

**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, July 25, 2011**

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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, July 25, 2011**

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Jim Schumacher, 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. Rental Property Ordinance

**Resources:** Diego Anselmo, Police  
Steve Willis, Police

**Time:** 20 minutes

#### Synopsis

- The City's Rental Property Ordinance took effect on June 1, 2010. The intent of the ordinance was to hold landlords accountable for the crime and disorder issues occurring on their property.
- This presentation is a review of Police's first year of experience with the ordinance and a discussion of some changes that Police is recommending to make the ordinance more effective.
- The report was originally scheduled for late spring but staff delayed the report to analyze the impact of new state legislation on the existing ordinance and any recommended changes. Key points include:
  - Statistics on the first year of the ordinance
  - Issues with the ordinance identified by Police, property owners, and managers
  - Impact of recent state legislation on the Rental Property Ordinance
  - Recommended changes to the Rental Property Ordinance

#### Action

- Staff recommends referral to the Community Safety Committee to review possible changes to the Rental Property Ordinance.

### 3. Long Creek Regional Discussion Update

**Resource:** Barry Gullet, Utilities

**Time:** 15 minutes

#### Synopsis

- For several years, Charlotte-Mecklenburg Utilities has been working on the planning and environmental studies for a new wastewater treatment plant on Long Creek near the Catawba River.

- The plant is proposed to be located on Long Creek, between the proposed ReVenture site and the US National Whitewater Center.
- During the environmental study phase, it was determined that the best alternative was a regional facility that would combine the treatment needs of Charlotte along with the current treatment plants owned by Clariant, Mt. Holly, and Belmont.
- This presentation is to give Council an update on the status of the treatment plant and the regional discussions with Mt. Holly and Belmont.

#### **Future Action**

Council will be asked to approve a Memorandum of Agreement with Belmont in August. City staff is working on agreements with Mt. Holly and Clariant/ReVenture, which will require Council approval at a future meeting.

## **4. 2012 Democratic National Convention Update**

**Resource:** Dan Murrey, Chair, DNC Host Committee

**Time:** 20 minutes

#### **Synopsis**

- On February 1, 2011, the City of Charlotte was selected to host the 2012 Democratic National Convention (DNC).
- The DNC will take place on September 3-6, 2012 at Time Warner Cable Arena.
- 30,000 to 35,000 delegates, national and international media, key policy and political decision-makers, and other visitors will be in Charlotte for the convention.
- The DNC Host Committee is responsible for:
  - Raising private funding to provide DNC functions including alterations to the Arena and hospitality events
  - Transportation of delegates
  - Coordination of volunteers
  - Numerous other activities
- Dr. Dan Murrey is Chair of the Host Committee and will brief Council on the Committee's work.

#### **Background**

- The City of Charlotte is responsible for convention security, with an estimated \$50 million in funding from the Department of Justice.
- On June 1, 2011, Homeland Security Secretary Janet Napolitano approved the DNC as a National Special Security Event which allows the US Secret Service to develop and implement an operational security plan with the Charlotte Mecklenburg Police Department.
- In July 2011, the NC General Assembly approved legislation which allows Charlotte to contract with out-of-state Law Enforcement Agencies to assist Police in providing security to the DNC.
- Police has begun communicating with other law enforcement agencies in North Carolina to recruit officers for training and deployment during the DNC.

#### **Future Action**

- City Council will be asked to approve a contract for the upfit of the Command Center at CMPD on August 22, 2011.

## **5. Answers to Mayor and Council Consent Item Questions**

**Resource:** Jim Schumacher, City Manager's Office

**Time:** 10 minutes

### **Synopsis**

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

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

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

**6. North Carolina Spartans Girls Basketball Team**

**Action: Mayor Foxx and City Council to recognize the NC Spartans Girls Basketball Team on their National Championship.**

**7. National League of Cities Summer Board Meeting**

**Action: Mayor Foxx and City Council to recognize the Charlotte Regional Visitors Authority, Charlotte Arrangements, NASCAR and the Arts & Science Council for their assistance during the NLC Summer Board meeting.**

**CONSENT**

- 8. Consent agenda items 22 through 51 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

### 9. Public Hearing on Resolution to Close Residual Portions of Smithfield Church Road

**Action:**   **A. Conduct a public hearing to close residual portions of Smithfield Church Road, and**

**B. Adopt a resolution to close.**

**Staff Resources:**   Linda Poissant, Transportation  
                              Jeff Boenisch, Transportation

#### **Policy**

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

#### **Explanation**

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

#### **Petitioner**

Heydon Hall, LLC- David Jarret

#### **Right-of-Way to be abandoned**

Residual Portions of Smithfield Church Road

#### **Location**

Located within the Heydon Hall Community; beginning approximately 200 feet northeast of its intersecting point with Heydon Hall Circle continuing approximately 946 feet southwestwardly to its terminus at Heydon Park Way and consisting of 49,700 square feet

#### **Reason**

To incorporate the right-of-way into adjacent property owned by the abutting property owner in accordance with rezoning petition #2009-007 that was approved by City Council on July 20, 2009

#### **Notification**

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

Ruth Reid Stewart- No objections

#### Neighborhood/Business Associations

Heydon Hall Subdivision – No objections

Seven Eagles Neighborhood Association – No objections

Private Utility Companies – No objections

City Departments

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

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

**Attachment 1**

Map  
Rezoning Plan  
Resolution

**10. Public Hearing on Resolution to Close a 10-foot Alleyway between Spruce Street and West Park Avenue**

**Action:**   **A. Conduct a public hearing to close a 10-foot alleyway between Spruce Street and W. Park Avenue, and**  
**B. Adopt a resolution to close.**

**Staff Resources:**   Linda Poissant, Transportation  
                                  Jeff Boenisch, Transportation

**Policy**

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

**Explanation**

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

**Petitioner**

Greater Galilee Baptist Church- Dexter Snead

**Right-of-Way to be abandoned**

A 10-foot alleyway between Spruce Street and W. Park Avenue

**Location**

Located within the Wilmore Neighborhood, beginning at Spruce Street as a 10-foot wide alleyway and continuing approximately 342 feet east towards its terminus at W. Park Avenue and consisting of 3,441 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**

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

Mrs. Lillian Johnson - No objections  
 Sabre Value Queen City Fund, LLP - No objections  
 Ms. Tina Heath - No objections  
 Mrs. Charlotte Knowles - 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

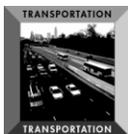
Review by City departments identified no apparent reason this closing would:

- 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 2**

Map  
 Resolution

**11. Public Comment on the 2020 Vision Plan**



**Action: Receive public comments on the 2020 Vision Plan.**

**Committee Chair:** David Howard

**Resources:** Debra Campbell, Planning  
 Michael Smith, Charlotte Center City Partners

**Explanation**

- Charlotte Center City Partners (CCCP), the City of Charlotte and Mecklenburg County have been working with a consulting team led by an urban planning and design firm MIG, Inc. to create the Center City 2020 Vision Plan that will guide growth and development of Charlotte-Mecklenburg’s urban core over the next decade. The consulting team also included Charlotte firms: ColeJenest and Stone (urban designers), Wray

Ward (marketing communications), and Kimley-Horn & Associates (transportation consultant).

- Charlotte Center City has a 44-year history of planning beginning with the 1966 Odell plan. The 2010 Vision Plan was the last plan developed for Center City. The 2020 Plan builds on the 2010 Plan and serves as the blueprint for future development.
- Plan boundaries include Uptown and other close-in neighborhoods adjacent to the I-277 loop. The planning process included a comprehensive community input program that began in 2009 and included a variety of media and venues such as:
  - 40 member Steering Committee
  - Three community workshops
  - Four neighborhood workshops held at four different regional library locations
  - Two meetings with five smaller working groups
  - Several sessions with youth groups
  - Website and blog
- The plan's vision is for Charlotte's Center City to be a viable and livable community with an extraordinary built environment, interconnected tapestry of neighborhoods and thriving businesses creating a memorable and sustainable place.
- The 2020 Plan recommendations are organized around eight transformative strategies:
  1. Placemaking and urban design by encouraging memorable projects that strengthen Charlotte's identity, overcoming barriers such as the I-277 Loop, and building and designing public infrastructure that serves multiple purposes
  2. Creating an Applied Innovation Corridor extending from UNCC Charlotte to SouthEnd with emphasis on the North End area to foster and promote innovative industries and tech-based businesses
  3. Developing a center city urban campus to connect Johnson C. Smith University, Johnson and Wales, Central Piedmont and UNCC campuses together via transit, parking and other shared programs
  4. Promoting a Destination Charlotte by establishing amateur sports clusters, and linking existing and new arts, cultural and entertainment venues together
  5. Protecting and enhancing neighborhoods of Center City by strengthening access to retail, civic, arts and public open space
  6. Creating a network of parks and open space uses that could include a ward loop, boulevard loop and rail to trail
  7. Establishing dynamic shopping experiences by creating strategic retail clusters along streets such as Tryon, Trade, and Brevard
  8. Establishing an integrated transportation network and aspiring to be a true city of bikes

### **Charlotte Mecklenburg Planning Commission**

- The Planning Committee of the Charlotte Mecklenburg Planning Commission received an overview of the plan at their meeting on May 17, 2011. The Committee received public comment at their meeting on July 19, 2011.
- Beth Marlin, a Biddleville neighborhood leader, wanted the plan to include more attention to the following:
  - Safety for pedestrians and bicyclists
  - Marking the individual neighborhoods with signage
  - Continue upgrading existing housing stock and preservation of important structures

- More healthcare for senior citizens
- More effort to aid the homeless
- Dan Farris, of the Charlotte Area Bike Alliance, spoke to request that more time be allotted for public input. He and his organization would like to have public input extended until the end of September. There are a lot of people on vacation and this would give them a chance to comment when they return.
- The Planning Committee voted 5-0, recommending the plan be adopted.

### **Transportation and Planning Committee**

- The Transportation and Planning Committee received an update on the plan at their June 20 meeting. Discussion centered around the following topics:
  - Neighborhoods included in the study area boundaries
  - Innovation corridor and UNCC Research Institute
  - Type of industries attracted to the innovation corridor
  - I-277 cap project
  - New infrastructure projects for the area near 5<sup>th</sup> Street west of the I-77 underpass
- The committee voted unanimously (Howard, Barnes, Carter, Cooksey, Kinsey) to recommend forwarding the plan to Council for public comment on July 25, 2011.
- The 2020 Vision Plan will be sent in the Wednesday, July 20 Council-Manager Memo and will also be available at [www.centercity2020.com](http://www.centercity2020.com).

### **Next Steps**

- Council's Transportation and Planning Committee is scheduled to take action on the plan on August 22, 2011. The plan will then be forwarded to Council for final action on September 12, 2011.

### **Attachment 3**

Overview

## **12. Public Hearing for Post-Construction Controls Ordinance Revisions**

**Action: Conduct a public hearing on revisions to the Post-Construction Controls Ordinance.**

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

### **Explanation**

- At the June 13 dinner meeting, Council received a briefing on the proposed changes.
- The Post-Construction Controls Ordinance (PCCO) has been in effect since July 1, 2008.
- During implementation of the ordinance, staff identified areas that should be revised to provide more flexibility, reflect recent changes in the Tree Ordinance and address housekeeping issues.
- The most significant of the proposed changes are:
  - Remove the applicability of natural area (tree) requirements after July 1, 2011. The tree save area required in the revised Tree Ordinance has removed the need for the PCCO to have similar requirements.

