

Mayor Anthony Foxx

John Autry
Michael D. Barnes
Warren Cooksey
Andy Dulin
Claire Fallon

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, February 27, 2012

**CITY COUNCIL AGENDA
Monday, February 27, 2012**

TABLE OF CONTENTS

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
4:00 P.M. Dinner Briefing		
Conference Center		
1. Charlotte Regional Visitors Authority Update	1	
2. Noise Ordinance Six Month Review	1	
3. 2010 Census Update	2	
4. Multi-Family Supplemental Collection Litigation Update	2	
6:30 P.M. Citizens' Forum		
Meeting Chamber		
7:15 P.M. Awards and Recognitions		
5. Girl Scouts 100 th Anniversary Proclamation	3	
6. Charlotte Goes to College Week Proclamation	3	
Consent		
7. 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 or City Manager during the noon agenda briefing.	3	
Public Hearing		
8. Public Hearing on Resolution to Close a Residual Portion of Independence Boulevard	4	1
Policy		
9. City Manager's Report	6	
10. Steele Creek Area Plan	6	2
11. Midtown Morehead Cherry Area Plan	8	
12. Eastfield Road Thoroughfare Plan Amendment	10	3
13. Oakhurst Infrastructure Agreement	11	
Business		
14. Grant Application for Compressed Natural Gas Solid Waste Collection Trucks	13	4
15. Public Safety Broadband Network End User Devices and Associated Services	15	5
16. Davidson Street Bus Facility Fuel System Upgrade	16	
17. Nominations to Boards and Commissions	18	6
18. Appointments to Boards and Commissions	18	7-15
19. Mayor and Council Topics	20	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
Consent		
20. Crushed Stone	23	5
21. Public Auctions for Disposal of Equipment and Police Unclaimed Property	23	5, 16
22. 36-Inch Water Main Along Highway 51	24	17
23. FY2012 Sanitary Sewer Replacement Contract	25	
24. Briar Creek Relief Sewer Phase III Professional Services	26	5
25. McAlpine Creek Waste Water Management Facility Effluent Filter Expansion – Design Services	27	
26. McAlpine Creek Waste Water Management Facility Centrifuge Improvements	28	5
27. Bryant Park Area Plan Improvements Pedestrian Lighting Payment	29	5
28. Grove Park Neighborhood Improvement Project	30	
29. Stream Restoration and Storm Water Facility Maintenance Services FY2012	30	
30. Airport Video Displays Change Order	31	5
31. Police Oracle Software Purchase	32	5
32. Blue Line Extension – Acquisition of Railroad Property Rights	33	
33. Blue Line Extension – Overhead Utilities Relocation Agreements	34	
34. Blue Line Extension – Miscellaneous Legal Services	35	
35. Applications for 2012 Federal National Infrastructure Investment Grants Program	36	18
36. 2012 NC Mobility Fund Applications	38	
37. Urban Areas Security Initiative Communications Equipment	39	5
38. All Hazard Plan Update	40	5
39. Fire Department Urban Search and Rescue Lease	41	
40. Property Acquisition for Utilities North Maintenance Facility	42	19
41. Refund of Property and Business Privilege License Taxes	43	20
42. Resolution of Intent to Abandon Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street	43	21
43. Resolution of Intent to Abandon a Residual Portion of Kenilworth Avenue	44	22
44. Property Transactions	45	
45. Meeting Minutes	52	

4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Charlotte Regional Visitors Authority Update

Resources: Joe Hallow, CRVA Board Chair
Tom Murray, CRVA Chief Executive Officer

Time: 30 minutes

Synopsis

- The presentation will cover progress of the Charlotte Regional Visitors Authority (CRVA) organizational improvement plan, including:
 - New CRVA vision and mission statement
 - Reorganizational model and organizational redesign process
 - Next steps for CRVA

Future Action

- No future action required

2. Noise Ordinance Six Month Review

Resources: Robert Hagemann, City Attorney
Walter Abernethy, Neighborhood & Business Services
Paul Zinkann, Police

Time: 30 minutes

Synopsis

- At the time of adoption of the revised noise ordinance on May 23, 2011, City Council asked staff to return after six months to review the effectiveness of the amendments. Staff will brief Council on the application of key provisions in the revised ordinance, including:
 - Permitting of large outdoor music venues
 - Outdoor amplified music at commercial establishments
 - Chronic noise producer designation

Future Action

- No future action required

5:15 P.M. DINNER BREAK

5:20 P.M. MEETING RESUMES

3. 2010 Census Update

Resources: Ruchi Agarwal, Planning
Joe McLelland, Transportation

Time: 20 Minutes

Synopsis

- Over the last decade, Charlotte has experienced many changes in population and housing characteristics. Understanding these changes and looking at longer term trends can help anticipate and respond to the community's needs.
- Staff recently provided an overview of the 2010 Census information to the Transportation and Planning Committee, illustrating the growth that has occurred in the Charlotte-Mecklenburg region in the last decade. Planning and CDOT staff will give a similar presentation focusing particularly on how the community is changing from a demographic perspective.

Future Action

No future action required

4. Multi-Family Supplemental Collection Litigation Update

Resources: Mujeeb Shah-Khan, City Attorney's Office
Thomas Powers III, City Attorney's Office

Time: 10 minutes

Synopsis

- The City Attorney's Office will brief the Mayor and Council on the status of *Cedar Greene, LLC & O'Leary Group Waste Systems, LLC v. City of Charlotte*. The *Cedar Greene* case challenges the City's method of reimbursement for supplemental collection landfill disposal costs.

Future Action

No future action required

**6:30 P.M. CITIZENS' FORUM
MEETING CHAMBER**

7:15 P.M. AWARDS AND RECOGNITIONS

5. Girl Scouts 100th Anniversary Proclamation

Action: Mayor Foxx will read a proclamation recognizing the month of March 2012 as the Girl Scouts 100th Anniversary.

6. Charlotte Goes to College Week Proclamation

Action: Mayor Foxx will read a proclamation recognizing the week of March 4, 2012 as Charlotte Goes To College Week.

CONSENT

7. 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 or City Manager during the noon agenda briefing.

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled
- B. Consideration of Consent Items that have been pulled for which responses are sufficient to allow a vote without further discussion
- C. Consideration of Consent Items with citizens signed up to speak to the item

PUBLIC HEARING

8. Public Hearing on Resolution to Close a Residual Portion of Independence Boulevard

Action: A. Conduct a public hearing to close a residual portion of Independence Boulevard, and
B. Adopt a Resolution to Close.

Staff Resource: Jeff Boenisch, 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

Commonwealth & Pecan, LLC- Monte Ritchey

Right-of-Way to be abandoned

A residual portion of Independence Boulevard

Location

Located within Commonwealth Community; a residual portion of Independence Boulevard begins at its intersecting point of Pecan Avenue and Independence Boulevard, continuing approximately 255 feet east along the northern most edge of Independence Boulevard and having an irregular rectangular shape, which consists of 18,890 square feet

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner to create a more viable parcel for future development

Notification

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

Adjoining property owners

Omni Venture, LLC- No objections

Neighborhood/Business Associations

Commonwealth Park Neighborhood Association- No objections

Chantilly Neighborhood Association- No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 1

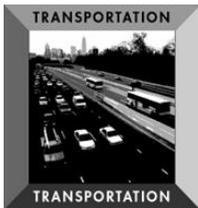
Map

Resolution

POLICY

9. City Manager's Report

10. Steele Creek Area Plan



Action: Approve the Transportation and Planning Committee recommendation to adopt the *Steele Creek Area Plan Volume I: The Concept Plan* and receive *Volume II: The Implementation Plan* as information.

Committee Chair: David Howard

Staff Resource: Melony McCullough, Planning

Explanation

- The *Steele Creek Area Plan* covers approximately 27,000 acres located in the southwestern portion of Mecklenburg County. The plan addresses key land use, transportation, urban design and development issues identified during the planning process and provides guidance for future land use and infrastructure decisions.

Plan Recommendations

- **Land Use:** Seventy percent of the plan area is located within a Wedge and the remainder is within four Activity Centers as defined by the City's *Centers, Corridors and Wedges Growth Framework*. The focus of the plan is to provide for better integration of land use and transportation as well as protect the character of existing neighborhoods and the natural environment. The majority of the Wedge is recommended for low density residential land uses, however some moderate density residential and neighborhood serving land uses are recommended at strategic locations along major thoroughfares. The expansion of industrial and office development is recommended in the Industrial and Mixed-Use Activity Centers. Mixed-Use Activity Centers are also identified as appropriate locations for higher density residential as well as more intense office and retail land uses.
- **Transportation & Streetscape Design:** The plan provides for new street connections at key locations to enhance the existing street network as well as enhancements to the pedestrian and bicycle network.
- **Community Design:** Plan policies include guidance for encouraging sustainable development that promotes accessibility for pedestrians and cyclists while integrating green space and environmentally sensitive features.
- **Infrastructure and Environment:** Plan policies support new civic infrastructure (i.e. water & sewer lines, libraries) and expansion of the greenway system, parks and open space.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee voted unanimously to recommend adoption of the plan with the proposed revisions (see attached Proposed Revisions 09-19-11) at their October 18, 2011 meeting.

Transportation & Planning Committee

- The Transportation and Planning Committee voted unanimously (Howard, Carter, and Kinsey) at their November 28, 2011 meeting to recommend approval of the plan with the proposed revisions and an additional revision that would add language recognizing the historical significance of retaining the name York Road instead of changing it to South Tryon as property is annexed into the City.
- Since the November 28, 2011 meeting, staff met with citizens from The Sanctuary and other nearby neighborhoods to discuss their concerns about the environmental impact of recommended densities along the Catawba River. Staff also reconvened the Citizen Advisory Group to discuss these concerns and, in response, recommends an additional revision to the plan for residential development along the Catawba River and in The Sanctuary development to remain low density.
- The Transportation and Planning Committee revisited the area plan at their February 13, 2012 meeting and voted unanimously (Howard, Barnes, Cooksey, and Kinsey) to recommend approval of the plan with the previously proposed revisions and an additional revision that recommends residential development along the Catawba River within the plan area and in The Sanctuary development remain low density.

