

**Mayor Anthony Foxx**

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

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, January 25, 2010**

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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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**CITY COUNCIL AGENDA**  
**Monday, January 25, 2010**

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## 5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. 5:15 p.m. - Closed Session

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

### 2. 6:00 p.m. - Rollout Recycling and Refuse Container Solicitation Process

**Resources:** Chuck Robinson, Business Support Services  
Victoria Garland, Solid Waste Services

**Time:** 20 minutes

#### Synopsis

- Background
  - On June 23, 2008, Council approved revising Inter-local Agreement with Mecklenburg County to accommodate Single-Stream Recycling
  - On April 27, 2009, Council approved Solid Waste Services reorganization strategy, which included outsourcing of City's recycling program
  - On October 12 2009, Council approved Inland Services Corporation contract for citywide recycling collection
- Single Stream Process Overview
  - Eliminates customer and curbside sorting of recycled materials
  - Uses larger containers to encourage greater recycling
  - Moves to biweekly collection cycle
- Procurement process overview
  - Review of Invitation to Bid (ITB) Process
  - Review of Vendor interest in ITB
    - Otto Environmental
    - Toter, Inc.
    - Cascade
    - Schaefer
    - Rehrig Pacific
    - Pollock Paper
  - Review of vendor SBO education and establishment of participation goal of 4% (\$708,000)
- Next Steps:
  - Bids due on January 20
  - Bid Team review:
    - Business Support Services (BSS)

- Solid Waste Services (SWS)
- City Attorney's Office
- Process monitored by PCAC member Rick Ward
- Recommendation to City Council on February 8, 2010.

**Future Action**

Council will be asked to consider contract approval on February 8.

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

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

## **CONSENT**

- 3. Consent agenda items 18 through 43 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.**



## **ZONING**

- The Zoning Meeting was Tuesday, January 19. Four zoning petition items will be included in the Friday, January 22 Council-Manager Memo.

**4. Zoning Petition 2009-067**

**5. Zoning Petition 2009-070**

**6. Zoning Petition 2009-082**

**7. Zoning Petition 2009-084**

## POLICY

### 8. City Manager's Report

- EPA Smart Growth Award for Urban Street Design Guidelines
- Fire Department Social Media Responder of 2009 Award

### 9. Water and Sewer Extension Policy

**Action: Adopt a resolution approving changes to the Charlotte-Mecklenburg Utilities' Water and Sewer Extension Policy.**

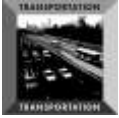
**Staff Resource:** Barry Gullet, Utilities

#### Explanation

- This is follow-up action to the joint public hearing held on Monday, January 11, 2010, with the Charlotte-Mecklenburg Utilities Department Advisory Committee regarding proposed changes to the Water and Sewer Extension Policy. There was one speaker on January 11. The speaker suggested that Utilities coordinate sewer rights-of-way with county greenway work, which is already occurring. Staff does not recommend including this in the revised policy.
- The Extension Policy was initially established in the 1970's to facilitate the orderly extension of water and sewer mains throughout the service area of Charlotte-Mecklenburg Utilities.
- The policy was last revised in 1995.
- The proposed revisions will allow public water and sewer mains to be constructed in private streets under certain conditions.
- The proposed revisions are needed to coordinate water and sewer construction with the changes City Council approved on November 23, 2009 to the City's policy for converting non-system private streets to public streets.
- The revisions include changes to accommodate state legislation requiring separate water meters for new in-ground irrigation systems.
- The current Extension Policy prescribes detailed requirements for a financial assistance program to help customers pay for new connections. The proposed revision will keep those requirements in place and further authorize the Utilities Director to:
  - Revise those requirements after notifying Council and the Utilities Advisory Committee, but without the need for formal Council action or Advisory Committee approval
  - Administer the financial assistance program, including revisions
  - Use discretion and flexibility to meet customers' needs on a case-by-case basis
- The revisions will also update the policy to reflect minor operational changes that have taken place over time.
- The Charlotte-Mecklenburg Utility Department Advisory Committee recommends approval of the proposed changes.
- The proposed changes are effective upon adoption.

#### Attachment 1

Resolution  
Revised Water and Sewer Extension Policy



## **10. Streetcar Grant Application**

- On January 11 Council referred the Streetcar and Enhanced Bus Project grant application to the Transportation and Planning Committee, which will meet on Thursday, January 21. The agenda item will be included in the Friday, January 22 Council-Manger Memo.



## **11. Bus and Bus Facility Grant Application**

- On January 11 Council referred the Bus and Bus Facility Grant Application to the Transportation and Planning Committee, which will meet on Thursday January 21. The agenda item will be included in the Friday, January 22 Council-Manager Memo.

## BUSINESS

### 12. Federal Stimulus Clean Water Grant Award and Bid Award for Wilora Lake Rehabilitation



- Action:**
- A. Adopt a budget ordinance allocating federal stimulus funds to the Storm Water Stimulus Fund in the amount of \$1,319,982,**
  - B. Award the low bid of \$611,081.10 to United Construction, Inc. for the rehabilitation of Wilora Lake, contingent upon State approval,**
  - C. Adopt a resolution authorizing the Water Quality Manager to accept stimulus awards in an amount of \$1,319,982 from the NC Division of Water Quality, thereby providing assurance to the State the City will comply with the terms set forth by the State and the American Recovery and Reinvestment Act (ARRA), and**
  - D. Reserve the remaining \$708,900.90 of the appropriation for qualifying reimbursable expenses, including inspections, testing, and engineering services as approved by the State.**

**Staff Resource:** Daryl Hammock, Engineering & Property Management

#### Explanation

- On March 9, 2009 Council approved resolutions and applications to the North Carolina Division of Water Quality (NCDWQ) for Federal Clean Water funding.
- In December 2009, staff was notified of the State's intent to fund the Wilora Lake Rehabilitation Project.
- Wilora Lake is a "shovel ready" project which qualifies it for ARRA funding, and was intended to be constructed as part of the FY10 Storm Water CIP
- The project conforms to Council's May 2007 Pond and Dam Policy, which allows improvement to ponds and dams that provide public benefits such as flood control, pollution control, or safety.
- Programs like the pond and dam policy are needed to comply with State and Federal water quality regulations governing impaired water bodies
- The stimulus funding award is up to \$1,319,982, 50% of which will be repaid interest free within 20 years. The State will review and approve bid awards and will reimburse the City for actual cost. Any funds not spent on this project will be directed to another qualifying, ranked project somewhere in the state by the NCDWQ.
- The low bid is significantly less than previously estimated in determining the \$1,319,982 grant amount, however, the full amount is still available if unforeseen costs occur and approved for reimbursement by the state.
- Inspection, engineering, and testing expenses, currently estimated at \$167,000 will also be reimbursed by the state, and are included in the \$1,319,982 award.
- Construction contracts must be in place by February 17, and construction will begin in March 2010 to comply with federal grant requirements.

- This resolution will enable the City to apply for reimbursement for the construction of the project under the terms set forth by the state and federal government.
- The resolution states that the City will follow the rules set forth by the State and the Stimulus Act, will furnish additional information as requested, and will comply with applicable laws.