- Allow more sites to be considered for a mitigation fee option for redevelopment. Staff has found that some redevelopment projects face substantial economic challenges accommodating water quality measures on the site, particularly in the current economic environment. More flexibility is needed which will reduce compliance costs in some cases. The mitigation fee will then be used to design and build a water quality measure in the watershed.
- Other less significant or housekeeping changes include:
  - Add language to prevent developers from ignoring State-required 30-foot buffers on some sites
  - Remove references to County watersheds not within the City's jurisdiction
- A sounding board meeting was held on June 23 to answer questions from stakeholder groups and to receive comments on the proposed ordinance changes.
- The Storm Water Advisory Committee is scheduled to vote on the revisions July 21.
- Council will be asked to vote on the proposed revisions August 22, 2011.

**Funding**

The proposed revisions to the PCCO will not impact the Storm Water budget or the General Fund.

**Attachment 4**

Text Amendment showing revisions

## POLICY

### 13. City Manager's Report

### 14. FY2012 Charlotte Regional Visitors Authority Contract

**Action:** Approve the balance of Charlotte Regional Visitors Authority's FY2012 contract for tourism marketing, convention center promotion and business development activities in the amount of \$7,556,507.

**Resources:** Ron Kimble, City Manager's Office  
 Joe Hallow, Charlotte Regional Visitors Authority  
 Bill McMillan, Charlotte Regional Visitors Authority  
 Gina Sheridan, Charlotte Regional Visitors Authority

#### Background

- Since March 2011, the Mayor and City Council held three budget retreats to shape development of the City Manager's Recommended Budget.
- The City Manager's Recommended Budget was presented on May 9, 2011.
- Additionally, Council held their Budget Adjustments meeting on May 18, the Budget Public Hearing on May 23, and the Budget Straw Votes meeting on June 1.
- On June 13, 2011, City Council voted to defer Agenda Item #13 Section M – Charlotte Regional Visitors Authority Contract until June 27, 2011, to receive additional information.
- On June 27, 2011, City Council voted to approve a \$1.7 million disbursement to CRVA for business development purposes and to also approve an \$800,000 payment for operations; the \$1.7 million will be disbursed at the discretion of the City Manager or his designee, on an as needed basis.

#### Explanation

The deferred item from the June 13 Agenda consists of the following:

<u>Charlotte Regional Visitors Authority (CRVA)</u>	\$10,056,507
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- Tourism Marketing \$3,311,196
  - Funds the City's general tourism marketing services contract with the CRVA. The amount is based on a portion of collections of the occupancy tax.
- Convention Center Promotion and Business Development Activities \$6,745,311
  - Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.
- Since City Council approved on June 27, 2011, a \$1.7 million disbursement to CRVA for business development and an \$800,000 payment for operations, the contract balance remaining to consider approving at this time is \$7,556,507.

## 15. Passenger Vehicle for Hire Ordinance Amendments



**Action:** Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 22 of the City Code, entitled "Passenger Vehicles for Hire."

**Committee Chair:** Mayor Pro Tem Patrick Cannon

**Staff Resources:** Eric Campbell, City Manager's Office  
S. Mujeeb Shah-Khan, City Attorney's Office  
Major Douglas Gallant, Police

### Explanation

- On June 28, 2010, City Council referred the Passenger Vehicle for Hire Ordinance (Chapter 22 of the City Code) to the Community Safety Committee as a result of taxi drivers' concerns with their working environment and relationship with affiliated taxi companies.
- The Community Safety Committee was asked to review the ordinance to determine if the ordinance needed to be amended to address issues in the Passenger Vehicle for Hire (PVH) industry, which also includes taxis, town cars (black cars), limousines, and other transportation vehicles.
- The Community Safety Committee unanimously (Cannon, Kinsey, Barnes, Dulin, Peacock) approved the proposed amendments to Chapter 22 at its June 15, 2011 meeting.
- Staff presented the proposed amendments to Council at the June 27, 2011 Dinner Briefing.

### Background

- The overall purpose of regulating the passenger vehicle for hire industry is to preserve the health and welfare of citizens and protect citizens' property.
- In May 2000, City Council approved a revised Chapter 22 which created a new system of PVH regulation. These revisions to the PVH Ordinance (Chapter 22) included:
  - Creating the Passenger Vehicle for Hire Unit (PVH Unit) within Police
  - Creating an 11 member Passenger Vehicle for Hire Board
  - Creating licensing requirements for drivers, vehicle for hire companies and vehicle owners
  - Regulating all passenger vehicles for hire within the City
  - Requiring all drivers to receive training approved by the PVH Unit
- City Council approved amendments to the PVH Ordinance in August 2005, which modified vehicle age limits (from seven years to ten years) and made technical revisions to the ordinance.

### PVH Ordinance Amendments Highlights

- Criminal Records Checks - Requires annual criminal records checks for applicants and applications can be denied for any felony conviction
- Age Limit Change - Starting July 1, 2012, no passenger vehicle for hire can be older than six years.
- Smoking - Drivers cannot smoke in vehicles at any time.
- Alternative Fuel Vehicles - Creates incentive for companies to purchase hybrids or electric-powered cars
- Driver's License - Requires all drivers to have a North Carolina or South Carolina license

- Technology – Requires back seat credit card devices and GPS navigation in all taxicabs
- Airport taxi service – Will allow the Airport to enter into operating agreements with taxi companies for a maximum of five years
- The proposed changes will be effective on September 1, 2011, except for the changes to the vehicle age limit and equipment specifications (such as credit card machines and GPS), which will be effective on July 1, 2012.
- After 18 months, staff will review the amendments and report findings to City Council.

#### **Committee Discussion**

- The Committee began its review of the PVH Ordinance at its September 16, 2010 meeting, and completed its review at its June 15, 2011 meeting.
- During the current review of the ordinance, City staff sought input from various stakeholders, which included:
  - Taxi drivers
  - Taxi company owners
  - Limousine and black car industry
  - PVH Board
  - CMPD
  - CDOT
- The industry could not reach a consensus on areas for review.
- Staff requested the Committee's guidance on three broad policy areas. The Committee unanimously decided not to proceed with changes in the three policy areas listed below:
  - Requirement of driver affiliation (i.e., medallion or independent driver's permit)
  - Regulation of taxi company franchise fees
  - Regulation of limousine (black car) rates by the PVH Board
- The Committee then directed staff to begin drafting revisions to the PVH Ordinance to address vehicle age limits, criminal records checks, use of technology in taxicabs, and smoking in vehicles.
- The Community Safety Committee also requested City staff to develop an incentive program to encourage PVH companies to implement full non-smoking policies for their vehicles.
- The Community Safety Committee unanimously (Cannon, Kinsey, Barnes, Dulin, Peacock) approved the proposed amendments to Chapter 22 at its June 15, 2011 meeting.

#### **Attachment 5**

Summary of Major Revisions  
Summary of Revisions  
Ordinance

## 16. Mosaic Village Parking and Infrastructure Reimbursement Agreements



**Action:** Approve the Economic Development Committee's recommendation to:

1. Approve the Mosaic Village Public Parking Agreement with Mosaic Village, Inc. pursuant to which the City will pay \$3,001,134 for the provision of 223 public parking spaces for 30 years within a 403 space parking deck in Mosaic Village,
2. Approve the Declaration Concerning Public Parking to establish the public use of the spaces in the Mosaic Village Deck,
3. Approve the Infrastructure Reimbursement Agreement with Mosaic Village, Inc. for the construction of public right of way improvements related to the Mosaic Village project in an amount not to exceed \$181,860, and
4. Authorize the City Manager to negotiate and execute any further ancillary documents or non-material changes to the agreements as may be necessary.

**Committee Chair:** James Mitchell

**Staff Resources:** Peter Zeiler, Neighborhood & Business Services  
Robert Hagemann, City Attorney's Office

### Explanation

- In May 2011, City Council received a presentation from Griffin Brothers Companies and Johnson C. Smith University on the Mosaic Village project and a request for financial participation in the project. Council referred the request to the Economic Development Committee
- Mosaic Village is a \$29.1 million mixed use development consisting of:
  - Phase 1
    - 80 student residences with 301 beds
    - 6,800 square feet of retail
    - A 403 space parking deck with a roof-top event space
  - Phase 1A
    - A 45,000 square foot art learning center and office building
- The residential and arts learning components of the project will be built by Griffin Brothers and leased to Johnson C. Smith University.
- Mosaic Village, Inc., a Griffin Brothers company, will build, own and operate the retail and parking components of the project.
- 180 spaces are needed to meet the projected parking demand for Mosaic Village. The 223 additional parking spaces would be public parking spaces made available for 30 years. The public spaces would serve general public parking, event parking and be available to support future development in the West Trade corridor.
- Mosaic Village is within a Pedestrian Overlay District and will be required to make public infrastructure improvements to meet zoning code regulations. Because the project is in a challenged business corridor, it is unable to finance the required improvements.
- The Public Parking Agreement has the following terms:

- 223 spaces will be available for public parking for 30 years at a rate of \$13,458 per space for a total of \$3,001,134.
- Payment for spaces will be made upon issuance of a certificate of occupancy of the deck.
- Mosaic Village, Inc. will assume all operation, maintenance and repair costs of the entire deck, including public spaces.
- Mosaic Village, Inc. will capture all revenue generated from the public spaces for operation, maintenance and repair costs.
- Public spaces will be held as public spaces for free or at commercially reasonable parking rates.
- Mosaic Village, Inc. will reserve the right to purchase the public parking spaces to support future proximate development.
- The Infrastructure Reimbursement Agreement contains the following terms:
  - The City will reimburse Mosaic Village, Inc. up to \$181,860 for real and actual expenses related to public right of way improvements.
  - The improvements consist of on street parking creation, sidewalks, curb and gutter, street trees and miscellaneous utility adjustments to accommodate the improvements.
- The City participation totals \$3,182,994.

#### **Committee Discussion**

- On July 18, 2011, the Economic Development Committee (Mitchell, Burgess, Dulin and Kinsey) unanimously approved a motion to recommend the Council approve the Mosaic Village Public Parking Agreement, Declaration Concerning Public Parking and the Mosaic Village Infrastructure Reimbursement Agreement.