City Council

- City Council received public comment on the plan on September 26, 2011. Citizens expressed concern about airplane flight patterns and noise; the density of a pending rezoning petition for The Sanctuary subdivision; and the desire to change the recommended land use from office to mixed-use for two parcels located within the RiverGate Activity Center. (The Transportation and Planning Committee supported staff's proposal to revise the plan to change the land use to mixed-use for these two parcels.)
- Council was scheduled to take action on the *Steele Creek Area Plan* at their December 12th meeting. However, staff requested that Council defer action on this item to allow staff time to continue working with citizens to address their concerns.

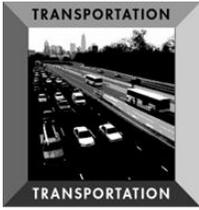
Website

- Copies of the plan and proposed revisions to the plan were included in Council's September 26th agenda packet. This information is also available on the Planning Department's website: www.charlotteplanning.org
 - Steele Creek Area Plan
 - Steele Creek Area Plan Proposed Revisions 02-17-12

Attachment 2

Steele Creek Area Plan
Steele Creek Area Plan Proposed Revisions 02-17-12

11. Midtown Morehead Cherry Area Plan



Action: Approve the Transportation and Planning Committee recommendation to adopt the *Midtown Morehead Cherry Area Plan Volume I: The Concept Plan* and receive *Volume II: The Implementation Plan* as information.

Committee Chair: David Howard

Staff Resource: Kent Main, Planning

Explanation

- The Midtown Morehead Cherry Area Plan includes three adjoining but diverse neighborhoods just outside of Uptown and I-277, centered on the Little Sugar Creek Greenway and encompassing about 455 acres.
- The plan is intended to establish a vision and provide policy direction for future growth and development, while preserving historic and natural features important to the community.
- Over the past year, staff worked with a Citizen Advisory Group through nine meetings and several public forums. A final public meeting was held September 15, 2011 with 42 people attending.
- Staff continued to work with citizens on specific concerns and responded by developing the attached *Proposed Revisions to the Draft Document*.

Plan Recommendations

- Land Use: Portions of the plan area lie within Growth Corridors as defined by the *City's Centers, Corridors and Wedges Growth Framework*. This plan will align the boundaries of Midtown with the Southeast Growth Corridor, Morehead with the South Growth Corridor, and Cherry with the South Wedge.
 - Midtown Area:
 - Preserve and enhance greenway connections and uses
 - Along Kings Drive, Third and Fourth Streets, encourage new mixed-use development. Limit heights at the edge of Cherry
 - Cherry Area:
 - Retain single family parts of Cherry at current densities; consider a historic district or conservation district to support preservation
 - Homes on Torrence Street currently zoned multi-family should remain single family to protect this vulnerable edge of Cherry
 - Retain small neighborhood commercial uses in historic buildings to blend in with the single family setting
 - New development extending toward the historic neighborhood or fronting narrow local streets should be designed with setbacks, heights and entrances that fit with Cherry's bungalow character
 - Morehead Area:
 - Preserve the dense tree canopy and setbacks along East Morehead Street with a mix of office and residential uses, plus retail at key locations. Limit heights along the Dilworth residential edge.
 - Promote mixed-use development along other area streets
 - Pedestrian Zone:
 - Within portions of Midtown and Morehead, establish an urban fabric by promoting a pedestrian zone with a mixture of uses
- Transportation and Streetscape Design:

- Provide pedestrian crossings to the greenway on Kings Drive
- Make traffic and pedestrian improvements at key intersections
- Make local street connections when redevelopment permits, with community input and appropriate traffic calming
- Calm traffic on streets through Cherry with traffic circles
- Extend Pearl Park Way west from the bridge along the edge of Pearle Street Park to Baxter Street, with on-street parking
- Infrastructure and Environment:
 - 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; protect Little Sugar Creek
 - Expand and improve access to greenway and park facilities

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their October 18, 2011 meeting. Several residents and property owners were in attendance. A Dilworth representative noted the vision of pedestrian friendliness, tree preservation, and setbacks along East Morehead Street, and support for the plan and a Pedestrian Overlay District (PED). Two Cherry representatives noted general support for the plan, but with some outstanding issues, especially related to street connections. Public comment was continued as staff worked through issues raised at the meeting.
- At the January 17 meeting, Cherry representatives noted their support for the draft plan with the most recent *Proposed Revisions to the Draft Document*. A representative of REBIC spoke of concerns over certain PED zoning standards should a PED Overlay later be implemented here or elsewhere. Planning Committee voted unanimously to recommend adoption of the plan with the Proposed Revisions.

Transportation & Planning Committee

- City Council’s Transportation & Planning Committee received an overview of the plan at their January 9 meeting. An e-mail from Real Estate and Building Industry Coalition (REBIC) concerning PED Overlay standards was briefly discussed. The Committee voted unanimously (Howard, Autrey, Cooksey, and Kinsey) to forward the plan to Council for public comment on February 13.
- On February 23, the Transportation and Planning Committee (Howard, Barnes, Autrey, Cooksey and Kinsey) will consider a recommendation on the plan with the changes proposed. The Committee’s recommendation will be provided in the Friday, February 24 Council-Manager Memo.

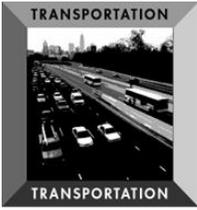
City Council

- City Council received public comments at its meeting on February 13, 2012 with three speakers, representing Cherry and Dilworth neighborhoods and the Real Estate and Building Industry Coalition voicing support for the draft plan.

Website

- Copies of the plan and proposed revisions to the plan were included in Council’s February 13 agenda packet. This information is also available on the Planning Department’s website: www.charlotteplanning.org
 - Midtown Morehead Cherry Area Plan
 - Proposed Additions to the Draft Document

12. Eastfield Road Thoroughfare Plan Amendment



Action: Approve the Transportation and Planning Committee's recommendation to endorse the Technical Coordinating Committee's recommendation and direct their MUMPO representative's vote accordingly.

Committee Chair: David Howard

Staff Resources: Stuart Basham, Planning
Alysia Osborne, Planning

Explanation

- Gandy Communities, the developer, approached NCDOT and CDOT with a proposed realignment of Eastfield Road to provide a more efficient development of land and align a direct north/south connection into the 196 acres of land under their control at the eastern half of the proposed Eastfield Transit Station Area along the CATS Red line and I-485. (See attached Eastfield Road Realignment Proposal).
- The current alignment of Eastfield Road crosses under I-485 and runs through the northern section of the Eastfield Station area.
- Gandy Communities is proposing a modification to the realignment of Eastfield Road that will occur as part of the current I-485 construction.
- Gandy's proposed realignment of Eastfield Road is envisioned as a two-lane roundabout, establishing a traffic-calmed and attractive entrance to the community that could extend south to Hucks Road.
- In response to Gandy's proposal, the Planning Department held a workshop to facilitate the evaluation of the area-wide transportation and land use impacts of the proposed realignment. Workshop results indicated that the proposed realignment would provide better connectivity and access to the Eastfield Transit Station area and future transit-oriented development. Additionally, a transportation framework plan was developed during the workshop that establishes a street grid and block structure. This framework, along with the key urban design and land use principles identified during the workshop, are intended to help guide future development or zoning applications.
- The proposed realignment would require an amendment to the Mecklenburg-Union Metropolitan Planning Organization's (MUMPO) Thoroughfare Plan.
- A public meeting on Gandy's proposed Thoroughfare Plan Amendment realignment was held on January 19th, 2012 with 80 people in attendance. There was no opposition to the proposed realignment project.

Mecklenburg-Union Metropolitan Transportation Organization (MUMPO)

- Amendments to the Thoroughfare Plan are made by the MUMPO with a recommendation from its Technical Coordinating Committee (TCC).
- On February 2, 2012, the TCC voted unanimously to recommend approval of the Eastfield Road Thoroughfare Plan Amendment.
- MUMPO is scheduled to take action on the proposed Thoroughfare Plan Amendment for Eastfield Road on March 21, 2012.

Transportation and Planning Committee

- On February 13, 2012, the Transportation and Planning Committee discussed the proposed realignment of Eastfield Road and voted unanimously (Howard, Barnes,

Cooksey and Kinsey) to recommend that Council endorse the TCC's recommendation and direct their MUMPO representative's vote accordingly.

Attachment 3

Eastfield Road Proposed Realignment

13. Oakhurst Infrastructure Agreement



Action: Approve the Economic Development Committee recommendation to authorize the City Manager to enter into an infrastructure agreement with David R. Krug Associates in an amount up to \$1,900,000 for the relocation of Chippendale Street and the widening of Monroe Road.

Committee Chair: James Mitchell

Staff Resource: Peter Zeiler, Neighborhood and Business Services

Explanation

- In May 2011, City Council adopted the Independence Boulevard Area Plan which identified Transportation and Land Use priorities. Among those priorities are the realignment of Chippendale Street with Richland Avenue and the creation of a mixed-use, pedestrian oriented node at the corner of Chippendale Street and Monroe Road.
- David R. Krug Associates has assembled 18 acres of land at the intersection of Chippendale Street and Monroe Road, including the former Woonsocket Mills property.
- The land assembly completed by David R. Krug Associates includes a substantial portion of the right-of-way needed to relocate Chippendale Street from Charlotte Mecklenburg Schools property to the west.
- In September 2010, City Council approved a rezoning of the site from the Industrial 2 classification to the Neighborhood Services classification to allow for a mixed-use project of 75,000 square feet of retail and approximately 220 apartments.
- The project is within the Business Corridor Geography and advances all four goals of the Business Corridor Revitalization Plan:
 - Eliminate blight
 - Create strong local economies
 - Align City programs
 - Promote sustainable development
- As part of the Business Corridor Revitalization Plan, the Business Corridor Fund has been established and capitalized to assist development projects that advance the four Plan goals through infrastructure construction, land assembly and other gap financing measures.
- In order to be successful in securing retail tenants, the development plan requires the relocation of Chippendale Street in accordance with the Independence Boulevard Area Plan.
- In current capital markets, it is difficult for private developers to secure funding for speculative infrastructure work. Therefore David R. Krug Associates has requested financial assistance from the City to relocate Chippendale Road to implement the Transportation and Land Use priorities identified in the

Independence Boulevard Area Plan and to advance the four goals of the Business Corridor Revitalization Plan.