**Wilora Lake Rehabilitation Project**

- The rehabilitation replaces a deteriorated dam, improves safety, provides additional flood storage, reduces erosion, preserves habitat and protects water quality. The pond will serve as an urban stormwater management facility in an established single-family residential watershed along Venedale Road, near Eastland Mall. Construction is scheduled to be completed fourth quarter 2010.

**Disadvantaged Business Enterprise**

MBE Goal: 8.0%

WBE Goal: 5.0%

Committed MBE Goal: 8.8%

Committed WBE Goal: 5.0%

It is a federal requirement that federal funding recipients follow the Disadvantaged Minority (MBE) and Women (WBE) Business Enterprise Program. The bidder must take steps to award subcontracts to minority and women businesses and to undertake good faith effort requirements. United Construction committed \$54,014 to the following certified MB firm: M.H. Graves Construction Company (water and sewer construction) and \$30,593.66 to the following certified WB firms: Bullington Construction, Inc. (fencing & gates), Carolina Wetland Services (landscaping and erosion control), and D's Trucking (hauling).

**Funding**

Federal Stimulus Clean Water Grant and Storm Water Capital Investment Plan

**Attachment 2**

Resolution

Budget Ordinance

### 13. Governor's Crime Commission Grant Application

**Action:** Approve an application to the Governor's Crime Commission for a Community Prosecution Program. The grant application is for \$360,589 with a 25% local match of \$120,196.

**Staff Resource:** Ken Miller, Police

#### Explanation

- CMPD has implemented a Priority Offender Strategy Team which identifies and prioritizes chronic offenders and works with the District Attorney in the prosecution of cases against those offenders.
- The District Attorney and CMPD want to expand the concept to include a pilot community prosecution program under which a prosecutor is assigned to a patrol division to work directly with police and community members in developing cases against chronic violent criminal offenders.
- The pilot program would be in the Metro, Eastway, and North Tryon Divisions.
- The program would also include the addition of 60 electronic monitoring devices (20 per pilot division) so that police can ask judges to place any of the targeted offenders released on pre-trial bail or probation on electronic monitoring.
- The program would also include hiring one additional analyst to provide analytical and statistical support to the Priority Offender Strategy Team and the Electronic Monitoring Program.
- The project cost is \$480,785 with \$360,589 funded by the Governor's Crime Commission and a \$120,196 local match which will come from police assets forfeiture funds.
- The grant would be for one year with the possibility of a second year of funding.

#### Funding

\$360,589 from the Governor's Crime Commission; \$120,196 from police assets forfeiture funds. The assets forfeiture fund account balance is approximately \$2 million.

## 14. Emergency Procurement for Mitigation and Cleanup of South Tryon Bus Facility Fuel Discharge

- Action:**
- A. Adopt a Resolution finding the discharge of diesel fuel at the South Tryon Bus Facility to be an emergency, and**
  - B. Ratify and Approve a Contract with Haz~Mat Environmental Services, LLC., in an amount not to exceed \$200,000 for Emergency Initial Abatement Actions.**

**Staff Resource:** Carolyn Flowers, Transit

**Policy:** Citywide Procurement Policy

### Explanation

- Late in the day of December 22, 2009, Mecklenburg County officials contacted CATS after discovering diesel fuel in a retention pond in Revolution Park. After further investigation, it was determined that the fuel was coming from a storm drain that runs under the CATS South Tryon Bus Facility.
- On December 23, 2009, a remote control camera confirmed that the fuel was entering the storm drain from the Bus Facility grounds.
- As reported in the January 8 Council Manager Memo, the source of the discharge was ultimately confirmed to be mechanical problems with the underground storage tanks.
- The leak occurred when a faulty electronic pump controller caused a back flow of fuel that over-filled one of the tanks and fuel rose up into the Spill Bucket (an apparatus that prevents spills when the tank is being re-filled from a tanker). The spill bucket is located sub-surface and the fuel was found to be escaping into the ground below the surface through a crack in the bucket, where the leak could not be seen.
- All tank system spill buckets will be upgraded to double-walled buckets with sensor alarms, and redundant check valves will be installed to help prevent future back flows or problems.

### Remediation Actions

- Upon discovery of the discharge, CATS took immediate action to prevent any further discharge and to mitigate any environmental damage, including:
  - Coordination with other City and County departments to determine the source of the discharge and to quickly implement the spill response plan
  - Procurement of independent contractors to perform immediate testing and environmental cleanup
  - Notification of all appropriate state and federal authorities
  - Shut down of the portions of the tank system affected by the faulty equipment

### Legal Requirements

- State and federal law requires that owners of underground storage tanks take immediate Initial Abatement Actions to contain, collect, and remove a discharge once it is discovered. The required actions include:
  - Investigation to confirm the discharge and to determine the source;
  - Taking action to prevent any further release

- Removal and disposal of the contaminate
- Remediation of contaminated soil/water
- Compliance with reporting requirements

**Continuing Response**

- CATS has coordinated its efforts in addressing this discharge with several County and City Departments, as well as State EPA officials.
- Several area vendors with environmental expertise and equipment have been, and are continuing to be, used. The costs of each individual vendor have remained below formal bidding requirements except for Haz~Mat Environmental Services, LLC.
- North Carolina law does not require formal bidding for service contracts and provides an exception to formal bidding requirements in cases of special emergency involving the health and safety of the people or their property.
- A comprehensive report on the discharge, repairs, and environmental remediation is attached.

**Recommended Contract**

- Haz~Mat is the approved City vendor that was on-site December 23 and that performed the majority of the Emergency Initial Abatement Actions to contain the discharge and clean the waters, and is continuing to follow through on those measures.
- Haz~Mat has provided the following services:
  - Remote control camera searches to identify the entry point of the fuel in the storm drain, including human entry to manually seal the storm drain
  - Removal of fuel from the Revolution Park retention pond
  - Placement and changing of booms to absorb fuel from the affected streams, pond and the storm drain (on-going)
  - Remediation of contaminated soil/gravel
  - Suctioning and filtering of water from the storm drain and continued monitoring of the waters. Initially these activities were done from 16 to 24 hours a day. Now they are being done as needed.
- This situation required an immediate response in order to mitigate damage to the environment.
- In addition, failure to respond in a timely manner would have been in violation of federal and state laws.
- The Haz~Mat contract will provide for the continued Emergency Response Services mentioned above on an as-needed basis until the discharge has been appropriately remediated with the concurrence of the State EPA.

**Resolution Required by City Policy**

- The Citywide Procurement Policy addresses procurements conducted under emergency circumstances.
- That policy requires staff to obtain a resolution from Council that reviews the facts of the situation and finds that it was an emergency.
- Emergency procurements greater than \$100,000 require Council approval, but such approval is a ratification of staff emergency actions already taken, as opposed to an authorization for staff to take action.

**Small Business Opportunity**

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding (emergency procurement), this is an exempt contract.



**Funding**

Transit Operating Budget

**Attachment 3**

Resolution

Mitigation and Clean-Up Report

**15. Explore Possible Merger of Keep Charlotte Beautiful and Keep Mecklenburg Beautiful Committees**

**Action: Consider directing the City Manager to work with the County Manager to determine if any efficiencies and/or synergies could be gained by merging the Keep Charlotte Beautiful and Keep Mecklenburg Beautiful Committees.**

**Staff Resources:** Walter Abernethy, Neighborhood & Business Services  
Wendy Gigante, Neighborhood & Business Services

**Explanation**

- Currently, there are two separate affiliates of Keep America Beautiful operating within Mecklenburg County – Keep Charlotte Beautiful and Keep Mecklenburg Beautiful.
- Keep America Beautiful is a national organization charged with engaging individuals to take greater responsibility for improving their community environments by focusing on litter prevention, waste reduction and recycling and beautification.
- On January 11 Council unanimously passed a motion to approve placing this item on the January 25 agenda.
- Mecklenburg County will consider a similar action at their January 20 meeting.
- If the Council approves this action, staff will report back to Council with their findings.

