

Mayor Anthony Foxx

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING

Monday, April 12, 2010

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
25	26	Irwin Creek Wastewater Treatment Plan Standby Generators
44	44	Property Transactions F - I

**CITY COUNCIL AGENDA
Monday, April 12, 2010**

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing Conference Center			
1.	Mayor and Council Consent Item Questions	1	
2.	Charlotte Railroad Improvements	1	1
3.	2010 State Legislative Agenda	2	2
4.	SafeLight Camera Program	2	
5.	Answers to Mayor and Council Consent Item Questions	3	
7:00 P.M. Awards and Recognitions Meeting Chamber			
6.	Stand Against Racism Proclamation	4	
7.	Fair Housing Proclamation	4	
8.	Arts and Science Council 2010 Campaign	4	
9.	Charlotte International Cabinet	4	
Consent			
10.	Consent agenda items 20 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.	5	
Public Hearing			
11.	Public Hearing on Resolution to Close a Portion of a Ten-foot Alleyway between Spruce Street and South Mint Street	6	3
12.	Public Hearing on Wright Avenue Street Improvement Special Assessment	8	4
13.	Public Hearing on Certificates of Participation Debt Financing	10	5
14.	Public Comment on North Tryon Area Plan	11	6

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
Policy			
15.	City Manager's Report	13	
Business			
16.	Charlotte Mecklenburg Utilities GRADE+ Grant	14	
17.	One NC Grant and Business Investment Grant for Siemens	16	7
18.	Nominations to Boards and Commissions	18	8-23
19.	Mayor and Council Topics	21	
Consent			
20.	Storm Water Maintenance FY2010-A	23	
21.	Sugar Creek at Rumble Road Left Turn Lane	24	
22.	Elm Lane Sidewalk	24	
23.	Brookshire Boulevard and Fred D. Alexander Signal	25	
24.	FY2010 Utilities Concrete and Asphalt Repair	26	
25.	Irwin Creek Wastewater Treatment Plant Standby Generators	26	
26.	Water Meter Copper Tubing	27	
27.	Lawing School Road Connectivity	28	
28.	Airport Sewer Line Extension	29	24
29.	Transit Magnetic Passes and Transfers Printing	30	
30.	Smeal Fire Truck Repair Parts	31	
31.	Heavy Truck and Equipment Parts and Services	32	
32.	Municipal Agreement for Relocation and Adjustment of Utility Lines	33	25

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
33.	Airport Advertising Agreement with Bank of America	33	
34.	Airport Automatic Baggage Screening System Design	34	26
35.	Pre-Conditioned Air Units for Airport International Concourse	35	27
36.	Statesville Road Widening Engineering Services	36	
37.	Time Warner Cable Arena Roof Repair	37	
38.	Storm Water Educational Campaign	38	
39.	Donation of a Retired Bus to Kennedy Charter School	39	28
40.	Charlotte-Mecklenburg Housing Partnership Board Appointment	40	29
41.	Refund of Business Privilege License Taxes	41	30
42.	Exchange of Land Rights along the South Corridor Light Rail Project with Carolina Trust Bank	41	31
43.	Supplemental Municipal Agreement for Relocation and Adjustment of Utility Lines	42	32
44.	Property Transactions	43	
45.	Meeting Minutes	46	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. Charlotte Railroad Improvements

Resources: Tim Gibbs, Transportation
Pat Simmons, NCDOT Rail Division

Time: 30 minutes

Synopsis

- In January, the North Carolina Department of Transportation (NCDOT) was a recipient of a \$545 million award from the American Recovery & Reinvestment Act of 2009 (ARRA) for future development of the Southeast High Speed Rail Corridor. Approximately \$247 million was earmarked for three projects in the Charlotte area. These projects are:
 - North Carolina Railroad Improvement Program Double Track Project (northeast Charlotte to Concord) (\$95M)
 - NCDOT Locomotive and Railcar Maintenance Facility (\$23M)
 - NS/CSXT Mainline Grade Separation near Uptown (\$129M)
- Pat Simmons of the NCDOT Rail Division staff will discuss impacts, highlights and provide specific information on each project.

Future Action

No action is necessary.

Attachment 1

Map - Double Track Project - Charlotte to Concord

Map - Southeast High Speed Rail Corridor Funded Projects

3. 2010 State Legislative Agenda

Resources: Nancy Carter, Governmental Affairs Committee Chair
 Ron Kimble, City Manager's Office
 Greg Gaskins, Finance
 Carolyn Flowers, Transit
 Rodney Monroe, Police

Time: 20 minutes

Synopsis

- This list of legislative items has been jointly worked on by City staff and the Governmental Affairs Committee for 60 days.
- The list of items to be considered in a Short Session should be small due to the nature of the General Assembly's deliberations.
- The Governmental Affairs Committee recommended adoption of the attached 2010 State Legislative Package at its meeting on March 31, 2010.
- The General Assembly convenes its 2010 Short Session on May 12, 2010.

Future Action

- This presentation is for information only at this time.
- City Council will be asked to consider adoption of the proposed 2010 State Legislative Package at their April 26, 2010 meeting.
- City Council has scheduled its annual legislative breakfast with the Mecklenburg Delegation on May 3, 2010 at 7:30 a.m.

Attachment 2

Recommended 2010 State Legislative Package

4. SafeLight Camera Program

Resources: Bob Hagemann, City Attorney's Office
 Eric Campbell, City Manager's Office

Time: 20 minutes

Synopsis

- The City of Charlotte was the first North Carolina municipality to operate a red light camera program. The program was intended to change driver behavior and reduce the number of intersection accidents.
- The 1997 authorizing legislation was consciously drafted so the cost of the program would be borne by those who violated the law and not the taxpayers.
- The program was structured such that civil penalty proceeds would be used to compensate a private contractor with the remaining proceeds used for traffic safety programs.
- On May 16, 2006, the North Carolina Court of Appeals issued an opinion in *Shavitz v. High Point* in which the Court concluded that the clear proceeds of civil penalties collected from a red light camera program must be paid to the local board of education. Shortly thereafter, the City Council voted to suspend the City's SafeLight and SafeSpeed Camera programs.
- Civil penalty proceeds from the three years immediately preceding the suspension of the programs totaled \$4,732,768.

- At the May 26, 2009 City Council meeting, Council approved the payment of \$4,732,768 of SafeLight and SafeSpeed Camera civil penalty proceeds to the Charlotte-Mecklenburg Board of Education.
- Recently, Council asked staff to explore options for resuming these programs.

Future Action

For information only

5. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

6. Stand Against Racism Proclamation

Action: Mayor Foxx to recognize Kirsten Sikkelee, Chief Executive Officer of the YWCA Central Carolinas to receive the Stand Against Racism Proclamation.

7. Fair Housing Proclamation

Action: Mayor Foxx to recognize Lyn Kessie, President of the Charlotte Regional Realtor Association; Judy Williams, Manager of Kingspark Apartments on behalf of Greater Charlotte Apartment Association; Angeles Ortega-Moore, Acting Chairperson of the Charlotte-Mecklenburg Community Relations Committee; and Willie Ratchford, Executive Director of the Charlotte-Mecklenburg Community Relations Committee to receive the Fair Housing Proclamation.

8. Arts and Science Council 2010 Campaign

Action: Mayor Foxx to recognize Scott Provancher, CEO and President of the Arts and Science Council, to report on the 2010 Fundraising Campaign and highlight the campaign contributions made by the City workforce.

9. Charlotte International Cabinet

Action: Mayor Foxx to recognize Alina MacNichol, Executive Director, Alexis Gordon, Program Director and Dr. Maha Gingrich, Cabinet Chair, of The Charlotte International Cabinet, who will present a summary of the International Organization's meeting.