- The total cost of the infrastructure work, including design and construction, is estimated to be \$1,900,000.
- The infrastructure work consists of the following elements:
 - Relocate Chippendale Street per the Independence Boulevard Area Plan
 - Widen Monroe Road to accommodate required turn lanes and bike lanes
 - Install required sidewalks and planting strips
 - Adjust utilities as necessary
 - Complete CMS parking modification obligations
- On October 10, 2011, City Council received a dinner briefing about the request and referred the project to the Economic Development Committee for discussion.
- Terms of the Infrastructure Agreement
 - City will fund and contract all infrastructure work.
 - David R. Krug Associates will place a deed of trust on the 18 acre site equal to the final cost of the infrastructure work.
 - If David R. Krug Associates does not secure construction financing within three years of completion of infrastructure work, the City can compel the sale of the land to claim deed of trust.
 - If David R. Krug Associates sells the parcels for purposes other than accommodating development, the City will reserve the right to redeem its deed of trust at time of sale.
 - The deed of trust will diminish in a pro rata amount as portions of the development project are completed by David R. Krug associates or its affiliates.
- City staff will continue the design process and solicit construction bids to advance the project for future Council approval. SBO Program goals for the infrastructure work will be established in the construction bidding phase.

Committee Discussion

The Economic Development Committee received presentations regarding the project on November 11, 2011 and on February 16, 2012. At the final presentation, the Committee voted unanimously (Mitchell, Cannon, Cooksey, Mayfield, Howard) to recommend the project to the full Council.

Funding

Business Corridor Revitalization Fund (current balance \$15 million)

BUSINESS

14. Grant Application for Compressed Natural Gas Solid Waste Collection Trucks



- | | |
|---------------|--|
| Action | <p>A. Approve a grant application to Carolina Blue Skies and Green Jobs Initiative for \$194,076 that requires City matching funds of \$990,772 to purchase four compressed natural gas fueled refuse trucks, and</p> <p>B. Adopt a budget ordinance appropriating \$194,076 from Carolina Blue Skies and Green Jobs Initiative to help purchase four compressed natural gas fueled refuse trucks.</p> |
|---------------|--|

Staff Resource: Victoria Johnson, Solid Waste Services

Explanation

- The U.S. Department of Energy through the American Recovery and Reinvestment Act is the primary sponsor of the Carolina Blue Skies and Green Jobs Initiative.
- Carolina Blue Skies and Green Jobs Initiative is a North and South Carolinas project led by the Triangle J Council of Governments (TJCOG) to implement with assistance from the N.C. Solar Center, Centralina Council of Governments, Land of Sky Council of Governments, and South Carolina State Energy Office, over 50 projects in North and South Carolina over the four-year project period.
- The overall project goals are to reduce dependence on imported petroleum, increase fleet fuel economy, reduce emissions, improve air quality, and create and retain jobs.
- The grant application in the amount of \$194,076 will be submitted to TJCOG. The grant award requires City matching funds of \$990,772 to purchase four compressed natural gas (CNG) powered refuse trucks to replace four diesel-fueled automated refuse trucks for use in Solid Waste Services refuse collection operations.
- If the City is awarded the grant, the budget ordinance appropriates the funds.
- The additional CNG vehicles will not expand the size of the Solid Waste Services fleet because they will replace four diesel vehicles scheduled for normal replacement through the City's vehicle replacement list.
- The unit price of the CNG fueled automated refuse truck is \$296,212 compared to the current automated refuse truck price of approximately \$247,693. The grant will fund the difference in the truck prices.
- The four CNG fueled refuse trucks will avoid the annual addition of six tons of greenhouse gas and carbon dioxide emissions to the atmosphere. Additional advantages include:
 - Avoid use of an estimated 294,480 gallons of diesel fuel over the seven-year average vehicle life
 - Provide a model for other North Carolina refuse collection operations to reduce both their petroleum use and emissions by replacing diesel trucks in their fleet with new CNG trucks
 - Increase the visibility of the City's and the State of North Carolina's support of alternative fuel projects

- This project supports the City's commitment to sound environmental practices in City facilities and operations.

Evaluation of Compressed Natural Gas Refuse Truck

- On January 26, 2010, City Council approved a grant application used to purchase two, environmentally friendly CNG fueled refuse trucks. The City's evaluation of the feasibility of expanded use of CNG fueled trucks began with the first grant application.
- Those two CNG trucks have been used in Solid Waste Services (SWS) collection operations for 16 months and have performed similarly to the diesel fueled trucks which comprise most of the SWS waste collection fleet.
- SWS saved \$84,000 in maintenance and fuel costs during the first year of operation of the current CNG trucks.
- The two CNG vehicles, compared to diesel vehicles, annually emit three tons less greenhouse gases and carbon dioxide into the atmosphere.
- As it becomes financially feasible, SWS plans to convert up to 50% of its collection fleet to CNG trucks.

Funding

Capital Equipment Replacement Fund

Attachment 4

Budget Ordinance

15. Public Safety Broadband Network End User Devices and Associated Services



Action: A. **Authorize the City Manager to negotiate and execute one or more contracts for End User Devices and Associated Services for Nationwide Interoperable 700 MHz Public Safety Broadband Network for a period of five years in the estimated annual amount of \$1,500,000 contingent upon reaching acceptable pricing and contract terms with each of the following vendors:**

- **CalAmp Wireless Networks Corporation ;**
- **Cassidian Communications, Inc.;**
- **Harris Corporation; and**
- **Motorola Solutions, Inc.**

B. Authorize the City Manager to extend the contract(s) for two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract(s).

Staff Resource: Charles Robinson, Business Support Services

Explanation

- On September 13, 2010, City Council accepted an American Recovery and Reinvestment Act (ARRA) grant of \$16.7 million through the US Dept. of Commerce's Broadband Technology Opportunities Program (BTOP). The City was one of seven jurisdictions chosen to receive grants to construct a regional wireless Long Term Evolution (LTE) (or 4G) cellular broadband network for public safety and other governmental use and operating in the 700 MHz public safety spectrum. On September 26, 2011, City Council approved various contracts for the Wireless Broadband Network and Related Services.
- End User Devices are the critical line of data communication for the public safety first responders (i.e., fire and police) who will be using the wireless LTE network. Phase 1 of the deployment (June 2012 – March 2013) will be limited to the major metro area of Charlotte and will expand to the rest of Mecklenburg County by July 2013.
- These End User Devices require software and embedded firmware in order to maintain recognition and interoperability on the CharMeck Connect Public Safety LTE Broadband network and the future Public Safety National Broadband Network.
- These devices include, but are not limited to, modems, personal digital assistants (such as smartphones and tablets), and area WiFi devices which meet the specifications identified in the Request for Proposal.

Selection Process

- Business Support Services issued a Request for Proposals (RFP) for End User Devices and Associated Services in support of the BTOP project.
- Four responsive bids were received and each offered different manufacturers, models and discount structures for various End User Device products.
- After a thorough review, including consultation with other BTOP awardees, the decision was made to engage in negotiation of pricing and contract terms with all

four companies as noted above in order to accommodate the diverse needs of the City, County and other public entities that may choose to use the resulting contracts.

- These devices and services were bid on behalf of the City and the Charlotte Cooperative Purchasing Alliance (CCPA), which is a cooperative purchasing program established by BSS with the specific purpose of reducing procurement costs by leveraging aggregate purchasing volume to receive better pricing. CCPA contracts are available for the use and to the benefit of all entities that must comply with state purchasing laws (cities, counties, public and private schools, colleges and universities, non-profits, and all governmental entities).
- It is anticipated that the City Manager will negotiate and execute requirements contract(s) with one or more of the four companies noted above under which the City and other CCPA participants may place orders as needed.
- An initial set of devices will be purchased using BTOP Federal grant funds.
- Replacement of remaining, existing data devices will be purchased through operating budgets as funds are available.

Small Business Opportunity

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

Funding

Broadband Technology Opportunities Program Grant

Attachment 5

SBO Policy Reference

16. Davidson Street Bus Facility Fuel System Upgrade



Action: Award a low bid contract of \$2,808,750 to Nationwide Contractors, Inc. to upgrade and expand the Davidson Street Bus Facility Fuel System.

Staff Resource: John Muth, Transit

Explanation

- The Davidson Street Bus Facility was constructed in 1981 to house 200 buses and staffing adequate for a bus fleet of that size.
- After 30 years of service, the overall facility required renovations and improvements, and is being reconfigured to better meet current and future needs.
- This contract upgrades and expands the Davidson Street Bus Facility’s Fuel System. The following tasks are included:
 - Remove four existing 25,000 gallon underground storage tanks (UST)
 - Address any necessary soil remediation
 - Modify existing plumbing and electrical systems to accommodate new fuel distribution system
 - Install four new double-walled fiberglass 40,000 gallon USTs, including piping and fuel dispensers
 - Remove and replace concrete paving, concrete curb and sidewalk

Previous Council Actions

- On April 27, 2009, City Council approved a plan for Phase I renovations of the Davidson Street Bus Facility. The City Manager was authorized to apply for the \$20,766,306 of American Recovery and Reinvestment Act (ARRA) funds for the Davidson Street Bus Facility renovations. ARRA required that all projects be “shovel ready” at the time of submission.
- The application for the federal ARRA funds was successful and required no local matching funds. Council authorized the acceptance of the ARRA funds on July 27, 2009.
- The Davidson Street Bus Facility Project is comprised of four primary components funded by ARRA:
 - Maintenance building renovation
 - Parking deck construction
 - Administrative building renovation
 - Fuel System upgrade
- On September 14, 2009, Council approved the award of the contract to Clancy & Theys to renovate the Maintenance Building.
- On March 22, 2010, Council approved the award of the contract to Adolfson & Peterson to construct the Parking Deck.
- On April 26, 2010, Council approved the award of the contract to Clancy & Theys to renovate the Administration Building.

Solicitation Process

- This project was initially advertised on November 22, 2011. On December 29, 2011, only two bids were received.
- The project was re-advertised on January 6, 2012. Three bids were received on January 24, 2012.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 5.5%
Committed DBE Goal: 6.23%

Nationwide Contractors, Inc. exceeded the established DBE goal and committed 6.23% (\$174,985) of the total contract amount to the following firms: C.H. Engineering (Quality Control Manager); D2 Construction Specialties (Concrete Demolition and Trucking); and Level Cross Surveying (Surveying Services).