**Keep Charlotte Beautiful Committee**

- Keep Charlotte Beautiful was certified by Keep America Beautiful in 1974. It is one of the four original, national affiliates of Keep American Beautiful.
- Keep Charlotte Beautiful receives approximately \$3,000 annually from the City's Neighborhood & Business Services Department - Code Enforcement Division for the implementation of programs and administrative support.
- The 20-member board is appointed by the Mayor and City Council and is charged with developing and implementing programs to improve neighborhood conditions and supporting a cleaner environment within the community.
- To that end, the Board has developed programs such as Adopt a neighborhood, Adopt-A-City Street, neighborhood recognition awards, neighborhood clean-ups, community gardening projects, litter stings, community enhancement awards and graffiti clean-ups. The Committee also supports waste reduction and recycling projects as part of their annual work plan.
- The City supports the Keep Charlotte Beautiful Committee through a portion of Neighborhood & Business Services staff time and a small amount of funding, approximately \$3,000 to \$5,000 per year for materials to support its programs.

- Keep Charlotte is not a Section 501 (c) (3) tax-exempt organization, but it does accept outside contributions under the City's 501 (c) (3) umbrella.

**Keep Mecklenburg Beautiful Committee**

- Keep Mecklenburg Beautiful was certified in 2004 and is set-up as a Section 501(c) (3) tax-exempt organization to enable the receipt of outside contributions. However, it receives the bulk of its staff and financial support through the County's Land Use & Environmental Services Agency.
- The 20-member board is appointed by the Executive Committee of Keep Mecklenburg Beautiful and is charged with empowering the citizens of Mecklenburg County to take greater responsibility for enhancing their environment, resulting in a community of pride and choice for people to live, work and recreate.
- To that end, the Board is involved in programs such as adopt a highway, recycling and waste reduction support activities and recycling events.

**16. Appointment to Boards and Commissions**

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

**A. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

- One appointment for a two-year term beginning March 2, 2010
  - Christopher Brown nominated by Council Member Carter
  - Joseph R. Carr nominated by Council Member Mitchell
  - Paul Hurlburt nominated by Council Member Cooksey
  - Karen Labovitz nominated by Council Member Kinsey
  - Sophia Matthews nominated by Council Member Barnes
  - Edward L. Smith, II nominated by Council Members Burgess, Cannon, Howard and Mitchell
  - Thomas W. Turner nominated by Council Members Dulin, Peacock and Turner

**Attachment 4**  
Applications

**17. 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."

## PROCUREMENT ITEMS

### 18. Water and Wastewater Treatment Chemicals

- Action:**
- A. Rescind award to the low bidder of \$444,565 for sodium hypochlorite by Brenntag Southeast, Inc.,**
  - B. Approve a contract with JCI Jones Chemicals, Inc., for the purchase of sodium hypochlorite in the estimated amount of \$465,800 for the term of one year, and**
  - C. Authorize the City Manager to renew the contract up to three additional one-year terms with possible price adjustments at the time of renewal, based on the Producer Price Index for inorganic chemicals, as authorized by the contract.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- On July 27, 2009 City Council awarded a contract to Brenntag Southeast, Inc. for various water and wastewater treatment chemicals, including sodium hypochlorite.
- Sodium hypochlorite is used to disinfect water and sterilize water distribution lines. The bid documents left some of the delivery locations open because delivery is made directly to the points of use, and points of use change over time to accommodate construction sites and other business needs.
- Subsequent to bid award, but prior to contract execution, the City and Brenntag were unable to agree on certain delivery locations that were left open in the bid documents.
- Staff recommends rescinding the contract award to Brenntag, and award a contract instead to the second low bidder, JCI Jones.
- Brenntag has consented in writing to this action. JCI Jones has agreed to deliver to the locations at issue.

#### **Contract Terms**

- The contract is for a term of one-year, with options to renew for three additional one-year terms.
- Price adjustments are allowed at the time of renewal only, and must be based on the Producer Price Index for inorganic chemicals.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Operating Budget

## 19. Airport Security Fence

**Action: Approve the low bid of \$258,000 by Country Boy Landscape Co. for security fencing for the new runway.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Federal Aviation Regulations require a chain link security fence around the operating surfaces of the Airport.
- In October 2008, Council approved a contract with Long Fence Company in the amount of \$277,600 for the purchase and installation of 20,000 linear feet of chain link fence to enclose a portion of the operating surface of the new runway.
- In July 2009, Council approved a contract with Country Boy Landscaping in the amount of \$160,000 for an additional 16,000 linear feet of fence.
- This contract will provide 20,000 linear feet of additional required fencing.
- As new development occurs on the Airport property, there will be future security fence purchases.

### Contract Terms

- The contract duration is 90 calendar days and is based in a unit cost bid.

### Disadvantaged Business Enterprise Program

DBE Established Goal: 12%

DBE Committed Goal: 12%

Country Boy Landscape Co. met the DBE goal utilizing one certified DBE subcontractor, Hunting Creek Construction, Inc. for a portion of the work (fence installation) equal to \$31,150.

### Funding

Aviation Capital Investment Plan

## 20. Airport Fire Truck

**Action: A. Approve the acquisition of a remanufactured airport fire truck from Company Two, a private enterprise, in the amount of \$351,750, and**

**B. Adopt a budget ordinance in the amount of \$351,750 from the Airport Discretionary Fund to be replaced with future grant proceeds, future General Airport Revenue Bond proceeds, and/or Passenger Facility Charge revenues.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- The Airport is required by Federal Aviation Regulations (FAR) to provide Aircraft Rescue and Fire Fighting (ARFF) equipment on the airfield for aircraft operations.
- The amount of ARFF equipment required is determined by an index based on the size of aircraft operating at the airport. CLT is an Index D airport.
- Index D requires the Airport to have three ARFF vehicles with a combined water capacity of at least 4,000 gallons and 500 lbs. of extinguishing

agent. In an emergency, the first vehicle must arrive at the scene within 3 minutes and the other two vehicles within 4 minutes.

- The five ARFF vehicles currently on the Airport include equipment owned by the Airport and other equipment owned by the North Carolina National Guard.
- The equipment is stored in the fire station on the east side of the airfield.
- The opening of the new runway on the west side of the airfield requires an additional fire station that must have a complement of three ARFF vehicles in order to comply with the response time requirements in the FAR regulations.
- This action will acquire a remanufactured 1992 E-1 Titan fire truck with a water tank capacity of 3,000 gallons. It will supplement two pieces of ARFF equipment that will move to the new station.
- Company Two specializes in remanufacturing fire equipment. This truck has been remanufactured from the chassis up and is in excellent condition at 1/3 the cost of a new truck and is available now. As a general rule, airport fire equipment gets very limited use because it stays on the airfield. The Fire Department concurs with the purchase of the remanufactured truck.
- The cost of this truck was negotiated by the Charlotte Fire Department on behalf of the Airport based on the condition of the vehicle. The truck was inspected and tested by the Fire Department prior to negotiating the price.

