Communities contracts and only recommends use of contracts that provide the best value to the City.
- U.S. Communities is sponsored by the following National organizations and each maintains a seat on the Board of Directors:
 - National League of Cities
 - National Association of Counties
 - U.S. Conference of Mayors
 - Association of School Business Officials
 - National Institute of Governmental Purchasing

Cooperative Purchasing Exemption

NC Senate Bill 914, effective January 1, 2002 authorizes competitive group purchasing.

- Each vendor has a national contract through US Communities Purchasing Alliance that guarantees their lowest prices.
- The Knoll, Herman Miller and GTSI contracts were competitively bid by Fairfax County, VA in 2008
- The GTSI contract was competitively bid by Fairfax County, VA in 2009.
- The Graybar Electric contract was competitively bid by Los Angeles County, CA in 2008.
- The Home Depot contract was competitively bid by Maricopa County, AZ in 2008.
- The Zep contract was competitively bid by the City of Dallas, TX in 2008.

Small Business Opportunity

Cooperative Purchasing contracts are considered exempt from the SBO Program (Appendix Section 23.2 of the SBO Policy).

Funding

Capital Investment Plan and various Key Business Unit Operating Budgets

37. FirstWatch Monitoring Software System

- Action:**
- A. Approve the purchase of FirstWatch Monitoring Software System as authorized by the sole source purchasing exception of N.C.G.S. 143-129 (e)(6), and**
 - B. Approve a contract with FirstWatch for the purchase of the Monitoring Software System in the amount of \$152,275.**

Resources: Rich Granger, Fire
Kevin Staley, MEDIC

Sole Source Exception

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

Explanation

- The FirstWatch System provides immediate information and data analysis by monitoring multiple data sources for information pertaining to community threats associated with pandemic influenza, contagious diseases and terrorist use of biological and chemical agents.
- Once an event is detected, the system will automatically send data, charts and maps to identified personnel via email, pager, text or fax.
- The system is fully automated and does not require additional staff to operate.
- This system will benefit first responders through the early notification of potential community threats.

Small Business Opportunity

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

Funding

2007 Urban Area Security Initiative Homeland Security Initiative Grant

38. Police Predictive Analytic Software and Services

- Action:**
- A. Approve a contract with Information Builders, Inc. for the purchase of Predictive Analytic Software and Services for an initial term of one-year, in an amount not to exceed \$1,231,500,**
 - B. Authorize the City Manager to approve up to five, one-year renewal options for extended software maintenance and support with an estimated annual expenditure of \$88,000, and**
 - C. Authorize the City Manager to approve additional license purchases as required by Police as authorized by the contract and in accordance with its price structure.**

Staff Resource: Harold Medlock, Police

Explanation

- Police has 13 different crime data sources that provide information on arrests, incidents, calls for service and other relevant police data.
- To gather information for analysis, Police currently goes through a labor intensive and time consuming manual process to compile statistics and reports from each of the 13 data sources.
- The reporting and statistical information is not available to police officers on a timely basis that allows them to respond as proactively as needed to trends in their assigned areas.
- The new software will automate the analytical process by gathering the information from each data source and providing updated real time crime information to police officers through the laptop computers in their patrol vehicles. The officers can then analyze the trends and patterns of a particular crime occurring in a certain geographical area or a certain time of day using interactive information tools that provide graphical views of the data.
- The software will allow police officers to predict future crime patterns based on prior history and other relevant data for a specific area.
- The enhanced data will enable Police Response Area Commanders and Command Staff will be able to assign and adjust resources more proactively and efficiently, evaluate the achievement of crime reduction goals and target specific areas for improvement.
- Police, in collaboration with Procurement Services, issued a Request for Proposals (RFP) on June 5, 2009 for Predictive Analytic Software, Dashboards, and Services.
- Six proposals were received in response to the RFP and were reviewed by an evaluation team on criteria including background and experience, proposed solution, exceptions to contract language, and pricing.
- Two of the proposals received additional evaluation and the vendors conducted on-site demos.
- The Evaluation Team unanimously considered Information Builders, Inc. to be the service provider best meeting the established requirements.

