

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL MEETING
Monday, January 10, 2011

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

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14	11	Transit Financial Consultant Contract Amendment
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CITY COUNCIL AGENDA
Monday, January 10, 2011

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Towing and Booting Business Ordinance



Committee Chair: Patrick Cannon

Resources: Eric Campbell, City Manager's Office
Mark Newbold, Police
Eddie Levins, Police

Time: 30 minutes

Synopsis

- Citizen complaints of predatory towing practices including excessive fees were brought to City Council. On November 23, 2009, City Council referred towing and booting to the Community Safety Committee.
- The presentation will discuss the proposed amendments to the towing ordinance which were approved by Council's Community Safety Committee on December 14, 2010.
- The proposed ordinance covers only tows from private property, including apartment and condominium parking lots.
- City staff sought feedback from citizens, towing companies, and parking lot managers and the proposed ordinance attempts to balance their concerns.
- Major Ordinance Provisions
 - Required signage in parking lots
 - Fees for trespass tows
 - Towing practices for trespass tows

Future Action

Staff recommends a public hearing on the proposed ordinance amendments be held on January 24, 2011 and City Council consider adoption of the proposed ordinance amendments on February 14, 2011.

3. Lynx Blue Line Extension Update

Resources: Danny Rogers, CATS
John Muth, CATS

Time: 45 minutes

Synopsis

- The impact of the economic recession on revenues from the transit sales tax has required the Metropolitan Transit Commission to review CATS' capital program. The reduction in revenues will not allow the expansion envisioned in the 2030 System Plan adopted in 2006. The MTC conducted a workshop on November 17, receiving a report from financial consultant Jeff Parker.
- With regard to the Blue Line Extension (BLE) along the North Tryon corridor, Mr. Parker's analysis focused on the conditions that would allow the project to be implemented on or before the current completion schedule of 2017. The key finding was that current federal and state policies, along with a modest recovery of the economy and sales tax revenues, would allow the BLE project to continue, if the capital cost can be reduced approximately 20% and operating costs can be reduced approximately 6.5% from the current projections.
- The MTC directed CATS staff to work with the engineering consultant to develop a plan that would reduce the overall cost of the BLE project from approximately \$1 billion to \$800 million, with completion of construction and start of service in 2016. Staff will describe the changes to the scope of the project that could reduce the capital cost to fit the financial plan drafted by Mr. Parker.
- Public meetings for the project are scheduled for January 11 and 12, 2011.

4. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

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

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

5. Martin Luther King, Jr. Day Proclamation

Action: Mayor Foxx to present the Martin Luther King, Jr. Day National Observance Proclamation.

CONSENT

- 6. Consent agenda items 19 through 33 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on Resolution to Close a Ten-foot Alleyway Located off W. Park Avenue

Action: A. Conduct a public hearing to close a ten-foot alleyway located off of W. Park Avenue, and
B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

Greater Galilee Baptist Church- Dexter Snead

Right-of-Way to be abandoned

A 10-foot alleyway located off of W. Park Avenue

Location

Located within the Wilmore Neighborhood, a 10-foot alleyway running off of W. Park Avenue beginning at W. Park Avenue and continuing 150 feet eastwardly to its terminus and consisting of 1,488 square feet

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner as part of the Greater Galilee Baptist Church development project. This project is consistent with City Council approved rezoning petition number 2010-064, which was approved on November 15, 2010.

Notification

As standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

Nathan Gray - No objections

Neighborhood/Business Associations

Wilmore Neighborhood Association – No objections

Brookhill Community Organization – No objections

Revolution Park Neighborhood Organization – No objections

Historic South End – 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

8. City Manager's Report

- Small Business Web Portal Development

9. Plaza-Central Pedscape Plan Amendment



Action: Approve the Transportation and Planning Committee's recommendation to adopt the Plaza-Central Pedscape Plan Amendment.

Committee Chair: David Howard

Staff Resource: Michelle Jones, Planning

Explanation

- A property owner submitted a proposed amendment to the Plaza-Central Pedscape Plan in February 2010. The request proposes to amend the distance required between bars, nightclubs and lounges to residential zoning districts in the Plaza-Central Pedscape Plan from 400 feet to 225 feet.
- The Plaza-Central Pedscape Plan was adopted by City Council in 2003 and provides the policy guidance for land use and public investment decisions in the plan area. The plan area runs along Central Avenue and the boundaries are formed generally by I-277 on the West, Independence Boulevard to the South and Nandina Street to the East.
- The proposed amendment applies only to those properties located within the Plaza-Central Pedscape Plan boundary where the underlying zoning permits bars, nightclubs or lounges as a principal use. The proposed amendment does not exempt the use from having to comply with all other applicable ordinances, such as the noise ordinance.
- Planning staff has completed analysis of the amendment, working directly with interdepartmental staff, including the Charlotte-Mecklenburg Police Department, and neighborhood residents and business owners.
- Public meetings were held to receive feedback on the amendment in both July and September with approximately 10 to 15 people attending each of the meetings.
- Residents and property owners within 400-feet of the plan area boundary were notified via postcards and/or letters at least two weeks prior to the public meetings. Neighborhood leaders were also notified via phone and e-mail with notice posted on neighborhood websites.
- Based on input received at these public meetings, staff developed the attached Plaza-Central Pedscape Plan Amendment language.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comment at their October 19 meeting. One resident spoke in favor of the amendment, noting that it would benefit the neighborhood to have more nightlife permitted in the core business district and would give residents the opportunity to walk to these establishments. No one spoke in opposition of the amendment.
- The Planning Committee met on November 16 and voted unanimously to recommend that Council approve the plan amendment.

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January 10, 2011

Transportation & Planning Committee

- The Transportation & Planning Committee received an overview of the plan amendment at their October 28 meeting and forwarded the plan to Council for public comment.
- Public comment was held at the November 22 City Council meeting, with three people speaking in favor of the amendment and no opposition. Discussion items included compliance with the noise ordinance and effects on the neighborhood.
- At their December 13 meeting, the Transportation & Planning Committee unanimously (Howard, Carter, Cooksey, Kinsey) recommended adoption of the Plaza-Central Pedscape Plan Amendment.

Attachment 2

Plaza-Central Pedscape Plan Amendment

Plaza-Central Pedscape Amendment Map

10. Transitional Setbacks on Independence Boulevard Ordinance Amendments



Action: Approve advancing Subdivision Ordinance text amendment 2011-013SUB and Zoning Ordinance 2011-14 from the March 21, 2011 City Council Zoning meeting to the February 21, 2011 City Council Zoning meeting.

Committee Chair: James Mitchell

Staff Resources: Debra Campbell, Planning
Danny Pleasant, Transportation

Explanation

- On December 16, 2010, City Council's Economic Development Committee voted unanimously (Cannon, Burgess, Dulin) to support staff filing text amendments to:
 - Remove the transitional setback on Independence Boulevard between I-277 and Albemarle Road
 - Eliminate the transitional setback between Albemarle Road and Sharon Forest Drive when North Carolina Department of Transportation certifies that the right-of-way acquisition is complete
- At the December 20, 2010 Zoning Meeting, Deputy City Manager Ron Kimble presented the proposed schedule to City Council. This proposed schedule requires that the public hearings for the text amendments be moved from March 21, 2011 to February 21, 2011.