**Disadvantaged Business Opportunity**

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

**Funding**

Aviation Capital Investment Plan

**Attachment 5**

Budget Ordinance

## CONTRACT ITEMS

### 21. Contract for Repairs to City Bridges

**Action:** Award the low bid of \$798,881.40 by Sloan Construction Company, Inc. for the repair of City Bridges.

**Staff Resource:** Jimmy Rhyne, Transportation

**Explanation**

- The Federal Highway Administration mandates that bridges/culverts be inspected every two years.
- The City Council previously approved two contracts with TGS Engineers, Inc. in 2009 to inspect city bridges/culverts. This contract provides funding for needed construction repairs to nine bridges identified in the inspection contracts with TGS:
  - Idlewild Road
  - Matheson Avenue
  - Rozzelles Ferry Road
  - Barringer Drive
  - Remount Road
  - Archdale Drive
  - Parkwood Avenue
  - Sardis Road
  - Nevin Road
- Contract will be completed within 180 calendar days from Notice to Proceed (third quarter of 2010).

**Small Business Opportunity**

Established SBE Goal: 6.0%

Committed SBE Goal: 6.01%

Sloan Construction Co. committed 6.01% (\$47,950) of the total contract amount to the following SBE firms: Ground Effects (Pavement Marking), Martin Landscaping (Seeding), and Bullington Construction (Guardrails).

**Funding**

Transportation Capital Investment Plan

### 22. Solid Waste Services Facility Contract C

**Action:** Award the low bid of \$344,992.45 to Blythe Development Company for the construction of a new parking lot for the new Solid Waste Administration Facility.

**Staff Resource:** William Haas, Engineering & Property Management

**Explanation**

- This project is the third of four phases and includes deconstruction of existing buildings and construction of a new parking lot, including all associated grading, storm drainage, landscaping, lighting, fencing and miscellaneous electrical work.

- This third phase, 115 space parking lot will be located along Otts Street between the creek and Otts Street, across from the new building. It will serve approximately 325 staff working at the new Solid Waste Administration Facility.
- The total project will be constructed within the \$9 million project budget.
- Construction completion of this phase is scheduled for second quarter of 2010.

#### **Project History**

- The first phase consisted of construction of a \$675,000 - 206 space parking lot (located on the back side of the creek behind the existing Solid Waste Services buildings on Otts Street), which replaced the previous parking lot on which the new building is located.
- The second phase consisted of construction of a 37,360 square foot, two-story administrative building and a 4,400 square foot storage building with minimal parking at an estimated final completion cost of \$5.7 million.
- The fourth phase will consist of a small 40 space parking lot estimated at \$125,000 adjacent to the new building. This parking lot encroaches on property currently being used by Equipment Management's Light Vehicle Shop, thus delaying construction until Light Equipment vacates Central Yard sometime in 2011.

#### **Small Business Opportunity**

Established SBE Goal: 8.0%

Committed SBE Goal: 8.04%

Blythe Development Company committed 8.04% (\$27,750) of the total contract amount to the following SBE firm: Major Contractors, Inc. (electrical).

#### **Funding**

Government Facilities Capital Investment Plan

## **23. McDowell Wastewater Treatment Plant Hot Water Pipe Replacement**

**Action: Award the low bid in the amount of \$136,750 to State Utility Contractors for replacement of hot water piping at McDowell Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- This contract provides for the replacement of failed hot water piping used in the solids treatment process.
- The pipes carrying the hot water from the boilers to the digester complex have failed, requiring constant repairs in order to meet the state permit requirements for the treatment of solids.
- If permit requirements are not met, the solids must be landfilled, which results in significant increases in operating costs.
- The plant is currently renting above-ground temporary piping to keep the heating system operational.



**Small Business Opportunity**

Construction and repair contracts under \$200,000 are considered informal contracts and are exempt contracts (Appendix Section 23.1 of the SBO Policy), not subject to established SBE subcontracting goals.

**Funding**

Utilities Capital Investment Plan

**24. FY2010 Water and Sanitary Sewer Service Installations Contract I**

**Action:** Award the low bid of \$1,539,911.50 by Dallas 1 Construction, LLC for installation of water and sanitary sewer services throughout Mecklenburg County.

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- New water and sewer service installations for residential and commercial customers are installed using private contractors.
- This is a unit-price contract that allows us to assign small taps to the contractor.
- The customer pays the connection and capacity fees to have the service installed. The service is then assigned to the contractor for installation.
- The use of a private contractor minimizes the time between payment by the customer and service installation.
- This is a one-year contract.

**Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy.) Dallas 1 is also a certified SBE firm.

**Funding**

Utilities Capital Investment Plan

**25. FY2010 Street Main Extensions, Contract C**

**Action:** Award the low bid of \$1,110,134.78 to Dellinger, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County under the Street Main Extension Program.

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.

**Small Business Opportunity**

Est. SBE Goal: 5%  
Committed SBE Goal: 5.04%

Dellinger met the established SBE goal and committed 5.04% (\$56,000) of the total contract amount to the following SBEs: Ms. Sybil's Seeding (seeding and mulching), Boyle Consulting Engineers (soils testing), D's Trucking (hauling) and Cover All Paving and Seal Coating (concrete work)

#### **Funding**

Utilities Capital Investment Plan

## **26. FY2010 Street Main Extensions, Contract D**

**Action: Award the low bid of \$1,257,681.30 to Bullseye Construction, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County under the Street Main Extension Program.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.

#### **Small Business Opportunity**

Est. SBE Goal: 5%

Committed SBE Goal: 5.00%

Bullseye Construction met the established SBE goal, and has committed 5.00% (\$63,000) of the total contract amount to the following SBE firm: Dallas 1 Construction (water/sewer line installation). Bullseye is also a Certified SBE firm.

#### **Funding**

Utilities Capital Investment Plan

## **27. Briar Creek Relief Sewer Phase II Contract Amendment**

**Action: Approve amendment #1 for \$158,419, with Camp Dresser & McKee for professional engineering services.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- The original engineering contract, in the amount of \$1,323,000 was approved by Council on November 12, 2007.
- The contract was for design of a parallel sewer main along Briar Creek from Randolph Road to Country Club Drive.
- The original design alignment across the Charlotte Country Club was completed during the design and early construction of the course renovation project in consultation with golf course staff.
- The original alignment was selected to avoid the course maintenance facility. Since that alignment selection the Country Club has completed the course renovations and has made a decision to proceed with relocation of the maintenance facility from the Briar Creek floodplain.
- With the removal of the maintenance facility, a realignment of the sewer line to the maintenance facility side of the creek for the sewer line will

minimize tree removal on the golf course and impact fewer structures such as greens and tee boxes, thereby reducing the cost of construction and restoration.

- Staff anticipates the additional design fees will be mostly offset by the reduced cost of restoration in the affected area.
- This amendment provides for redesign of the affected section of sanitary sewer main, which is approximately 4000 feet in length.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the consultant and their existing sub-consultants. This amendment complies with Part D: Section 6 of the SBO program.