CONSENT

- 10. Consent agenda items 20 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

11. Public Hearing on Resolution to Close a Portion of a Ten-foot Alleyway between Spruce Street and South Mint Street

Action: **A. Conduct a public hearing to close a portion of a ten-foot alleyway between Spruce Street and South Mint Street, 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

- This abandonment is part of a larger effort to create a new development plan for Greater Galilee Baptist Church.
 - A rezoning petition submitted by the church was denied in December 2009.
 - Planning and CDOT staff have been working both with the church and the Wilmore Neighborhood Association on a revised plan for the church expansion.
 - Information about this project was presented to Council at the Zoning Dinner meeting on March 18.
 - On April 19, City Council will be asked to consider waiving the two-year waiting period for resubmittal of a rezoning petition for this site.
 - The abandonment is needed regardless of the decision on April 19, in order to create a buildable lot that could be used by the church as part of the revised development plan or be sold.
 - The proposed abandonment would allow a house to be relocated as part of the new plan or built on the adjoining property owned by the church. The current size of the lot doesn't meet the minimum buildable lot area.
- 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

Greater Galilee Baptist Church - Mr. Dexter Snead

Right-of-Way to be abandoned

A portion of a 10-foot alleyway between Spruce Street and South Mint Street

Location

Located within the Wilmore Community, a portion of a ten-foot alleyway beginning at the southeastern most corner of a property currently owned by Clarence Wall, Larry Sarratt, and Greater Galilee Baptist Church (PID #11907138) and continuing west along the boundary of the above said property as a ten-foot wide alleyway for approximately 114 feet to its terminus at the southwestern most corner of a property currently owned by Greater Galilee Baptist Church and consisting of 1,132 square feet

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner to accommodate the relocation of residential homes

Notification

As 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

Mr. Andy and Willie Mae Freeman- No objections

Neighborhood/Business Associations

Wilmore Neighborhood Association, Inc.- No objections

Brookhill Community Organization- No response

Revolution Park Neighborhood Association- No response

Historic South End- No response

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 adopted policy to preserve existing rights-of-way for connectivity

Attachment 3

Map

Resolution

12. Public Hearing on Wright Avenue Street Improvement Special Assessment

- Action:**
- A. Hold a public hearing on the preliminary resolution for a special assessment to construct an unopened, one block portion of Wright Avenue, extending to the South from Lomax Avenue, and**
 - B. Adopt the assessment resolution directing staff to construct the unopened, one block portion of Wright Avenue, extending to the South from Lomax Avenue.**

Staff Resource: Phil Reiger, Transportation

Policy: Non-System Residential Street Policy

Explanation

- City Council adopted a preliminary assessment resolution on March 8, 2010 setting the public hearing date for April 12, 2010 to consider using a special assessment to finance a part of the construction of the unopened portion of Wright Avenue as requested by the petitioners.
- Wright Avenue is located in the Cotswold Neighborhood, north of Sharon Amity and adjacent to the Charlotte Swim and Racquet Club (map attached).
- The street project abuts seven properties (seven residential parcels, two of which have one owner, and one commercial parcel).
- The City Clerk has certified that 85% of the abutting property owners have signed a petition requesting the improvements, exceeding the Non-System Residential Street Policy (NSRSP) requirement of 80% support.
- The project will build a standard residential street including curb, gutter and sidewalk.

Cost Information and Payment Options

- The estimated total cost of the project is \$157,000, including approximately \$17,000 in intersection improvements to tie the new street and sidewalk into the existing infrastructure.
- State statute prohibits the City from including the cost of intersection improvements in the assessment formula.
- Therefore, the total cost eligible for assessment is estimated at \$140,000, of which residents will be assessed 50% or approximately \$70,000. Assessment estimates range from \$9,500 to \$12,500 per parcel, depending on parcel dimensions.
- The City's total cost, funded through the Transportation Capital Investment Plan, is estimated at \$87,000.
- Within 30 days of the assessment role confirmation, Wright Avenue residents will be able to pay all or a portion of the balance in cash without penalty of interest.
- Residents can choose to pay all or a portion of the assessment in ten annual installments at a City Council adopted interest rate.
- Staff recommends an interest rate of 8% to reflect the financial risk the City is incurring and to recover the administrative cost of collections. This rate is consistent with past assessments.
- The first installment will become due and payable 60 days after the date that City Council confirms the assessment roll.

Future Actions and Tentative Schedule

- The following table lists the items requiring future City Council action as defined in the North Carolina General Statutes.

Actions	Schedule
Land Acquisition	Spring 2010
Construction Contract Approval	Summer 2010
Project Construction <i>(no City Council action required)</i>	Fall 2010
Determine Project Cost, Establish Interest Rate and Adopt Preliminary Assessment Roll	Late Fall 2010
Hold Final Public Hearing and Adopt Final Assessment Roll	Winter 2010

Background

- On November 23, 2009, City Council adopted revisions to the NSRSP.
- The intent of the NSRSP is to offer property owners within the City of Charlotte, NC corporate limits the option to improve sub-standard residential streets that hinder access to standard City services (i.e. primarily fire protection, solid waste collection and street maintenance).
- The policy requires property owners to share 50% of the total cost of the street project.
- The policy directs staff to exercise the City's statutory authority (NCGS 160A-216 et seq.) to use special assessments to finance the street improvements. Special assessments constitute a lien on properties abutting the street improvements.
- The policy calls for assessments to be based on length of frontage, parcel area and number of lots served, each receiving equal weight.
- The Wright Avenue project under consideration meets the eligibility requirements of the new policy.

Funding

Transportation Capital Investment Plan

Attachment 4

Assessment Resolution

Map

13. Public Hearing on Certificates of Participation Debt Financing

- Action:**
- A. Conduct a public hearing on an installment financing contract to finance the City's acquisition of certain equipment and capital projects,**
 - B. Close the public hearing, and**
 - C. Adopt a resolution which calls for the execution and delivery of various documents necessary to complete the sale of the Certificates of Participation to be executed and delivered in connection with the financing.**

Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation

- On March 22, 2010, the City Council approved the first of two resolutions necessary to execute and deliver Certificates of Participation (COPs) in order to finance certain capital and equipment projects previously authorized by the City Council as part of the City's Capital Improvement Plan process. This series of COPs will be designated the 2010A COPs. The 2010A COPs will finance projects and equipment such as police vehicles, the Providence Police Station, the Eastland Fire Station and a consolidated Fire Department headquarters.
- The March 22 resolution called for a public hearing to be held on April 12, 2010 on the installment financing contract (Contract) to be delivered in connection with the acquisition of the equipment and the projects.
- The resolution is the second and final action to approve the form, content, execution and delivery of the documents to be delivered in connection with the 2010A COPs financing.
- The 2010A COPs will be sold to investors to raise the capital needed to purchase the equipment and the projects. Under the Contract, the City will repay the purchase price of the equipment and the projects in installments of principal and interest over time, and the owners of the 2010A COPs will be entitled to receive a portion of the City's installment payments.
- The City's obligation to repay the purchase price to the investors will be secured by a lien on the Eastland Fire Station and a security interest in the equipment being financed.

Funding

Municipal Debt Service Fund

Attachment 5

Resolution

List of projects

14. Public Comment on North Tryon Area Plan



Action: Receive public comments on the North Tryon Area Plan.

Committee Chair: David Howard

Staff Resource: Kent Main, Planning

Explanation

- Planning staff has completed a draft plan for the area extending along North Tryon Street from I-277 to Sugar Creek Road, in collaboration with Neighborhood & Business Services, Charlotte Department of Transportation, and other City Departments.
- The Plan began as a market study and action plan with public input conducted over the last few years. After completion of the study in November 2008, staff decided to refine the work into a full Area Plan.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- A final public meeting was held February 2, 2010 with 31 people attending.
- Based on input received, staff developed the attached Proposed Revisions to Draft Document.

Plan Recommendations

- Land Use: The plan area lies entirely within a Growth Corridor as defined by the City's Centers, Corridors and Wedges Growth Framework. This plan does not anticipate any corrective rezonings, relying instead on its shared vision and incentives such as streetscape improvements. Land Use policies are broken into four geographic areas as follows:
 - Intown & Railroad Area:
 - Increase office and light industrial uses while reducing further heavy industrial in key locations close to uptown
 - Support industrial uses compatible with the rail service yard, with offices and lighter industrial uses along North Tryon Street
 - Support long term mixed use development near the light rail line if market conditions permit
 - Lockwood & Graham Heights Area:
 - Stabilize Lockwood, Graham Heights, and Tryon Hills neighborhoods by protecting edges, and encourage compatible adjacent uses such as office, residential, and neighborhood retail
 - 30th & Atando Area:
 - Support reinvestment in Atando industrial area
 - Encourage office and retail uses along North Tryon Street
 - Encourage extension of Little Sugar Creek Greenway
 - Rosedale Area:
 - Preserve and maintain existing civic uses along North Tryon Street
 - Stabilize Ritch Avenue neighborhood by protecting edges
 - Expand higher density residential uses with appropriate buffers
- Transportation & Streetscape Design:
 - Street Connectivity:
 - Provide new street connections at key locations and enhance existing street network
 - Enhance the pedestrian and bicycle network

- North Tryon Streetscape:
 - The improvement of North Tryon Street is a focus for the plan. Future cross sections based on the City’s Urban Street Design Guidelines (2007) should be used for City initiated improvements, as well as for new development and major renovation projects.
- Infrastructure and Environment: The plan area includes present and former commercial and industrial properties, expected to redevelop over time. The plan policies include:
 - Make trees a feature of all streets, and reduce impervious surfaces
 - Design new buildings and parking areas to reduce stormwater runoff and improve water quality
 - Expand the Little Sugar Creek Greenway and provide additional park facilities within the plan area
 - Encourage burying of overhead utility lines

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their February 16 meeting. Several residents and property owners were in attendance in support of the plan. In response to one property owner’s need for flexibility along the edge of a multi-family redevelopment parcel, a text revision was presented. The new revised language, as well as other minor revisions, is in the attached Proposed Revisions to Draft Document.
- After additional discussion at their March 16 meeting, the Planning Committee voted unanimously to recommend adoption of the plan with the Proposed Revisions, with the addition of markings on Maps 3 and 4 to highlight future improvements to the rail line crossings at 16th and 36th Streets and Matheson Avenue. These revisions have been added to the attached Proposed Revisions to Draft Document.