BUSINESS

11. Utilities Mechanical Upgrades and Renovations



Action: Award a low bid contract for \$1,931,762 to Camps Construction Company for the Charlotte-Mecklenburg Utilities Department Administrative Building mechanical upgrades and renovations.

Staff Resources: Jeff Furr, Engineering & Property Management
Barry Gullet, Utilities

Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program, which is part of the American Recovery and Reinvestment Act.
- This project was included in the City's Energy Strategy and the application to the DOE that was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed. In the following months, staff selected the consultant, designed improvements, and bid the project.
- According to the DOE grant requirements, funding must be obligated by February 4, 2011 and all projects must be completed by August 4, 2012.

Explanation

- The Charlotte-Mecklenburg Utilities Administration building located at 5100 Brookshire Boulevard is a 37,800 square foot, two-story facility that houses approximately 140 employees. The building was built in the early 1970's, and has been documented as one of the most energy inefficient buildings owned and maintained by the City. In addition to an HVAC system that has long exceeded its lifespan, the building is in need of other renovations that are included in this contract.
- This project consists of energy upgrades including:
 - Removing and replacing the entire mechanical system with the exception of the boiler
 - Removing and replacing all related grilles, ductwork, controls and mechanical units
 - Installation of a new chiller unit
- Interior light fixtures will be removed throughout the building and replaced with new energy efficient fixtures. Other items include installation of a new lay-in ceiling, a new fire alarm system, carpet replacement and painting.
- The work also includes removal of all wiring, installation of new wiring and cabling as required, and replacement of the outdated public address system.
- Staff estimates that energy operating costs will be reduced by 25% to 35% as a result of reduced lighting loads, more efficient chillers, pumps and air handling systems. This converts into an annual energy cost savings of approximately \$20,000. Annual maintenance costs have also been estimated to be approximately \$10,000 less.
- Five bids were received, ranging from \$1,931,762 to \$2,094,955. Camps Construction Company is located in Matthews, North Carolina.

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January 10, 2011

Minority/Women/Small Business Opportunity

Established MWSBE Goal: 13%

Committed MWSBE Goal: 14.43%

Camps Construction Company committed 14.43% (\$272,727) of the total base bid amount to the following MWSBE firms: Privette Enterprises (sitework), C.A. Scism Construction Company (interior finishes), Twinstar Inc. (concrete) and E. Moore & Sons Electric (electrical).

Funding

General Stimulus Grant Fund (\$725,000)

Utilities Capital Investment Plan (\$1,206,762)

12. Electric Vehicle Charging Station Equipment

Action: Award a low bid contract of \$176,390 to Lake Electric Co, Inc. for the installation of electric vehicle charging stations and related equipment.

Staff Resources: Rob Phocas, City Manager's Office
David Smith, Engineering & Property Management

Grant Background

- In August 2009, the U.S. Department of Energy (DOE) allocated to the City \$6,780,100 as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program.
- This project was included in the City's Energy Strategy and the application to the DOE that was approved by Council on November 23, 2009.
- On April 20, 2010, the City was notified that DOE approved its application and the project could proceed. Since then, staff has selected the consultant, finalized locations for charging stations, designed electrical improvements, and bid the project.
- According to the DOE grant requirements, funding must be obligated by February 4, 2011 and all projects must be completed by August 4, 2012.

Explanation

- The City is partnering with Charlotte Center City Partners (CCCP), Duke Energy, Bank of America, Wells Fargo and Mecklenburg County to prepare citizens for the arrival of electric vehicles. CCCP will be conducting a marketing campaign to educate the public about locations of charging stations and entering locations into a nationwide charging station database.
- The City's portion of this project includes the procurement and installation of 26 Electric Vehicle Charging Stations and associated electrical infrastructure at seven sites in Mecklenburg County. The only site outside of the City is the CATS Park & Ride in Huntersville. The City worked with its partners to select these locations. The sites are:
 - CMGC Parking Deck, six charging stations in the public area of deck
 - CATS I-485 Station Park & Ride, five charging stations
 - CATS Park & Ride at Mallard Creek, five charging stations
 - CATS Gateway Park & Ride in Huntersville, four charging stations
 - North Tryon on-street parking near The Square, two charging stations
 - South Tryon on-street parking near Mint Museum, two charging stations

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January 10, 2011

- South Boulevard on-street parking near Circle at South End Apartments, two charging stations
- In addition to these grant funded charging stations, Bank of America, Duke Energy and Wells Fargo will be installing charging stations within privately owned parking decks, many of which will be available for public use. Mecklenburg County has been working with this group to streamline the permitting process.
- The City intends to purchase up to five electric vehicles, which will be available in mid-2011.
- During the grant period, the EECBG program will pay for the electricity. After the grant period, customers will be charged for the electricity.

Minority/Women/Small Business Opportunity

This contract is subject to federal Department of Energy requirements for participation. No goals were established for this contract because no subcontracting opportunities were identified.

Funding

General Stimulus Grant Fund

13. Davidson Street Bus Facility Change Order #1



Action: Approve a change order with Clancy & Theys Construction Company in an amount not to exceed \$100,000, for the replacement of the exterior wall framing system at the Administration Building.

Staff Resources: Carolyn Flowers, Transit
Monifa Hendrickson, Engineering & Property Management

Explanation

- On April 27, 2009, City Council approved the renovation of the Davidson Street Bus Facility, as the City's primary project for transit capital investment funding under the American Recovery and Reinvestment Act (ARRA).
- On July 27, 2009, Council accepted the grant as approved by the Federal Transit Administration. The grant requires no local matching funds.
- On April 26, 2010, Council awarded a contract to Clancy & Theys Construction Company for the renovation of the Davidson Street Bus Facility's Administration Building for an amount not to exceed \$2,169,300.
- Change order #1 will provide for the complete replacement of the exterior metal wall framing system of the Davidson Street Bus Facility's Administration Building.
- The building's 30-year-old wall framing system shows severe deterioration along its entire length. Though some repair was anticipated, a complete replacement of the exterior wall framing system is necessary to support the exterior metal panel system and to protect against future deterioration. Until demolition was completed, this extent of replacement could not have been predicted.
- The additional scope will be funded through the existing Davidson Street Bus Facility ARRA grant funding.

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January 10, 2011

Disadvantaged Business Opportunity

Established Project-wide DBE Goal: 11%

Committed DBE Goal: 3.87%

Clancy & Theys was found to be compliant with the federal DBE good faith requirements. The following certified DBE firms have been identified by Clancy & Theys as subcontractors scheduled to work on the project:

Czechmate Lumber Corp. (lumber supplies), Traffic Control Safety Systems (fire control equipment), Vanerhall & Alexander Contractors (masonry), RJ Leeper Company (on-site supervision), Kelby Construction (site concrete), Perrin Enterprises (interior concrete), Kingdom Commercial Services (final site cleaning), and Mekki Modular (flooring).