**Funding**

Utilities Capital Investment Plan

**28. Budget Planning Software and Enterprise Resource Planning**

**Action:**

- A. Approve a contract with Clarity Systems, Inc. for the purchase and implementation of Clarity 7 Budget Planning Software and Services for an initial term of one-year, in an amount not to exceed \$800,165,**
- B. Authorize the City Manager to approve up to five, one-year renewal options for extended software maintenance, licenses, and support for budget planning software, and,**
- C. Authorize the City Manager to approve contracts for procurement and change management services necessary for Enterprise Resource Planning (ERP), in an amount not to exceed \$250,000.**

**Staff Resources:** Ruffin Hall, Budget & Evaluation  
 Jeff Stovall, Office of the Chief Information Officer

**Explanation**

- This contract provides for software and professional services to implement an integrated operating budget, capital investment plan (CIP), and performance management system (Budget Planning System) plus begins the process of moving towards Enterprise Resource Planning (ERP).
- The benefits of the new system include:
  - Discontinue inefficient, independent “shadow” systems within Key Business Units and Budget & Evaluation for budget development and analysis
  - Use of automated performance dashboards to enhance performance monitoring, analysis, and decision-making
  - Ability to extract and report budgetary and performance information, which will enhance budget communication and decision-making
  - Ability to conduct automated “what-if” scenario planning (for budget development, budget balancing, and Council adjustments)
- The project supports the following IT Guiding Principles and technology improvement initiatives outlined by staff at Council’s January 11 dinner briefing:

- Information in all its forms is an organizational-wide strategic resource and must be shared across operational lines
- Cost effectiveness is a key factor in technology investment decisions
- A single technology solution whenever common customers and business needs are served, whether internal or external.
- The new budget and performance management software will be operational in the fall of 2010, for use with the biennial FY2012 & FY2013 budget development cycle.

#### **Contract Terms**

- The first year software maintenance cost will be \$99,355 with the annual maintenance escalations not exceeding 2% per year.
- The \$800,165 covers the cost of the software and professional services to implement the Budget Planning System.
- The \$250,000 covers the professional services required to properly prepare for obtaining a best-value Enterprise Resource Planning solution:
  - Gathering of business requirements
  - Developing the request for proposal
  - Defining and establishing the proper governance structure
  - Communicating the coming changes to the affected areas of the business

#### **Background**

- Currently, Key Business Unit staff and Budget & Evaluation staff use time consuming “shadow” systems to complete budget preparation. This often includes extracting data from Microsoft Excel, performing manual data adjustments, and then importing the revised data into another system.
- Key budget functions (operating budget, CIP, and performance management) are currently not integrated into one software solution.
- Staff review of potential Enterprise Resource Planning (ERP) systems through a due diligence process indicated that a viable budget planning solution that meets the City’s needs cannot be achieved through a single vendor ERP approach.
- As a result, a Request for Proposals (RFP) was issued for a third-party solution that will integrate with existing and future financial systems. Twelve vendors responded to the RFP.
- An interdepartmental staff team evaluated the proposed solutions and selected Clarity Systems, Inc.
- No additional staff is necessary to implement or maintain the Clarity budget planning system.
- The City will fund the purchase and maintenance of the new system within existing budget resources.

#### **Small Business Opportunity**

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

#### **Funding**

Technology Investments Capital Investment Plan and various KBU operating budgets

## 29. Airport Parking and Ground Transportation Services

**Action:** Approve a month-to-month contract extension with EJ Services, Inc., d/b/a Balance Staffing Services for temporary personnel services for no longer than 24 months in a total amount not to exceed \$5,520,000.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- After a competitive process, Council approved a contract with EJ Services, Inc. (Balance Staffing) in January 2005 to provide various temporary personnel services as required to operate the Airport's parking lots.
- The contract was for three years, with two one-year extensions at the City's sole discretion, and expires January 31, 2010.
- Balance currently provides staff to fulfill a variety of parking and ground transportation needs.
- The Airport is in the process of redesigning aspects of the parking operation and anticipates putting out a bid for a new parking revenue control system soon. The new system will take 18 months to install and implement.
- A month-to-month contract extension will allow the Airport flexibility as the new parking revenue control system is installed without the additional cost of bidding and training a new provider for a short period of time.
- Once the new parking revenue control system is in place, the Airport will initiate a competitive process for the personnel services required.
- The total airport parking revenue in FY2009 was \$33 million. The annual cost of the contract represents less than 1% of the annual revenue.

### Contract Terms

- Balance Staffing will provide personnel services on a man hour basis as required by the Airport.
- The term is month-to-month but for no longer than 24 months.
- Hourly rates are set by the Airport and vary from \$9.57 to \$22.22.
- Balance provides the employee's:
  - Earned wages
  - Holiday pay
  - Vacation pay
  - Limited health benefits
- Total compensation under the contract is not to exceed \$5,520,000 over 24 months.

### Small Business Opportunity

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

### Funding

Aviation Operating Budget

## 30. Dixie River Road Realignment Contract Amendment

**Action: Approve contract amendment #4 with Kimley-Horn and Associates, Inc. in the amount of \$200,000 for design additions to the Dixie River Road Realignment Project.**

**Staff Resource:** Tim Greene, Engineering & Property Management

### Explanation

- Amendment #4 will provide funds for plat coordination due to the abandonment of Shopton Road West and design of additional sidewalk and drainage and erosion control.
- The fees paid for this contract amendment are comparable to what is paid for similar engineering services contracts.
- The total contract amount to date including this amendment will be \$1,606, 941.

### Project History

- The 2004 Street Improvement Bonds included \$5 million for the intersection project.
- Kimley-Horn and Associates, Inc. (KHA) was selected pursuant to the Council-approved, qualifications-based selection process performed in accordance with NC State General Statutes.
- On March 28, 2005 Council approved an agreement with KHA in the amount of \$650,000 for engineering services with the primary goal of fixing the poor geometry of Shopton Road West/Steele Creek Road and extending Dixie River Road on a new alignment to connect with the Berewick Development.
- A traffic analysis performed by KHA determined that the original four-way intersection would function better if Steele Creek Road was preserved as the through movement and the intersections of Shopton Road and Dixie River Road were separated.
- On November 15, 2006 the Mecklenburg Union Metropolitan Planning Organization (MUMPO) approved the new alignment prepared by KHA.
- The 2006 Street Improvement Bonds included an additional \$5 million for the Dixie River Road Project for the new alignment.
- The 2008 Street Improvement Bonds included \$1 million for supplemental funding of the intersection and extending Dixie River Road to coordinate with significant development along the alignment.

### Contract History

- In conjunction with each scope change above, the design contract was amended as follows.
- Contract amendment #1 for \$49,066 on November 6, 2007, provided additional funding for coordination and street alignment options with the adjacent Berewick, Gambrell-Belk development projects.
- On March 24, 2008, Council approved Amendment #2 in the amount of \$172,874 to provide funding for final design and bid documents.
- On January 26, 2009 Council approved Amendment #3 for \$535,000 to provide funds for the design of an extension of the Dixie River Road project limits, an additional northbound lane on Steele Creek Road, additional water quality BMPs related to the extension of the project limits and design of a 24-inch waterline along the proposed Dixie River Road.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the current Consultant, Kimley-Horn and Associates, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy).