Funding

Transit Capital Investment Plan

17. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. KEEP CHARLOTTE BEAUTIFUL

- At the February 13, 2012 business meeting, Council voted to keep nominations open.
- Two appointments for unexpired terms beginning immediately with one ending June 30, 2012 and the other ending June 30, 2014.
 - Delores Holbrook Dixon resigned.
 - Murray Hines has not met the City Council attendance requirement for 2011.
 - Richard Flanagan, Jr. by Council Members Barnes, Cooksey, Kinsey, Mayfield, Mitchell and Pickering
 - Christopher Lachey by Council Members Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering

Attachment 6

Applications

18. Appointments to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2012.
 - Benjamin Baldwin by Council Member Fallon
 - Haley Beaupre by Council Members Barnes, Cooksey, Howard, Kinsey and Pickering
 - Keith Sorensen by Council Members Mayfield and Mitchell

Attachment 7

Applications

B. CHARLOTTE HOUSING AUTHORITY

- One appointment for an unexpired term for a resident of public housing beginning immediately and ending December 17, 2012.
 - Linda Morant by Council Members Barnes, Cooksey, Fallon and Kinsey
 - Marcia Simpson by Council Members Howard and Pickering
 - Tawanna Wilson by Council Member Mayfield

Attachment 8

Applications

C. CHARLOTTE INTERNATIONAL CABINET (Open Category)

- Two appointments for unexpired terms in the open category beginning immediately with one ending June 30, 2012 and the other ending June 30, 2013.
 - Douglas Bowman by Council Member Dulin
 - * Nancy Carter by Council Member Howard
 - Ronnie Devine by Council Members Barnes, Mayfield and Mitchell
 - Molly Hedrick by Council Members Fallon and Howard
 - Tamara Johnson by Council Member Fallon
 - Sherry Li by Council Members Cooksey and Kinsey
 - Joseph Mercier by Council Member Barnes
 - Scott Mickle by Council Member Cooksey and Pickering
 - Troy Pelshak by Council Member Dulin
 - Charles Prendergast by Council Member Kinsey
 - Jian Zhang by Council Members Mitchell and Pickering
 - Xin Zhang by Council Member Mayfield

* Ms. Carter was recently appointed to the Cabinet as a Mayoral appointee.

Attachment 9

Applications

D. CHARLOTTE INTERNATIONAL CABINET (Education Category)

- One appointment for an unexpired term in the education category beginning immediately and ending June 30, 2013.
 - Charle' LaMonica by Council Members Cooksey, Fallon, Howard and Pickering
 - Sara Smith by Council Member Dulin
 - Bahiyyah Walker by Council Member Mayfield
 - Jian Zhang by Council Members Barnes, Kinsey and Mitchell

Attachment 10

Applications

E. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION

- One appointment for an unexpired term for a non-profit organization representative beginning immediately and ending October 31, 2012.
 - Charle'on Macon by Council Members Barnes, Cooksey, Kinsey, Mayfield and Pickering
 - Cedric McCorkle by Council Members Fallon and Mitchell

Attachment 11

Applications

F. CITIZENS' REVIEW BOARD

- One appointment for an unexpired term beginning immediately and ending July 31, 2012.
 - Trevor Fuller by Council Members Cooksey, Fallon, Howard, Mayfield and Pickering
 - Sonnie McRae by Council Member Kinsey

Attachment 12

Applications

G. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2013.
 - Robin Baldwin by Council Member Barnes
 - Veronica Jones by Council Member Mayfield
 - Sue Korenstein by Council Member Kinsey
 - Melvin Lowery by Council Member Howard
 - Kathleen Odom by Council Members Cooksey, Fallon and Pickering

Attachment 13

Applications

H. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a full two-year term ending April 15, 2014.
- Wofford Boyd by Council Members Barnes, Fallon, Mayfield and Pickering
- Kim Graham by Council Members Howard and Mitchell
- Karen Labovitz by Council Member Kinsey
- Jason Tuttle by Council Member Cooksey

Attachment 14

Applications

I. TREE ADVISORY COMMISSION

- One appointment for a three-year term beginning immediately and ending December 13, 2014.
 - Fred Dodson, Jr. by Council Member Howard
 - Charle'on Macon by Council Member Mayfield
 - Oliver Sharman by Council Member Barnes, Fallon, Kinsey, Mitchell and Pickering
 - Scott Mickle by Council Member Cooksey

Attachment 15

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."

20. Crushed Stone

- Action:**
- A. Award the low bid unit price contract to Martin Marietta Materials for the purchase of crushed stone in the estimated annual amount of \$2,000,000 for the term of one year, and**
 - B. Authorize the City Manager to extend the contract for four 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

Explanation

- Crushed stone is used in street paving projects, grading projects, storm water repair projects, and water and sewer line repairs.
- This citywide contract will provide crushed stone to be used by multiple City departments.
- The bid is based on estimated quantities of nine different types and sizes of crushed stone and dependent upon delivery or pick-up.
- The annual estimated expenditures includes quantities for Street Maintenance, Aviation and Charlotte-Mecklenburg Utilities Departments.
- Price adjustments, if applicable, will be based on the Producer Price Index as specified in the contract.

Small Business Opportunity

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

Funding

Various Operating Budgets

Attachment 5

SBO Policy Reference

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

- Action:**
- A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and**
 - B. Authorize said items for sale by public auctions on April 14, 2012 and April 21, 2012.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b), approval is requested for two public auctions as follows:
 - On April 14, 2012 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment Exhibit A).

- On April 21, 2012 at 10:00 a.m. to dispose of police unclaimed property
- Each auction is conducted at the City-County Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina.
- The City selected the auction service through a competitive selection process. The City’s contract auction company (Rogers Realty and Auction Company, Inc.) will conduct each auction. Rogers Realty and Auction Company, Inc. is a woman-owned business.
- Services provided include up to 20 days of labor for one employee to assist with set-up duties for the rolling stock auction. On auction day the auction company provides four auctioneers and all support staff needed for a successful auction. Rogers also provides one employee for one week following the auction to disperse vehicles to buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment – 9.50% of the total gross sale price
 - Police unclaimed property – 9.50% of the total gross sale price
 - Miscellaneous items – 9.50% of the total gross sale price

Small Business Opportunity

No SBE goal was set for these auctions because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Business Support Services Operating Budget

Attachment 5

SBO Policy Reference

Attachment 16

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

22. 36-Inch Water Main Along Highway 51

Action: Award the low bid of \$1,062,656.22 by Buckeye Construction., Inc. for the construction of approximately 1620 linear feet of 36-inch water main along NC Highway 51 from Sardis Road to Fullwood Lane.

Staff Resource: Barry Shearin, Utilities

Explanation

- This project provides for construction of a 36-inch water transmission line from the Sardis Road Booster Pump Station to Fullwood Lane in Matthews.
- This line will provide for a connection to an existing 24-inch water line in Fullwood Lane and is needed to enhance the existing water service in the area and to meet future needs in the southeastern portion of Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3%
Committed SBE Goal: 1.26%

Buckeye Construction Co., Inc. did not achieve the established SBE goal for the project, but met the minimum Good Faith Efforts (GFEs) established (Part B: Section 2.1 of the SBO Policy) (see attachment). At the time of bid, Buckeye committed 1.26% (\$13,358.99) of the total contract amount to the following SBEs: Crawford Concrete Construction (concrete, sidewalk, and paving); MTS Trucking (hauling); and P&TL, Inc. (erosion control).

Subsequent to bid opening, Buckeye made additional SBE commitments increasing their total SBE utilization for the project to 4.23% (\$44,942.55). A detailed summary of Buckeye's GFE compliance efforts is attached.

Funding

Utilities Capital Investment Plan

Attachment 5

SBO Policy Reference

Attachment 17

Good Faith Efforts Summary

23. FY2012 Sanitary Sewer Replacement Contract

Action: Approve the low bid of \$358,719.90 by R.H. Price, Inc., for the FY2012 Sanitary Sewer Replacement Project.

Staff Resource: Barry Gullet, Utilities

Explanation

- This contract is for the replacement of two sewer lines.
- Project One is 852 feet of 18-inch sewer line along Idlewild Brook for Amity Place/Sunset Chase Lane in east Charlotte
- Project Two is 1,432 feet of 18-inch sewer line along McAlpine North Branch from north of Lawyers Road to south of Marlwood Circle
- This project is necessary in order to address past sanitary sewer overflows in the areas by increasing the pipe sizes and adding capacity.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.98%

R.H. Price, Inc. exceeded the SBE established goal and committed 5.98% (\$21,450) of the total contract amount to the following SBE firms: On-Time Construction, Inc. (curb and gutter); JAAMCO Drain Cleaning & Video Inspection, Inc., (CCTV inspection); and P&TL, Inc., (erosion control).

Funding

Utilities Capital Investment Plan

24. Briar Creek Relief Sewer Phase III Professional Services

Action: Approve a Professional Services Agreement for \$1,694,400 with Camp Dresser & McKee (CDM) for final design of Briar Creek Relief Sewer Phase III.

Staff Resource: Barry Shearin, Utilities

Explanation

- The Briar Creek Relief Sewer Project extends from the Sugar Creek Wastewater Treatment Plant to The Plaza, and is being designed and constructed in phases.
- CDM was selected in 2000 for the project, using the Council-approved qualifications-based selection process.
- The initial work on the project was to perform preliminary engineering and routing studies for the entire length. Once complete, contracts would be awarded for the detailed design and construction administration as the phases were ready to begin.
- Construction on Phase I is complete.
- Construction on Phase II was awarded on January 23, 2012.
- Phase III is the final phase of the project. This phase starts at Country Club Drive, and ends at The Plaza.
- This agreement with CDM will provide for final design of Phase III. Other tasks include:
 - Project Management
 - Survey and Easement Mapping
 - Route Evaluation and Design Criteria
 - Permitting
 - Public Communications

Small Business Opportunity

Committed SBE Goal: 18.9%

For service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, CDM committed 18.90% (\$320,242) of the total contract amount to the following firms: Barry D. Davis Surveying, PLLC (surveying and easement mapping services).

Funding

Utilities Capital Investment Plan

Attachment 5

SBO Policy Reference

25. McAlpine Creek Waste Water Management Facility Effluent Filter Expansion – Design Services

Action: Approve a contract with the Design-Build Team of Crowder Construction and HDR in the amount of \$1,363,000 for design services associated with the McAlpine Creek Wastewater Management Facility Effluent Filter Expansion Project.