Funding

Transit Stimulus Grant Fund

14. Transit Financial Consultant Contract Amendment

Action: Authorize the Manager to negotiate and execute a contract amendment with Jeffrey A. Parker & Associates, Inc. totaling \$650,000 for financial planning and analysis, construction delivery method analysis and support, and project presentation/legislative support for the Blue Line Extension and Red Line projects.

Staff Resources: Carolyn Flowers, Transit
Dymphna Pereira, Transit

Policy

2030 Corridor System Plan, Transportation Action Plan Goal 1-“Continue implementation of the Centers and Corridors strategy”

Explanation

- In July 2010, CATS advertised the Transit Financial Initiatives project publicly, soliciting offers from firms nationwide.
- In order to revise the 2030 Transit Corridor System Plan (2030 Plan), the project called for transit financial experts to research and analyze innovative initiatives being used by others in the transit industry to advance transit projects, and to determine whether such initiatives can work in the Charlotte region.
- Five firms responded and Jeffrey A. Parker & Associates, Inc. (JPA Inc.) was selected as the most qualified firm.
- On September 27, 2010, City Council approved a first year contract with JPA Inc. in the amount of \$142,500.
- Council authorized the City Manager to negotiate and approve two, one-year renewals of the contract.
- The total contract amount was projected at \$445,000 over the entire potential three-year contract period.
- After JPA Inc. was selected, the Metropolitan Transit Commission (MTC) planned and scheduled a special workshop in November 2010 to review, and possibly revise, the 2030 Plan. To provide the information needed by the MTC, JPA Inc. had to complete in a matter of weeks, work that was planned to be done over the course of the entire contract period.

- This required CATS to accelerate the schedule of the consultant's work in order to provide the MTC with detailed information on the financial sustainability of the transit program for advancing the 2030 Plan, including various options for maintaining current services and advancing both the Blue Line Extension (BLE) and the Red Line projects.
- The MTC found JPA Inc.'s presentation very helpful and directed CATS Chief Executive Officer to further engage JPA Inc. to continue its work in defining the adjustments required to make the projects viable. That work includes the financial analysis and delivery method planning needed to create the affordable BLE option, as well as assisting the State funded consultant, as requested, in pursuing Red Line strategies.
- JPA, Inc.'s concepts were highly regarded by FTA and NCDOT officials who attended the MTC workshop.
- The Federal Transit Administration (FTA) requested CATS present the JPA Inc. recommendations to the FTA Regional staff at its meeting held in Atlanta on December 3, 2010. Federal officials expressed appreciation of the recommendations which would keep the Blue Line Extension project advancing in the Federal process.
- The North Carolina Department of Transportation (NCDOT) has requested a similar presentation to the N.C. Board of Transportation in early 2011.
- The insights and recommendations of JPA Inc. have assisted the MTC in defining the areas which need to be amended to adapt to current economic realities.
- The amount of services needed from JPA Inc. is now significantly greater than originally projected as the MTC has accepted JPA Inc's initial recommendations and now seeks greater detail for the projects.
- Funding for this contract will be provided by the BLE and Red Line project budgets.
- With this amendment, the new contract totals \$792,000.

Disadvantaged Business Opportunity

No goal was set for this contract because there are no participation opportunities.

Funding

Transit Capital Fund

15. NASCAR Hall of Fame Advisory Board

Action: Consider Council appointment of City Council member(s) to the NASCAR Hall of Fame Advisory Board, and choose from one of two options:

1. One Council-appointed City Council member serving in an ex-officio capacity, or
2. Two Council-appointed City Council members serving in an ex-officio capacity.

Resource: Patrick Cannon, Mayor Pro Tem

Explanation

- On December 13, 2010, the City Council asked that this item be scheduled for consideration on the January 10 meeting agenda.
- In March 2006, the NASCAR Hall of Fame Agreement was approved by City Council, NASCAR, and the Charlotte Regional Visitors Authority (CRVA).
- As part of that Agreement, Section 6(f) provides for the establishment of a NASCAR Hall of Fame Advisory Committee consisting of:
 - NASCAR – two members
 - Bank of America – one member
 - Wells Fargo – one member
 - Charlotte Regional Visitors Authority (CRVA) – two members
 - City of Charlotte – two members
- The purpose of the NASCAR Hall of Fame Advisory Board is to advise and report to the CRVA on fiscal and operational matters related to the Hall of Fame.
- The action adds a Council member(s) as a non-voting member with all other member rights.

Attachment 3

Section 6(f) language

16. Nominations to Boards and Commissions

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

For items A.1 through A.7, these are all new positions resulting from City Council's action on December 13 to change the structure and charge of the Business Advisory Committee.

A.1. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the National Association of Women Business Owners

Attachment 4

Applications

A.2. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Charlotte Mecklenburg Black Chamber of Commerce

Attachment 5

Applications

A.3. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Charlotte Mecklenburg Latin American Chamber of Commerce

Attachment 6

Applications

A.4. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Carolinas Asian-American Chamber of Commerce

Attachment 7

Applications

A.5. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a certified SBE member recommended by the Metrolina Minority Contractors Association

Attachment 8

Applications

A.6. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a certified SBE member recommended by the Hispanic Contractors Association

Attachment 9

Applications

A.7. BUSINESS ADVISORY COMMITTEE

- One appointment for a three-year term beginning immediately and ending April 28, 2014 for a member recommended by the Metrolina Native American Association

Attachment 10

Applications

B. CHARLOTTE INTERNATIONAL CABINET

- One appointment for an unexpired term beginning immediately and ending June 30, 2012 in the open category
 - Timothy Fallon is now deceased.
- One appointment for an unexpired term beginning immediately and ending June 30, 2013 in the business category

- Deborah Bell resigned.

Attachment 11

Applications

C. CHARLOTTE-MECKLENBURG HOUSING AUTHORITY

- One appointment for an unexpired term beginning immediately and ending December 17, 2012
 - Rodney Moore resigned.

Attachment 12

Applications

D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- Five appointments for two-year terms beginning March 2, 2011
 - Owen Sutkowski is eligible and would like to be reappointed.
 - Lee Johnson and Geoffrey Owen are eligible, but do not wish to be reappointed.
 - Thomas Dorsey and Joel Ford completed their second term of service and are not eligible to be reappointed.

Attachment 13

Applications

E. TRANSIT SERVICES ADVISORY COMMITTEE

- Two appointments for transit passengers for three-year terms beginning February 1, 2011
 - Terry Lansdell and George Schaeffer are eligible and would like to be reappointed.

Attachment 14

Applications

F. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for appointment by the Board of County Commissioners for a three-year term beginning February 2, 2011
 - Brett Rhinehardt completed his second term of service and is not eligible to be reappointed.

Attachment 15

Applications

G. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2011
 - David Hoffman is eligible and would like to be reappointed.