Transportation & Planning Committee

- City Council’s Transportation & Planning Committee received an overview of the plan at their March 22 meeting. The Committee voted unanimously (Council members Howard, Cooksey, Kinsey) to forward the plan to Council for public comment on April 12.
- After public comment, the plan will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

Attachment 6

North Tryon Area Plan
Proposed Revisions to Draft Document

POLICY

15. City Manager's Report

BUSINESS

16. Charlotte Mecklenburg Utilities GRADE+ Grant



Action: Authorize the City Manager to accept GRADE+ grant funds of \$51,837 for the repowering of City equipment with new diesel engines.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City of Charlotte was informed that Mecklenburg County Air Quality recently received \$1,100,000 in funding from the American Recovery and Reinvestment Act for diesel engine replacement and repowers. The funding has been made available through Grants to Replace Aging Diesel Engines (GRADE+).
- GRADE+ now includes 13 counties in North and South Carolina and has been expanded to include construction, agricultural, industrial and commercial sectors operating non-road diesel, on-road heavy duty diesel and stationary diesel equipment.
- Charlotte Mecklenburg Utilities identified four, 100 horsepower air compressors and one, 100 horsepower Backhoe/Loader with old diesel engines that met the eligibility requirements for the grant to receive new, high efficiency diesel engines.
- The total cost of the project is \$69,116 and the grant funding is \$51,837. The City's match is \$17,279. The project will replace:
 - Four, 100 horsepower air compressors at \$13,516 each (\$10,137 grant funds, \$3,379 City's funds). The air compressor is used to supply air to a pneumatic operating saw to cut pipe to improve or replace water and wastewater pipes. Also, the air compressor is used to install temporary sewer air plugs in wastewater pipes. The air compressors are 2001 Sullivan with an average of 750 hours and an average lifetime to date repair and maintenance cost of \$15,718. The new 2010 emission engine technology has been tested and shown to be 10% more fuel efficient with a potential to reduce maintenance costs by 5%.
 - One, 100 horsepower backhoe/loader at \$15,024 (\$11,288 grant funds and \$3,736 City's funds). The backhoe/loader is used to remove the asphalt/concrete to gain access to an excavation site in order to repair or install water and sewer lines. It is also used to load fresh aggregate, load the spoil from an excavation and to back fill the excavation. It is a 2002 John Deere with 4,520 hours and a lifetime to date repair and maintenance cost of \$41,683. The new 2010 emission engine technology has been tested and shown to be 10% more fuel efficient with a potential to reduce maintenance costs by 5%.

Eligibility Requirements

- To be eligible for GRADE+ funding, the applicant must certify by contract that they meet the following criteria:
 - The equipment or vehicle must currently be operational and have at least five years of useful life remaining (must have a qualified third party mechanic certify that the engine/equipment meets these requirements).
 - The equipment or vehicle will continue to operate in a similar capacity for 75% of the time within the eligible region over the next five years.

- The new engine must meet a more stringent emissions standard than the engine being replaced. The old engine block must be permanently destroyed.
- The replacement engine must be of an equivalent horsepower range.
- Non-Road and Stationary Diesel Equipment must rate at a minimum of 25 horsepower.
- Upon acceptance of grant award, all certifications and contracts must be complete and closed out by September 1, 2010.

Environmental Considerations

- The equipment will meet the EPA 2010 emissions standard and is equipped with the cleanest burning diesel engines available for non-road and stationary diesel equipment.

Benefits to GRADE+ Award Recipients

- Expected benefits of using the GRADE+ funding for the vehicles noted include:
 - Reduce equipment maintenance costs
 - Extend equipment life
 - Improve air quality

Small Business Opportunity

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

Funding

Utilities General Capital Equipment Fund

17. One NC Grant and Business Investment Grant for Siemens

- Actions:**
- A. Approve contracts with the NC Department of Commerce (NCDOC) and Siemens Energy (Siemens) for a \$1,000,000 One North Carolina Grant from the State to Siemens,**
 - B. Adopt a budget ordinance appropriating \$1,000,000 from a One North Carolina Grant to Siemens,**
 - C. Approve the City's share of a Business Investment Grant to Siemens for a total estimated amount of \$4,211,951 over ten years (Total City/County grant estimated at \$12,034,142), and**
 - D. Adopt a resolution supporting Siemens' request for \$250,000 in contingency funds from the North Carolina Department of Transportation (NCDOT) for rail improvements.**

Staff Resource: Brad Richardson, Neighborhood & Business Services

Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix

Explanation

- Siemens Energy, Inc. (Siemens), headquartered in Orlando, develops and builds power plants and power generating components.
- Siemens currently employs 780 people at its Charlotte facility located on Westinghouse Boulevard, which is within the Business Investment Zone.
- Siemens recently selected Charlotte for a 450,000 square foot gas turbine manufacturing facility and a 60,000 square foot office building with an estimated project cost of \$131 million.

One NC Grant

- On March 11, 2010, the State awarded a \$1,000,000 One North Carolina Grant to Siemens as part of the company's relocation.
- By State statute, the City is required to administer a performance contract with Siemens to ensure compliance with the State's job creation and capital investment standards.

Business Investment Grant

- One North Carolina Grants require a local match.
- Siemens' relocation meets all of the Council-approved requirements for a Business Investment Grant:
 - A capital investment of approximately \$170 million in new construction and equipment
 - Creation of 650 new jobs at an average wage of \$66,000, with the potential for an additional 175 jobs by the end of 2014
 - There was competition for this project from Canada and Michigan.
- On January 4, 2010, City Council indicated their intent to approve a ten-year grant to Siemens in a closed session.

- On January 5, 2010, the Board of County Commissioners indicated their intent to approve a ten-year grant to Siemens in a closed session.
- The terms of the grant are as follows:
 - Siemens is eligible to receive a grant equal to 90% of the new property taxes paid to the City and County over a ten year term.
 - If Siemens has created less than 660 new jobs by the end of the fifth year, then the final five years of the grant will be paid at 50% of the new property taxes rather than 90%.
- If approved, the following schedule is an estimate of the Investment Grant payments to Siemens based on the 90% grant over ten years:

Year	City	County	Totals
1	\$326,920	\$607,136	\$ 934,056
2	\$364,107	\$676,198	\$1,040,305
3	\$476,077	\$884,142	\$1,360,219
4	\$465,860	\$865,169	\$1,331,029
5	\$455,236	\$845,437	\$1,300,673
6	\$445,019	\$826,464	\$1,271,483
7	\$433,577	\$805,215	\$1,238,792
8	\$422,135	\$783,965	\$1,206,100
9	\$413,962	\$768,786	\$1,182,748
10	\$409,058	\$759,679	\$1,168,737
Total	\$4,211,951	\$7,822,191	\$12,034,142

- The project is estimated to have an annual direct economic impact of \$107 million on the local economy, generating an average of \$467,995 in annual City property taxes and \$1,030,000 in direct and indirect annual taxes for the City.
- Other general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- On April 6, 2010, the Board of County Commissioners unanimously approved the County’s portion of a ten-year, 90% grant to Siemens.