**Funding**

Transportation Capital Investment Plan

**31. Roof Inspections and Maintenance FY2010**

- Action: A. Award a contract for roof inspections and maintenance with Corner Stone Construction Services, Inc. for an annual cost of \$79,200, and**
- B. Authorize the City Manager to approve up to two, one-year renewals.**

**Staff Resource:** Steve Marlowe, Engineering & Property Management

**Explanation**

- This contract will provide inspection services to include:
  - Roof inspection, minor repair work and debris removal
  - Building perimeter inspection (no repair work)
  - Digital documentation of overall roof condition, deficiencies and completed roof repairs
- The work was split into seven packages, with separate Requests for Proposals made to seven different roofing firms, four of which were small businesses. Proposals for all seven packages were received from four of the seven firms.
- Two contractors were selected pursuant to the Council-approved, qualifications-based selection process performed in accordance with NC State General Statutes.
  - Packages 1 and 3, totaling \$65,010 with all renewals, comply with the City Manager's authority to approve and will be awarded to Carolina Roofing, Inc.
  - Packages 2, 4, 5, 6 & 7, totals \$79,200 annually, however, the total with renewals, estimated at \$237,600, exceeds the City Manager's authority to approve and have been consolidated to one package for City Council to approve.
- Selection was based on the following criteria:
  - The firm's experience in providing similar services for similar projects
  - The firm's plan to provide services that meet the City's goals including, but not limited to, meeting schedules and performance targets
  - Qualifications and abilities of key individuals identified in the Proposal
  - Proposed utilization of firms certified as Small Business Enterprises by the City
  - References
  - An office in the Charlotte metro area
  - Quality of the Proposal, specifically, responsiveness to requirements and adequacy of information provided
  - Proposal fee for services
- Consideration was also given to performance of work on past City contracts.
- The fees submitted by Corner Stone Construction Services, Inc. are comparable to fees generally charged for this type of work. Additionally,

the proposals demonstrated capabilities and qualifications to successfully perform the work as specified.

#### **Contract Terms**

- The contract terms include unit pricing (per building) for semi-annual inspections with a 10% contingency for minor repairs beyond the contract scope. The two renewals would be based on the same unit pricing.

#### **Small Business Opportunity**

Construction and repair contracts under \$200,000 are considered informal contracts and are exempt contracts (Appendix Section 23.1 of the SBO Policy), not subject to established SBE subcontracting goals. Corner Stone Construction is, however, a Certified SBE firm.

#### **Funding**

Government Facilities Capital Investment Plan

### **32. Verint Call Recording System Upgrade**

**Action: Approve contract of \$109,756 with Verint Systems Inc. for hardware, software, training, and installation services to upgrade the Verint ULTRA version 9.3B call recording system to version 10.**

**Staff Resource:** Charles Robinson, Business Support Services

#### **Explanation**

- In 2004 the City installed a call recording and quality experience system for the CharMeck 311 call center. The system was then expanded to support the Utilities billing center and CMPD's Crime Reporting Unit in 2004 and 2005 respectively. The system records telephone contacts between the public and these agencies.
- These contact centers support both the City of Charlotte and Mecklenburg County and provide essential customer service and information functions to citizens.
- The recordings stored on this system have proven extremely valuable in assessing the overall customer contact and quality experience between these centers and the public.
- The current system runs on a Microsoft Windows operating system that will not be supported as of July 2010. To maintain vendor support and compliance with the City's information security policy, the system must be upgraded to a newer version of software.

#### **Small Business Opportunity**

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

#### **Funding**

BSS/IT Operating Budget



### 33. Portable Explosives Detection Devices

**Action:** Approve a contract in the amount of \$352,993.37 with Safety Resource, Inc. to purchase portable explosives detection devices, using Department of Homeland Security (DHS) grant and local matching funds.

**Staff Resource:** Brian Leaird, Transit

#### Previous Council Actions and Timeline

- On April 14, 2008 Council approved the application for a Department of Homeland Security (DHS) grant in the amount of \$977,518 for various security related capital improvement projects.
- On May 27, 2008 Council approved the portable explosives detection devices project as part of the FY 2009-FY2013 Transit Capital Investment Plan.
- In May 2008 DHS awarded CATS the grant including funding to purchase portable explosive detection devices. At that time, funding was not yet available.
- On August 25, 2008, City Council approved execution of the grant with the DHS.
- DHS made the funding available in the fall of 2009.
- The DHS grant requires CATS to complete the entire project by July 31, 2011.

#### Project Details

- DHS has a standing assessment that there is a possibility of domestic terrorism in mass transit systems within the United States. As a result, DHS is requiring mass transit agencies to improve overall safety through the inclusion and use of additional equipment designed to prevent, delay or obstruct the activities of individuals desiring to cause damage in mass transit.
- These portable explosive detection devices are designed to inspect unattended packages on the light rail line vehicles, the buses, and individuals suspected of handling suspicious materials.
- The detection devices will be used exclusively by transit assigned, uniformed Charlotte-Mecklenburg Police officers and sworn contract officers (also known as company police).
- CATS has coordinated this contract with Police and Fire, who concur with this purchase.
- The devices will add capability and enhance the City's ability to address suspect objects in a quick and efficient manner.

#### Procurement

- On August 4, 2009 a Request for Proposals was publically advertised seeking qualified firms to provide portable explosive detection devices.
- On September 11, 2009, two firms submitted proposals. A committee made up of CATS Safety & Security and CMPD representatives made the selection.
- Safety Resource Inc. was selected as the most qualified proposer. They were selected for their ability to meet all grant requirements, pricing, and the minimal start time required by their device for full operational use.
- Safety Resource, Inc. is a City of Charlotte certified SBE.

**Contract Terms**

- This contract will be for one year, with all project activities ending on July 31, 2011. There will be no renewals to this contract.
- Under the contract, Transit will receive:
  - Portable detection units with priority on-site service for one year,
  - One loaner unit at no cost
  - An on-site (operator and trainer) trainer
  - A four-year warranty including repairs and replacement parts
  - 24/7 technical support
- The contract allows other City business units (Police and Fire) to piggyback purchase the detection devices if needed.

**Disadvantage Business Enterprise Opportunity**

Pursuant to the Department of Transportation DBE Program, subpart C, no DBE utilization goal was set for this solicitation and resultant contract because there will be no subcontracting opportunities. There are no DBEs listing explosive detection manufacturing or devices in the NCDOT vendor database, which is the database of record.

**Funding**

Transit Operating Fund	
Grant from DHS	\$264,745.02 (75%)
Local Match-	\$ 88,248.35 (25%) – Transit Capital Investment Plan
<b>Total</b>	<b>\$352,993.37</b>

**34. Bus Fleet Industrial Fasteners and Related Items**

**Action: Approve authorization to purchase miscellaneous industrial fasteners and related items under the federal government’s Government Services Administration (GSA) contract with Barnes Distribution, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3), and for a total projected purchase amount of \$240,000.**

**Staff Resource:** Tom Livingston, Transit

**Explanation**

- This purchase will provide industrial supplies such as plugs, nuts, pins, drill bits, wire, rivets, washers, pipe, o-rings, screws, bolts and various other industrial supplies for the entire Bus Operations Division fleet of 333 buses. These items will be used as replacement parts and repair services by the Bus Operations Division.