Attachment 16

Applications

17. Appointments to Boards and Commissions

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

A. BUSINESS ADVISORY COMMITTEE

- The appointment for this vacancy, for which nominations were made June 28, 2010, was suspended pending the recommendations of the Economic Development Committee regarding changes to the structure of the Business Advisory Committee. City Council acted on the Committee's recommendations on December 13.
- One appointment for an unexpired term beginning immediately and ending April 28, 2011.
 - Wesley Carter by Council members Carter and Howard
 - Marc Friedland by Council member Barnes
 - Chaunta Jones-Hunter by Council member Kinsey
 - Ryan Licari by Council member Turner
 - Jason McGrath by Council member Dulin
 - Darrin Rankin by Council members Burgess, Cannon and Peacock
 - William Strong by Council member Cooksey
 - Angela Williams by Council member Mitchell

Attachment 17

Applications

18. 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."

19. Transit Signal Priority System

- Action:**
- A. Award a low bid contract of \$98,054.74 to Trittech S.E. Inc. for the installation of Opticom emitters on CATS buses,**
 - B. Approve a contract with Siemens Industry, Inc. in an amount not to exceed \$86,000 for system engineering services related to traffic signal software programming and testing, and**
 - C. Approve purchase of extended warranty for Opticom emitters through Temple, Inc. in an amount not to exceed \$40,000.**

Staff Resources: Larry Kopf, Transit
Debbie Self, Transportation
Rich Granger, Fire

Explanation

- The City received a 100% Congestion, Mitigation and Air Quality (CMAQ) grant in the amount of \$1.3 million to provide transit signal priority (TSP) and emergency vehicle preemption. No local match funds are required for this grant.
- The TSP System will provide priority movement to emergency and transit vehicles at signalized intersections. Priority movements are determined by the traffic signal controller based on the detection (via an emitter) of an approaching transit or emergency vehicle.
 - Emergency vehicles receive the highest priority to safely move through the intersection on a green signal indication. This technology is currently used at approximately 50 signalized intersections.
 - Transit vehicles are assigned a priority movement depending on ability of the signal phasing to serve the approach based on predefined parameters, which has no disruption to traffic flow. For example, if a bus is running more than five minutes behind schedule, the traffic signal would provide a green signal indication to assist the bus to get back on schedule.
 - The first routes selected to deploy the TSP system are Central Avenue from 10th Street/Louise Avenue to Albemarle Road and Albemarle Road from Central Avenue to Lawyers Road.
 - Central Avenue and Albemarle Road ranked highly by the Fire Department and CATS in terms of improving emergency vehicle response time and providing reliable transit service.
- Trittech S.E., Inc is the low bidder for installation of Opticom emitters on approximately 300 CATS buses.
- City Council approved a \$440,000 contract with Temple, Inc. on January 12, 2009 to purchase Opticom emitters, receivers and related parts. The contract allowed for two \$100,000 renewals.
- CDOT completed installation of all Opticom receivers along Central Avenue and Albemarle Road.
- CDOT currently uses traffic signal software developed by Siemens to control the signals along Central Avenue and Albemarle Road.

- The systems engineering contract with Siemens will include programming each signalized intersection and testing to assure the transit signal priority system is functioning properly.
- The extended warranty provides ten years of coverage on more than 330 Opticom emitters at a cost of \$120 per emitter.

CMAQ Grant Funds

- The balance of CMAQ funds is \$591,000.
- Additional routes under evaluation for transit signal priority include:
 - North Tryon Street from 16th Street to Mallard Creek Church Road
 - Beatties Ford Road from 5th Street to Sunset Road
 - South Tryon Street from Woodlawn Road to Shopton Road West

Disadvantaged Business Opportunity

No goal was set for these contracts because there are no participation opportunities.

Funding

CMAQ Grant

20. Utility Relocation Design Services

Action: Approve an agreement with Hinde Engineering Inc. in the amount of \$1,300,000 for design of water and sewer infrastructure related to transportation projects.

Staff Resource: Barry Gullet, Utilities

Explanation

- This agreement provides for the design of water and sewer infrastructure within NCDOT, CDOT, and CATS roadway and rail projects.
- NCDOT has agreed to reimburse the City in the estimated amount of \$724,000 for Hinde Engineering's services on seven of their upcoming roadway projects. The NCDOT projects are:

– I-485	\$206,650
– I-485/I-85 Interchange	\$ 92,830
– Mallard Creek	\$219,520
– I-485/Weddington Road Interchange	\$ 97,000
– Bridge over Mallard Creek	\$ 35,000
– Bridge over Gar Creek	\$ 35,000
– Bridge over Irvin Creek	\$ 38,000
- The remaining contract balance of \$576,000 is appropriated in the Utilities Capital Investment Plan and will be used for design services for any other City or NCDOT projects that require the relocation of water and sewer lines.
- This is an hourly contract to be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- Hinde Engineering was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals during the contract negotiation phase (Part C: Section 2.2 of the SBO Policy). On this contract, Hinde Engineering committed 12.00% (\$156,000) of the total contract amount to the following firms: Barry D. Davis Surveying (construction surveying services) and Lyons Utility Locating (utility locating services). Hinde Engineering is also a certified SBE engineering firm.

Funding

Utilities Capital Investment Plan

21. McDowell Creek Wastewater Treatment Plant Digester Gas Condensate Drain Line Installation Change Order #1

Action: Approve Change Order #1 for \$76,798.67 with Kemp, Inc. for additional work required to repair two digester gas pipelines for Charlotte-Mecklenburg Utilities at the McDowell Creek Wastewater Treatment Plant.

Staff Resource: Barry Gullet, Utilities

Explanation

- In August of 2009, an informal contract was awarded to Kemp, Inc totaling \$75,000 for spot repairs and the installation of several drain lines on the digester gas lines at the McDowell Wastewater Treatment Plant.
- The original contract was a time and materials repair contract, which covered the removal and reinstallation of 450 feet of 10-inch digester gas line.
- The digester gas line was damaged by leaking hot water pipelines, causing sags in the gas line. The sags were causing excessive maintenance in the digester gas system. The hot water pipelines have been repaired/replaced under a separate approved contract.
- Once the line was excavated, staff discovered that the sags were more extensive than anticipated and there were drainage problems that required correction. In order for the line to work properly, these issues needed to be corrected.
- A byproduct of the sludge digestion process is methane gas, which is used to power critical plant equipment. When the gas system cannot operate, diesel fuel must be used to power the equipment.
- Since the digester gas line was out of service and the process heating was being accomplished by diesel fuel at a cost of about \$10,000 per month, it was more cost effective to quickly complete the repairs needed beyond the original scope in order to minimize the diesel fuel costs. The work has been completed and the gas line restored to service.
- Change Order #1 covers the following additional work:
 - Additional pipeline repair kits and rental of equipment
 - Removal and replacement of existing fence and concrete aprons
 - Additional labor and materials
- The new contract total with this change order is \$151,798.70.

Funding

Utilities Capital Investment Plan

22. Arc Flash Assessments for Various Utilities Facilities

Action: Approve a professional services contract with Southeastern Consulting Engineers, Inc. in the amount of \$546,850 for Arc Flash Assessments.