Resolution in Support of Siemens’ Request to NCDOT

- The construction of Siemens’ new manufacturing facility will require approximately \$1.1 million in improvements to a rail spur off the main line serving the facility.
- The State will contribute \$150,000 from the North Carolina Railroad Fund toward this cost, and Siemens has requested that NCDOT contribute an additional \$250,000 toward the project costs from a contingency fund for significant projects statewide.
- Staff has confirmed that these funds will not supplant other funds or projects already targeted for Charlotte.
- Council is asked to adopt a resolution in support of Siemens’ request for an additional \$250,000 in contingency funds from NCDOT.

Funding

State of North Carolina: One North Carolina Grant Fund
Business Investment Grant Account; first payment is estimated to occur in
FY2013.

Attachment 7

Budget Ordinance
Resolution

18. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. BUSINESS ADVISORY COMMITTEE

- Three appointments for three-year terms beginning April 29, 2010
 - Robert Barkman, Tariq Bokhari and Karen Henning are eligible and would like to be reappointed.

Attachment 8

Applications

B. CHARLOTTE INTERNATIONAL CABINET

- Eight appointments for three-year terms beginning July 1, 2010
 - Maryanne Dailey, Dale Gillmore, Sue Gorman, Charles Lansden, Judith Osei-Tutu and Gail VanDerVeer are eligible and would like to be reappointed.
 - Mary Ward is eligible, but is not interested in reappointment.
 - Jeff Linker completed his service and is not eligible for reappointment.

Attachment 9

Applications

C. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION

- Three appointments for three-year terms beginning July 1, 2010
 - George Cochran is eligible and would like to be reappointed.
 - Sue Korenstein and Kevin Wardlaw completed their service and are not eligible for reappointment.

Attachment 10

Applications

D. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a hotel representative for a three-year term beginning July 1, 2010
 - Joe Hallow, a hotel representative, is eligible and would like to be reappointed.
- One appointment for an at-large representative for a three-year term beginning July 1, 2010.
 - Anthony Fox completed his service and is not eligible for reappointment.

Attachment 11

Applications

E. CIVIL SERVICE BOARD

- One appointment for a three-year term beginning May 16, 2010
 - T. Michael Todd completed his service and is not eligible for reappointment.

Attachment 12

Applications

F. COMMUNITY RELATIONS COMMITTEE

- Thirteen appointments for three-year terms beginning July 1, 2010
 - Madelyn Baer, Joe Cooper, Sharon Ingram, Constance Green-Johnson, Ashley Oster and Marty Viser are eligible and would like to be reappointed.
 - Victoria Carter, Robin Edgar and Elizabeth Troutman are eligible, but not interested in reappointment.
 - Maura Chavez, Judy Marshall, Kimberly Munn and Deborah Walker have completed their terms of service and are not eligible for reappointment.

Attachment 13

Applications

G. HISTORIC DISTRICT COMMISSION

- Five appointments for three-year terms beginning July 1, 2010 as follows:
- One appointment for Wesley Heights Historic District for a residential property owner.
 - Gregory Grueneich, Wesley Heights resident representative, is eligible and would like to be reappointed.
- One appointment for Dilworth Historic District for a residential property owner
 - John Phares, Dilworth resident representative, completed his term of service and is not eligible for reappointment.
- One appointment for Plaza-Midwood Historic District for a residential property owner
 - Damon Rumsch, Plaza-Midwood resident representative, completed his term of service and is not eligible for reappointment.
- One appointment for Fourth Ward Historic District for a residential property owner
 - Jeff Koenig resigned, due to his move from Fourth Ward.
- One appointment for an at-large representative.
 - Jonathan Crotty completed his term of service and is not eligible for reappointment.

Attachment 14

Applications

H. HOUSING TRUST FUND ADVISORY BOARD

- One appointment for a representative of the banking community for a three-year term beginning May 1, 2010
 - Tylee Kessler, representing the banking community, is eligible and would like to be reappointed.
- One appointment for a representative of the legal community for a three-year term beginning May 1, 2010
 - Eric Montgomery, representing the legal community, is eligible and would like to be reappointed.

Attachment 15

Applications

I. KEEP CHARLOTTE BEAUTIFUL

- Three appointments for three-year terms beginning July 1, 2010
 - Rosemary Hall, Charles Prendergast and Stephen Scott are eligible and would like to be reappointed.

Attachment 16

Applications

J. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for a neighborhood representative for a two-year term beginning April 16, 2010
 - Bernadette Johnson, neighborhood representative, completed her term of service and is not eligible for reappointment.
- Two appointments for business representatives for a two-year term beginning April 16, 2010
 - Joseph Rambert, business representative, is eligible and would like to be reappointed.
 - Shirley Stevenson, business representative, is eligible, but not interested in reappointment.
- Two appointments for non-profit organization representatives for a two-year term beginning April 16, 2010.
 - Virginia Keogh, non-profit organization representative, is eligible and would like to be reappointed.
 - Ralphine Caldwell, non-profit organization representative, completed her term of service and is not eligible for reappointment.

Attachment 17

Applications

K. PLANNING COMMISSION

- Two appointments for three-year terms beginning July 1, 2010
 - Tracy Finch Dodson and Zaundra Yolanda Johnson are eligible and would like to be reappointed.

Attachment 18

Applications

L. PUBLIC ART COMMISSION

- One appointment for a community-at-large representative for a three-year term beginning July 1, 2010.
 - Sabrina Brown is eligible and would like to be reappointed.

Attachment 19

Applications

M. RESIDENTIAL RENTAL PROPERTY REVIEW BOARD

- Members of the Board shall be representative of the residential rental, tenant and homeowner community. There are four appointments for staggered initial terms beginning immediately.
- This is a new board created by the Residential Rental Remedial Action Program Ordinance on November 9, 2009.
 - Two appointments for terms ending June 30, 2013
 - One appointment for a term ending June 30, 2012
 - One appointment for a term ending June 30, 2011

Attachment 20

Applications

N. STORM WATER ADVISORY COMMITTEE

- One appointment for a neighborhood representative for a three-year term beginning July 1, 2010
 - Matthew Roper is not eligible for reappointment in this category.

Attachment 21

Applications

O. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for a local or express service Charlotte transit passenger for an unexpired term beginning immediately and ending January 31, 2011
 - Charles Jolla resigned.

Attachment 22

Applications

P. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by Board of County Commissioners for a three-year term beginning May 19, 2010
 - Gregory Scharlemann resigned.

Attachment 23

Applications

19. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

CONTRACT ITEMS

20. Storm Water Maintenance FY2010-A

Action: **A. Award the low bid to Onsite Development, LLC in the amount of \$811,700 for construction of Storm Water Maintenance FY2010-A, and**

B. Authorize the City Manager to execute up to three renewals of the contract for \$811,700 each.

Staff Resource: Bill Pruitt, Engineering & Property Management

Explanation

- This construction is part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
- Individual projects are identified and prioritized based on the severity of potential public/private property flooding.
- Storm Water Services Division uses 12-month retainer contracts to provide timely response to maintenance problems.
- The City may renew this contract up to three times.

- The renewals are the City's option as an incentive to the contractor for good performance, productivity and quality work.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.13%

Onsite Development LLC. committed 5.13% (\$41,600) of the total contract amount to the following SBE firms: On Time Construction (masonry), B&B Concrete (concrete), Muddrunners (hauling) and Husky Construction (pipeline construction).

Funding

Storm Water Capital Investment Plan

21. Sugar Creek at Rumble Road Left Turn Lane

Action: Award the low bid to Red Clay Industries in the amount of \$199,685.97 for the construction of the Sugar Creek at Rumble Road Left Turn Lane Project.

Staff Resource: Beth Hassenfritz, Engineering & Property Management

Explanation

- This project will widen an area on the east side of Sugar Creek Road between Hunter Avenue and Rumble Road.
- This project will improve traffic flow and safety along Sugar Creek between Rumble Road and Mallard Creek Road by providing a separate left turn lane at Rumble Road.
- Project is scheduled to be complete in fourth quarter 2010.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 9.97%

Red Clay Industries committed 9.97% (\$19,900) of the total contract amount to the following SBE firm: Bullseye Construction (storm drainage).

Funding

Transportation Capital Investment Plan

22. Elm Lane Sidewalk

Action: Award the low bid to Red Clay Industries in the amount of \$126,394.49 for the construction of the Elm Lane Sidewalk Project.

Staff Resource: Alan Morrison, Engineering & Property Management

Explanation

- This project will construct a ten-foot-wide asphalt multi-use path that extends from Four Mile Creek to Bevington Place. This project will also construct sidewalk to fill in a gap on the west side of Elm Lane, north of Bevington Place.