#### **Small Business Opportunity**

Established SBE Goal: 9% for entirety of project (inclusive of parking deck, infrastructure, residential, retail and office components) with a companion 21% M/WBE stated goal by the developer

#### **Funding**

Business Corridor Fund (current balance \$17.4 million)

#### **Attachment 6**

Mosaic Village Public Parking Agreement

Declaration of Public Parking

Mosaic Village Infrastructure Reimbursement Agreement

## BUSINESS

### 17. Sale of Parcel 5, I-277 Surplus Right of Way to Hawkins-Dixon Partners, Ltd.

**Action:**

**A. Adopt a resolution proposing to accept the offer from Hawkins-Dixon Partners to purchase parcel 5 of the I-277 surplus right of way for the approximate amount of \$4 million, instruct the City Clerk to advertise the proposed sale in accordance with the resolution; and authorize the City Manager to execute all documents necessary to complete sale of the property in accordance with the resolution, and**

**B. Approve a contract with Walker Real Estate Group for consulting and advisory services related to the sale of the five surplus right-of-way parcels in the amount of \$60,000, with up to two renewals of \$60,000 each.**

**Staff Resource:** Jim Schumacher, City Manager's Office

#### Explanation

- In 2010, five parcels of surplus I-277 right of way were acquired from the North Carolina Department of Transportation in connection with modifications to the I-277/South Caldwell Street interchange.
- Hawkins-Dixon Partners has submitted a purchase offer for parcel 5, a tract of 2.2 acres at the intersection of Stonewall Street and McDowell Street.
- Upon purchase of the property, Hawkins-Dixon plans to develop approximately 200 apartments.
- Key terms of the negotiated contract are:
  - Purchase price of \$42/square foot (approximately \$4 million in total)
  - A deposit of 5% of the purchase price
  - A due diligence period of 90 days
  - A contingency period of 150 days for project development that requires \$25,000 of the deposit to become non-refundable
  - A second contingency period of 90 days for financing that requires an additional \$24,000 of the deposit to become non-refundable
  - A third contingency period of 90 days for permitting that requires an additional \$72,000 of the deposit to become non-refundable
- The purchase offer will be advertised for upset bids. A qualifying higher bid is one that increases the purchase price by at least 5% plus \$50 and equals or exceeds all other material terms of the contract to the advantage of the City.
- Walker Real Estate Group (Kent Walker and Kent Winslow) has assisted City staff with the marketing of the property and negotiation of purchase terms. The contract with Walker Real Estate Group is recommended to continue their involvement on the sale of all five parcels.
- The proceeds of the sale will be applied as a payment on the \$20 million "land loan" from Wells Fargo and Bank of America, for which the land is collateral, used for the construction of the NASCAR Hall of Fame.

#### Funding

The Walker Contract is funded through the Engineering & Property Management Operating Budget.

**Attachment 7**

Survey of Site  
Resolution

**18. HouseCharlotte Program Administration Agreement**

- Action:**
- A. Enter into a one-year agreement in the amount of \$231,000 with the Charlotte-Mecklenburg Housing Partnership to administer the HouseCharlotte Down Payment Assistance Program, and**
  - B. Authorize the City Manager to renew the agreement for one additional year.**

**Staff Resources:** Ronald Mason, Neighborhood & Business Services  
Pamela Wideman, Neighborhood & Business Services

**Explanation**

- The HouseCharlotte Program provides down payment, closing cost and interest rate buy down assistance to low and moderate-income families purchasing homes in targeted neighborhoods as determined by the Quality of Life Study.
- The program provides assistance to families earning up to 110% of the area median income (AMI). The majority of families receive up to \$7,500. However, families under 60% of AMI may receive up to \$10,000 in targeted neighborhoods. The maximum home purchase price is \$147,000.
- The HouseCharlotte Program produces over 300 loans annually.
- Charlotte-Mecklenburg Housing Partnership (CMHP) began administering the HouseCharlotte Down Payment Assistance Program as a pilot in FY2011 and served over 300 homebuyers. CMHP's administration of the program resulted in improved program communications and efficiencies that allowed for the reallocation of staff resources.
- Prior to CMHP's administration of the HouseCharlotte Down Payment Assistance Program, it was staffed by the City, at an annual operating cost of \$253,800. The agreement will result in an annual savings of \$22,800.

**Advantages of Outsourcing to CMHP**

- CMHP is an experienced affordable housing lender and has extensive experience administering federal programs funded with HOME and Community Development Block Grant (CDBG) allocations. Additionally, CMHP is designated as a Community Development Financial Institution, which provides credit, financial services, and other services to underserved markets and/or populations.
- CMHP has successfully operated a North Carolina licensed mortgage company for over 20 years in which first mortgages and down payment assistance has been offered to customers completing a homeownership counseling program. Additionally, the CMHP staff who will be responsible for managing the program are NC licensed mortgage loan officers with experience in the real estate and mortgage industry.
- Since 1997, approximately 5,200 homeownership opportunities have been created through the HouseCharlotte program. A number of police officers have purchased homes through the program and over 50 lenders have provided more than \$222 million in financing.

**Funding**

HOME Grant and Innovative Housing Funds

**19. Council Meeting Calendar Amendment**

**Action: Approve amendment to Council's 2011 meeting calendar changing the start time of the September 6 monthly Workshop.**

**Resource:** Curt Walton, City Manager

**Explanation**

- The City's Business Investment Grant (BIG) program has been in place since 1998 in partnership with Mecklenburg County to encourage the attraction, retention and/or expansion of businesses and jobs.
- The three largest grants have been made to Time Warner Cable, Siemens and Celgard.
- Staff recommends that the Mayor and Council visit these companies to see the impact of the investment. Such a tour must occur during normal working hours to see the facilities in operation.
- This tour would take the place of the normally scheduled September 6 Workshop, with a tentative schedule at follows:
  - 11:30 a.m. Depart the CMGC
  - 12:00 – 1:30 p.m. Lunch and tour at Time Warner Cable
  - 1:45 – 3:15 p.m. Tour Celgard
  - 3:30 – 5:00 p.m. Tour Siemens
  - 5:30 p.m. Arrive at CMGC and adjourn
- The schedule with the three companies will be finalized following Council amendment of the calendar.

**20. Appointments to Boards and Commissions**

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

**A. AIRPORT ADVISORY COMMITTEE**

- One appointment for an at-large representative for a three-year term beginning August 1, 2011
  - Pam Bennett by Council member Howard
  - Jon W. Brady by Council member Peacock
  - Robert Diamond by Council member Cooksey
  - Willis Harney by Council members Burgess, Dulin and Kinsey
  - Kory Jeter by Council members Barnes, Cannon and Mitchell
  - Daniel Payerle by Council member Carter
  - William Taylor, Jr. by Council member Turner

**Attachment 8**

Applications

**B. COMMUNITY RELATIONS COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending June 30, 2013
  - Toria Boldware by Council members Barnes and Howard
  - Sue Korenstein by Council member Kinsey
  - April Morton by Council members Peacock and Turner

- Heather Myers by Council member Carter
- Kathleen Odom by Council member Cooksey
- Aaron Orr, Sr. by Council member Mitchell
- Marty Puckett by Council member Cannon
- Marilyn Sutterlin by Council members Burgess and Dulin

### **Attachment 9**

Applications

#### **C. DOMESTIC VIOLENCE ADVISORY BOARD**

- One appointment for a three-year term beginning September 22, 2011
  - Beatrice Cote, incumbent, by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey and Mitchell
  - Emily Netzel by Council members Peacock and Turner

### **Attachment 10**

Applications

#### **D. HISTORIC DISTRICT COMMISSION**

- One appointment for a resident of Wesley Heights for an unexpired term beginning immediately and ending June 30, 2013
  - Colette Forrest by Council members Cannon, Howard and Mitchell
  - Fred Warren by Council member Turner

### **Attachment 11**

Applications

#### **E. TRANSIT SERVICES ADVISORY COMMITTEE**

- One appointment for a neighborhood organization leader for an unexpired term beginning immediately and ending January 31, 2012
  - Kimberly Lawson by Council members Cannon and Turner
  - Erik Owens by Council member Cooksey
  - Michael Warner by Council members Burgess, Carter, Kinsey, Mitchell and Peacock

### **Attachment 12**

Applications

## **21. 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."

## 22. Revolution Park Neighborhood Improvement Project

**Action: Award the low bid contract of \$1,366,794 to Bullseye Construction, Inc. for construction of the Revolution Park Neighborhood Improvement Project.**

**Staff Resource:** Lamar Davis, Engineering & Property Management

#### **Explanation**

- The project will include the construction of curb and gutter, sidewalks, driveways, wheelchair ramps, water/sewer rehabilitation and drainage improvements.
- This 2006 Neighborhood Bond Project is bounded by Remount Road, Barringer Drive, Beech Nut Road and Cowles Road.
- Construction is expected to be complete third quarter 2012.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.02%

Bullseye Construction, Inc. committed 7.02% (\$96,000) of the total contract amount to the following SBE firms: D's Trucking (hauling), On Time

Construction (concrete work), Cornerstone Construction (concrete work), and PandTL, Inc. (erosion control).

### **Funding**

Neighborhood Capital Investment Plan

## **23. Police Steele Creek Division Station**

**Action: Award the low bid contract of \$3,979,488.27 to Southside Constructors, Inc. for the Charlotte-Mecklenburg Police Department Steele Creek Division station.**

**Staff Resource:** Kathleen Drake, Engineering & Property Management

### **Explanation**

- This project will include the construction of a 12,484 square-foot, one-story, division station and a 1,008 square-foot detached garage for the Charlotte-Mecklenburg Police Department Steele Creek Division.
- The facility will be located at the southwest quadrant of Westinghouse Boulevard and South Tryon Street.
- Funding for this project was included in the FY2012 budget.
- Construction completion is scheduled for fourth quarter 2012.

### **Sustainability Facilities Design Goals**

- The Policy for Sustainable City Facilities outlines several methods of certification, one of which is LEED.
- The project, as designed, is expected to earn at least 65 of 100 LEED points, qualifying for LEED Gold certification. The final score will be determined by the U.S. Green Building Council (USGBC) during the certification process. Forty points are required to achieve basic certification. Fifty points are required to achieve LEED-Silver certification. Sixty points are required to achieve LEED-Gold certification.
- Staff recommends LEED certification for this building as one of the early buildings being constructed under the Policy for Sustainable Facilities. Through these early projects, different combinations of construction methods and certifications are being used for benchmarking future projects.
- A commissioning agent will be used, as required by the Policy for Sustainable City Facilities, to help ensure mechanical and electrical systems operate at optimum efficiency.

### **Small Business Opportunity**

Established SBE Goal: 12.00%

Committed SBE Goal: 12.28%

Southside Constructors Inc. proposed a total SBE utilization of 12.28% (\$462,000) of their base bid amount to the following six SBEs: Scott's Painting and Decorating (painting), B&G Waterproofing (sealants), Windows 2 Walls (windows), Reed's Plumbing (plumbing), Hemar Inc. (concrete) and NC Interiors Contracting (drywall). The SBO Program Manager is granting a minor non-compliance waiver in that while Southside listed its total SBE commitment of \$462,000 in the bid forms it failed to identify one of the six SBEs used to arrive at that sum on the form due to a plausible misinterpretation of the bid instructions (Part B: Section 6.3 of the Program

Policy). A further detailed summary of the non-compliance waiver for this contract is attached.

### **Funding**

Government Facilities Capital Investment Plan

### **Attachment 13**

Small Business Opportunity Non-Compliance Waiver

## **24. Bryant Park Area Plan Sidewalk Improvements**

**Action: Award the low bid contract of \$107,869.73 to W.M. Warr & Son, Inc. for the Bryant Park Area Plan Sidewalk Improvements.**

**Staff Resource:** Daniel Leaver, Engineering & Property Management

### **Explanation**

- This project is being implemented through the Area Plan Program in support of recommendations made in the Bryant Park Area Plan adopted by Council in 2007.
- Funding became available through the Area Plan Implementation Program in 2009 and this project was selected in part to improve the surroundings for pending development projects.
- This project will include the construction of sidewalk improvements along Morehead Street from Freedom Drive to Bryant Park.
- Construction is expected to be complete first quarter 2012.

### **Small Business Opportunity**

Construction contracts under \$200,000 are informal contracts and are exempt from establishing SBE Goals (Appendix Section 29.1 of the SBO Policy). Two SBEs bid on this contract, however they were not the low bidder.