Staff Resource: Barry Gullet, Utilities

Explanation

- A previous study of the Sugar Creek, Irwin Creek, and McAlpine Creek Wastewater Treatment plants recommends expansion of the filters at the McAlpine Creek Wastewater Treatment plant to ensure the stringent discharge permit limits can be reliably met and reduce the risk of future violations.
- The effluent filters will be expanded using the design-build project delivery method as discussed with City Council at the September 27, 2010 dinner briefing.
- Until Charlotte obtained local legislation in 2007, North Carolina law only allowed public construction projects to be completed through the traditional design-bid-build or construction manager at risk. Nearly all construction awarded by City Council is done by the first method except the Time Warner Arena and the Nascar buildings. Those two projects were completed by the construction manager at risk approach.
- Design-build is very similar to construction manager at risk but have the designer and contractor on the same team. This allows for a single point of responsibility for the owner and provides the benefit of having experienced construction staff reviewing the design as it progresses, which gives more opportunity for value engineering and creativity in the design process.
- This will be the first design-build project for the City and one of the first for a water or sewer project in the state.
- Nine design-build teams responded to the Request for Qualifications issued on December 19, 2011.
- Three firms were short-listed and interviewed for the final selection. The selection team chose the team of Crowder-HDR for the following major reasons:
 - The core team staff proposed for the design and construction of this project are the same individuals who completed a very similar project involving the influent pump station at McAlpine Creek Wastewater Treatment two years ago.
 - The Crowder-HDR proposal was more technical, clearly demonstrating their in-depth understanding of how other projects at the plant relate to this particular project.
 - Their proposed ideas and processes for maintaining operations at the plant during construction demonstrated a clear understanding of the project and operations staff needs.
- This contract will take the project through 60 percent of the design services at which point a Guaranteed Maximum Price (GMP) for the construction phase of the project will be determined. It is anticipated that the GMP would be presented to City Council in November or December of 2012. The current estimate of the construction cost is \$27 million.

Small Business Opportunity

For the design-phase of the project, Crowder-HDR has committed a total of 5.14% (\$70,000) of the total contract amount, to the following SBE firms: Joel E. Wood & Associates (geotechnical services); R. Joe Harris & Associates (surveying services); Richa Graphics (printing services); and Lil Associates (SBE outreach services).

Funding

Utilities Capital Investment Plan

26. McAlpine Creek Waste Water Management Facility Centrifuge Improvements

Action: A. Approve the purchase of centrifuge equipment as authorized by the sole source purchasing exception of G. S. 143-129 (e) (6), and

B. Approve a sole sourced contract for \$191,980.80 with Decanter Machine Inc. for modifications to the four centrifuges at the McAlpine Creek Wastewater Management Facility.

Staff Resource: Barry Gullet, Utilities

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
 - Standardization or compatibility is the overriding consideration
- These modifications by Decanter have been made successfully to a previous centrifuge to improve the lubrication system for reliability and therefore the same modifications are proposed for the remaining units for standardization.

Explanation

- Centrifuge equipment is used at the wastewater treatment plants to extract excess water from the sludge during the treatment process.
- This project includes improvements to the lubrication systems on the centrifuges. Because the centrifuges rotate at such high speeds and are so large, failure of the lubrication system causes a catastrophic failure.
- These modifications allow for a consistent lubrication system on all centrifuges at the treatment plant which reduces spare parts.
- These modifications have also demonstrated that this lubrication system is a much tighter system with fewer issues with oil leaks onto the operating floor than the current system thereby reducing the risk of worker injuries.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

Attachment 5

SBO Policy Reference

27. Bryant Park Area Plan Improvements Pedestrian Lighting Payment

Action: Approve payment to Duke Energy in the amount of \$441,016.68 for the installation of 67 pedestrian-scale lights on West Morehead Street.

Staff Resource: David Meachum, Engineering & Property Management

Explanation

- In March 2007, the City Council adopted a Business Corridor Revitalization Strategy to provide specific policy guidance to assist distressed or underperforming commercial areas in the community. Bryant Park is located in the Freedom/Wilkinson/Morehead Corridor which has been identified as a priority under this strategy.
- The Bryant Park Area Plan Project includes the installation of 67 pedestrian-scale lights along Morehead Street from Freedom Drive to Wilkinson Boulevard. This work is part of the original project budget.
- Previous work in the project area included new sidewalk installation and landscaping.
- This is a one-time, upfront payment for the light installation work to be completed by Duke Energy. The monthly lighting bill will be paid by CDOT as part of the public lighting agreement between the City of Charlotte and Duke Energy. The standard monthly costs-per-light will apply for these street lights.
- This lighting installation will be complete in July 2012 and will match other pedestrian lighting already installed on Morehead Street east of Freedom Drive.

Small Business Opportunity

No SBE goal was set for this contract because there are no subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Neighborhood Capital Investment Plan

Attachment 5

SBO Policy Reference

28. Grove Park Neighborhood Improvement Project

Action: Award the low bid contract of \$632,971.35 to United Construction Inc. for the Grove Park Neighborhood Improvement Project.

Staff Resource: Kristie Kennedy, Engineering & Property Management

Explanation

- This is a 2010 Neighborhood Bond Project to provide infrastructure improvements within the Grove Park neighborhood.
- The project will include construction of storm drainage, curb and gutter, driveways, water lines and road resurfacing.
- The project area is bounded by Robinson Church Road to the south, Linda Lake Court to the north, W.T. Harris Boulevard to the west and Linda Lake Drive to the east.
- Construction is expected to be complete by 4th quarter 2012.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.03%

United Construction, Inc. exceeded the established SBE goal and committed 7.03% (\$44,500.00) of the total contract amount to the following SBE firms:

Custom Lawn and Landscaping (erosion control), Streeter Trucking (hauling) and Kay's Construction Co., Inc. (concrete work).

Funding

Neighborhood Capital Investment Plan

29. Stream Restoration and Storm Water Facility Maintenance Services FY2012

Action: A. Award the low bid contract of \$1,077,365 to OnSite Development, LLC for stream restoration and facility maintenance services FY2012, and

B. Authorize the City Manager to approve up to two renewals each in an amount not to exceed the original contract amount.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Stream restoration converts an eroded, degraded stream to a stable, ecologically sustainable condition.
- Stream and wetland restoration provides mitigation credit to offset stream or wetland impacts for municipal projects, including airport expansions, transportation improvements and neighborhood improvement projects.
- Mitigation credit is awarded by federal agencies incrementally over a five-year period following completion of each restoration project.

- This one-year contract will enable staff to promptly address any stability problems that are no longer under warranty during a stream restoration project's initial establishment phase.
- Early detection and repair of these problems will avoid more costly repairs later and ensure long term success.
- Repair also minimizes the potential for delays in mitigation credit release and helps facilitate timely permitting for City projects.
- The work covered by this contract includes mobilization, earthwork, erosion control and stabilization, project structure construction, as well as vegetation establishment along stream corridors for the stabilization of stream banks, wildlife habitat enhancement and water quality improvement.
- This contract may also be used for repair and maintenance of storm water wetlands and other storm water facilities requiring similar repairs and maintenance.
- The City may renew these contracts up to two times. The renewals are an incentive to the contractor for good performance, productivity and quality work.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.20%

OnSite Development met the established SBE goal and committed 7.20% (\$77,571) of the total contract amount to the following SBE firms: D's Trucking Service (hauling), Muddrunners (hauling) and Husky Construction (pipeline).

Funding

Storm Water Capital Investment Plan

30. Airport Video Displays Change Order

Action: Approve Change Order #1 in the amount of \$387,500 with The Bowers Group, LLC for additional video displays throughout the terminal building and the business valet deck.

Staff Resource: Herbert Judon, Aviation

Explanation

- In June 2011, City Council awarded a contract to The Bowers Group, LLC in the amount of \$1,352,700 for the purchase and installation of various video displays throughout the terminal building.
- This change order will provide for the purchase and installation of 50 additional flight information displays, and four additional advertising displays in the terminal and the business valet deck.
- The Airport has identified additional areas for advertising, visual paging, and flight information displays both within the existing building as well as in the east terminal area which is currently under construction and the business valet deck.
- The cost of the video displays includes the commercial-grade equipment cost, removal of existing units, site preparation, and installation of the new units.
- The original contract was bid as a unit cost contract and the additional video display costs will be purchased at the original contract unit price.

Small Business Opportunity

All additional work involved in this change order will be performed by the contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy) (see attachment).

Funding

Aviation Capital Investment Plan

Attachment 5

SBO Policy Reference

31. Police Oracle Software Purchase

- Action:**
- A. Approve the purchase of Oracle software from Mythics, Inc. as authorized by the cooperative purchasing exception of G.S. 143-120 (e) (3), and**
 - B. Approve payments up to \$132,500 to Mythics, Inc. for purchase of Oracle Software and maintenance fees.**

Staff Resources: Katrina Graue, Police
Ron Horton, Police

Cooperative Purchasing Exception

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception for cooperative group purchasing.
- General Services Administration (GSA) contract GS-35F-0153M provides federally approved software purchases for government customers.
- The GSA contract term is from December 19, 2001 through June 15, 2012.
- Cooperative purchasing exceptions require City Council approval.
- Mythics, Inc. is an Oracle vendor.

Explanation

- Police uses Oracle software to operate its Records Management System and pays a yearly maintenance fee for that software. For FY2012, the maintenance fee will be \$93,809.
- During FY2012, Police will purchase up to \$38,691 in Oracle software products and licenses. The software enhancements will update the software for the Police Records Management System to ensure its efficient operation with the most updated software features.

Small Business Opportunity

Cooperative group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Police Operating budget

Attachment 5

SBO Policy Reference Policy

32. Blue Line Extension - Acquisition of Railroad Property Rights

Action: Authorize the City Manager to negotiate and execute all necessary documents to complete the acquisition of property rights for four parcels in the amount of \$416,000 from Norfolk Southern Railway Company (NSR) or affiliates, for purposes of the Blue Line Extension (BLE).

Staff Resources: John Muth, Transit
Brad Thomas, City Attorney's Office

Blue Line Extension Update

- A comprehensive Blue Line Extension update is scheduled for the March 26, 2012 City Council Dinner Briefing.