- City staff worked closely with the homeowners' association president during the planning and design of this project. Residents were 100% in favor of the sidewalk.
- This is a Tier 1 sidewalk request meaning it is a thoroughfare/higher volume road where there is a need for sidewalk to separate pedestrians from higher traffic volumes and speeds.
- Construction is expected to be complete in the fourth quarter of 2010.

Background

- The City's adopted Transportation Action Plan calls for 625 miles of new sidewalks by 2030.
- Under current funding levels, at least ten miles of new sidewalks are to be completed each year to help achieve that goal.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE contracting goal setting process, therefore, no SBE goals are required (Appendix Section 29.1 of the SBO Policy).

Funding

Transportation Capital Investment Plan

23. Brookshire Boulevard and Fred D. Alexander Signal

Action: Approve the low bid of \$109,074 to Whiting Construction Co. for traffic signal installation at Fred D. Alexander Boulevard and Brookshire Boulevard.

Staff Resource: Bill Greentaner, Transportation

Explanation

- Project will add a new traffic signal to the intersection of Fred D. Alexander Boulevard and Brookshire Boulevard to safely accommodate increased traffic expected at completion of the project.
- This signal installation contract is included in the cost of the Fred D. Alexander Contract C, approved by Council on November 23, 2009, which adds approximately 4,800 feet of new four-lane median-divided roadway.
- The contract period is 270 days and is expected to be complete in December 2010.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE contracting goal setting process therefore no SBE goals are required (Appendix Section 29.1 of the SBO Policy).

Funding

Transportation Capital Investment Plan

24. FY2010 Utilities Concrete and Asphalt Repair

Action: Award the low bid unit price contract to W. M Warr & Son, in the estimated amount of \$215,398.75, for repair of concrete and asphalt throughout Mecklenburg County.

Staff Resource: Barry Gullet, Utilities

Explanation

- This contract provides for repairs to sidewalks, driveways, and streets that have been removed by Utilities' crews in the course of making system repairs.
- The road repairs covered by this contract will be primarily outside of the Charlotte city limits because CDOT is responsible for roadway repairs within the city limits.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

25. Irwin Creek Wastewater Treatment Plant Standby Generators

Action: Award the low bid of \$2,986,923.75, by Carolina Cat for purchase of two generators and associated switchgear.

Staff Resources: Barry Gullet, Utilities
Charles Robinson, Business Support Services

Explanation

- These generators will improve the reliability of the Irwin Wastewater Treatment Plant (WWTP) by providing sufficient backup power generation to operate the entire treatment plant. Current standby generators only have the capacity to operate about 50% of the treatment plant.
- The proposed standby power generation system is sized to provide reliable, back-up power to the entire WWTP at peak load periods in the event of an extended power loss – similar to other CMU treatment facilities.
- Bid documents stated that award would be based on the best value, which was calculated on lowest price per kilowatt (kW) of capacity provided.
- The bid includes a ten-year maintenance plan with the first two years included in the bid price. The remaining eight years have a fixed annual cost that does not allow for adjustment. The City may renew the maintenance agreement annually, or terminate at anytime with 90 days notice.
- This contract is only for the purchase of the generators. Installation of the standby power generation system will be accomplished under a future project currently under design. Pre-purchase of generators allows the design of the generator building to be matched to the specific equipment size and configuration.

- Delivery of the generators is scheduled to coincide with construction of the buildings that will house these units.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

26. Water Meter Copper Tubing

Action: A. Reject the low bid of \$185,976 by Baker-Mitchell Co. for submission of a non-responsive bid, and

B. Approve a contract with Murray Supply LLC for the purchase of copper tubing in the estimated amount of \$204,340 for the term of one year.

Staff Resources: Barry Gullet, Utilities
Charles Robinson, Business Support Services

Reject Low Bid Explanation

- The bid specifications required that the unit price be fixed for the first quarter (90 days).
- The low bid received from Baker-Mitchell Co. was subject to fluctuating prices after 30 days and was, therefore, deemed non-responsive.
- The bid specifications allow price adjustments quarterly, after the initial quarter, based on Comex Producer Price Index.

Explanation

- This copper tubing, in four different sizes, will be used for connecting and installing water meters.

Small Business Opportunity

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

Funding

Utilities Operating Budget

27. Lawing School Road Connectivity

April 12

Action A. Reject the low bid of \$200,361.15 from Alpha Development Company, Inc., and

B. Award the low bid of \$248,780.94 to Red Clay Industries, Inc. for the construction of the Lawing School Road

Staff Resource: Dan Leaver, Engineering & Property Management

Explanation

- This project will extend Lawing School Road to connect with Northwoods Forest Drive and provide direct access to Mt. Holly-Huntersville Road and Bellhaven Boulevard. The project also includes infrastructure improvements such as new curb, gutter and sidewalk.
- The extension of Lawing School Road will connect two neighborhoods and provide a needed link in the roadway system.
- Upon completion, both neighborhoods will have secondary roadway access and improved emergency vehicle response times.
- Two public meetings were held during the planning and design phase; the majority of residents supported the project.
- Project is expected to be completed in third quarter 2010.
- In May 2006, Charlotte City Council adopted the 25-year Transportation Action Plan (TAP).
- One of the TAP goals is to improve the City’s connectivity. The Lawing School Road Connectivity Project will help achieve this goal.

Reject the low bid from Alpha Development Company, Inc.

- Alpha Development was the apparent low bidder with a bid of \$199,460.76. Bid amounts below \$200,000 do not require a bid bond; however, Alpha Development made a mistake in their bid. The bid amount was corrected to \$200,361.15 which now requires a bid bond. By state statute, bid bonds can only be submitted at the time the bid is open. Therefore, failure by Alpha Development to provide a bid bond rendered their bid non-responsive. Red Clay Industries, Inc. is the new apparent low bidder.

Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.06%

Red Clay Industries committed 9.06% (\$22,537.60) of the total contract amount to the following SBE Firms: Ram Pavement Services Inc. (silt fence, speed cushion) and Express Logistics Services (stone base).

Funding

Transportation Capital Investment Plan

28. Airport Sewer Line Extension

April 12

Action: A. Reject the low bid of \$221,981 from Landsdown Earth & Pipe as non-responsive, and

B. Approve a contract with Scurry Construction in the amount of \$284,607.90 for the installation of a sewer line.

Staff Resource: Jerry Orr, Aviation

Explanation

- In June 2009, City Council approved a land exchange between the Airport and DavidLand, LLC, which allowed DavidLand to move forward with an industrial development at the corner of Steele Creek Road and Byrum Drive.
- As part of that development, DavidLand would construct a sewer line extension from the property to an existing sewer line that connects to the Coffey Creek outfall, but not until a tenant is secured for the building.
- The Airport intends to connect to this new line with the sewer line currently under construction that will serve the new Air National Guard fire station on the airfield.
- Since the Airport will need to have sewer service for the fire station prior to DavidLand securing a tenant for their building, the Airport will install the sewer line extension for DavidLand.
- DavidLand will pay half the cost of installation at the time their building taps into the line.
- This contract will install the line as designed by DavidLand's engineer.
- This project included a 12% DBE Goal. Landsdown Earth & Pipe did not meet the goal, having no participation at the time of the bid nor did they perform adequate good faith efforts to obtain DBE participation, therefore, their bid was deemed non-responsive.
- On April 1, an administrative appeal hearing was held and the ruling was that Landsdown's bid is a non-qualifying bid. The letter is attached.

Disadvantaged Business Opportunity

Established DBE Goal: 12%

Committed DBE Goal: 6.6%

Scurry Construction did not meet the goal, but did meet the Good Faith Efforts necessary to comply with the program. Scurry committed to using D's Trucking Service (hauling) and Herndon, Inc. (seeding).

Funding

Aviation Capital Investment Plan

Attachment 24

Administrative Appeal Letter

29. Transit Magnetic Passes and Transfers Printing

Action: Award a fixed unit price contract to Electronic Data Magnetics, Inc. (EDM, Inc.) in the amount not to exceed \$360,000 for a term of three years, to print magnetic passes and transfers which are used by customers on all public transit services.