### **Funding**

Neighborhoods Capital Investment Plan

## **25. Bus Maintenance Filters**

**Action: A. Award the low bid contract of \$138,900 to Cummins Atlantic LLC for bus maintenance filters, and**

**B. Authorize the City Manager to execute up to two, one-year renewals with possible price adjustments as stipulated in the contract.**

**Staff Resource:** Larry Kopf, Transit

### **Explanation**

- This is a unit price contract for bus maintenance filters that are necessary to clean the fluids in the engine and the transmission. These parts will be purchased on an as needed basis.
- Price adjustments in year two or three will only be approved if Cummins Atlantic can show documentation of cost increases from their supplier(s).

**Small Business Opportunity**

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

**Funding**

Transit Operating Budget

**26. Water Meter Yokes and Brass Accessories**

**Action:**

**A. Approve a low bid, unit price contract with the following distributors for the purchase of water meter yokes and brass accessories in the combined estimated annual amount of \$600,000 for the term of one year**

- HD Supply Waterworks \$530,000
- MSC Waterworks \$70,000, and

**B. Authorize the City Manager to renew the contracts for two additional one-year terms, with price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

**Explanation**

- Water meter yokes and brass accessories are fittings required for the installation and repair of residential and commercial water meters.
- MSC Waterworks will provide the City with McDonald manufactured parts and HD Supply will furnish Ford Meter Box manufactured parts.
- Both companies are the Southeastern representative for their respective manufacturers.
- Price adjustments may be requested only at the time of renewal, and will be based on documented price increases passed directly from the manufacturers to the distributors.

**Small Business Opportunity**

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

**Funding**

Utilities Operating Budget

## 27. Fire Hydrants

**Action:**

- A. Approve a low bid, unit price contract with Ferguson Enterprises for the purchase of fire hydrants in the estimated annual amount of \$160,000 for the term of one year, and**
- B. Authorize the City Manager to renew the contracts for two additional one-year terms, with price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- Fire hydrants are stock items that Utilities maintains in inventory for both replacement and new hydrant locations.
- There are four types of hydrants included in this contract with unit prices, based on size. Average price per unit is \$1,318.
- Ferguson will provide American Flow Control manufactured fire hydrants.
- The price adjustments are linked to the Consumer Price Index.

### Small Business Opportunity

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

### Funding

Utilities Operating Budget

## 28. Ramah Creek Interceptor Sewer Professional Services

**Action:** **Approve a contract for the proposed Ramah Creek Interceptor Sewer in the amount of \$1,173,490 with McKim & Creed, PA for sanitary sewer study phase, preliminary and detailed design, and bidding services.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- The Ramah Creek Interceptor Sewer consists of approximately 27,800 feet of 30-inch to 8-inch gravity sanitary sewer along Ramah Creek in eastern Huntersville, NC.
- The purpose of this project is to provide sewer service to the Ramah Creek drainage basin, including the eastern portion of the Town of Huntersville.
- This contract provides for preliminary and final design, geotechnical investigations, surveying, and permitting.
- McKim & Creed was selected using the Council approved qualifications-based selection process.

### Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after selection process (Part C: Section 2.2 of the SBO Policy). On this contract, McKim & Creed committed 9.66% (\$113,375) of the total contract amount to the following SBE firms: Avioimage Mapping Services, Inc. (aerial photography),

Carolina Wetlands Services, Inc. (geotechnical services), and Carr's Pipe Dream, LLC (quality control services).

### **Funding**

Utilities Capital Investment Plan

## **29. Utility Electrical Maintenance and Repair at Various Facilities**

- Action:**
- A. Award contracts to the following companies to provide electrical repair and maintenance at all of Utilities' treatment facilities in the combined estimated annual amount of \$1,400,000:**
- **Energy Erectors Inc. \$500,000**
  - **Northern Electric Inc. \$700,000**
  - **Vector Electric Company \$200,000**
- B. Authorize the City Manager to renew the contracts for two additional one-year terms, with price adjustments as stipulated in the contract.**

**Staff Resource:** Barry Gullet, Utilities

### **Explanation**

- Utilities water and wastewater treatment plants require a wide variety of electrical maintenance and repair services.
- A request for proposals was issued on May 26, 2011. A selection team representing all the various divisions within Utilities chose the firms based on their price, experience, references, and qualifications.
- The contracts will be awarded as follows:
  - Energy Erectors: All electrical maintenance at McAlpine Creek WWTF. McAlpine Creek WWTF is the largest plant facility and requires a full time electrical maintenance crew be available at all times.
  - Northern Electric: Electrical maintenance over 480 volts at all plants except McAlpine
  - Vector Electric: Electrical maintenance under 480 volts at all plants except McAlpine and administrative facilities
- Purchase orders will be issued for this work as needed.

### **Small Business Opportunity**

No SBE goal was set for these contracts because subcontracting opportunities were not identified. However, one of the firms, Vector Electrical Company, is a certified SBE firm, resulting in 14.29% overall SBE utilization.

### **Funding**

Utilities Operating Budget and Capital Investment Plan

### 30. General Helicopter, Turbine Engine Repair, Maintenance Services, and Helicopter Fuel

- Action:**
- A. Approve a contract with Hiller Group for helicopter fuel for a term of one year in the estimated amount of \$107,000 as authorized by the Gas, Fuel, and Oil exception of G.S.143-129 (e)(5), and**
  - B. Approve a contract with Bell Helicopter Textron, Inc. (previously Edwards and Associates) for general helicopter repair and maintenance services for a term of one year in the estimated amount of \$142,000,**
  - C. Approve a contract with Standard Aero for turbine engine and maintenance services for a term of one year in the estimated amount of \$148,000,**
  - D. Authorize a contract with Bell Helicopter Textron, Inc. for training services for a term of one year in the estimated amount of \$50,000.**

**Staff Resources:** Ruth Story, Police  
Dale Greene, Police

#### **Gas, Fuel and Oil Exception**

- G.S.143-129 (e) (5) authorizes informal procedures for purchase of gas, fuel and oil.
- This exception is necessary to allow one supply source for quality control and accountability.

#### **Explanation**

- Police's Aviation Division owns one 1997 Bell 407 Helicopter and one 1998 Bell 407 Helicopter.
- Both helicopters support Police services through:
  - Directed patrols and surveillance
  - Aerial support for traffic stops and vehicle pursuits
  - Emergency medical transport
  - Search and rescue operations
- Both helicopters require periodic scheduled general maintenance, overhaul, repair, avionics, painting, interior refurbishment and overall maintenance support. The helicopters are equipped with Rolls Royce 250-C47B turbine engines which also require maintenance and repair.
- Bell Helicopter Textron, Inc. and Standard Aero were selected for these service contracts based on the companies' training, certifications, safety practices of employees, pricing, and proximity to Charlotte (to reduce travel and repair time).
- The contract pricing is market rate. Bell Helicopter Textron offers a 10% discount off the list price for Bell Helicopter parts and Standard Aero offers a 15% discount on parts from the current year Rolls Royce list for engine parts.
- Bell Helicopter Textron, Inc. and Standard Aero are the only companies within one hour flight time of Charlotte that are capable of performing this work. Bell Helicopter Textron is a Bell 407 approved customer service

- center and FAA certified repair station. Standard Aero is a Rolls Royce Authorized Maintenance Center for Rolls Royce 250 series engines.
- Both companies have performed the maintenance and repair services on these helicopters since they were purchased and have the records and maintenance history on both of the helicopters. The quality of their work is superior.
  - Both the Bell Textron and Standard Aero contracts are for a one-year term.
  - Police's Bell 407 Helicopters require Jet A fuel. Police has purchased fuel from Hiller Group for over five years due to their competitive pricing, quality of service, product consistency and accountability.
  - Police pilots attend manufacturer training at Bell Training Academy in Texas on an annual basis to meet insurance requirements. Training includes pilots performing emergency procedures, simulator scenario based emergency procedures, night vision emergency procedures and classroom instruction.

#### **Small Business Opportunity**

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

#### **Funding**

Police Operating Budget

### **31. Traffic Signal Digital Video Encoders**

- Action:**
- A. Approve a contract with Temple, Inc. for a three-year term in an amount up to \$350,000 for the purchase of Digital Video Encoders and related parts, and**
  - B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

**Staff Resource:** Debbie Self, Transportation

#### **Explanation**

- In 2008, the City developed an updated Intelligent Transportation System (ITS) Communication Master Plan. A key component of the ITS Master Plan is migration from serial communications (older technology) to an Ethernet/Internet Protocol based communication infrastructure. The Ethernet/IP communication infrastructure will:
  - Create communication redundancy by re-routing data in the event of electronic device failures and physical damage to fiber optic cable
  - Support future expansion of the transportation network including traffic signals, traffic management cameras and dynamic message signs
  - Support the migration from analog video to digital video which allows for inter-agency and future public viewing of the cameras
- City Council approved the purchase of Ethernet switches at the June 13, 2011 Business Meeting.
- Digital video encoders are needed to complete the migration from analog video to digital video to support the ITS Master Plan.

- Digital video encoders are electronic devices that connect to cameras and convert analog images into digital images in order to transport over the traffic signal Ethernet communication network.
- Conversion to digital video allows for inter-agency and future public viewing of the camera images.
- A formal Request for Proposal process was used to evaluate the digital video encoders. A selection team with representatives from CDOT, Business Support Services, Police, NCDOT and CDOT's consultant reviewed four vendor proposals. The proposals were evaluated using more than 25 criteria such as reliability, price, configuration and maintenance.
- Temple's proposal for the SIQURA video encoder and related parts is recommended as the most cost effective, reliable and best selection.

**Small Business Opportunity**

No SBO goals are established for the purchase of goods and equipment (Appendix Section 18 of the SBO policy).

**Funding**

Transportation Capital Investment Plan

## 32. Agreements for Planning, Design and Construction of I-485 Bridges

**Action: Edinmeadow Drive Bridge \$2,242,100**

**A. Adopt a resolution authorizing the Transportation Key Business Executive to execute a supplemental Municipal Agreement with the North Carolina Department of Transportation (NCDOT) reducing the amount the City will pay to be up to \$2,242,100 for the planning, design, and construction of the Edinmeadow Drive Bridge over I-485,**

**Clark's Creek Bridges \$2,975,000**

**B. Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with NCDOT in which the City provides an amount up to \$1,487,500 for the planning, design, and construction of dual bridges on I-485 over Clark's Creek,**

**C. Adopt a resolution authorizing the City Manager to execute an Interlocal Agreement with Mecklenburg County to receive \$661,000 toward the cost of the bridges over Clark's Creek, and**

**D. Adopt a budget ordinance appropriating the \$661,000 contribution from Mecklenburg County. The remaining amount of \$826,500 is funded by the City's Transportation Capital Investment Plan.**

**Resources:** Matt Magnasco, Transportation  
Tim Gibbs, Transportation  
Gwen Cook, Mecklenburg County Park & Recreation

**Policies:** Transportation Action Plan  
Connectivity Policy Statements  
Mecklenburg County Greenway Master Plan

### **Edinmeadow Drive Bridge**

- On November 23, 2009, City Council authorized CDOT to execute a Municipal Agreement with NCDOT to fund City requested design changes to the I-485 project. A portion of the Municipal Agreement provided \$2.4 million to fund two bridges on I-485 over a future connector street, tentatively named Edinmeadow Drive, between Ridge Road and Johnston-Oehler Road.
- Design refinements to I-485 now place Edinmeadow Drive on a bridge over I-485 at an estimated cost of \$2,242,100, saving the project \$157,900.
- The design change requires amending the November 23, 2009 Municipal Agreement.
- NCDOT and CDOT staff briefed the Transportation & Planning Committee about these design changes as part of meetings about I-485 (April 25, 2011) and the Street Connectivity Program Update (May 9, 2011).