Staff Resource: Barry Gullet, Utilities

Explanation

- Arc Flash is a potentially dangerous electrical arc that can occur under certain conditions when operating or maintaining high voltage equipment. This assessment will determine what Utilities equipment may have a potential to arc flash and develop the work procedures to protect employees from those conditions.
- Utilities is proposing an arc flash assessment of 58 sewage lift station sites, three wastewater treatment plants, three water treatment plants, seven water pump stations, and ten water storage tanks in order to provide electrical safety for its employees.
- The National Fire Protection Association (NFPA) provides guidance on implementing appropriate work practices that are required to safeguard workers from injury while working on or near electrical equipment.
- OSHA considers the NFPA standard a recognized industry practice and uses it to enforce safety procedures related to arc flash.
- This project involves 81 locations and will take approximately two years to complete. For each work location, Southeastern will determine the level of arc flash potential and develop the appropriate warning labels for the equipment and work procedures to be used by employees when energizing or de-energizing that equipment.
- Southeastern Consulting Engineers was selected in accordance with the Council approved qualifications-based selection process.

Small Business Opportunity

For professional service-based contracts, the City negotiates SBE goals after the proposal selection process. No SBE goal was set for this project because subcontracting opportunities were not identified. Southeastern Consulting Engineers, Inc. is, however, a certified SBE firm.

Funding

Utilities Capital Investment Plan

23. Airport Flight Information Display Maintenance Contract Extension

Action: Approve a one-year contract extension with Signature Technologies, Inc. d/b/a ComNet in the amount of \$128,400 for maintenance of the Airport's Flight Information Display System.

Staff Resource: Jerry Orr, Aviation

Explanation

- Signature Technologies, Inc. is the sole source provider for maintenance of this proprietary flight information display system.
- The estimated value of the system is \$5 million. There are no plans to replace the system until there is a demonstrated business need to replace it.
- Aviation staff prefers one-year contract extensions in order to provide flexibility to modify the contract based on need.

Contract History

- In September 2003, Council approved a three year contract with Signature Technologies, Inc. d/b/a ComNet, to provide proprietary parts and maintenance at a cost of \$270,000. In January 2007 Council approved a one year contract extension with Signature Technologies in the amount of \$114,360 for maintenance on 525 devices.
- In December 2007, Council approved a one year contract extension with Signature Technologies in the amount of \$114,420 for maintenance on 489 devices.
- In November 2009, Council approved a one year contract extension with Signature Technologies in the amount of \$118,800 for maintenance of 497 devices.
- This contract extension will provide the proprietary parts and maintenance service on the 497 devices for a period of one year at a cost of \$128,400.

Small Business Opportunity

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

Funding

Aviation Operating Budget

24. Airport Fuel Farm Facility Expansion

- Action:**
- A. Approve contract with Robert & Company in the amount of \$142,600 for design services related to the expansion of the Airport fuel farm facility for the Hourly/Rental Car Parking Deck, and**
 - B. Adopt a budget ordinance in the amount of \$142,600 from the Contract Facility Charge Fund to the Airport Capital Investment Plan.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1982, the Airport constructed a fuel farm for the purpose of providing fuel to the air carriers operating at the Airport. The fuel farm supplies fuel to the aircraft through an in-ground fueling system around the terminal building and included six, 10,000 barrel storage tanks.
- As discussed at the September 7, 2010 Council Workshop, the Airport is currently designing a new hourly/rental car parking deck, which includes fueling facilities for rental cars on the bottom floor of the deck. The fueling facilities require storage tanks for the gasoline to operate the system.
- Staff determined the best option for fuel storage is to modify one of the existing tanks in the Airport Fuel Farm Facility to store unleaded gasoline rather than jet fuel. The gas will be pumped via pipeline from the fuel farm to the parking deck.
- This contract includes the retrofit of one of the existing 10,000 barrel jet fuel tanks so it can be used to store unleaded gasoline. Funds for this contract are available from the Contract Facility Charge Fund.

Small Business Enterprise

For professional service based contracts, the City negotiates SBE goals during the contract negotiation phase (Part C: Section 2.2 of the SBO Policy). On this contract, Robert & Company committed 4.00% (\$5,704) of the total contract amount to the following firm: Richa Graphics (printing).

Funding

Aviation Capital Investment Plan

Attachment 18

Budget Ordinance

25. Airport Telecommunications Antenna Site Leases

- Action:**
- A. Approve a five-year extension to the lease with Nextel South Corporation for a telecommunications antenna site on the Airport's rotating beacon, and**
 - B. Approve a five-year extension to the lease with NewCingular Wireless PCS, LLC for a telecommunications antenna site on the Airport's rotating beacon.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1999, the Airport constructed the rotating beacon, which is a navigational aid required by the Federal Aviation Administration. The beacon tower was designed to accommodate the antennae and related equipment for up to four telecommunication service providers.
- Council approved a five-year Telecommunications Antenna Site Lease with Nextel South Corporation on November 14, 2005 for a telecommunications antenna site on the rotating beacon. The lease is presently set to expire on March 14, 2011. This amendment would:
 - Extend the lease term for an additional five years beginning on March 15, 2011
 - Increase the rent from \$3,000 per month to \$3,500 per month with 3% annual escalations.
- Council approved a five-year Telecommunications Antenna Site Lease with NewCingular Wireless PCS, LLC on June 12, 2006 for a telecommunications antenna site on the rotating beacon. The lease is presently set to expire on August 31, 2011. This amendment would:
 - Extend the lease term for an additional five years beginning on September 1, 2011
 - Increase the rent from \$3,000 per month to \$3,500 per month with three percent (3%) annual escalations.

26. Heavy Truck and Equipment Parts and Services Contract Amendment

Action: Amend a contract with Covington Power Services for the purchase of Allison Transmissions and parts and services for Detroit Diesel and Mercedes Benz engines from the estimated annual amount of \$125,000 to an estimated annual amount of \$250,000 for the term of five years.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City's fleet currently includes fire trucks, Special Transportation Service buses, Solid Waste Service collection trucks, dump trucks, sewer rodder trucks, street excavators and other equipment and trucks that are built with the applicable engines, transmissions and drive-train components.
- On April 12, 2010, City Council approved a sole source contract with Covington Power Services in the estimated annual amount of \$125,000.
- In its original analysis, based on historical financial trends, BSS/Equipment Management Division could not predict the impact of Fire apparatus life cycle extensions (from ten to 15 years) or the impact of the reduced number of spare collection vehicles in the Solid Waste fleet used to implement their new business model. These two changes are contributing to an increase in power-train repairs and expenditures for this contract.
- The majority of trucks over 26,000 gross vehicle weight and all Chevrolet trucks with a diesel engine are built with Allison transmissions.
- Currently, the City has the following number of units that are built with the required specialized parts:
 - Allison Transmissions (554 units in fleet)
 - Detroit Diesel engines (80 units in fleet)
 - Mercedes Benz engines (20 units in fleet)
- There are no Mercedes Benz vehicles in the City fleet.
- The ages of these units range from one to 22 years, with varying combinations of engines and drive trains.
- Original equipment manufacturer parts are required for equipment repairs to maintain manufacturer warranty and equipment performance standards.
- Covington Power Services is the exclusive authorized distributor and service provider for Allison Transmission, Detroit Diesel, and Mercedes Benz engine parts in North Carolina.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