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

Funding will come from the UASI 2007, 2008, and 2009 grants, the 2007 Justice Assistance (JAG) grant and City Technology funding

39. Police Microsoft Enterprise Licensing Agreement

Action: Approve a 45-month renewal of the CMPD Microsoft Enterprise Licensing Enrollment to ensure software license compliance and support of included Microsoft products at a cost not to exceed \$2,030,000.

Staff Resource: Ron Horton, Police

Explanation

- The Enterprise Agreements allow all covered Police computers to load and run any version of Microsoft Windows, Microsoft Office Professional and Microsoft Client Access Licenses.
- The agreement also includes licenses for servers and additional Microsoft products that may also be loaded on certain computers.
- The agreement provides for product support of existing software as well as upgrade rights to future versions.
- Microsoft software products that are not continuously covered by software maintenance are not eligible for future maintenance contracts or upgrade rights.
- Agreements also offer an annual opportunity to increase software types and quantities by making "true-up" payments along with the annual payments.
- "True-up" payments cover any increases in the actual number of computers over the previous year.
- Police and BSS-IT have enrollments under a Statewide Enterprise Agreement which provides volume pricing at Microsoft's lowest rate and shared use of licenses. This statewide Agreement is used by Johnston County, Gaston County, the City of Raleigh, and other municipalities and government agencies across North Carolina.
- The current BSS-IT Microsoft Enterprise Licensing Enrollment expires on June 30, 2010.
- The current Police Microsoft Enterprise Licensing Enrollment expired on September 30, 2009.
- In June 2010 the Police enrollment will be combined with the BSS-IT Enrollment, establishing a single 36-month City enrollment for the period from July 1, 2010 to June 30, 2013.
- CompuCom was previously selected as the Enterprise Software Advisor and reseller for this agreement. CompuCom manages all agreement transactions and collects payments on the contract.
- Council approved Police's previous three-year Microsoft Enterprise Agreement renewal with CompuCom on June 11, 2007 for approximately \$1,330,000, covering the period from October 6, 2006 to September 30, 2009.

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

40. Charlotte Center City Partners Board Appointment

- Action:**
- A. Appoint David Darnell to the Charlotte Center City Partners Board of Directors as nominated by the existing Center City Partners Board, and**
 - B. Approve the transfer of Pat Riley, an existing Board member, to another member category as nominated by the existing Center City Partners Board.**

Staff Resource: Emily Cantrell, Neighborhood & Business Services**Explanation**

- Charlotte Center City Partners (CCCP) is a nonprofit organization contracted by the City to provide services and promotional activities in Uptown and Historic South End.
- CCCP's services and activities are funded through special property tax assessments in four Municipal Service Districts (MSDs) in Uptown and Historic South End.
- City Council approved CCCP's slate of nominees to their Board of Directors for FY2010 on June 22, 2009.
- David Darnell, President of Global Commercial Banking at Bank of America Merrill Lynch and Chairman of the Chamber of Commerce is recommended for appointment to the CCCP's Board of Directors.
- Mr. Darnell will serve the Board in the position designated for the Chair of the Charlotte Chamber of Commerce.
- Pat Riley, Past-Chair of the Charlotte Chamber of Commerce will remain on the Board and serve in a category designated for a chief executive officer of a major employer in the Center City MSD geography.
- This change gives CCCP 25 voting Board members and produces no change in the current 11 ex-officio members.
- These changes were approved by the current Board on November 2, 2009.
- City Council's role is to approve the CCCP Board's nominations.

Attachment 25

Revised CCCP FY2010 Board of Directors

41. Airport Baggage Conveyor System Modifications

- Action:**
- A. Approve a contract with Diversified Conveyors, Inc. in the amount of \$3,920,706 for modifications to the baggage conveyor system in the terminal building, and**
 - B. Adopt a budget ordinance in the amount of \$3,920,706 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In October 2008 City Council approved a contract with BNP Associates for the design of modifications to the baggage conveyor system in the terminal building.
- This contract will:
 - Relocate existing and install new conveyors on the west side of the terminal to facilitate the relocation of the United and Continental Airlines' ticket counters from the A Zone to the B Zone of the Ticket Lobby, which ultimately makes room for an expansion of the A and B Checkpoints
 - Install the first of two conveyors in the International Arrivals Hall to be used for rechecking international baggage that will continue onto domestic flights out of Charlotte
 - Modify the conveyor system to allow the transfer of baggage between different security screening areas in the Baggage Make-up area in the terminal building to expedite the screening of checked baggage at peak times during the day
- These conveyors have been designed to remain intact if the Airport constructs an in-line baggage system for the terminal in the future.