Staff Resource: Kim Taylor, Transit

Explanation

- In FY1998, the transit system installed a new fare collection system across its bus fleet which uses magnetic technology. This technology requires the use of magnetically encoded passes and transfers to validate and record pass usage and ridership.
- The major goal of transit passes and transfers is to provide a convenient variety of pre-packaged magnetic fare media for customers to use when riding CATS services.
- Since FY2008, CATS has created additional magnetic pass types for senior citizens and those with disabilities, and has experienced increases in the purchase of magnetic passes for use on the LYNX Blue Line.
- In FY2009 over 630,000 passes of varying types generating \$8,673,183 of revenue were sold and over five million transfers were issued.
- These passes and transfers require specialized printing and magnetic encoding services with only a few vendors with this capability. The vendor pool is further limited by the requirement that the passes and transfers be compatible with the type of fare collection system CATS utilizes.
- EDM, Inc. was selected pursuant to a competitive Request for Proposal (RFP) procurement process. Four responses to the RFP were received.

Contract Terms

- The contract will be firm fixed unit pricing for a term of three years, with all project activities ending on June 30, 2013. There will be no renewals to this contract. The contract amount will not exceed the amount of \$360,000.

Small Business Opportunity

The City negotiated a SBE goal with Electronic Data Magnetics, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Electronic Data Magnetics, Inc. committed 2.08% (\$7,500) of the total contract amount to the following SBE firm: Dial Four Delivery (delivery services). Delivery service was the only subcontracting area specified in the proposals submitted.

Funding

Transit Operating Fund

30. Smeal Fire Truck Repair Parts

Action: A. Approve the purchase of Smeal Fire Truck Repair Parts, as authorized by the sole source exception of G.S. 143-129(e)(6),

B. Approve a contract with Metrolina Fire and Rescue for the purchase of Smeal Fire Truck Repair Parts for the term of five years, and

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

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

Explanation

- The Charlotte Fire Department currently operates a fleet of 87 pieces of fire fighting apparatus of which 50 are Smeal built trucks, comprised of the following:
 - 33 Engine trucks, which range from one to eight years of age
 - 14 Ladder trucks, which range from five to nine years in age
 - Three tankers, which range from two to eight years in age
- The 50 Smeal units equal 70% of the 71 trucks that must be fully operational and available for use 24 hours a day, seven days a week.
- Smeal original equipment manufacturer (OEM) parts are required for equipment repairs to maintain warranty and equipment performance standards.
- OEM parts are also required to retain National Fire Protection Association Certifications.
- Metrolina Fire and Rescue is the exclusive authorized dealer for Smeal in North Carolina.
- Standardizing Smeal fire trucks reduces inventories, the need for additional specialized tools and mechanic training that would be required to maintain various makes and models of fire trucks and apparatus within the City’s fleet.
- The annual expenditures are estimated to be \$125,000.

Small Business Opportunity

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

Funding

Fire Department Operating Budget

31. Heavy Truck and Equipment Parts and Services

Action: A. Approve the purchase of Heavy Truck and Equipment Parts and services, as authorized by the sole source exception of G.S. 143-129(e)(6),

B. Approve a contract with Covington Power Services for the purchase of Allison Transmissions, Parts and Services for Detroit Diesel, and Mercedes Benz Engines for the term of

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

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

Explanation

- The City's fleet currently includes Fire trucks, Special Transportation Service buses, Solid Waste Service collection trucks, dump trucks, sewer rodder trucks, street excavators and other equipment and trucks that are built with the applicable engines, transmissions and drive-train components.
- The majority of trucks over 26,000 gross vehicle weight and all Chevrolet trucks with a diesel engine are built with Allison transmissions.
- Currently, the City has the following number of units that are built with the required specialized parts:
 - Allison Transmissions (554 units in Fleet)
 - Detroit Diesel engines (80 units in Fleet)
 - Mercedes Benz engines (20 units in Fleet)
- There are no Mercedes Benz vehicles in the City fleet.
- The ages of these units range from one to 22 years, with varying combinations of engines and drive trains.
- Original equipment manufacturer parts are required for equipment repairs to maintain manufacturer warranty and equipment performance standards.
- Covington Power Services is the exclusive authorized distributor and service provider for Allison Transmission, Detroit Diesel, and Mercedes Benz Engine parts in North Carolina.
- The annual expenditures are estimated in the amount of \$125,000.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

OTHER CONSENT ITEMS

32. Municipal Agreement for Relocation and Adjustment of Utility Lines

Action: Adopt a resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation for design of water and sewer line relocations and adjustments along Mallard Creek Road and Harris Boulevard in the amount of \$219,520.

Staff Resource: Barry Gullet, Utilities

Explanation

- NCDOT's roadway improvements project, along Mallard Creek Road from Graham Street extension to Harris Boulevard, requires the relocation and adjustment of existing water and sewer lines.
- NCDOT has agreed to reimburse Utilities for these design services.
- The engineering services will be provided by Hinde Engineering, a certified SBE firm, under an existing design contract awarded by Council on November 23, 2009. That agreement provides for professional engineering services on an as-needed basis for design of water and sewer infrastructure within NCDOT roadway projects.

Funding

NC Department of Transportation

Attachment 25

Resolution

33. Airport Advertising Agreement with Bank of America

Action: Approve a month-to-month extension of Bank of America's advertising agreement in the amount of \$35,416.67 per month.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 2004, Council approved an agreement with Bank of America for naming rights and other advertising associated with the Airport's proposed Business Center for an annual fee of \$425,000.
- In 2005, Council approved construction of the Business Center and also approved changing the term of the agreement with Bank of America from two years to three years with two, one-year extensions.
- The agreement expires April 30, 2010.
- The Airport has received proposals for new merchandise concessions throughout the terminal, including in some or all of the space currently occupied by the Business Center.
- The Airport must coordinate decisions about the space available for the Business Center with any new agreements for advertising rights associated with it.
- The Airport therefore requests to extend Bank of America's current agreement on a month-to-month basis for a pro-rated monthly payment of \$35,416.67.
- The new agreements are anticipated in July.

34. Airport Automatic Baggage Screening System Design

Action: **A. Approve a contract with BNP Associates, Inc in the amount of \$880,000 for baggage handling design services, and**

B. Adopt a budget ordinance in the amount of \$880,000 from Airport Discretionary funds to be repaid with a future Transportation Safety Administration (TSA) grant, and future General Airport Revenue Bond proceeds.

Staff Resource: Jerry Orr, Aviation

Explanation

- In October 2008, City Council approved a contract with BNP Associates to do a feasibility study for how a new baggage handling system might be organized within the existing building.
- The new baggage handling system automates required security tasks and creates efficiencies.
- In March 2009, the Airport filed a request with TSA for approval of the system and 90% of the funding required for its construction.
- In July 2009, the TSA offered a grant of \$37,500,000 to construct the system.
- After further discussions the TSA revised their grant offer to \$45,431,845
- This contract will provide complete design and bidding documents for the system.
- Additional fees for architectural and electrical services will be required as soon as a scope of services can be defined.
- After the project is bid and TSA agrees to pay 90% of the total cost, Council will be asked to award a construction contract. If the project does not proceed, 90% of this contract will be reimbursable by the TSA. The Airport's 10% share of the costs will be funded with future General Airport Revenue Bond proceeds, the debt service of which is paid through airline rates and charges.
- BNP is the consultant that has designed all of the Airport's baggage systems and is approved by TSA.

Disadvantaged Business Enterprise Program Opportunity

The federal DBE Program neither requires nor permits goals for every contract. The City must meet its DBE goal through a mix of contract-specific goals and race-neutral means. No goal was set for this contract because participation opportunities were not identified.

Funding

Aviation Capital Investment Plan

Attachment 26

Budget Ordinance

35. Pre-Conditioned Air Units for Airport International Concourse

Action: **A. Award the low bid of \$574,038 to FCX Systems for the purchase and delivery of six pre-conditioned air units,**

B. Award a contract to Starr Electric Company, Inc. in the amount of \$63,300 for the electrical infrastructure upgrades to accept the six new pre-conditioned air units, and

Staff Resource: Jerry Orr, Aviation

Explanation

- Pre-Conditioned Air Units (PCA) are electrically powered air conditioning units that are attached to the passenger loading bridge and provide cooling to the aircraft without operating the aircraft’s on-board jet-fueled engine.
- New and expanded International service with larger aircraft requires replacing six of the existing 30-ton and 60-ton PCA units on the International Concourse with 90-ton units. The existing units will be relocated to other gates.
- Using these PCA units on an Airbus A330 saves 616,420 gallons of jet fuel and eliminates 6,602 tons of carbon dioxide annually, having a positive effect on air quality.
- This contract will be funded with future General Airport Revenue Bond proceeds, the debt service of which is paid through airline rates and charges.