27. Scaleybark Development Agreement Amendment

- Action:**
- A. Approve the Second Amendment to the General Development Agreement and the Seventh Amendment to the Purchase and Sale Agreement with Scaleybark Partners, LLC, and**
 - B. Authorize the City Manager to execute any additional documents necessary to implement the amendment.**

Staff Resources: Peter Zeiler, Neighborhood & Business Services
Tina Votaw, Transit

Explanation

- Scaleybark Partners, LLC requested an extension of deadlines to the four specific activities listed below as they work to complete streetscape and linear park designs as required in their Purchase and Sale Agreement (PSA) with the City.
- In 2009, Scaleybark Partners joined Cherokee South End LLC, the adjacent property owner, to create a larger project site. As a result, Scaleybark Partners has been engaged in new site planning activity, including modification of proposed street networks. Continued market challenges created by economic stagnation have also driven modifications to their site design.
- Staff recommends approval of the date extensions as identified below. The extension to complete the parking deck at the Scaleybark Station does not impact CATS or transit riders as they will continue to use the existing parking lot at the Scaleybark Station until such time as the parking deck is available.

Activity	Original Date per PSA	Amended Dates per 5th Amendment	New Proposed Amended Dates per 7th Amendment
1. Linear Park construction start	February 15, 2009	January 15, 2011	January 15, 2012
2. Streetscape Improvement construction start	May 15, 2009	January 15, 2011	January 15, 2012
3. Pre-marketing expenditures of \$500,000	February 15, 2009	January 15, 2011	January 15, 2012
4. CATS Park and Ride Deck completion	February 28, 2013	February 28, 2014	February 28, 2016

Background

- In June 2007, City Council approved a Purchase and Sale Agreement (PSA) for the sale of approximately 16 acres of land along South

This is a portion of a working draft and has not been approved by the City Manager. Items are subject to change and/or removal. The agenda is not a policy document until released by the City Manager to the Mayor and Council in final document form.

January 10, 2011

Boulevard for \$6,985,000 to Scaleybark Partners, LLC. Council approved four subsequent Amendments to the PSA which:

- Extended the Buyer's Examination Period
- Extended the closing date
- Adjusted the final purchase price to \$5,185,000 upon discovery of detrimental subsurface conditions during due diligence
- The City and Scaleybark Partners closed on the property transaction on Feb. 29, 2008.
- Scaleybark Partners has since satisfied all payment obligations due to the City for the property.
- In June 2010, Council approved a sixth amendment for certain technical changes to the PSA to help accommodate a Low Income Tax Credit application made by the Charlotte-Mecklenburg Housing Partnership in cooperation with Scaleybark Partners. They were denied for the 2010 application and will reapply for 2011 per the PSA and Development Agreement.
- The Seventh Amendment to the PSA and the Second Amendment to the General Development Agreement (both documents need to be updated) would extend the deadlines by adding one year to the linear park construction and streetscape commencement, one year to the required premarketing expenditures and two years to the completion of the CATS Park and Ride parking deck.

28. Brownfield Assessment Services

- Action:**
- A. Approve a contract with Hart and Hickman, P.C. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area,**
 - B. Approve a contract with Terracon Consultants, Inc. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area,**
 - C. Approve a contract with S&ME, Inc. in the amount of \$130,000 for the assessment of Brownfield properties within the City's Business Corridor Revitalization Area, and**
 - D. Authorize the City Manager to amend the above contracts in an amount not to exceed \$130,000 each.**

Staff Resources: David Wolfe, Engineering & Property Management
Tom Warshauer, Neighborhood & Business Services

Explanation

- The U.S. Environmental Protection Agency (EPA) awarded the City \$400,000 through the Community-Wide Brownfield grant program. Council accepted the grant on August 23, 2010. A portion (\$10,000) of the grant supports limited administration expenses for the City.

- Hart & Hickman, Terracon and S&ME were chosen using the Council-approved, qualifications-based selection process for professional services in accordance with NC Statutes.
- The City will use EPA grant funds to conduct Phase I and Phase II environmental site assessments, perform remediation and redevelopment planning and provide community outreach.
- The City is targeting the Business Corridor Revitalization Area for the use of grant funds. This work supports the goals of the Business Corridor Revitalization Strategic Plan (adopted by Council in 2008) which are to eliminate blight, create strong local economies, support corridor revitalization and promote environmentally sustainable development.
- Grant funds may be used to support both public and private developments within the designated geography. Neighborhood & Business Services will coordinate an outreach and marketing program to potential community and business leaders.
- By authorizing the City Manager to amend the contracts, the City will be prepared to continue working should the EPA award a future Brownfield grant to the City.

Minority and Women Business Opportunity

Established MBE Goal: 7%

Established WBE Goal: 9%

Hart and Hickman, P.C.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

Hart and Hickman, P.C. committed 7% to the following MB firms:

Comprehensive Business Consultants (public relations), Mistri-Hardaway Architects, Inc. (architect and public relations), RTI Laboratories (lab analyses), TPM, Inc. (printing) and Xenco Laboratories (lab analyses). They committed 9% to the following WB firms: Prism Laboratory (lab analyses) and Probe Technology (drilling services).

Terracon Consultants, Inc.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

Terracon Consultants, Inc. committed 7% to the following MB firms:

Comprehensive Business Consultants (public relations), Mistri-Hardaway Architects, Inc. (architect & public relations), RTI Laboratories (lab analyses), TPM, Inc. (printing) and Xenco Laboratories (lab analyses). They committed 9% to the following WB firms: Aerobiology Laboratory (lab analyses), Enviro-Equipment (field equipment rental), Planning Communities (public relations), Prism Laboratories (lab analyses) and Probe Technology (drilling services).

S&ME, Inc.

Committed MBE Goal: 7.00%

Committed WBE Goal: 9.00%

S&ME, Inc. committed 7% to the following MB firms: Comprehensive Business Consultants (public outreach), RTI Laboratories (lab analyses) and TPM, Inc. (printing). They committed 9% to the following WB firms: Aerobiology Laboratory (lab analyses and air samples) and Prism Laboratories (lab analyses).

Funding

Environment Capital Investment Plan

29. Muddy Creek Watershed Restoration Change Order #1

Action: Approve change order #1 in the amount of \$395,564.84 to Shamrock Environmental Corporation for the Muddy Creek Watershed Restoration Improvements.