**Clark’s Creek Bridges**

- Clark’s Creek is identified as a future greenway per the 2008 Mecklenburg County Greenway Master Plan, and the greenway is on the City’s adopted Bicycle Plan as a bicycle route.
- Clark’s Creek crossing was originally designed as a 285-foot long tunnel, which would have been perceived as unsafe and uncomfortable to greenway and bicycle users. After additional review, the NCDOT agreed to upgrade the Clark’s Creek crossing to dual bridges.
- The funding for the upgrade to dual bridges is as follows:
 

NCDOT	\$1,487,500
Mecklenburg County	\$ 661,000
City (up to)	<u>\$ 826,500</u>
	<b>\$2,975,000</b>

**Funding**

NCDOT, Transportation Capital Investment Plan (Bike Program and State Participation Program) and Mecklenburg County

**Attachment 14**

Map  
Resolutions  
Budget Ordinance

**33. Dixie River Road Realignment Change Order # 2**

**Action: Approve change order # 2 with Siteworks, LLC, in the amount of \$718,543.84 for the Dixie River Road Realignment project.**

**Staff Resource:** Bryan Tarlton, Engineering & Property Management

**Explanation**

- Change order #2 will provide funds for additional paving work required by the NCDOT, along with necessary reconstruction of a pond and an overrun of rock excavation. The paving work included removing and replacing additional existing pavement as stipulated by the on-site NCDOT inspector.
- Change order #1 in the amount of \$179,807.53 was approved by the City Council in October 2010.
- The total contract amount to date including this change order is \$5,399,077.12 and is available within the project budget.

**Small Business Opportunity**

All additional work involved in this change order is performed by the current contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy). Siteworks, LLC committed 45.81% (\$322,881.64) of the total Change Order amount to the following SBEs: B&B Concrete Construction of Charlotte, Inc., ACS Pavement Marking, Inc., and All Points Trucking, Inc.

**Funding**

Transportation Capital Investment Plan

### 34. Prosperity Village Northwest Thoroughfare Extension

**Action: Approve a contract with HDR Engineering, Inc. of the Carolinas for engineering services in the amount of \$600,000.**

**Staff Resource:** Daniel Leaver, Engineering & Property Management

**Explanation**

- The Prosperity Village Northwest Thoroughfare Extension (PVNWTE) is a crucial link in the Prosperity Village/I-485 Interchange plan. This link must be completed before the opening of I-485 for the interchange to function properly.
- HDR Engineering, Inc. of the Carolinas will provide engineering services for the planning of the PVNWTE and the extension of Ridge Road to Goldenfield Drive. The planning work includes an Environmental Assessment that must be done in accordance with NCDOT and Federal Highway Administration guidelines.
- The project length is approximately 1.3 miles (0.8 along Prosperity Church Road and 0.5 along Ridge Road Extension).
- The total project cost is estimated to be \$9.3 million. The project has been allocated \$4.8 million in Federal Surface Transportation Program-Direct Attributables (STP-DA) funds for real estate acquisition and construction. All STP-DA funds must be obligated by September 2013 to receive reimbursement.
- HDR Engineering, Inc. of the Carolinas was chosen for this work in accordance with the Council approved qualifications-based selection process.

**Small Business Opportunity**

The City negotiated a SBE goal with HDR Engineering, Inc. (Part C: Section 2.2 of the SBO Policy). HDR Engineering, Inc. committed 4.7% (\$28,256) of the total contract amount to the following SBE firms: Mattson, Alexander & Associates, Inc. (\$5,440), Youngblood Services (\$880) and Carolina Wetland Services, Inc. (\$22,016).

**Funding**

Transportation Capital Investment Plan

### 35. Storm Drainage Improvement Project Renewal

**Action: Approve a contract renewal with Dewberry & Davis, Inc. in the amount of \$500,000 for engineering services.**

**Staff Resource:** Matthew Gustis, Engineering & Property Management

**Explanation**

- Storm Water Services begins preliminary engineering on new storm drainage improvement projects that are the highest ranking projects in the program backlog each year. The projects may include storm drainage improvements that reduce house and street flooding or repair failing infrastructure.
- The engineering analysis and design for the projects are performed by consulting firms that are selected using the Council approved

qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.

- When a consultant performs preliminary engineering well, the most efficient method is for that firm to complete the design and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to a firm.
- Under this contract, Dewberry has been assigned various tasks within the Cherokee/Scotland project, as well as tasks to support other projects. The Cherokee/Scotland project will incorporate several new high-priority requests for service and failing infrastructure.
- The Cherokee/Scotland project boundaries are roughly Perrin Place, Cherokee Road, Scotland Road and Providence Road southeast of the intersection of Providence and Queens Roads.
- The project area covers approximately 240 acres and includes multi-family and single family residential land uses.
- This renewal will provide funding to complete design, including the additional improvements for the new requests, and construction administration.
- The original contract was approved by City Council on January 10, 2005 for \$500,000. City Council approved an amendment on August 26, 2006 to provide \$1,000,000 in additional funding. This contract renewal will bring the total contract amount to \$2,000,000.
- This renewal will allow for completion of all projects started under this contract and there will be no additional renewals.

#### **Small Business Opportunity**

All additional work involved in this renewal will be performed by the current consultant and their existing sub-consultants (Part D: Section 6 of the SBO Policy). Dewberry & Davis, Inc. included the following SBEs as part of their supporting team to be used as the project evolves: Carolina Wetland Services, Inc. (environmental & ecological) and On Target Utility Locate Services (utility locating).

#### **Funding**

Storm Water Capital Investment Plan

### **36. Reimbursement Agreement for 1500-1600 Hawthorne Lane**

**Action: Approve a Reimbursement Agreement with Midwood Hollow, LLC in the amount of \$166,515 for storm drainage improvements at 1500-1600 Hawthorne Lane.**

**Staff Resource:** Matthew Gustis, Engineering & Property Management

#### **Explanation**

- City Code Section 7.23 allows City financial participation of up to \$175,000 per qualifying private land development project by providing reimbursement for improvements to drainage infrastructure that conveys public storm water runoff.

- The commercial development project located in the 1500-16000 blocks of Hawthorne Lane will be designed and constructed by Midwood Hollow, LLC (Developer).
- By contracting with the Developer for these improvements, Storm Water Services minimizes the expenses for grading activities and pipe replacement.

### **Background**

- Studies conducted by Storm Water Services show the culvert and drainage system through the 1500-1600 blocks of Hawthorne Lane should be replaced with an improved system having increased capacity to convey storm water and alleviate flooding issues.
- Proposed improvements to the drainage system through the 1500-1600 blocks of Hawthorne Lane are part of the Louise Avenue Capital Improvement Project.
- To construct the improvements in the 1500-1600 blocks of Hawthorne Lane ahead of the City's schedule for construction and concurrent to the construction of the development, the Developer is willing to construct these drainage improvements based upon the City's agreement to reimburse a portion of the costs.
- The development project meets the requirements for assistance through the Storm Water Services program.
- Storm Water Services will inspect the construction of this project prior to paying for the work and will pay only for actual costs, not to exceed \$166,515, in accordance with the terms of the reimbursement agreement.
- The Developer agrees to perform the activities necessary to construct the drainage improvements before the end of calendar year 2011 to meet both City and Developer construction schedules.

### **Small Business Opportunity**

Informal contracts are not subject to establishing SBE subcontracting goals, and are considered exempt contracts (Appendix Section 23.1 of the SBO Policy).

### **Funding**

Storm Water Capital Investment Plan

## **37. Wetland Mitigation Credit Purchase**

**Action: Authorize the City Manager to purchase wetland mitigation credits from the North Carolina Ecosystem Enhancement Program at a cost of \$124,420.**

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

### **Policy**

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

**Explanation**

- The Enclave Water Quality Enhancement Project involves the rehabilitation of a breached pond that meets the criteria as wetland located on Brotherly Lane southwest of the intersection of South Tryon Street and Steele Creek Road.
- After comparison of the benefits of the wetland and restoration of the 1.77 acre pond, it was determined the pond will provide higher pollutant removal and storm water control for the Steele Creek watershed.
- State and Federal Agencies require wetland mitigation when converting the wetland to a pond.
- The City has a Stream and Wetland Mitigation Bank (Bank) to provide mitigation credits that are available to use by City and County public projects. However, the Bank currently lacks available wetland mitigation credits.
- Council recently authorized the purchase of wetland credits that will be generated within Mecklenburg County, but as stipulated in the agreement, those credits will not be available for several years.
- In order to satisfy the mitigation conditions for this project, staff proposes to pay the mitigation fee to the North Carolina Ecosystem Enhancement Program (EEP).
- EEP constructs wetland restoration projects within the state to provide mitigation credits for private and public projects that result in loss of wetlands. It is often more economical to create or restore wetlands in non-urbanized areas. This credit purchase revenue will likely be used by the State to restore or create wetlands outside Mecklenburg County.
- A City goal is to mitigate stream and wetland impacts locally, and through a recent credit purchase as well as construction of projects that generate credits, staff anticipates having adequate credits available for future use.
- Including the mitigation fee (\$124,420), a cost-benefit analysis indicates that this pond is a highly cost-effective means of improving water quality.
- Council will be asked to approve a construction contract for the Enclave Water Quality Enhancement Project in the fall.

**Funding**

Storm Water Capital Investment Plan

### **38. Edwards Branch Phase III Storm Drainage Improvement Project - Change Order #1**

**Action: Approve change order #1 with Ferebee Corporation in the amount of \$226,619.25 for the Edwards Branch Phase III Storm Drainage Improvement Project.**

**Staff Resource:** Matthew Gustis, Engineering & Property Management

**Explanation**

- This change order will provide funds to accommodate the following overruns in contract items:
  - Additional project scope due to a request by Charlotte-Mecklenburg Utilities (CMU) to replace an aging and deteriorating sanitary sewer system along the stream. During construction, overflow from manholes of the sanitary sewer system was observed. Collaboration with CMU to replace the system as part of this project avoids significant future impacts to the restored stream and vegetation.

- Additional select backfill and foundation conditioning material due to excessive unsuitable subsurface materials encountered during construction
- CMU will reimburse Storm Water Services for the sanitary sewer work totaling \$152,677.50, which is approximately 2/3's of the change order total.
- The original contract amount of \$765,040.71 was awarded by City Council on August 23, 2010. The total contract amount to date, including this change order, is \$991,659.96.
- This change order will allow funding for the completion of all work by the end of the first quarter 2012.

### **Background**

- The project boundaries are Central Avenue to the north, Sharon Amity Road to the east, Independence Boulevard to the south and southwest and Norland Road to the northwest.
- The project area covers approximately 640 acres and includes single and multi-family residential, commercial and industrial land uses along with public parks, a cemetery, public and private schools and churches.
- This is the third phase of the Edwards Branch project, which includes 2,097 linear feet of stream restoration, 464 linear feet of buffer/stream preservation, 4,396 linear feet of stream preservation with buffer enhancement, and 1.02 acres of wetland preservation.
- Completion of this project will generate 4,388 linear feet of stream restoration credits and 0.204 acres of wetland credits.
- The credits will be released over the five-year monitoring period following completion of the project.