Small Business Opportunity

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

Funding

Aviation Capital Investment Plan

Attachment 27

Budget Ordinance

36. Statesville Road Widening Engineering Services

Action: Approve Amendment #4 with Mulkey Engineers & Consultants, Inc. in the amount of \$325,000 for engineering services on the Statesville Road Widening Project.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Explanation

- This project will widen Statesville Road from Starita Road to Sunset Road to a four-lane, median-divided roadway with planting strips, sidewalks and bicycle lanes.
- The need for Amendment #4 was not realized until after a number of real estate acquisition issues were resolved and the related revisions to the construction plans were made, including:
 - Redesign of utility relocation to minimize impacts to individual properties
 - Coordination with Charlotte-Mecklenburg Schools due to renovations to the entrance to Ranson Middle School
 - Relocation of a waterline
 - Additional work to renovate a structure, portions of which may be removed prior to widening of Statesville Road
- In addition, coordination with NCDOT necessitated changes that impact the final construction documents.

Contract History

- On November 13, 2000, City Council approved a contract in the amount of \$1,075,000 for planning and design services. Cindy Lane was not anticipated during the implementation of this project.
- After further studies, staff determined that in order to improve traffic flow, Cindy Lane had to be built first. On November 12, 2001, City Council approved Amendment #1 for \$468,300 to include the Cindy Lane Extension with the Statesville Road Widening Project.
- On September 27, 2004, City Council approved Amendment #2 for \$432,800 to provide modification to the vertical alignment of Statesville Road and preparation of separate final construction plans for Cindy Lane. This amendment also included funds to accommodate the design of both intersections to comply with the new Urban Street Design Guidelines. The Cindy Lane Extension was completed in 2007 and funding for real estate acquisition and construction for Statesville Road was included in the November 2008 Transportation Bonds.
- On July 27, 2009, City Council approved Amendment #3 for \$350,000 to modify some Statesville Road intersection medians to include pedestrian refuge and fund architectural design for the remaining portion of a building proposed to be partially demolished, including a new façade, electric, plumbing and HVAC.
- The total contract amount to date, including these amendments, is \$2,651,100 and is available within the project budget.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, Mulkey Engineers & Consultants (Part D: Section 6 of the SBO Policy).

Funding

Transportation Capital Investment Plan

37. Time Warner Cable Arena Roof Warranty Project

Action: Approve a Settlement Agreement and Release between Hunt Construction, AD Willis, Dow Industries and the City of Charlotte for warranty and other repairs to the Time Warner Cable Arena roof, in the amount of \$491,689.

Staff Resource: Jim Schumacher, City Manager's Office

Background

- The City of Charlotte contracted with Hunt Construction Group for construction management services in May 2003 to construct the Charlotte Arena, now called the Time Warner Cable Arena.
- Hunt Construction awarded a contract to AD Willis in April 2004 for the construction of the Arena roofing system.
- Once the building was completed in October 2005, the City received a 15-year manufacturer's warranty on the roof system from Dow Industries.
- Over the past 18 months, there have been numerous leaks on the high portion of the roof. Each time it has leaked, Dow has honored the warranty and made repairs.
- Dow believes that the roof membrane is deteriorating more quickly than anticipated. While Dow would continue making repairs to the roof until the end of the original warranty period in 2020, Dow has suggested a new roofing membrane as a more reliable solution.
- Dow has agreed to furnish the material for a new, thicker roof membrane at no cost to the City.
- An additional factor in the roof replacement is that the building code has been updated since 2003 and additional roofing measures will have to be added to meet the requirements of the current building code. Hunt and AD Willis are not responsible for changes to the building code that occurred after the arena project was complete.

Explanation

- The City, Hunt Construction, AD Willis and Dow Industries have negotiated a Settlement Agreement and Release for corrections and modifications to the roof. This Agreement calls for Dow, Hunt and AD Willis to provide materials necessary to replace the membrane and to bring the roof system into compliance with the 2003 Building Code. The City would pay for labor for installing the new membrane and the additional modifications necessary to bring the roof system up to the requirements of the current Building Code.
- Hunt Construction and AD Willis will perform the work in accordance with plans and specifications included in the Agreement.
- The Charlotte Bobcats have asked that the work begin as quickly as possible after the end of the NBA season.
- The replacement work is expected to take three to four months.
- Once the work is complete, the City will receive a new 15-year warranty from Dow Industries.
- When the new membrane is in place, the Bobcats will hire a roofing contractor to apply a Time Warner Cable logo using specialty paint on the new membrane as part of their naming rights agreement.

Funding

- Funds for the City's share of costs are available in the original Arena project account, which has not been closed due to on-going claims

between sub-contractors and the architect, and this roof issue. The funds that will remain after this roof project (approximately \$400,000) are restricted for the arena and may be used for costs shared with the Bobcats, such as replacing HVAC equipment.

Party to Agreement	Responsibility	Value
Dow Industries	New roof membrane with new warranty	\$117,333
Hunt Construction/ AD Willis	2003 building code requirements	\$ 64,243
City of Charlotte	2006 building code requirements Labor to install new membrane Construction management	\$491,689

38. Storm Water Educational Campaign

Action:

- A. Approve a contract with Media Power, Inc. d/b/a Media Power Advertising in the amount of \$145,000 for media buying services, and**
- B. Authorize the City Manager to negotiate one contract extension for additional media buys in an amount not to exceed \$145,000.**

Staff Resource: Jennifer Krupowicz, Engineering & Property Management

Explanation

- The Federal Clean Water Act requires public education and outreach activities. This legal requirement is satisfied by volunteer programs, presentations and advertising.
- The City’s educational efforts are funded through the storm water fee and coordinated with Mecklenburg County, Charlotte-Mecklenburg Utilities and Solid Waste Services to avoid duplication and ensure efforts are complementary.
- The campaign raises awareness of storm water pollution, flood safety and storm drainage issues with various environmental messages.
- Media buys in previous years of the educational campaign have been successful as demonstrated through results of citizen surveys on the topic of storm water and water quality and through public participation in volunteer programs.

Selection of Media Power

- Media Power, Inc. was selected in January 2010, pursuant to the Council-approved, qualifications-based process performed in accordance with NC General Statutes.
- Media Power, Inc., a certified SBE, was selected from a field of seven interested firms. In addition to Media Power, Inc. the field included two other SBE firms.
- This contract is consistent with the current media buying process. When this contract ends in June 2011, it will be consolidated with the new Citywide media buying process.

Contract with Media Power, Inc.

- Media Power, Inc. will purchase radio, television, billboard and print advertising to continue the Storm Water Education Campaign. Media Power, Inc. will be compensated solely through commissions from the respective media companies for these efforts, as is standard practice in the industry.
- It is anticipated up to 15% of the contract amount may be used as an incentive for Media Power, Inc. to secure free advertising in addition to paid advertising for the City, such as public service announcements or on-location public promotional opportunities. To provide an incentive to vigorously pursue such opportunities, Media Power, Inc. will receive a standard commission for the fair market value of the media.
- The contract may also be used to explore innovative means and media for connecting with populations that were not successfully reached in previous campaigns.
- The contract with Media Power, Inc. will be for an initial period of one year and, after evaluating their performance, may be extended for an additional 12 months.
- This contract amount is budgeted in Storm Water Services operating budget in order to satisfy Federal Clean Water Act requirements.
- The campaign is jointly funded with Mecklenburg County. The County will reimburse the City \$55,500 for their share of the campaign, which reduces the City's net cost to \$89,500.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). However, Media Power, Inc is a SBE.

Funding

Storm Water Operating Budget

39. Donation of a Retired Bus to Kennedy Charter School

Action: Adopt a resolution approving the donation of one retired CATS bus to Kennedy Charter School.

Staff Resource: John Trunk, Transit

Explanation

- CATS buses are purchased with funds from the FTA (80%), NCDOT (10%), and local funds (10%). The buses are retired on a 12 year depreciation cycle pursuant to federal regulation. Fully depreciated buses may be disposed of pursuant to locally authorized methods and no reimbursement to the FTA is required if less than \$5,000 is received for the retired bus.
- North Carolina law allows city property to be donated to entities that carry out a public purpose.
- Kennedy Charter School, located at 1717 Sharon Road West, is operated by Elon Homes and Schools for Children, Inc. The school received certification from the North Carolina Department of Public Instruction as an official Charter Public School.
- The school offers education to "at risk" youths from all areas of Mecklenburg County.