Staff Resource: Jennifer Smith, Engineering & Property Management**Explanation**

- This project includes the restoration and enhancement of 7,373 linear feet of stream and 6.1 acres of wetland along Muddy Creek and Eastland Branch, tributaries to Campbell Creek in the McAlpine Creek watershed. It also includes one pond and three wetlands to address pollutants in a highly urbanized area.
- The project area is roughly bounded by Albemarle Road to the north, Independence Boulevard to the west, Idlewild Road to the south and Farm Pond Lane to the east.
- The predominant reasons for the change order fall into the following areas:
 - Additional borrow backfill material was needed because excessive unsuitable subsurface materials were encountered during construction and significant inclement weather conditions occurred during the winter of 2009.
 - Extra stone items were needed to address design adjustments due to field conditions encountered during construction.
 - Additional sanitary sewer and water utility items were needed to address subsurface conflicts discovered during construction.
 - Storm drainage improvements were added during construction to address drainage concerns from Reddman Road.
- The original contract amount of \$1,440,496.05 was awarded by City Council on June 8, 2009 and included federal stimulus funding. The total contract amount to date, including this change order, is \$1,836,060.89. The change order will be financed entirely by Storm Water capital funds.
- This change order will allow funding for the completion of all work and closing of the construction contract by the end of first quarter 2011.

Disadvantaged (MBE/WBE) Business Opportunity

All additional work involved in this change order will be performed by the current contractor and existing subcontractors. Shamrock Environmental Corporation committed 19.97% (\$79,998) of the total change order amount to the following WBE firms: On Time Construction (incidental concrete), Bullington Construction (fencing), and D2 Construction (trucking).

Funding

Storm Water Capital Investment Plan

30. Vehicle Lift Equipment

- Action:**
- A. Approve the purchase of 14 vehicle lifts as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
 - B. Approve a contract with Rotary Lift for the purchase of 14 vehicle lifts and related services in the amount of \$322,256.**

Staff Resources: William Haas, Engineering & Property Management
Karen King, Equipment Management Division

Cooperative Purchasing Exemption

- The U.S. General Services Administration (GSA) has a national contract with Rotary Lift that guarantees their prices to be the lowest available to a government entity.
- NC Senate Bill 914, effective January 1, 2002 authorizes local government to purchase from competitive group purchasing programs.
- The GSA awarded contract GS-07F-8953D to Rotary Lift to provide building materials and industrial supplies to federal, state and local agencies through June 29, 2013.

Explanation

- These lifts will be located at the new Light Vehicle Maintenance Facility, located at 1031 Atando Avenue.
- The contract with Rotary Lift will include the equipment purchase, on-site installation and extended warranty.
- The 14 Rotary lifts include three, four-post surface mounted lifts; nine, two-post surface mounted lifts; and two in-ground lifts.
- The four-post lifts will be used for general maintenance and repair of vehicles weighing up to 30,000 pounds. These lifts will help provide service to medium duty equipment for Charlotte-Mecklenburg Utilities and CDOT's Street Maintenance Division in the northern part of the county.
- The two-post lifts will service all marked police units, City staff vehicles and other light equipment weighing up to 16,000 pounds. Services to be performed include lubrication and under chassis inspection.
- The in-ground lifts will serve multi-functions from oil changing to tire replacement. These lifts support the vehicles' undercarriage, allowing for tire removal. The in-ground lift has a 60,000 pound capacity allowing servicing of heavy trucks and equipment.

Background

- The Light Vehicle Maintenance Facility project includes site development and improvements for construction of a 40,932 square foot facility.
- The facility will consist of a light truck and emergency response vehicle repair garage equipped with oil change bays, a parts storage mezzanine and 29 maintenance bays. This facility also serves as the City vehicle commissioning and decommissioning center.
- This project is scheduled for completion in third quarter 2011.

Small Business Opportunity

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

Funding

Government Facilities Capital Investment Plan

31. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 420 W. Tremont Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood)

Complaint:

- B. 1550 Jennings Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- C. 4014 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- D. 1001 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)

Field Observation:

- E. 1306/08 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- F. 800 W. Morehead Street (Neighborhood Statistical Area N/A)
- G. 1119 Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- H. 3916 The Plaza (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood)
- I. 206 1-5 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood)
- J. 2124 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Public Safety:

A. 420 W. Tremont Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 420 W. Tremont Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

Attachment 19

Complaint:

B. 1550 Jennings Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1550 Jennings Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

Attachment 20

C. 4014 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4014 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 21

D. 1001 Seigle Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1001 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 22

Field Observation:

E. 1306/08 Kennon Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1306/08 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 23

F. 800 W. Morehead Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 800 W. Morehead Street (Neighborhood Statistical Area N/A).

Attachment 24

G. 1119 Pegram Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1119 Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 25

H. 3916 The Plaza

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3916 The Plaza (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

Attachment 26

I. 206 1-5 Walnut Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 206 1-5 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 27

J. 2124 West Boulevard

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2124 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 28

32. 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 \$50,289.41, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$3,596.38**

Staff Resource: Robert Campbell, Finance

Attachment 29

Resolution

List of property tax and business license refunds

PROPERTY ITEMS

33. Property Transactions

Action: Approve the following property acquisition (A) and adopt the condemnation resolutions (B-K).

- 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.

Acquisition

- A. Project:** Rea Road Widening/Improvements, Parcel # 120
Owner(s): Maurice E. Rapp and Wife, Paula T. Rapp
Property Address: 4808 Rea Rd
Property to be acquired: 10,392 sq. ft. (.239 ac.) in Fee Simple, plus 13,792 sq. ft. (.317 ac.) in Storm Drainage Easement, plus 4,648 sq. ft. (.107 ac.) in Utility Easement, plus 1,029 sq. ft. (.024 ac.) in Slope Easement, plus 8,661 sq. ft. (.199 ac.) in Temp Access Rd easement 4664 and Wall easement 3997, plus 11,203 sq. ft. (.257 ac.) in Temporary Construction Easement
Improvements: brick walls
Landscaping: large trees, bushes
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-235-10
Total Parcel Tax Value: \$388,200
Purchase Price: \$140,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- B. Project:** Arnold Drive- Proposed 15" Sewer Replacement Serving, Parcel # 2
Owner(s): Northland The Park, LLC And Any Other Parties Of Interest
Property Address: 2306 Eastway Drive
Property to be acquired: 3,304.43 sq. ft. (.076 ac.) in Sanitary Sewer Easement, plus 4,169.63 sq. ft. (.096 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Wooded Area
Zoned: R-22MF
Use: Multi Family
Tax Code: 095-141-32
Total Parcel Tax Value: \$12,100,000
Appraised Value: \$8,650
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sewer rehabilitation project that will replace a section of existing sewer in order to increase its capacity (i.e., replace an existing 8" sewer with a new 15" sewer) and replace a 60-70 year old, clay pipe that has become broken, collapsed and/or "sagged" since it was originally installed. The property owner has agreed to the project and the compensation amount. The property owner's attorney has requested changes to the easement agreement language that the City Attorney's office has deemed unacceptable. The City's revised agreement is currently being reviewed by the owner's attorney. In order to maintain the project schedule, City staff is recommending condemnation approval. City staff will continue to work with the property owners to complete the acquisition process until the condemnation filing.
- C. Project:** Arnold Drive- Proposed 15" Sewer Replacement Serving, Parcel # 3
Owner(s): Hillcrest Apartments, a Limited Partnership And Any Other Parties Of Interest
Property Address: 2521 Arnold Drive
Property to be acquired: 2,961.31 sq. ft. (.068 ac.) in Sanitary Sewer Easement, plus 4,542.9 sq. ft. (.104 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Wooded Area
Zoned: R-17MF
Use:
Tax Code: 095-141-39
Total Parcel Tax Value: \$1,549,400
Appraised Value: \$6,000
Property Owner's Counteroffer: None
Reason For Condemnation: This is a sewer rehabilitation project that will replace a section of existing sewer in order to increase its capacity (i.e., replace an existing 8" sewer with a new 15" sewer) and replace a 60-70 year old, clay pipe that

This is a portion of a working draft and has not been approved by the City Manager. Items are subject to change and/or removal. The agenda is not a policy document until released by the City Manager to the Mayor and Council in final document form.

has become broken, collapsed and/or "sagged" since it was originally installed. The owner has agreed to the project and the compensation amount. This is a HUD-subsidized property which requires all offers to be reviewed and approved by HUD. After six months, the process is not complete. In order to maintain the project schedule, City staff is recommending condemnation approval. City staff will continue to work with the property owners to complete the acquisition process until the condemnation filing.