**Cooperative Purchasing Exemption**

- NC General Statute 143-129(e) authorizes the use of competitive group purchasing. This contract is GSA “Buildings and Building Materials, Industrial Services and Supplies”, Schedule 56, Number: GS-07F-0113N, GSA purchasing and pricing schedule.
- This commodity was actively and formally advertised by the GSA through open market competition in 2007. GSA awarded a contract to Barnes Group, Inc. under the GSA Cooperative Purchasing Program. State and Local Government municipalities may purchase buildings and building materials, industrial services and supplies from contracts awarded under the GSA Federal Supply Schedule.

**Contract Terms**

- The contract pricing and terms are negotiated by the U.S. General Services Administration, a Federal Government agency.
- The initial period of the contract will be for two years or less, with contract expiration on October 31, 2012. This contract does not allow for options to renew the contract; therefore there will be no contract renewals.
- The annual estimated amount is \$120,000.

**Small Business Opportunity**

Cooperative purchasing contracts are exempt from small business goals, per Small Business Opportunity Policy, Appendix section 23.2.

**Funding**

Transit Operating Fund

## OTHER CONSENT ITEMS

### 35. Refund of Business Privilege License Taxes

**Action:** Adopt a resolution authorizing the refund of business privilege license payments made in error of the amount of \$65,817.47

**Staff Resource:** Teresa Smith, Finance

**Attachment 6**

List of business license refunds  
Resolution

### 36. Resolution of Intent to Abandon a Portion of Prospect Street and an Alleyway off of Prospect Street

**Action:** A. Adopt the Resolution of Intent to abandon a portion of Prospect Street and an alleyway off of Prospect Street, and  
B. Set a Public Hearing for February 22, 2010.

**Staff Resource:** Jeff McSwain, Transportation  
Linda Poissant, Transportation

**Attachment 7**

Map  
Resolution

## 37. In Rem Remedy

**For In Rem Remedy #A-K, 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. 3719 Dawnhurst Lane (Neighborhood Statistical Area 109 – Moores Chapel Neighborhood)
- B. 3315 & 3315-B Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

**Complaint:**

- C. 1011 1 & 2 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- D. 3401 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

**Field Observation:**

- E. 6508 Beatties Ford Road (Neighborhood Statistical Area 123 – Beatties Ford Road Neighborhood)
- F. 2332 1 & 2 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- G. 5931 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood)
- H. 6001 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood)
- I. 2215/17 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- J. 2816 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- K. 3025 Walter Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

**Public Safety:**

**A. 3719 Dawnhurst Lane**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3719 Dawnhurst Lane (Neighborhood Statistical Area 109 – Moores Chapel Neighborhood).**

**Attachment 8**

**B. 3315 & 3315B Tuckaseegee Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3115 & 3115-B Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 9**

**Complaint:**

**C. 1011 1 & 2 Andriil Terrace**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1011 1 & 2 Andriil Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 10**

**D. 3401 Rogers Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3401 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 11**

**Field Observation:**

**E. 6508 Beatties Ford Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6508 Beatties Ford Road (Neighborhood Statistical Area 123 – Beatties Ford Road Neighborhood).**

**Attachment 12**

**F. 2332 1 & 2 Dundeen Street**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2332 1 & 2 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

**Attachment 13**

**G. 5931 Nations Ford Road**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5931 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

**Attachment 14**

**H. 6001 Nations Ford Road**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6001 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

**Attachment 15**

**I. 2215/17 Rozzelles Ferry Road**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2215/17 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

**Attachment 16**

**J. 2816 Tuckaseegee Road**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2816 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

**Attachment 17**

**K. 3025 Walter Street**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3025 Walter Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

**Attachment 18**

### 38. Office Space Lease for Neighborhood & Business Services Code Enforcement Staff

**Action:** Authorize the City Manager to execute an office lease with Rozzelles Ferry LLC., a subsidiary of the Charlotte Mecklenburg Development Corporation, to occupy 2,607 square feet in the Greenway Business Park, located at 2732 Rozzelles Ferry Road, for the new Non-Residential Building Code Team.

**Staff Resources:** Timothy O'Brien, Engineering & Property Management  
Walter Abernethy, Neighborhood & Business Services

#### Explanation

- On September 28, 2009 City Council adopted the Non-Residential Building Code Ordinance with an April 1, 2010 start-up date and approved funding for six additional positions from the \$500,000 reserved in the FY10 budget for ordinance enforcement.
- Neighborhood & Business Services is hiring a Non-Residential Code Enforcement Team and plans to locate the Team at the Greenway Business Park, located at 2732 Rozzelles Ferry Road. This building is part of a 20-acre Charlotte Mecklenburg Development Corporation (CMDC) project.
- In December 2007 the City approved a \$950,000 grant toward the development of the Greenway Business Park.
- On September 14, 2009 the City approved an additional \$500,000 grant to the CMDC for the rehabilitation of three vacant buildings to be used as office space at the Greenway Business Park.
- This location provides access to a large number of potential non-residential code cases. This facility will house the inspectors and their case files. Non-residential appeal hearings will be held in the conference room.
- The office space is 2,607 square feet which is consistent in size with other code enforcement service centers located throughout the Charlotte area. The rental rate is highly competitive compared to other locations.
- It is Neighborhood & Business Services' intention to maintain a visible presence in locations that will benefit most from their services. The conference room will also be made available for various neighborhood meetings.
- Office furniture will be mostly modular furniture that is being acquired separately and funding for it will come from the \$500,000 reserved for establishing the new non residential code enforcement operation.
- The upfit work will take approximately 30 days.

#### Lease Terms

- Rentable area: 2,607 square feet
- Base Rent: \$2,466.75/month (\$11.35 per square foot) or \$29,601/year
- Duration: five-year term with two five-year option periods.
- Rate increases: No rate increase for the first five years and 3% rate increase for each of the two, five-year options.
- Upfit costs: Landlord will provide all upfit costs and will perform the work.
- City responsibility: City pays for utilities and janitorial.

#### Funding

Neighborhood & Business Services Operating Budget



### 39. Airport License with MEDCENTER AIR

**Action: Approve a license for hangar, office and warehouse facilities with the Charlotte-Mecklenburg Hospital Authority D/B/A MEDCENTER AIR.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- On February 1, 2005 the Airport entered into a five-year Lease with the Charlotte-Mecklenburg Hospital Authority (MEDCENTER AIR) for hangar space totaling 17,957 square feet, which includes 2,094 square feet of office space. The termination date is January 30, 2010.
- MEDCENTER AIR desires more office space and is in need of additional storage space.
- This one-year license combines the currently occupied hangar and office space at Wilson Air North plus an additional 1,294 square feet of office space at Wilson Air North and 2,412 square feet of storage space at the Wilson Air maintenance hangar.
- A license is a form of agreement that a governmental agency can grant. It provides a limited scope of tenant property rights and privileges.

#### **Contract Terms**

- The rent for aircraft at the hangar is \$7,196.04 per month and office rent at the hangar is \$2,617.50 per month plus utilities. Rent for the additional office space at Wilson Air North is \$1,617.50 per month and storage space rent is \$904.50 per month.

### 40. Airport Telecommunications Antenna Site Lease

**Action: Approve a five-year lease with CELLCO Partnership D/B/A Verizon Wireless for a telecommunications antenna and related facility site on the Airport's rotating beacon tower.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- The Airport has been leasing space on the rotating beacon tower since it was constructed in 1999. It was designed to accommodate up to four telecommunication antennae systems.
- CELLCO Partnership D/B/A Verizon Wireless, will have exclusive use of 639 square feet of land, the right to attach a maximum of nine antennas and related equipment.