Explanation

- City staff has been engaged in discussions with NSR regarding the design and construction of the BLE throughout the preliminary engineering phase of the BLE.
- Due to the recent issuance of the Record of Decision by the Federal Transit Administration indicating the City's fulfillment of the environmental assessment process, the City is now authorized to begin the acquisition of right-of-way needed for the construction, operation and maintenance of the BLE Project.
- The parcels to be acquired are located between 25th and 33rd Streets and total approximately:
 - 1.5 acres to be acquired in fee simple, and
 - 270 square feet to be acquired as a temporary construction easement.
- As required, City staff obtained an appraisal, as well as a review appraisal, of the property rights to be acquired. An offer of \$416,000 for all four parcels was made to NSR based on the fair market value determined by the City's appraisers. NSR has accepted the City's offer.
- Staff will seek Council approval at the March 26, 2012 Council meeting for additional parcels that are still part of on-going negotiations.

33. Blue Line Extension – Overhead Utilities Relocation Agreements

Action: **A. Authorize the City Manager to negotiate and execute a Utility Relocation agreement with Duke Energy for the LYNX Blue Line Extension project, and**

B. Authorize the City Manager to negotiate and execute a Utility Relocation agreement with AT&T for the LYNX Blue Line Extension project.

Staff Resources: John Muth, Transit
 Brad Thomas, City Attorney's Office

Blue Line Extension Update

- A comprehensive Blue Line Extension update is scheduled for the March 26, 2012 City Council Dinner Briefing.

Explanation

- These agreements will provide for the sharing of costs to relocate privately owned poles and overhead electrical wires to accommodate the LYNX Blue Line Extension (BLE) project.
- The agreements will provide a measure of cost assurance for the City, Duke Energy and AT&T.
- The Duke Energy agreement will follow the terms of the current Utility Relocation Agreement between the City and Duke Energy, which was approved by Council in 1999. The Federal Transit Administration (FTA) process requires a separate new agreement for the BLE project.
- Under the new cost sharing agreements, overhead relocation costs are shared in the following manner:
 - The costs are split 60% (BLE Project)/40% (Duke Energy or AT&T).
- The agreements will also allocate responsibilities between the City and the parties (Duke Energy or AT&T) for easement acquisition, scheduling, and billing.

Duke Energy Contract- Terms and Conditions

- Underground relocation costs will be paid by Duke Energy.
 - Exception: Duke Energy can establish on a case-by-case basis that it had ownership rights prior to the City.
- The BLE project will pay for relocating any overhead Duke facilities that must be buried underground due to conflicts with the BLE's bridges.
- Duke will perform all of the design and actual relocation of its utilities, except for instances in which the utilities are integral to BLE bridges. In which case, the BLE design will include the utility duct banks.

AT&T Contract- Terms and Conditions

- Funding responsibility for the relocation of underground AT&T facilities will be based on prior rights and past agreements. AT&T is expected to fund most of these relocations.
- AT&T will design and construct all relocations.

34. Blue Line Extension – Miscellaneous Legal Services

Action: Approve the following contracts for on-call legal services at the listed up to amounts for a term of five years:

1. McGuireWoods, LLP, - \$100,000
2. Hamilton, Stephens, Steele & Martin, PLLC, - \$200,000
3. Parker, Poe, Adams & Bernstein, LLP, - \$200,000

Staff Resource: John Joye, City Attorney's Office

Blue Line Extension Update

- A comprehensive Blue Line Extension update is scheduled for the March 26, 2012 City Council Dinner Briefing.

Explanation

- The LYNX Blue Line Extension (BLE) is a project of significant magnitude that requires many legal services touching several different areas of law.
- The City Attorney's Office is and will continue to be the primary provider of BLE legal services.
- Current and foreseeable BLE legal needs include (but are not limited to):
 - Contract formation and negotiation for:
 - Architectural & Engineering Services
 - Professional Services (geotechnical survey, inspections, etc.)
 - Construction (vertical & horizontal)
 - Light Rail Vehicle procurement
 - Federal Procurement and Grant regulation interpretation and advocacy
 - Condemnation and real estate acquisition
 - Construction administration, litigation, and claims defense/negotiations
 - Extensive contracting and negotiations with railroads related to both real estate needs and operational agreements
 - Environmental advocacy and agreement negotiations with property owners, the EPA, and the State
- It is foreseeable that from time to time the City Attorney's Office will need to use, on an on-call basis, outside counsel for both specialized legal expertise, as well as additional legal resources.
- These contracts will ensure that specialized expertise and additional legal resources are available as required by BLE project schedule driven needs.
- All of the selected firms provided legal services for the Blue Line; their familiarity with standing Blue line legal agreements and operations will be of benefit to the BLE.

Solicitation Process

- The firms were selected in compliance with federal competitive proposal selection requirements. The Request for Proposals was advertised on January 18th, and four proposals were received by the February 1st submittal deadline.

Contract Terms

- These contracts are for a term of five years and are structured with an on-call task order basis at established rates provided for in the contracts.
- The contracts also use fixed fee rates for selected specific legal tasks that may be required by the BLE.

- The firms focus areas are:
 - McGuireWoods: Environmental law
 - Hamilton, Stephens, Steele & Martin: Construction law; Railroad negotiations; Real Estate
 - Parker, Poe, Adams & Bernstein: Railroad negotiations; Environmental law; Construction law; Real Estate
- The contracts are structured to allow the City to use back-up legal services between the firms so that the BLE schedule is not impacted if one firm is unavailable for any reason.

Disadvantaged Business Enterprise Opportunity

No DBE goal was set on this project because there are no subcontracting opportunities.

Funding

Transit Capital Fund

35. Applications for 2012 Federal National Infrastructure Investment Grants Program

Action: **A. Authorize the City Manager to submit applications to compete for funds from the Federal National Infrastructure Investment Grants Program (TIGER Discretionary Grants), with the City of Charlotte as the lead agency, and**

B. Adopt a resolution of support for the three projects.

Staff Resources: Danny Pleasant, Transportation
 Carolyn Flowers, CATS
 Jerry Orr, Aviation

Explanation

- Transportation Investments Generating Economic Recovery, also known as TIGER Discretionary Grants, are authorized and funded by the U.S. Department of Transportation (USDOT) for transportation infrastructure projects. Three previous rounds of TIGER grants were authorized in 2009, 2010, and 2011.
- On January 31, 2012, USDOT issued a Notice of Funding Availability (NOFA) for the fourth round of TIGER Discretionary Grants, detailing the availability of \$500 million in competitive capital grants and announcing selection criteria. Nationally, \$280 million is available for projects in urban areas.
- The selection criteria listed in the NOFA are:
 - Long-term outcomes
 - State of good repair
 - Economic competitiveness
 - Livability
 - Environmental sustainability
 - Safety
 - Job creation and near-term economic activity
 - Innovation and partnership
- Grants will be between \$10 million and \$200 million each. Up to 80% of a project's total cost can be funded by a TIGER grant. These two specifications

mean that a project's total cost must be at least \$12.5 million. If the City is awarded and accepts the grant, then the City will identify local matching funds within the Capital budget.

Applications/Proposals

- USDOT has established a very aggressive schedule for submitting applications. Final applications must be submitted by March 19, 2012. Previously, USDOT had allowed two to three months for development and submittal of applications, whereas this one allows only six weeks. Consequently, there is no time to develop new projects and new applications.
- Staff proposes to submit updated versions of previous TIGER-2 and TIGER-3 grants. These applications have been revised per feedback received from USDOT in past TIGER rounds.

University City/I-85 Multimodal Bridge (project cost \$13.6 million)

- University City is not served by a robust transportation network. This project will improve multimodal access across I-85 and connectivity to the Lynx Blue Line Extension, UNCC, and high-paying, high-tech jobs in the University Research Park.
- This proposal includes construction of University Pointe Boulevard, formerly known as Shopping Center Drive (funded for planning and design in the 2008 bonds) from its current stub at the Walmart on North Tryon Street west to IBM Drive, including a new bridge over I-85. Ancillary improvements to Harris Boulevard and CMS' Martin Middle School and Vance High School are also included.

Blue Line Capacity Expansion Project Phase 2 (project cost \$50 million)

- The construction of the Blue Line Extension Project will include three-car platforms, but the existing South Corridor only has two-car platforms. The ultimate operating plan requires that the South Corridor be upgraded to three-car platforms and trains before 2025 when ridership demand will require the extra capacity.
- CATS received a TIGER-3 grant in 2011 to partially retrofit the South Corridor for three-car platforms. That grant will add power to operate three-car trains for regular service, design the platform additions for each station (lengthening each station by approximately 100 feet), and to construct two to three station upgrades.
- The TIGER-4 grant would allow CATS to complete construction of the remaining 12-13 stations in conjunction with the TIGER-3 work.
- This grant request would be submitted for either (1) all of the remaining stations to be upgraded or (2) for a portion of the stations to better serve special events such as Panthers games, Speed Street, CIAA tournament, etc.

Rail/Truck Intermodal Facility (\$15.3 million)

- This project will construct a rail/truck intermodal facility at the Airport capable of accommodating 250,000 cargo lifts per year.
- The facility will replace the existing intermodal facility operated by Norfolk Southern Railway in north Charlotte that is at capacity and cannot be expanded.
- This grant would fund the following project elements:
 - One additional support track
 - One additional intermodal loading track
 - The incremental cost of purchasing four hybrid overhead cranes
 - One additional hybrid crane

- A GPS system for the cranes and truck equipment for the yard
- Gate system enhancements
- The relocation of a natural gas transmission line that traverses the proposed site

Funding

Aviation, Transit and Transportation Capital Investment Plans and Developer Funding

Attachment 18

Resolution

36. 2012 NC Mobility Fund Applications

Action: Authorize CDOT and CATS to submit applications to the North Carolina Mobility Fund for the Independence Boulevard Widening and the North Carolina Rail Road (NCRR) Relocation and 36th St. Rail Separation.

Staff Resources: Danny Pleasant, CDOT
Carolyn Flowers, CATS

North Carolina Mobility Fund

The General Assembly established the North Carolina Mobility Fund in 2010 to provide funding for projects of statewide or regional significance. Funding for the NC Mobility Fund is outside the existing "equity formula" and consists of \$45 million in FY 2013 and \$58 million in FY 2014 (and subsequent fiscal years).

- The first project funded by the NC Mobility Fund was a portion of the I-85 Bridge Project over the Yadkin River.
- NCDOT is seeking competitive project applications for the next round of projects.
- Only project capital costs (right-of-way and construction) are eligible expenses under the Mobility Fund.
- Projects will be scored based upon two criterion: Mobility Benefit/Cost 80% and Multimodal/Intermodal improvement 20%.