- Many of the Kennedy students (approximately 50) use the CATS bus system for transportation and must make their way from Kennedy to the uptown transit center. This requires them to walk along Sharon Road West without supervision for over half of a mile to reach the light rail station.
- The school currently operates buses to transport some students, but does not have enough vehicles to transport those students traveling to the uptown transit center. This requires students to use the LYNX Blue line, again without supervision, to reach the transit center.
- Donating a bus to the school would provide a cost effective solution to the school's transportation needs, and would also alleviate the need for the extra security resources CATS is currently using to help manage the unsupervised students.
- CATS has a bus available that has reached its useful service life and is fully depreciated by FTA standards and may therefore be retired, and donated to Kennedy.
 - 1998 Nova LFS Bus #843
 - Miles – 501,192
 - Vehicle Identification Number – 2NVYL82P3W3000077
- Kennedy Charter School would accept the donated bus "as is" and without warranty. At the time of donation, Kennedy Charter School will take sole responsibility for operating (including providing drivers), maintaining, licensing and insuring the bus.
- The typical sale price or winning auction bid for a fully depreciated bus is less than \$5,000. This is based on the average of recent bids received during the February 2010 electronic auction (which was \$4,454).
- On July 27, 2009, City Council approved a similar donation to Central Piedmont Community College, for educational purposes. Council approval is required in order to donate this bus to the Kennedy Charter School.
- Should Council not approve donation, the bus would be included in the April 17, 2010 public auction as previously approved by Council.

Attachment 28

Resolution

40. Charlotte-Mecklenburg Housing Partnership Board Appointment

Action: Appoint Council member James Mitchell to serve on the Charlotte-Mecklenburg Housing Partnership Board.

CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP (CHP)

- Charlotte-Mecklenburg Housing Partnership (CHP) by-laws reserve a board seat for a City Council member, traditionally filled by the chair of the Housing and Neighborhood Development Committee. The term begins immediately and ends December 2011.

Attachment 29

Letter from CHP President

41. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$13,481.52.

Staff Resource: Henry Simmons, Finance

Attachment 30

Resolution
List of business license refunds

42. Exchange of Land Rights along the South Corridor Light Rail Project with Carolina Trust Bank

Action: **A. Adopt a resolution authorizing an exchange of real property with Carolina Trust Bank (the Bank) involving portions of Tax I.D. No. 149-07-301, located at 4515 Old Pineville Road, and**

B. Authorize the City Manager to execute all necessary documents to complete an exchange of land rights between the City and the Bank.

Staff Resources: Tim O'Brien, Engineering & Property Management
Tina Votaw, Transit

Explanation

- The subject property is excess railroad right-of-way owned by the City and contains a small warehouse that can be converted into business use. The bank acquired the warehouse through a foreclosure.
- The City and the Bank want to separate real estate interests whereby the City will own the active rail corridor in fee simple and the Bank will own the building and excess right-of-way in fee simple.
- The City has no need for the excess right-of-way and will benefit by putting the property back into productive use.
- The property rights to be transferred between the City and the Bank have been appraised by the City and the Bank has agreed to the terms outlined below.

Terms of Agreement

- City receives approximately 3,500 square feet in fee simple, plus a permanent access easement to the active rail corridor and \$14,000 as cash payment from the Bank.
- Bank receives approximately 21,000 square feet (primarily under the building) in fee simple and must install a fence on the common property line at a cost of approximately \$9,000.

Attachment 31

Resolution

43. Supplemental Municipal Agreement for Relocation and Adjustment of Utility Lines

Action: **Adopt a resolution authorizing the Utilities Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation for relocation and adjustment of water and sewer lines along I-485 from north of NC 27 to northeast Oakdale Road, in the total amount of \$974,965.18.**

Staff Resource: Barry Gullet, Utilities

Explanation

- On January 22, 2007 Council approved a Municipal Agreement for the relocation and adjustment of municipally-owned water and sewer lines along I-485 from north of NC 27 to northeast Oakdale Road, in the estimated amount of \$1,471,140.45.
- Due to changes in the work during construction and higher than anticipated bid prices, the final cost for construction was \$974,965.18 over the estimate.
- Changes in the work included
 - The 42-inch sewer line to be installed under I-485 was upsized to a 48-inch to meet new EPA regulations.
 - A problem with an existing 24-inch sewer line was discovered during construction, and the line had to be replaced.
 - Extra stone was required under all of the sewer construction due to poor soil conditions.
- It is common for bids to come in higher than the NCDOT estimate because of the significant time-lapse between when the estimate was prepared and the bidding of the project.
- Utilities is obligated to pay for the work, not based on the estimate, but on the actual cost of construction.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Utilities Capital Investment Plan

Attachment 32

Resolution

PROPERTY ITEMS

44. Property Transactions

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

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

Acquisitions

- A. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 28
Owner(s): Maurice D. Pugh and Wife, Stacey W. Pugh
Property Address: 8740 Hood Road
Property to be acquired: 5,773 sq. ft. (.133 ac.) in Sanitary Sewer Easement, plus 7,961 sq. ft. (.183 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Rural Homesite
Tax Code: 105-142-12
Total Parcel Tax Value: \$157,900
- B. Project:** 2009 Annexation - Hood Road South Sanitary Sewer Improvements (Phase 1), Parcel # 17
Owner(s): James Gaston Carpenter, Jr., John Warren Carpenter and Wife, Patricia Neal Carpenter and Harvey William Carpenter and Wife, Julie Drummond Carpenter
Property Address: 9255 Harrisburg Road
Property to be acquired: 22,833 sq. ft. (.524 ac.) in Sanitary Sewer Easement, plus 39,085 sq. ft. (.897 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,140
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 108-101-23
Total Parcel Tax Value: \$380,900
- C. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 4
Owner(s): George H. Buck, Jr. and Wife, Ethel Nina Buck
Property Address: 2921 Sam Drenan Road
Property to be acquired: 21,986 sq. ft. (.505 ac.) in Sanitary Sewer Easement, plus 23,126 sq. ft. (.531 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,850
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 157-016-29

Total Parcel Tax Value: \$17,100

- D. Project:** Briar Creek Relief Sewer Phase I, Parcel # 28.1
Owner(s): Mecklenburg County Board Of Education
Property Address: 2400 Colony Road
Property to be acquired: 27,758 sq. ft. (.637 ac.) in Sanitary Sewer Easement, plus 33,201 sq. ft. (.762 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$122,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: R-3
Use: School - Public
Tax Code: 175-071-02
Total Parcel Tax Value: \$0 (no value assigned to County property)
- E. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 87
Owner(s): Marcille S. Carr
Property Address: 5600 Statesville Road
Property to be acquired: 15,899 sq. ft. (.365 ac.) in Fee Simple (Total Take)
Improvements: House
Landscaping: None
Purchase Price: \$114,816
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 045-322-01
Total Parcel Tax Value: \$88,500

Condemnations

- F. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 70
Owner(s): Howard Robin Winokuer and Any Other Parties of Interest
Property Address: 3835 Brookwood Road
Property to be acquired: Total Combined Area of 10,156 sq. ft. (.233 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$8,175
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 105-241-04
Total Parcel Tax Value: \$139,800

- G. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 71
Owner(s): Johnny M. Flowers, Sr. and Wife, Nancy S. Flowers and Any Other Parties of Interest
Property Address: 3828 Brookwood Road
Property to be acquired: Total Combined Area of 19,538 sq. ft. (.449 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$14,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 105-192-13
Total Parcel Tax Value: \$189,700
- H. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 72
Owner(s): Robert W. Blalock and Wife, Evelyn T. Blalock and Any Other Parties of Interest
Property Address: 4016 Brookwood Road
Property to be acquired: Total Combined Area of 9,405 sq. ft. (.216 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$7,625
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Rural Homesite
Tax Code: 105-192-10
Total Parcel Tax Value: \$198,600
- I. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 73
Owner(s): William L. Eppers and Wife, Rebecca K. Eppers and Any Other Parties of Interest
Property Address: 4032 Brookwood Road
Property to be acquired: Total Combined Area of 6,898 sq. ft. (.158 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$3,950
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Rural Homesite
Tax Code: 105-192-09

Total Parcel Tax Value: \$173,000

- J. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 66 and # 67
Owner(s): Nexco Inc and Any Other Parties of Interest
Property Address: Esmeralda Drive, 5325 and 5331 Statesville Road
Property to be acquired: Total Combined Area of 384 sq. ft. (.009 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$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: B-2
Use: Single Family Residential - Common
Tax Code: 041-164-69 and 041-164-01
Total Parcel Tax Value: \$20,000

45. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- January 19, 2010
 - February Council Retreat
 - February 8, 2010
 - February 22, 2010