### **Small Business Opportunity**

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

### **Funding**

Storm Water and Utilities Capital Investment Plan

## **39. Birnen Pond Water Quality Enhancement Project**

**Action: Award a contract to RJJ Construction, LLC in the amount of \$241,718.75 for the Birnen Pond Water Quality Enhancement Project.**

**Staff Resource:** Matthew Gustis, Engineering & Property Management

### **Award to Second Low Bidder**

- Staff recommends the contract be awarded to the second low bidder, RJJ Construction, LLC.
- Within 24 hours of the bid opening on June 15, 2011, the low bidder, T. K. Browne Construction, Inc. of Charlotte requested withdrawal of their bid for \$190,832.39, citing clerical errors in accordance with Section 103-3, "Withdrawal of Bid – Mistakes" of the NCDOT Standards. A hearing was held on June 20, 2011 where T.K. Browne presented an affidavit certifying the working papers were original and indicated the error.

- North Carolina State statute G.S. 143-129.1 allows bidders 72 hours to withdraw a bid without penalty in the event of a substantial bid error.
- Bids will expire on August 14, 2011 if not awarded prior to that date.

#### **Explanation**

- Birnen Pond is a one-acre pond located along Birnen Drive in the Cameron Woods neighborhood which is north and east of the intersection of Park Road and Johnston Road.
- Birnen Pond drains to an unnamed tributary that eventually drains to McMullen Creek identified as impaired by Clean Water Act standards.
- The improvements will make the pond more efficient at enhancing the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is an extremely cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Enhancing the existing pond on private property provides public benefits by removing pollutants and reducing stream bank erosion.
- If the existing pond fails, there will be negative impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.
- Improvements include, but are not limited to the following:
  - Repairing and improving the spillway
  - Installing a new riser structure and bottom drain assembly to enhance the water quality benefits of the pond
  - Grout repairs to the existing spillway
- Construction is expected to be complete third quarter 2012.

#### **Small Business Opportunity**

Established SBE Goal: 4.00%

Committed SBE Goal: 5.00%

RJJ Construction LLC committed 5.00% (\$12,085.93) of the total contract amount to the following SBE: 8 Star Construction (hauling).

#### **Funding**

Storm Water Capital Investment Plan

## **40. Airport Multifunction Snow Plow and Broom**

**Action: Approve the purchase of a Fresia 2000 Multifunction Snow Plow from Fortbrand Services, Inc. in the amount of \$163,000.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- In November 2010, Aviation solicited, through a Request for Proposals (RFP), the lease of a multifunction snow plow and broom for a five-month period to test and evaluate the capabilities of this equipment.
- Fortbrand Services was the only vendor who submitted a proposal.
- As part of the RFP submission, Fortbrand Services proposed a five-month lease in the amount of \$35,000 with an option to purchase at the end of the lease.

- The Fresia 2000 multifunction snow plow performed flawlessly during the January 2011 snow storm enabling the airport to keep the entire airport operating during the winter event.
- In addition to snow removal, the Fresia 2000 can be used to remove rubber build up on the runway pavement surfaces in conjunction with an environmentally friendly chemical. This process will save the airport approximately \$22,000 annually on rubber removal costs. Aviation has already used this equipment twice during the lease period to perform rubber removal.
- The purchase of this multifunction snow plow is included in Aviation's 2012 Budget.
- The purchase option of the lease expires on July 31, 2011.

#### **Small Business Opportunity**

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

#### **Funding**

Aviation Operating Budget

## **41. Airport Valet Contract Extension**

**Action: Approve a one-year contract extension with Park, Inc. for the management of the Valet parking operation at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- On July 28, 2003, Council approved a five-year management contract with Park, Inc. (formerly Parking Solutions) to manage the curbside valet parking at the Airport.
- On February 26, 2007, Council approved a contract amendment to add Business Valet, a remote valet service, on Wilkinson Boulevard in anticipation of the construction of a parking deck.
- On May 27, 2008, Council approved a three-year contract extension with Park, Inc. to manage curbside and business valet parking at the Airport.
- Based on the contractor's performance record, quality of service and personnel, the Airport would like to extend this agreement for an additional year.
- Park, Inc. is paid a flat fee of \$900 per month and is eligible for an incentive fee of 5% of annual profits. Additionally, Park, Inc. is reimbursed for allowable expenses according to an annual budget approved by the Aviation Director in advance.
- The approved valet parking operating budget for FY2012 is \$1,360,198 with gross revenues estimated at \$4.77 million.
- The Airport will issue a Request for Proposals in early 2012 for valet services.

#### **Small Business Opportunity**

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

#### **Funding**

Aviation Operating Budget

## 42. State Aid to Airports Grant

- Action:**
- A. Adopt a resolution accepting a North Carolina Department of Transportation (NCDOT) Grant in the amount of \$500,000, and**
  - B. Adopt a budget ordinance to appropriate funds received from the NCDOT grants in the amount of \$500,000.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Each year, the NCDOT Division of Aviation allocates funds for the State's Aid to Airports grant program to the state's airports.
- Charlotte, Raleigh, and Greensboro Airports' allotment from this fund is \$500,000 each for FY2011.
- This grant will fund a portion of the Runway 18C/36C Rehabilitation project.

### Funding

NCDOT Grant

### Attachment 15

Resolution

Budget Ordinance

## 43. Airfield Lighting Repair Parts

- Action:**
- A. Approve the purchase of airfield lighting equipment and parts for repairs, as authorized by the sole source purchasing exception of G.S. 143-129(e)(6),**
  - B. Approve a three year contract with Siemens ADB Airfield Solutions for equipment and repair parts used for the airfield and runways in the amount of \$300,000,**
  - C. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as stipulated by the contract at the time of renewal.**

**Staff Resource:** Jerry Orr, Aviation

### Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for standardization and compatibility with existing Siemens ADB equipment.
- Purchases made under the sole source exemption require City Council approval.

**Explanation**

- The Aviation Department maintains all of the runway and taxiway airfield lighting system with a team of five in-house airfield electricians.
- The airfield lighting consists of runway edge lights, centerline lights, touchdown zone lights, taxiway edge lights and centerline lights, along with runway and taxiway directional signs.
- The lighting system is powered by three airfield electrical vaults located in separate areas on the airfield where transformers and computer equipment are located that operate and provide the electricity to the lighting system.
- There are 7,598 lighting fixtures and signs, four emergency generators that provide 100% backup, approximately 600 miles of electrical cable and eight computer stations that operate the complex airfield lighting system.
- The predominant vendor and supplier of this equipment is ADB Siemens Airfield Solutions. Most of the parts of this system are either OEM (Original Equipment Manufacturer) or proprietary as this relates to the computer equipment.
- This contract will provide for the purchase of various runway and taxiway lighting repair parts and equipment.
- The contract shall be for a period of three years with two, one-year extensions at the City's sole discretion. The total cost for the first three years is \$300,000.
- The Aviation Department has spent approximately \$80,000/year over the last several years with ADB Siemens Airfield Solutions and with the additional runway and warranty expiration, the Aviation Department expects to exceed that yearly expenditure.

**Small Business Opportunity**

Sole source contracts are exempt (Appendix Section 23.2 of the SBO policy).

**Funding**

Airport Operating Fund

**44. Passenger Loading Bridge Repair Parts**

- Action:**
- A. Approve the purchase of passenger loading bridge equipment, material and repair parts from John Bean Technologies, as authorized by the sole source purchasing exception of G.S. 143-129(e)(6),**
  - B. Approve a three-year contract with John Bean Technologies for equipment, material and repair parts used for the passenger loading bridges in the amount of \$300,000, and**
  - C. Authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustments as stipulated by the contract at the time of renewal.**

**Staff Resource:** Jerry Orr, Aviation

**Sole Source Exception**

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:

- Performance or price competition are not available;
- A needed product is available from only one source or supply; or
- Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for standardization and compatibility.
- Purchases made under the sole source exemption require City Council approval.

#### **Explanation**

- The Aviation Department owns and maintains 58 passenger loading bridges, 66 ground power units, and 45 pre-conditioned air units manufactured by either John Bean Technologies, Thyssen or Dew Engineering. The current list of John Bean equipment that is used to provide power and conditioned air to the aircraft while it is docked to the concourses include:
  - 42 Passenger Loading Bridges (Jetways)
  - 46 Ground Power Units
  - 31 Pre-Conditioned Air Units
- John Bean Technologies is the manufacturer of this specialized airport equipment. The original equipment manufacturer parts are required to maintain performance standards, standardization, and compatibility with existing equipment.
- Last year, the Aviation Department spent approximately \$85,000 with John Bean Technologies to acquire OEM and proprietary parts and materials.

#### **Small Business Opportunity**

Sole source contracts are exempt (Appendix Section 23.2 of the SBO policy).

#### **Funding**

Airport Operating Fund

## **45. Union County Radio Service Interlocal Amendment**

**Action:**

**A. Approve an Amendment to the Interlocal Agreement with Union County for Public Safety Radio System Interoperability and Infrastructure Services, and**

**B. Adopt a budget ordinance in the amount of \$711,157, appropriating additional program revenue.**

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

#### **Background**

- The City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte in December of 2003. The Interlocal Agreement anticipated the regionalization of the radio system by stating, "The City and the County shall work together to foster regional use of the Radio Network and will develop a regional plan for approval by the Radio Communications Council to promote regional participation. This plan will promote regional use of the Radio Network within the Network's present and future capacity. At all times public safety and homeland security users will have priority."

- The City is the lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative 11 County region. As the lead agency, the City has completed establishing the infrastructure necessary for regional voice communications interoperability with the support of several grants. The City has received Agency Applications from Union County and all of its municipalities, as well as from the cities of Gastonia, Belmont, and Mt Holly. Union County entered into an agreement to join the regional public safety radio network infrastructure in 2008.

**Explanation**

- The amendment to the radio services agreement includes additional radio maintenance services.
- All service provided by the City within the terms of the Amendment will be fully funded by Union County, including the funding of 2.25 full-time equivalents (FTE). Two FTEs will be added upon execution of the agreement and the 0.25 FTE will be added upon execution of pending external agreements.
  - One FTE will provide network support for all of Union County’s network equipment.
  - One FTE will provide subscriber equipment support for all radios.
  - The 0.25 FTE will represent Union County’s portion of a Network Asset Manager position to manage all assets using the consolidated radio system.
- Projected revenue, including an increase of \$88,336 for full-time on-site technician support, is expected to total \$711,157.
- Union County approved the Amendment on June 20, 2011. Mecklenburg County Board of County Commissioners is scheduled to approve the amendment on August 2, 2011.

**Attachment 16**

Budget Ordinance

**46. Lease for Equipment Maintenance Facility**

**Action:**

**A. Approve a five-year lease with The Matlock Family Trust (Lessor) for the property located at 5550 Wilkinson Boulevard (PID #06126101 & #06126603) in the amount of \$216,000 per year with 2% annual rate increases to combine two Business Support Services (BSS) operations, and**

**B. Authorize the City Manager to execute two, one-year extensions within the rate increases detailed in the Lease Agreement.**

**Staff Resources:** Charles Robinson Business Support Services  
 Timothy O’Brien, Engineering & Property Management

**Explanation**

- Currently, the City leases three separate properties for the commissioning and decommissioning of vehicles.
- BSS’ Equipment Management Division (EMD) on Dwelle Street, receives and commissions new vehicles (installs decals, lighting, radio and other

special equipment) and decommissions (removal of same) all vehicles prior to disposal. Decommissioned vehicles are transported to the Asset Recovery & Disposal (ARD) facility at 3301 Rotary Drive for disposition, with the majority sold by public auction. Having the two BSS operations 4.3 miles apart increases logistical problems and operational expenses.