Small Business Opportunity

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

Funding

Funding for this contract comes from proceeds of a future General Airport Revenue Bond issue.

Attachment 26

Budget Ordinance

42. Airport Lost and Found Resolution

- Action:** **Adopt a resolution to allow the Airport to dispose of lost and unclaimed property.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Passengers travelling through Charlotte Douglas International Airport often leave items in public spaces.

- The Airport, the air carriers, TSA, and the Airport's concessionaires all have lost and found processes.
- The Airport's process consists of retrieval, record keeping, storage and an exhaustive search for the owners of lost items. If owners are discovered, staff arranges reuniting customers with their property.
- Approximately 70% of the lost/unclaimed items are clothing or luggage, 10% small electronic items, and the other 20% miscellaneous items.
- After 90 days of storage and attempted reclamation, the Airport would dispose of these items through local non-profit organizations in furtherance of a public purpose or would use them for Airport purposes including law enforcement training.

Attachment 27

Resolution

43. Settlement of Workers' Compensation Claim

Action: Approve a payment of \$145,000.00, in full and final settlement of a Workers' Compensation claim for Charlotte Department of Transportation employee, Luther Rankin.

Staff Resource: Daniel Pliszka, Risk Management

Explanation

- This payment will be a full and final settlement of a workers' compensation claim resulting from Mr. Rankin's March 20, 2008 work-related accident. A full explanation will be provided in the November 20 Council-Manager Memo.

Funding

Risk Management Fund

44. Property Transactions

Action: Approve the following property transactions (A-J) and adopt the condemnation resolutions (K-N).

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

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Jeanene H Wilcox
Property Address: 6328 Teresa Avenue
Property to be acquired: .42 acres
Improvements: Single Family Residence
Purchase Price: \$100,900
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/house with certain attributes. Property is acquired per

Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R3 Use: single family residence

Tax Value: \$48,700

Tax Code: 055-365-15

- B. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 31
Owner(s): Benjamin Chapman
Property Address: 4809 Statesville Road
Property to be acquired: 281 sq. ft. (.006 ac.) in Fee Simple, plus 998 sq. ft. (.023 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,350
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 041-151-14
Total Parcel Tax Value: \$132,600
- C. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 35
Owner(s): Statesville Road Baptist Church
Property Address: 4901 Statesville Road
Property to be acquired: 12,466 sq. ft. (.286 ac.) in Fee Simple, plus 526 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 39 sq. ft. (.001 ac.) in Utility Easement, plus 12,872 sq. ft. (.295 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$26,100
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Church
Tax Code: 041-156-01
Total Parcel Tax Value: \$2,727,700
- D. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 48 and 50
Owner(s): Virginia T. Cochrane
Property Address: 5101 and 5109 Statesville Road
Property to be acquired: 5,365 sq. ft. (.123 ac.) in Fee Simple, plus 8,398 sq. ft. (.193 ac.) in Existing Right-of-Way, plus 5,246 sq. ft. (.120 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,125
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential

Tax Code: 041-161-11 and 041-161-12

Total Parcel Tax Value: \$200,400

- E. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 52
Owner(s): Virginia T. Cochran
Property Address: 5117 Statesville Road
Property to be acquired: 1,693 sq. ft. (.039 ac.) in Fee Simple, plus 3,350 sq. ft. (.077 ac.) in Existing Right-of-Way, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 1,708 sq. ft. (.039 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,875
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-161-13
Total Parcel Tax Value: \$117,000
- F. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 58 and 142
Owner(s): Donald L. Baxter
Property Address: 5210 Statesville Road
Property to be acquired: 518 sq. ft. (.012 ac.) in Fee Simple, plus 3,348 sq. ft. (.077 ac.) in Storm Drainage Easement, plus 9 sq. ft. in Utility Easement, plus 36 sq. ft. (.001 ac.) in Combined Utility and Storm Drainage Easement, plus 12 sq. ft. in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$23,475
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Rural Homesite
Tax Code: 045-312-05 and 045-312-92
Total Parcel Tax Value: \$154,700
- G. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 61
Owner(s): Jose Isidro Velasco, et al
Property Address: 5228 Statesville Road
Property to be acquired: 6,059 sq. ft. (.139 ac.) in Fee Simple, plus 1,773 sq. ft. (.041 ac.) in Existing Right-of-Way, plus 2,415 sq. ft. (.055 ac.) in Storm Drainage Easement, plus 45 sq. ft. (.001 ac.) in Utility Easement, plus 1,235 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Property to lose (5) very large oak trees.
Purchase Price: \$15,700
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential

Tax Code: 045-312-04
Total Parcel Tax Value: \$131,800

- H. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 85
Owner(s): Jose A. Acosta and Gladis Y. Acosta
Property Address: 5538 Statesville Road
Property to be acquired: 4,682 sq. ft. (.107 ac.) in Fee Simple, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 2,762 sq. ft. (.063 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$23,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 045-321-02
Total Parcel Tax Value: \$67,400
- I. Project:** Sugar Creek Road - Rumble Left Turn Lane, Parcel # 5
Owner(s): UPI of Charlotte, LLC
Property Address: 2416 West Sugar Creek Road
Property to be acquired: 1,358 sq. ft. (.031 ac.) in Fee Simple, plus 975 sq. ft. (.022 ac.) in Existing Right-of-Way, plus 112 sq. ft. (.003 ac.) in Utility Easement, plus 27 sq. ft. (.001 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$41,175
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 047-043-23
Total Parcel Tax Value: \$111,400
- J. Project:** Washam Potts Road 9529 - 8" Sanitary Sewer, Parcel # 1
Owner(s): Foundation for the Carolinas
Property Address: Bailey Road
Property to be acquired: 2,065 sq. ft. (.047 ac.) in Sanitary Sewer Easement, plus 2,834 sq. ft. (.065 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,500
Remarks: This acquisition was negotiated and settled with property owner(s).
Zoned: TN
Use: Single Family Residential - Rural Acreage
Tax Code: 005-034-02
Total Parcel Tax Value: \$43,300

Condemnations

- K. Project:** Freedom Drive Widening, Parcel # 448
Owner(s): Alderwoods (North Carolina), Inc. and Any Other Parties Of Interest
Property Address: Freedom Drive
Property to be acquired: Total Combined Area of 37,116 sq. ft. (.852 ac.) of Fee Simple, plus Existing Right-of-Way, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$57,775
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: O-2
Use: Office
Tax Code: 059-061-15
Total Parcel Tax Value: \$118,900
- L. Project:** Freedom Drive Widening, Parcel # 449
Owner(s): Carothers Holding Company, Inc. and Any Other Parties Of Interest
Property Address: 4601 Freedom Drive
Property to be acquired: Total Combined Area of 30,874 sq. ft. (.709 ac.) of Fee Simple, plus Existing Right-of-Way, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,675
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Office
Tax Code: 059-061-12
Total Parcel Tax Value: \$1,087,200
- M. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 8
Owner(s): D. Richard Ingram and Wife, Carol P. Ingram and Any Other Parties Of Interest
Property Address: 4340 Statesville Road
Property to be acquired: Total Combined Area of 9,133 sq. ft. (.210 ac.) of Fee Simple, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$36,875
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Commercial

Tax Code: 045-021-04
Total Parcel Tax Value: \$271,700

- N. Project:** Thomasboro-Hoskins Neighborhood Improvements - Phase 3, Parcel # 209
Owner(s): Shenova Hill and Any Other Parties Of Interest
Property Address: 4100 Joyceton Street
Property to be acquired: Total Combined Area of 3,095 sq. ft. (.071 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,475
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
Tax Code: 065-102-22
Total Parcel Tax Value: \$8,500

45. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- **October 12, 2009**