Application Projects

- CDOT and CATS request approval to apply for two projects that are eligible for funding under the NC Mobility Fund.

Independence Boulevard Widening from Sharon Amity Road to Conference Drive

- This is the existing active NCDOT project to widen the next segment of Independence Boulevard (US 74).
- The application will seek NC Mobility Funds to replace \$42 million in planned borrowing for the project known as GARVEE Bonds.
- By using these pay-go funds, the Charlotte Region will recognize \$55 million in equity formula savings that can be applied to other projects in the region and possibly accelerate the completion of the remainder of US 74.
- Since this is an NCDOT funded project, no local funding is needed to match this application.

NCR Relocation and Grade Separation of 36th Street

- This project is a necessary improvement to the freight and passenger rail adjacent to the 36th Street Station on the LYNX Blue Line.
- The work will allow for the Freight, Passenger and LYNX Blue Line Extension to cross over 36th Street on a bridge.
- NCDOT has requested that CATS apply for mobility funding to cover the State share (50%) of this rail work; the remainder will be funded by Federal Transit.
- By using approximately \$18 million in Mobility Funding for this project, CATS can leverage an additional \$18 million in federal funds for this project which is estimated to deliver over \$60 million mobility benefits to existing and future Charlotte motorists and passengers on the existing planned Amtrak service that cross this existing at grade rail crossing.
- No local funding is needed to match this application.

37. Urban Area Security Initiative Communications Equipment

Action: Approve the purchase of computer-based VIPER Radio Consoles for the North Carolina Highway Patrol Troop H in the amount of \$200,000 as an approved project under the 2007 Urban Areas Security Initiative (UASI) grant program.

Staff Resource: Jeff Dulin, Fire

Explanation:

- The Charlotte Fire Department serves as the administrative agency for facilitating the majority of U.S. Homeland Security grant projects within the Charlotte Urban Areas Security Initiative (UASI) region.
- This purchase will enhance communication interoperability between the Charlotte Mecklenburg radio system and NC State Highway Patrol Voice Interoperability Program for Emergency Responders (VIPER), and the counties within the Charlotte UASI region. This is an approved project under the 2007 Urban Areas Security Initiative (UASI) grant program.
- The North Carolina State Highway Patrol Troop H Communications Center in Monroe, NC will be supplied with MCC7500 consoles to operate on the State's VIPER 800 MHz trunked system and existing conventional channel radio interfaces being used on the current consoles.
- The existing communications center has outdated communications consoles that cannot be upgraded to operate on the both State's VIPER 800 MHz trunked radio system and Char-Meck radio system. Two MCC7500 consoles are proposed for the Troop H Communication Center to provide this capability.
- These consoles will be purchased off the existing Motorola contract, approved by City Council on September 26, 2011.
- This upgrade will allow full regional functionality on the P25 trunked system that will include a programmed set of trunked state and local talkgroups on the system.

Small Business Opportunity

No SBO goal was set for this contract because there are no subcontracting opportunities (Part C; Section 2.4 of the SBO Policy) (see attachment).

Funding

Urban Areas Security Initiative Grant

Attachment 5

SBO Policy Reference

38. All Hazard Plan Update

Action: Approve a contract with Dewberry & Davis LLC for All Hazard Plan Update Services in an amount up to \$200,000.

Staff Resources: Jeff Dulin, Fire
Wayne Broome, Fire

Explanation:

- The All Hazards Plan outlines the roles and responsibilities that community agencies and departments should follow in times of emergency or disasters. The plan is also a requirement of the Federal Emergency Management Agency (FEMA).
- The Charlotte Fire Department (CFD) Emergency Management Office is responsible for rewrites, revisions, and updates to the All Hazard Plan to ensure the Emergency Operation Plan conforms to both state and federal requirements for disaster planning processes. CFD serves as the administrative agency for facilitating the majority of U.S. Homeland Security grant projects within the Charlotte Urban Areas Security Initiative (UASI) region.
- The Plan update and website creation are integral to CFD receiving national accreditation for their Emergency Management program and will be funded by UASI grants.
- The Charlotte Mecklenburg Emergency Management Office developed the current website housing the Emergency Operation Plan and is outsourcing the Plan updates and a new custom website design and build to meet the following goals:
 - Plan updates completed by experts in the field of Emergency Planning
 - Fully compliant Emergency Operation Plan and appropriate training completed prior to September 2012
 - Custom web-based application that allows for multiple users to easily update and add content to the site

Selection Process

- The City issued a Request for Proposal (RFP) for All Hazard Plan Update Services on November 4, 2011.
- In response to the RFP, the City received four proposals from interested service providers.
- The Project Team, consisting of staff from Business Support Services' Procurement Services Division and Charlotte Fire Department/Emergency Management, evaluated the proposals and shortlisted to two service providers for further evaluation and interviews.
- The Project Team recommends awarding the contract to Dewberry & Davis LLC as the service provider best meeting the City's needs in terms of qualifications, experience, proposed solution, availability of staff, knowledge of the region, capacity and flexibility to meet the projected deadline, and cost effectiveness.

Small Business Opportunity

No SBO goal was set for this contract because there are no subcontracting opportunities (Part C; Section 2.4 of the SBO Policy) (see attachment).

Funding

Urban Areas Security Initiative Grant

Attachment 5

SBO Policy Reference

39. Fire Department Urban Search and Rescue Lease

Action: Approve the renewal of a lease with Carlson Real Estate Company for office and warehouse space for a two-year term at \$106,360 per year with two, one-year options to renew at \$114,612.50 and \$119,197 per year respectively for the Fire Department's Urban Search and Rescue (USAR) Team at 3140 Yorkmont Road (Suite 100).

Staff Resources: Timothy O'Brien, Engineering & Property Management
Jeff Dulin, Fire

Explanation

- The Charlotte Fire Department Urban Search and Rescue (USAR) Team is currently leasing office and warehouse space at 3140 Yorkmont Road, Suite 100. The two-year lease is coming up for renewal.
- Previously, the USAR Team operated at the Fire Training Academy, where warehouse space was limited. There are currently no other Fire Department facilities with available space to support this mission. The Yorkmont Road Facility is one mile from the Fire Training Academy.
- This location provides USAR personnel with dedicated office space for administrative duties as well as much needed indoor storage for the protection and maintenance of USAR deployment equipment, such as tractor trailers, portable generators, base of operations tents and search and rescue equipment.

Lease Terms

- Rentable area: 18,338 square feet (3,542 square feet of office and 14,796 square feet of warehouse)
- Term: Beginning March 15, 2012, two years with two, one-year options to renew
- Base rent: Years one and two - \$5.80/square foot (\$106,360/year) and first option year - \$6.25/square feet (\$114,612.50), and second option year - \$6.50/square feet (\$119,197.00). Current lease rate is at \$5.20/ square feet which was a discounted price to encourage occupancy. The new lease rate is still one of the lowest rates in the industrial park and in the industrial market
- Utilities: Included in the base rent
- Landlord responsibilities: Maintenance of the building and common area, property taxes and insurance

Background

- The USAR Team attained a Type 1 National Incident Management System (NIMS) Standard, the highest standard recognized by the Federal Emergency Management Administration.
- The NIMS standard required the team to upgrade its capabilities and expand its equipment cache.

Funding

Urban Area Security Initiative Grant

40. Property Acquisition for Utilities North Maintenance Facility

Action: Approve the purchase of property located at 11609 Hord Drive, Huntersville, NC in the amount of \$1,599,000 from II, III & PBD, LLC for Utilities North Mecklenburg Maintenance Facility.

Staff Resources: Barry Gullet, Utilities
Robert Drayton, Engineering & Property Management

Explanation

- The current North Maintenance Charlotte-Mecklenburg Utilities Department (CMUD) maintenance facility at 11235 Sam Furr Road is in leased space. CMUD has four Zone Operations Centers for maintenance of water and sewer systems. The North Zone is the only leased facility.
- CMUD has considered a number of sites for the North Zone during the past seven years. The 10-acre property at 11609 Hord Drive contains 79,210 square feet, including 8,595 square feet of office space, 53,791 square feet of warehouse space and 16,824 square feet of covered storage space and related parking/vehicle storage.
- The current leased facility does not have enough space for equipment parking or staff assembly. Due to heavy traffic volumes on Highway 73, access for large trucks and trailers in and out of the driveway is a challenge.
- The new location will enable CMUD to:
 - Locate meter maintenance staff in the northern zone
 - Provide a more secure location
 - Provide adequate parking area
 - Provide office and staff assembly space
 - Offer future joint use opportunities for the property, including a fleet maintenance satellite operation
- The estimated cost to build a similar facility based on designs for other zone facilities is more than \$10 million.
- Renovations, including painting and cleanup, sewer line connections, computer network installation and connection and adding restroom/locker room/shower facilities in one building are projected to be approximately \$500,000.

Funding

Utilities Capital Investment Plan

Attachment 19

Map

41. Refund of Property and Business Privilege License Taxes

Action: **A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$742,636.86, and**

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$3,358.78.

Staff Resource: Henry Simmons, Finance

Explanation

- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review, resulting in reduced taxes due.

Attachment 20

Resolutions

List of property tax refunds

List of business privilege license refunds

42. Resolution of Intent to Abandon Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street

Action: **A. Adopt the Resolution of Intent to abandon Brooksvale Street, Burnette Avenue, Nobles Avenue, and Horace Street, and**

B. Set a public hearing for March 26, 2012.

Staff Resource: Jeff Boenisch, Transportation

Attachment 21

Map

Resolution

43. Resolution of Intent to Abandon a Residual Portion of Kenilworth Avenue

Action: **A. Adopt the Resolution of Intent to abandon a residual portion of Kenilworth Avenue, and**
B. Set a public hearing for March 26, 2012.

Staff Resource: Jeff Boenisch, Transportation

Attachment 22

Map
Resolution

PROPERTY ITEMS

44. Property Transactions

Action: Approve the following property transaction(s) (A-H) and adopt the condemnation resolution(s) (I-T).