- D. Project:** Glassy Creek Restoration, Parcel # 5
Owner(s): Huey M. Rowe-Anderson And Any Other Parties Of Interest
Property Address: 3115 Barringer Drive
Property to be acquired: 5,098.85 sq. ft. (.117 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-082-10
Total Parcel Tax Value: \$74,100
Appraised Value: \$1,125
Property Owner's Counteroffer: None
Reason For Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has been unable to locate the property owner and due to many title issues, City staff is recommending condemnation in order to obtain clear title.
- E. Project:** Glassy Creek Restoration, Parcel # 8
Owner(s): Donald Andrews And Any Other Parties Of Interest
Property Address: 3133 Barringer Drive
Property to be acquired: 15,815.25 sq. ft. (.363 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 145-082-13
Total Parcel Tax Value: \$76,600
Appraised Value: \$2,025
Property Owner's Counteroffer: None
Reason For Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. A verbal agreement has been reached with the property owner; however, City staff has yet to receive the signed documents. In order to maintain the project schedule, City staff is recommending condemnation approval. City staff will continue to work with the property owners to complete the acquisition process until the condemnation filing.

- F.** **Project:** Glassy Creek Restoration, Parcel # 12
Owner(s): 77 Corporate Park, LLC And Any Other Parties Of Interest
Property Address: 3420 St. Vardell Lane
Property to be acquired: 40,427.8 sq. ft. (.928 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: B-D
Use: Office
Tax Code: 145-061-22
Total Parcel Tax Value: \$11,324,600
Appraised Value: \$22,750
Property Owner's Counteroffer: None
Reason For Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has diligently attempted to communicate with the property owners and the property owner will no longer respond to our efforts. In order to maintain the project schedule, City staff is recommending condemnation approval.
- G.** **Project:** Glassy Creek Restoration, Parcel # 15
Owner(s): 77 Corporate Park, LLC And Any Other Parties Of Interest
Property Address: Trade Park Court
Property to be acquired: 5,176.26 sq. ft. (.119 ac.) in Conservation Easement
Improvements: None
Landscaping: None
Zoned: B-D
Use: Commercial
Tax Code: 145-061-27
Total Parcel Tax Value: \$1,528,800
Appraised Value: \$3,450
Property Owner's Counteroffer: None
Reason For Condemnation: This is a stream restoration project which is intended to generate mitigation credits for the City's mitigation bank. City staff has diligently attempted to communicate with the property owners and has received little response. In order to maintain the project schedule, City staff is recommending condemnation approval.
- H.** **Project:** Rea Road Widening/Improvements, Parcel # 1
Owner(s): Brookdale Place Of South Charlotte, LLC And Any Other Parties Of Interest
Property Address: 5515 Rea Road
Property to be acquired: 4,739 sq. ft. (.109 ac.) in Fee Simple, plus 34 sq. ft. (.001 ac.) in Utility Easement, plus 22,470 sq. ft. (.516 ac.) in Temporary Construction Easement
Improvements: sign
Landscaping: trees/bushes
Zoned: R-12
Use: Home For The Aged

Tax Code: 211-251-04

Total Parcel Tax Value: \$5,888,100

Appraised Value: \$57,900

Property Owner's Counteroffer: \$77,900

Reason For Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve sight distance at intersections and along the road. A verbal agreement has been reached with the property owner; however, City staff has yet to receive the signed documents. In order to maintain the project schedule, City staff is recommending condemnation approval. City staff will continue to work with the property owners to complete the acquisition process until the condemnation filing.

- I. Project:** Rea Road Widening/Improvements, Parcel # 64
Owner(s): Bruce C. Werder And Wife, Marlena M. Werder And Any Other Parties Of Interest
Property Address: 5000 Rea Road
Property to be acquired: 2,706 sq. ft. (.062 ac.) in Fee Simple, plus 4,598 sq. ft. (.106 ac.) in Storm Drainage Easement, plus 10,449 sq. ft. (.240 ac.) in Temporary Construction Easement
Improvements: stone wall
Landscaping: trees/shrubbery
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-232-41
Total Parcel Tax Value: \$759,400
Appraised Value: \$99,000
Property Owner's Counteroffer: None
Reason For Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve sight distance at intersections and along the road. City staff has worked diligently to address the property owners concerns by making revisions to the project design. The property owner has obtained an attorney who has yet to submit a counter offer. In order to maintain the project schedule, City staff is recommending condemnation approval.
- J. Project:** Rea Road Widening/Improvements, Parcel # 122
Owner(s): Reacraft Property Owners' Association, Inc, a/k/a Reacraft Property Owners Association And Any Other Parties Of Interest
Property Address: 4600 Rea Road
Property to be acquired: 3,678 sq. ft. (.084 ac.) in Fee Simple, plus 4,165 sq. ft. (.096 ac.) in Storm Drainage Easement, plus 512 sq. ft. (.012 ac.) in Utility Easement, plus 2,535 sq. ft. (.058 ac.) in Temporary Road Easement, plus 9,744 sq. ft. (.224 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: trees/bushes

Zoned: R-3

Use: Single Family Residential - Common

Tax Code: 211-571-09

Total Parcel Tax Value: \$0

Appraised Value: \$3,900

Property Owner's Counteroffer: None

Reason For Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve sight distance at intersections and along the road. The Homeowners Association's covenants and by-laws require 2/3 of the homeowners' signatures regarding property transfers. City staff is recommending condemnation in order to obtain clear title.

- K. Project:** Shillington Storm Water Capital Improvements Project, Parcel # 60
- Owner(s):** Uri Krause and Wife, Esther Krause And Any Other Parties Of Interest
- Property Address:** 8305 Bar Harbor Lane
- Property to be acquired:** 629 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 1,849 sq. ft. (.042 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** R-3
- Use:** Single Family Residential
- Tax Code:** 209-431-25
- Total Parcel Tax Value:** \$790,000
- Appraised Value:** \$5,675
- Property Owner's Counteroffer:** none
- Reason For Condemnation:** This is a capital improvement project that will address flooding issues and storm water complaints. On December 13, 2010, City Council deferred this item. City staff has worked extensively with the property owners to address their concerns regarding the design and the easement language.