#### **Contract Terms**

- The term is for five years beginning February 1, 2010 at a rental of \$3,500 per month with 3% annual escalations.

## 41. Airport Lease with Federal Express Corporation

**Action: Approve a Lease for Air Cargo Facilities with Federal Express Corporation.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In August 1979 the Airport entered into a 28-year lease with Flying Tigers for a 28,300 square foot Air Cargo Facility. An amendment was approved in 1981 to increase acreage of the lease tract.
- Flying Tigers merged into its parent company Federal Express and assumed the lease in approximately August 1989.
- Federal Express entered into an additional lease with the City in February 1993 for an additional 14,390 square feet of office/warehouse space. The lease was amended in February 2002 and expired on September 30, 2008. The lease continued as a month-to-month agreement since September 2008.
- Federal Express desires to incorporate both air cargo facilities and recent capital improvements into a new ten-year lease, which would expire in September 2018.

### Contract Terms

- The ten-year, triple net lease contains three components of rent:
  - Ground rent is \$3,264.92 per month based on 6.755 acres
  - Facility rent is \$21,735.08 per month based on 37,090 square feet
  - Improvement rent is \$4,156.80 per month
- The total annual rent is \$349,881.60.

## PROPERTY ITEMS

### 42. Property Transactions

**Action: Approve the following property transactions (A-F) and adopt the condemnation resolutions (G-L).**

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

#### Acquisitions

- A. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 1  
**Owner(s):** James Cecil Teeter  
**Property Address:** 9400 Plaza Road Extension  
**Property to be acquired:** 48,507 sq. ft. (1.114 ac.) in Sanitary Sewer Easement, plus 66,633 sq. ft. (1.530 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$17,475  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 108-181-02  
**Total Parcel Tax Value:** \$1,157,500
- B. Project:** Sharon Amity Road Sidewalk, Parcel # 3  
**Owner(s):** Charlotte Masonic Temple Association  
**Property Address:** 500 North Sharon Amity Road  
**Property to be acquired:** 4,362 sq. ft. (.100 ac.) in Sidewalk and Utility Easement, plus 9,956 sq. ft. (.229 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$23,175  
**Remarks:** This acquisition was negotiated and settled with property owner(s).  
**Zoned:** R-3  
**Use:** Institutional  
**Tax Code:** 163-082-23  
**Total Parcel Tax Value:** \$393,000
- C. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 22  
**Owner(s):** Grace Memorial Missionary Baptist Church, Inc.  
**Property Address:** 4600 Statesville Road  
**Property to be acquired:** 2,666 sq. ft. (.061 ac.) in Fee Simple, plus 45.77 sq. ft. (.001 ac.) in Utility Easement, plus 4,208 sq. ft. (.097 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$12,525

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 045-281-03

**Total Parcel Tax Value:** \$184,400

- D. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 23  
**Owner(s):** McKee Insulating Co., Inc.  
**Property Address:** 4613 Statesville Road  
**Property to be acquired:** 5,172 sq. ft. (.119 ac.) in Fee Simple, plus 60 sq. ft. (.001 ac.) in Utility Easement, plus 10,400 sq. ft. (.239 ac.) in Temporary Construction Easement  
**Improvements:** The parking lot currently has a total of 32 spaces. Only 26 will be left after construction for a total of 6 lost spots. The physical building will not be impacted by construction.  
**Landscaping:** Trees and shrubs  
**Purchase Price:** \$70,165  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-1(CD)  
**Use:** Commercial  
**Tax Code:** 041-101-12  
**Total Parcel Tax Value:** \$400,500
- E. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 88  
**Owner(s):** Oakdale Greenhouses, LLC  
**Property Address:** 5626 Statesville Road  
**Property to be acquired:** 14,062 sq. ft. (.323 ac.) in Fee Simple, plus 8,382 sq. ft. (.192 ac.) in Existing Right-of-way, plus 148 sq. ft. (.003 ac.) in Utility Easement, plus 9,203 sq. ft. (.211 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$77,460  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 045-322-25  
**Total Parcel Tax Value:** \$164,200
- F. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 112  
**Owner(s):** Jimmy Parks McWhirter and Wife, Nancy H. McWhirter  
**Property Address:** 6141 Statesville Road  
**Property to be acquired:** 3,656 sq. ft. (.084 ac.) in Fee Simple, plus 89 sq. ft. (.002 ac.) in Utility Easement, plus 11,869 sq. ft. (.272 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees

**Purchase Price:** \$28,525

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-12

**Use:** Day Care Center

**Tax Code:** 041-213-42

**Total Parcel Tax Value:** \$462,100

## Condemnations

- G. Project:** Freedom Drive Widening, Parcel # 393  
**Owner(s):** Richard W. Stikeleather and Any Other Parties of Interest  
**Property Address:** 1222 Edgewood Road  
**Property to be acquired:** Total Combined Area of 1,148 sq. ft. (.026 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$700  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 059-012-10  
**Total Parcel Tax Value:** \$46,900
- H. Project:** Lincoln/Wilson Heights Neighborhood Improvement Project, Parcel # 144  
**Owner(s):** Timmy Drayton and Any Other Parties of Interest  
**Property Address:** 2015 Erie Street  
**Property to be acquired:** Total Combined Area of 846 sq. ft. (.019 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$150  
**Remarks:** Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 075-044-37  
**Total Parcel Tax Value:** \$59,500
- I. Project:** South Tryon Street Sidewalk, Parcel # 2  
**Owner(s):** SAR Groups, LLC and Any Other Parties of Interest  
**Property Address:** 12201 South Tryon Street  
**Property to be acquired:** Total Combined Area of 1,843 sq. ft. (.042 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,125  
**Remarks:** Compensation was established by an independent,

certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 219-243-78

**Total Parcel Tax Value:** \$374,500

- J.** **Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 32  
**Owner(s):** Lashawn D. Middleton and Any Other Parties of Interest  
**Property Address:** 4813 Statesville Road  
**Property to be acquired:** Total Combined Area of 1,582 sq. ft. (.036 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$21,800  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. City is condemning for clear title.  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 041-151-13  
**Total Parcel Tax Value:** \$132,600
- K.** **Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 75  
**Owner(s):** Jerry Lee Caton, Jr. And Wife, Dina C. Caton and Any Other Parties of Interest  
**Property Address:** 5416 Statesville Road  
**Property to be acquired:** Total Combined Area of 3,530 sq. ft. (.081 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Utility Easement, plus Combined PUE & SDE, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$7,175  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 045-324-05  
**Total Parcel Tax Value:** \$245,200
- L.** **Project:** Sugar Creek Road - Rumble Left Turn Lane, Parcel # 2  
**Owner(s):** Sugar Creek Properties, LLC and Any Other Parties of Interest  
**Property Address:** 2504 West Sugar Creek Road  
**Property to be acquired:** Total Combined Area of 1,930 sq. ft. (.044 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$3,975

**Remarks:** Compensation was established by independent, certified appraisals related to this property. Staff recommends condemnation in order to obtain clear title.

**Zoned:** B-2(CD)

**Use:** Commercial

**Tax Code:** 047-042-13

**Total Parcel Tax Value:** \$138,300

### 43. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:  
- December 14, 2009