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

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Betty Jean and Kevin William Smith
Property Address: 4801 Beam Road
Property to be acquired: .7 acres
Improvements: Single Family residence
Purchase Price: \$163,000
Remarks: The purchase price was determined by an independent appraisal 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: \$111,000
Tax Code: 141-054-11
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Glyniss R. Foxworthy
Property Address: 6416 Shoreline Drive
Property to be acquired: .4132 acres
Improvements: Vacant land
Purchase Price: \$36,000

Remarks: The purchase price was determined by an independent appraisal 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: Vacant land

Tax Value: \$23,000

Tax Code: 055-362-23

- C. Project:** Blue Line Extension, Parcel # 1355
Owner(s): Robert E. Lanier
Property Address: Old Concord Road
Property to be acquired: 377,530 sq. ft. (8.667 ac.) in Fee Simple, plus 31,703 sq. ft. (.728 ac.) in Existing Right-of-way (TOTAL TAKE)
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 097-111-38
Total Parcel Tax Value: \$765,900
Purchase Price: \$821,450
- D. Project:** Briar Creek Relief Sewer - Phase II, Parcel # 12.2
Owner(s): Eastover Medical Park II Condominium Association, Inc.
Property Address: 2600 East 7th Street
Property to be acquired: 8,637 sq. ft. (.198 ac.) in Utility Easement
Improvements: None
Landscaping: Various Trees and Plantings
Zoned: O-6(CD)
Use: Medical Condominium
Tax Code: 127-123-99A
Total Parcel Tax Value: \$325,000
Purchase Price: \$126,325
- E. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 14
Owner(s): Wachovia Bank And Trust Company, N/K/A Wells Fargo Bank
Property Address: 5641 Hovis Road
Property to be acquired: 681 sq. ft. (.016 ac.) in Fee Simple, plus 512 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 81 sq. ft. (.002 ac.) in Utility Easement, plus 5,433 sq. ft. (.125 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Various Trees and Plantings
Zoned: I-2
Use: Commercial
Tax Code: 035-012-25
Total Parcel Tax Value: \$1,505,000
Purchase Price: \$30,000

- F. Project:** Gaynor Storm Drainage Improvement Project, Parcel # 9
Owner(s): Joseph R. Martucci, Jr.
Property Address: 4420 Whitby Lane
Property to be acquired: 8,557 sq. ft. (.196 ac.) in Storm Drainage Easement, plus 514 sq. ft. (.012 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 157-182-20
Total Parcel Tax Value: \$277,100
Purchase Price: \$15,625
- G. Project:** Lakewood Water Quality Improvement, Parcel # 2
Owner(s): Duke Energy Carolinas, LLC
Property Address: Parkway Avenue
Property to be acquired: 810,219 sq. ft. (18.600 ac.) in Fee Simple (TOTAL TAKE)
Improvements: None
Landscaping: None
Zoned: I-1
Use: New Parcel
Tax Code: 065-091-44
Total Parcel Tax Value: \$0
Purchase Price: \$100,000
- H. Project:** Robinhood/Dooley Storm Water Capital Improvement Project, Parcel # 84
Owner(s): Timothy E. Owen and Wife, Kathleen C. Owen
Property Address: 1300 Marlwood Circle
Property to be acquired: 121 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 18,985 sq. ft. (.436 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 109-273-23
Total Parcel Tax Value: \$27,200
Purchase Price: \$10,000

Condemnations

- I. Project:** City Boulevard Extension- Phase III, Parcel # 7
Owner(s): Bradford Properties of Huntersville, LLLP And Any Other Parties Of Interest
Property Address: 6535 Rumble Road
Property to be acquired: 40 sq. ft. (.001 ac.) in Utility Easement, plus 216 sq. ft. (.005 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 047-361-13

Total Parcel Tax Value: \$29,900

Appraised Value: \$75

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners have concerns about impacts of the project on their property. Specifically they are concerned about the location of a utility pole on this property. City staff, along with Duke Energy, Time Warner Cable and AT&T, concluded this pole placement was necessary due to the overall design of the project. A condemnation process is recommended, during which negotiation and mediation will continue, and if necessary, just compensation for the property owner can be determined by the court.

- J. Project:** City Boulevard Extension- Phase III, Parcel # 25
Owner(s): Edwin Toppin and Wife, Takeya S. Toppin And Any Other Parties Of Interest
Property Address: 7503 Double Springs Court
Property to be acquired: 3 sq. ft. in Fee Simple, plus 303 sq. ft. (.007 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-6
Use: Single Family Residential
Tax Code: 047-072-11
Total Parcel Tax Value: \$121,300
Appraised Value: \$150
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owner despite numerous attempts, including property visits, regular and certified mailed letters and internet searches. Phone numbers are not listed for the property owners or the property address. To avoid delay in the project schedule, a condemnation process is recommended.
- K. Project:** City Boulevard Extension- Phase III, Parcel # 26
Owner(s): Anita Mehta And Spouse, Vibhakar Modi And Any Other Parties Of Interest
Property Address: 7500 Double Springs Court
Property to be acquired: 942 sq. ft. (.022 ac.) in Fee Simple, plus 3,151 sq. ft. (.072 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-6
Use: Single Family Residential
Tax Code: 047-072-10
Total Parcel Tax Value: \$114,200
Appraised Value: \$2,625
Property Owner's Counteroffer: \$4,000
Reason For Condemnation: Staff and the property owners have been unable to reach an agreement regarding the appraisal. A condemnation process is recommended during which negotiation and mediation will continue, and if necessary, just compensation for the property owner can be determined by the court.

- L. Project:** City Boulevard Extension- Phase III, Parcel # 36
Owner(s): Donald Blackwell and Diana B. Morgan And Any Other Parties Of Interest
Property Address: 7309 Balancing Rock Court
Property to be acquired: 1,395 sq. ft. (.032 ac.) in Storm Drainage Easement, plus 120 sq. ft. (.003 ac.) in Slope Easement, plus 476 sq. ft. (.011 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-6
Use: Single Family Residential
Tax Code: 047-074-42
Total Parcel Tax Value: \$114,500
Appraised Value: \$3,850
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners support the project. However, the title abstract reveals issues that will prevent the City from obtaining clear title. A condemnation process is recommended in this case to obtain clear title.
- M. Project:** Pawtucket Neighborhood Improvement Project, Parcel # 18
Owner(s): John Mark Bearden and Amy Carole Lippard Bearden And Any Other Parties Of Interest
Property Address: 8626 Stonehurst Drive
Property to be acquired: 1,429 sq. ft. (.033 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-133-15
Total Parcel Tax Value: \$84,700
Appraised Value: \$225
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits and internet searches. Phone numbers are not listed for the property owners or the property address. To avoid delay in the project schedule, a condemnation process is recommended.
- N. Project:** Pawtucket Neighborhood Improvement Project, Parcel # 19
Owner(s): Horace E. Neal and Wife, Marie C. Neal And Any Other Parties Of Interest
Property Address: 8632 Stonehurst Drive
Property to be acquired: 1,223 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-133-14
Total Parcel Tax Value: \$83,500
Appraised Value: \$200

Property Owner's Counteroffer: \$5,000

Reason For Condemnation: Staff and the property owners have been unable to reach an agreement. The property owner requested the City replace his entire driveway and provide \$5,000 compensation. Staff could not agree to these terms. A condemnation process is recommended during which negotiation and mediation will continue, and if necessary, just compensation for the property owner can be determined by the court.

- O. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 21
Owner(s): Terry D. Hunt and Wife, Pamela Hunt And Any Other Parties Of Interest
Property Address: 8708 Stonehurst Drive
Property to be acquired: 1,762 sq. ft. (.040 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-133-12
Total Parcel Tax Value: \$103,400
Appraised Value: \$275
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owners have been unable to reach an agreement. The property owner requested the City remove a tree located outside of both the right-of-way and project limits. The City arborist inspected the tree and deemed it healthy and could not recommend removal. A condemnation process is recommended during which negotiation and mediation will continue, and if necessary, just compensation for the property owner can be determined by the court.
- P. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 38
Owner(s): Dereke Ramseur and Williel Sartor And Any Other Parties Of Interest
Property Address: 6714 David Avenue
Property to be acquired: 1,058 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-168-01
Total Parcel Tax Value: \$92,300
Appraised Value: \$125
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits, phone calls and internet searches. To avoid delay in the project schedule, a condemnation process is recommended.

- Q. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 46
Owner(s): Peggy F. Scott And Any Other Parties Of Interest
Property Address: 7012 David Avenue
Property to be acquired: 727 sq. ft. (.017 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-401-12
Total Parcel Tax Value: \$85,400
Appraised Value: \$100
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits, phone calls and internet searches. The title abstract revealed issues that will prevent the City from obtaining clear title. A condemnation process is necessary in this case to obtain clear title.
- R. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 48
Owner(s): Gary Lee Stikeleather And Any Other Parties Of Interest
Property Address: 7024 David Avenue
Property to be acquired: 719 sq. ft. (.017 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-401-14
Total Parcel Tax Value: \$87,400
Appraised Value: \$100
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, door hangers, property visits, phone calls and internet searches. The title abstract revealed issues that may prevent the City from obtaining clear title. A condemnation process is necessary in this case to obtain clear title.
- S. Project:** Pawtuckett Neighborhood Improvement Project, Parcel # 69
Owner(s): Ronald P. Wilson And Any Other Parties Of Interest
Property Address: 7001 Pawtuckett Road
Property to be acquired: 1,578 sq. ft. (.036 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-403-13
Total Parcel Tax Value: \$100,000
Appraised Value: \$175
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed

letters, door hangers, property visits, phone calls and internet searches. The title abstract revealed issues that will prevent the City from obtaining clear title. A condemnation process is necessary in this case to obtain clear title.

- T. **Project:** Pawtucket Neighborhood Improvement Project, Parcel # 78
Owner(s): Miles E. Ware and Wife, Stana G. Ware And Any Other Parties Of Interest
Property Address: 6224 Sullins Road
Property to be acquired: 28 sq. ft. (.001 ac.) in Sidewalk and Utility Easement, plus 1,339 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 055-403-32
Total Parcel Tax Value: \$91,200
Appraised Value: \$625
Property Owner’s Counteroffer: None
Reason For Condemnation: The property owners have concerns about impacts of the project on their property. Specifically they are concerned the sidewalk will be too close to the house. Staff presented two design alternatives for the sidewalk placement. Since verbally agreeing to the preferred design, the property owners have not responded to staff communication. A condemnation process is recommended during which negotiation and mediation will continue, and if necessary, just compensation for the property owner can be determined by the court.

45. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk’s record as the minutes of:
 - **December 12, 2011 Combined Zoning and Business Meeting**