- Because the existing EMD facility does not have enough parking, BSS has been leasing parking space about a block away, at the former Merita Bread building. This property is now on the market, precluding a long term lease and leaving the parking situation uncertain.
- BSS and the Real Estate Division have been searching for more than two years to find a single-tenant industrial building with the acreage needed to combine EMD and ARD operations.
- The Matlock property contains a building that can meet the needs of both groups, with approximately eight acres of shared parking. Decommissioned vehicles can remain on the lot until auctioned (typically April and September).
- Combining the operations will improve customer service and processes, with staff already identifying efficiencies and economies of scale.
- Operating the two facilities at this location will be cost-neutral, with savings from shared utilities, reduced towing and other efficiencies.

**Terms of the Lease Agreement**

- 7.94 acres at Wilkinson Boulevard and Stafford Drive (northeast of new Airport administration facilities)
- 24,955 square feet of warehouse, 1,765 square feet of office space
- Five-year term commencing November 1, 2011, with two, one-year extensions
- Lease rate of \$18,000 per month or \$216,000 per year with 2% annual rate increase
- City pays all utilities and mows around the building
- Landlord pays taxes and insurance

**Funding**

Business Support Services Operating Budget

**47. Property Acquisition for Police’s Eastway Division Station**

**Action:**

**A. Authorize the City Manager to execute the Purchase and Sale Agreements for Parcel 1 (PID 095-132-06), Parcel 2 (PID 095-132-11) and Parcel 3 (PID 095-132-06),**

**B. Authorize the acquisition by condemnation of Parcel 4 (PID 095-132-08), Parcel 5 (PID 095-132-09) and Parcel 6 (PID 095-132-10), and**

**C. Authorize the City Manager to approve payment up to \$1,186,975.**

**Staff Resources:** Robert Drayton, Engineering & Property Management  
 Katrina Graue, Police

**Explanation**

- A new 12,500-square-foot police station is proposed for this site, located at Central Avenue and Merry Oaks Road. The new police station will

replace the existing facility located in the Eastway Crossing Shopping Center on Eastway Drive. The total areas to be acquired include 3.3 acres in fee simple plus .40 acres in right-of-way.

- The selected location includes six parcels which will provide enough land area for the station and associated improvements.
- Once these properties are owned by the City, the City will seek rezoning approval from the current R-4 and R-22 MF to Neighborhood Services.
- The City reached an agreement with the owners of three parcels and has been unable to reach a negotiated settlement with the remaining three owners of the parcels, which will need to be acquired by condemnation.

### **Background**

- A minimum of 3.0 acres is needed to accommodate the 12,500-square-foot facility, parking, and to meet land development ordinance requirements.
- The CMPD Facilities Strategic Plan adopted in February 2010 outlined the following criteria to guide City staff in identifying a site suitable for future division offices:
  - Site must be highly visible, located on a major thoroughfare
  - Easily accessible from patrol division area
  - Accommodate a facility containing a minimum of 12,500 square feet of floor area, secured parking for at least 95 vehicles and public parking for at least 10 vehicles
- Over 30 sites were included in a site search. This site was identified as the preferred location due to access, development cost, topography and configuration.

### **Funding**

Government Facilities Capital Investment Plan

### **Attachment 17**

Map

List of properties

## **48. Workers' Compensation Claim Settlement**

**Action: Approve a full and final settlement of a Workers' Compensation claim for Charlotte Mecklenburg Police Department employee, John Collins, Jr.**

**Staff Resource:** Greg Gaskins, Finance

### **Explanation**

- This payment will be a full and final settlement.
- On May 3, 2010, Mr. Collins experienced a work-related injury.
- A confidential memo has been sent to City Council with the necessary details.

### **Funding**

Self-Funded Loss Fund

## **49. 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 \$9,298.53, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$202.53.**

**Staff Resource:** Greg Gaskins, Finance

### **Attachment 18**

Resolutions

Lists of property tax and business license refunds

## PROPERTY ITEMS

### 50. Property Transactions

**Action: Approve the following property transactions (A-C) and adopt the condemnation resolutions (D-AE).**

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

#### Acquisitions

- A. Project:** Browne Road/Hucks Road Improvements, Parcel # 10, #12 and #13  
**Owner(s):** Amber Leigh, LLC  
**Property Address:** Browne Road and Amber Leigh Way Drive  
**Property to be acquired:** 655 sq. ft. (.015 ac.) in Fee Simple, plus 1,998 sq. ft. (.046 ac.) in Sidewalk and Utility Easement, plus 150 sq. ft. (.003 ac.) in Utility Easement, plus 9,996 sq. ft. (.229 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential - Common  
**Tax Code:** 027-602-18, 027-602-01 and 027-603-22  
**Total Parcel Tax Value:** \$0 (HOA Common Property)  
**Purchase Price:** \$29,575
- B. Project:** Kenilworth @ Pearl, Parcel # 20  
**Owner(s):** Demayo Real Estate, LLC (Units 100 & 102); Richard M. Apfel and Darlene S. Jones (Unit 204); Park Plaza Condo Associates, LLC (Unit 300); Mecklenburg County c/o Real Estate/Finance Dept. (Units 200 & 202)  
**Property Address:** 741 Kenilworth Avenue  
**Property to be acquired:** 172 sq. ft. (.004 ac.) in Fee Simple, plus 3,303 sq. ft. (.076 ac.) in Sidewalk and Utility Easement, plus 3,812 sq. ft. (.088 ac.) in Temporary Construction Easement  
**Improvements:** None

**Landscaping:** Trees and Shrubs  
**Zoned:** O-2  
**Use:** Office Condominium  
**Tax Code:** 125-213-30, 125-213-31, 125-213-32, 125-213-34 and 125-213-35  
**Total Parcel Tax Value:** \$3,005,900  
**Purchase Price:** \$75,000

- C. Project:** McAlpine Stream Restoration, Parcel # 36  
**Owner(s):** Donald R. Harris, II and Wife, Tammy Harris  
**Property Address:** 700 Mountainview Drive  
**Property to be acquired:** 20,331 sq. ft. (.467 ac.) in Conservation Easement, plus 7,060 sq. ft. (.162 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 213-091-06  
**Total Parcel Tax Value:** \$597,500  
**Purchase Price:** \$22,000

### Condemnations

- D. Project:** Boyce Road Sidewalk, Parcel # 6  
**Owner(s):** Bennie R. Jones and Wife, Linda Sue S. Jones and Any Other Parties of Interest  
**Property Address:** 301 Boyce Road  
**Property to be acquired:** 1,680 sq. ft. (.039 ac.) in Fee Simple, plus 820 sq. ft. (.019 ac.) in Existing Right-of-Way, plus 40 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 249 sq. ft. (.006 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 189-271-91  
**Total Parcel Tax Value:** \$196,500  
**Appraised Value:** \$7,000  
**Property Owner's Counteroffer:** \$7,500  
**Reason for Condemnation:** To secure property right-of-way and easements required for the construction of the Boyce Road sidewalk project. The title abstract revealed information that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- E. Project:** Boyce Road Sidewalk, Parcel # 24  
**Owner(s):** Troy S. McCrory and Wife, Nettie Kimbrow McCrory and Any Other Parties of Interest  
**Property Address:** 657 Boyce Road  
**Property to be acquired:** 559 sq. ft. (.013 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 189-271-24

**Total Parcel Tax Value:** \$245,900

**Appraised Value:** \$475

**Property Owner's Counteroffer:** \$1,500

**Reason for Condemnation:** To secure property right-of-way and easements required for the construction of the Boyce Road sidewalk project. The property owners are against the sidewalk. Staff and the property owner have not resolved the difference in the appraisal and their counter offer. In order to maintain the project schedule, condemnation is recommended.

- F. Project:** East Ford Road Sidewalk Project, Parcel # 9  
**Owner(s):** Kelly Jo Cox and Any Other Parties of Interest  
**Property Address:** 3201 East Ford Road  
**Property to be acquired:** 316 sq. ft. (.007 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 093-103-09  
**Total Parcel Tax Value:** \$165,000  
**Appraised Value:** \$275  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a sidewalk project from Shamrock Drive to Matheson Road. The property owner was concerned about the proximity of the sidewalk to her house as well as potential damage to an oak tree. The project was redesigned with the sidewalk completely within the City's existing right of way, moving the sidewalk further away from her house. Still unsatisfied, the property owner requested a meeting with the project team. The Project Manager, Real Estate agent, Construction Project Manager and the City Arborist attended at the agreed time, however, the property owner did not attend. The property owner later made additional design requests to which the City could not agree. In order to maintain the project schedule, condemnation is recommended.
- G. Project:** McKee Creek Outfall - Mecklenburg County, Parcel # 62  
**Owner(s):** The Heirs at Law of Orra Gwynn a/k/a Ora Goode Gwynne and Any Other Parties of Interest  
**Property Address:** 7406 Gwynne Hill Road  
**Property to be acquired:** 1,569 sq. ft. (.036 ac.) in Sanitary Sewer Easement, plus 1,666 sq. ft. (.038 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 111-143-33  
**Total Parcel Tax Value:** \$6,000  
**Appraised Value:** \$350  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This project will provide sanitary sewer to the McKee Creek Basin in Cabarrus County. The title

indicates issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- H. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 28  
**Owner(s):** Kenneth L. Caldwell and Any Other Parties of Interest  
**Property Address:** 6017 Milhaven Lane  
**Property to be acquired:** 1,641 sq. ft. (.038 ac.) in Sidewalk and Utility Easement, plus 944 sq. ft. (.022 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 041-204-07  
**Total Parcel Tax Value:** \$21,800  
**Appraised Value:** \$925  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This sidewalk will provide sidewalk on one side of Milhaven Lane from Sunset Road to Statesville Avenue. The property owner is against the project and has refused to any agreement. In order to maintain the project schedule, condemnation is recommended.
- I. Project:** North Hoskins/Rozzelles Ferry- Tennessee Avenue Sidewalk, Parcel # 6  
**Owner(s):** Angie Patterson a/k/a Angie Richardson and Spouse, George Patterson, III and Any Other Parties of Interest  
**Property Address:** 245 North Hoskins Road  
**Property to be acquired:** 302 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 841 sq. ft. (.019 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 039-044-13  
**Total Parcel Tax Value:** \$58,600  
**Appraised Value:** \$0  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a sidewalk project. The appraisal determined this project to be a benefit to the property due to an approved 2004 zoning petition that required the property owners to install curb and gutter which has yet to be installed. The property owners verbally agreed to sign the acquisition documents. However, to date, this has not occurred. In order to maintain the project schedule, condemnation is recommended.
- J. Project:** North Hoskins/Rozzelles Ferry- Tennessee Avenue Sidewalk, Parcel # 19  
**Owner(s):** Dorothy R. Keistler and Any Other Parties of Interest  
**Property Address:** 400 North Hoskins Road  
**Property to be acquired:** 758 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 2,789 sq. ft. (.064 ac.) in Sidewalk

and Utility Easement, plus 1,032 sq. ft. (.024 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 039-024-01

**Total Parcel Tax Value:** \$148,100

**Appraised Value:** \$700

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This is a sidewalk project. The property owner requested the City guarantee the abandonment of the right-of-way adjacent to his property in exchange for the areas needed for the project. The right-of-way abandonment process begins with a petition from the property owner and requires agreement from all abutting property owners. Staff could not guarantee the abandonment. The property owner was given all of the information needed to begin the abandonment process. In order to maintain the project schedule, condemnation is recommended.

**K. Project:** North Hoskins/Rozzelles Ferry- Tennessee Avenue Sidewalk, Parcel # 24

**Owner(s):** Dorothy R. Keistler and Any Other Parties of Interest

**Property Address:** 322 North Hoskins Road

**Property to be acquired:** 565 sq. ft. (.013 ac.) in Sidewalk and Utility Easement, plus 886 sq. ft. (.020 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 039-023-16

**Total Parcel Tax Value:** \$40,800

**Appraised Value:** \$325

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This is a sidewalk project. The property owner requested the City guarantee the abandonment of the right-of-way adjacent to his property in exchange for the areas needed for the project. The right-of-way abandonment process begins with a petition from the property owner and requires agreement from all abutting property owners. Staff could not guarantee the abandonment. The property owner was given all of the information needed to begin the abandonment process. In order to maintain the project schedule, condemnation is recommended.

**L. Project:** North Hoskins/Rozzelles Ferry- Tennessee Avenue Sidewalk, Parcel # 31

**Owner(s):** Dorothy R. Keistler and Any Other Parties of Interest

**Property Address:** 220 North Cloudman Street

**Property to be acquired:** 5 sq. ft. in Storm Drainage Easement

**Improvements:** None

**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 039-044-02  
**Total Parcel Tax Value:** \$35,600  
**Appraised Value:** \$25  
**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This is a sidewalk project. The property owner requested the City guarantee the abandonment of the right-of-way adjacent to his property in exchange for the areas needed for the project. The right-of-way abandonment process begins with a petition from the property owner and requires agreement from all abutting property owners. The City could not guarantee the abandonment. The property owner was given all of the information needed to begin the abandonment process. In order to maintain the project schedule, condemnation is recommended.

**M. Project:** North Hoskins/Rozzelles Ferry- Tennessee Avenue Sidewalk, Parcel # 33

**Owner(s):** Dorothy R. Keistler and Any Other Parties of Interest

**Property Address:** Black Avenue

**Property to be acquired:** 78 sq. ft. (.002 ac.) in Storm Drainage Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 039-044-21

**Total Parcel Tax Value:** \$59,800

**Appraised Value:** \$50

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This is a sidewalk project. The property owner requested the City guarantee the abandonment of the right-of-way adjacent to his property in exchange for the areas needed for the project. The right-of-way abandonment process begins with a petition from the property owner and requires agreement from all abutting property owners. Staff could not guarantee the abandonment. The property owner was given all of the information needed to begin the abandonment process. In order to maintain the project schedule, condemnation is recommended.

**N. Project:** Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel # 97

**Owner(s):** James H. Counts and Any Other Parties of Interest

**Property Address:** 415 Bradford Drive

**Property to be acquired:** 438 sq. ft. (.010 ac.) in Sidewalk and Utility Easement, plus 948 sq. ft. (.022 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Bushes

**Zoned:** B-1

**Use:** Commercial

**Tax Code:** 063-032-35

**Total Parcel Tax Value:** \$47,700

**Appraised Value:** \$1,025

**Property Owner's Counteroffer:** \$5,000

**Reason for Condemnation:** This is a Neighborhood Improvement Project. The property owner is against the project. His issues are the proximity of the sidewalk to his house (similar to all properties on this street) as well as the appraised value. In order to maintain the project schedule, condemnation is recommended.

- O. Project:** Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel # 161  
**Owner(s):** Raymond Paul and Bebi F. Paul, as Trustees For The Paul Living Trust Dated January 15, 2007 And Any Other Parties Of Interest  
**Property Address:** 1127 Montcalm Street  
**Property to be acquired:** 371 sq. ft. (.009 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-051-06  
**Total Parcel Tax Value:** \$79,100  
**Appraised Value:** \$25  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement Project. City staff has been unable to locate the property owner. The title abstract also indicates issues which may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- P. Project:** Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel # 163  
**Owner(s):** James H. Counts and Any Other Parties of Interest  
**Property Address:** 1122 Montcalm Street  
**Property to be acquired:** 529 sq. ft. (.012 ac.) in Fee Simple, plus 143 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 063-084-33  
**Total Parcel Tax Value:** \$39,700  
**Appraised Value:** \$1,075  
**Property Owner's Counteroffer:** \$5,000  
**Reason for Condemnation:** This is a Neighborhood Improvement Project. The property owner is against the project. His issues are the proximity of the sidewalk to his house on another parcel he owns on the project, (similar to all properties on this street) as well as the appraised value. In order to maintain the project schedule, condemnation is recommended.

- Q.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 4  
**Owner(s):** Betty Jones a/k/a Betty Little and Randy Little and Any Other Parties of Interest  
**Property Address:** 2304 Catalina Avenue  
**Property to be acquired:** 408 sq. ft. (.009 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-095-02  
**Total Parcel Tax Value:** \$66,700  
**Appraised Value:** \$125  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. Property owner has been unresponsive to numerous contact attempts. The title abstract also indicates issues which may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- R.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 7  
**Owner(s):** Darius Clark and Any Other Parties of Interest  
**Property Address:** 2600 Catalina Avenue  
**Property to be acquired:** 168 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 177 sq. ft. (.004 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-081-08  
**Total Parcel Tax Value:** \$72,500  
**Appraised Value:** \$150  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. An agreement was reached with the property owner. However, the title abstract revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- S.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 47  
**Owner(s):** Benjamin A. Byers and Wife, Wanda J. Byers and Any Other Parties of Interest  
**Property Address:** 2955 Dogwood Avenue  
**Property to be acquired:** 1,080 sq. ft. (.025 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-053-16  
**Total Parcel Tax Value:** \$89,900  
**Appraised Value:** \$450

**Property Owner's Counteroffer:** None

**Reason for Condemnation:** This is a Neighborhood Improvement project. The property owner was not willing to grant the easement. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- T. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 48  
**Owner(s):** James F. McClure and Wife, Carolyn Deloris McClure and Any Other Parties of Interest  
**Property Address:** 2961 Dogwood Avenue  
**Property to be acquired:** 906 sq. ft. (.021 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-053-01  
**Total Parcel Tax Value:** \$116,200  
**Appraised Value:** \$650  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. The property owner is dissatisfied with the location of the sidewalk on the entire project. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- U. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 61  
**Owner(s):** Sharon R. Gaines and Any Other Parties of Interest  
**Property Address:** 2409 Grimes Street  
**Property to be acquired:** 448 sq. ft. (.010 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-079-08  
**Total Parcel Tax Value:** \$70,100  
**Appraised Value:** \$200  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owner. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- V. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 74  
**Owner(s):** Marion L. Belton, Jr., Mary L. Steele, Roger Belton, Brendon A. Belton, Keith Belton, Calvin Belton and Helen Belton, heirs of Marion Lee Belton, Sr.  
 And Any Other Parties Of Interest  
**Property Address:** 2631 Grimes Street

**Property to be acquired:** 233 sq. ft. (.005 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-075-29  
**Total Parcel Tax Value:** \$81,200  
**Appraised Value:** \$50  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owners. The title abstract revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- W. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 97  
**Owner(s):** Christopher Dennis and Any Other Parties of Interest  
**Property Address:** 722 Norris Avenue  
**Property to be acquired:** 204 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 1,508 sq. ft. (.035 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-043-14  
**Total Parcel Tax Value:** \$114,100  
**Appraised Value:** \$2,400  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owner. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- X. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 101  
**Owner(s):** Sarah Moore Armstrong and Any Other Parties of Interest  
**Property Address:** 2742 Bancroft Street  
**Property to be acquired:** 125 sq. ft. (.003 ac.) in Sidewalk and Utility Easement, plus 736 sq. ft. (.017 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-043-10  
**Total Parcel Tax Value:** \$79,200  
**Appraised Value:** \$175  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. The property owner refused to meet

with City staff to discuss the project. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- Y.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 105  
**Owner(s):** William Henry Brown and Any Other Parties of Interest  
**Property Address:** 2812 Bancroft Street  
**Property to be acquired:** 487 sq. ft. (.011 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-043-06  
**Total Parcel Tax Value:** \$73,600  
**Appraised Value:** \$75  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owner. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- Z.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 121  
**Owner(s):** Ruby Mae Harrell a/k/a (Miss) Ruby Mae Harrell, Ruby Mae Miss Harrell, Miss Ruby Mae Harrell and Any Other Parties of Interest  
**Property Address:** 800 Norris Avenue  
**Property to be acquired:** 157 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 75 sq. ft. (.002 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 085-042-08  
**Total Parcel Tax Value:** \$76,200  
**Appraised Value:** \$175  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owner. The title abstract also revealed issues that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- AA.** **Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 139  
**Owner(s):** Allen Bell, Jr. and Ruth R. Bell a/k/a Ruth E. Bell and Any Other Parties of Interest  
**Property Address:** 517 Concordia Avenue  
**Property to be acquired:** 784 sq. ft. (.018 ac.) in Temporary Construction Easement  
**Improvements:** None

**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-099-12  
**Total Parcel Tax Value:** \$68,200  
**Appraised Value:** \$125  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. The property owner refused to meet with City staff to discuss the project. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

- AB. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 140  
**Owner(s):** Rosalee Pegues and Any Other Parties of Interest  
**Property Address:** 513 Concordia Avenue  
**Property to be acquired:** 484 sq. ft. (.011 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-099-11  
**Total Parcel Tax Value:** \$59,000  
**Appraised Value:** \$275  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. The property owner's son was very vocal regarding the project and their refusal to work with the City. The title abstract also revealed issues that may prevent the City from obtaining clear title. Therefore, condemnation is recommended.
- AC. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 143  
**Owner(s):** John Paugh and Any Other Parties of Interest  
**Property Address:** 2337 Bancroft Street  
**Property to be acquired:** 426 sq. ft. (.010 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Zoned:** R-5  
**Use:** Vacant  
**Tax Code:** 079-098-16  
**Total Parcel Tax Value:** \$59,800  
**Appraised Value:** \$75  
**Property Owner's Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement project. City staff has been unable to locate the property owner. Therefore, condemnation is recommended.
- AD. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 147  
**Owner(s):** Estate of Elizabeth Phifer Thomas (DOD: 2-9-95 in Mecklenburg County) and Any Other Parties of Interest

**Property Address:** 605 Franklin Avenue  
**Property to be acquired:** 14 sq. ft. in Sidewalk and Utility Easement, plus 788 sq. ft. (.018 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-097-02  
**Total Parcel Tax Value:** \$70,300  
**Appraised Value:** \$125  
**Property Owner’s Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement Project. A will has never been probated and there is no estate file on record. The heirs to the property are unknown. The title abstract also revealed issues that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

**AE. Project:** Tryon Hills Neighborhood Improvement Project, Parcel # 148  
**Owner(s):** Schwanna J. Mack and the South Street Group, LLC and Any Other Parties of Interest  
**Property Address:** 601 Franklin Avenue  
**Property to be acquired:** 645 sq. ft. (.015 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 079-097-01  
**Total Parcel Tax Value:** \$68,200  
**Appraised Value:** \$100  
**Property Owner’s Counteroffer:** None  
**Reason for Condemnation:** This is a Neighborhood Improvement Project. The owners of record believe they do not own the property. The title abstract also revealed major issues with the chain of title that will prevent the City from obtaining clear title. Therefore, condemnation is recommended.

## 51. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk’s record as the minutes of:

- March 7, 2011
- April 11, 2011
- April 13, 2011 Budget Retreat
- April 25, 2011
- May 2, 2011