

**Mayor Anthony Foxx**

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

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, March 8, 2010**

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

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**CITY COUNCIL AGENDA**  
**Monday, March 8, 2010**

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### 2. MUMPO 2035 Long Range Transportation Plan

**Committee Chair:** David Howard

**Staff Resources:** Danny Pleasant, Transportation  
Norm Steinman, Transportation

**Time:** 25 minutes

**Synopsis**

- MUMPO has released the draft 2035 Long Range Transportation Plan (LRTP) for public review. Federal regulations require metropolitan planning organizations in air quality non-attainment areas to prepare and adopt a long range transportation plan (LRTP) every four years.
- MUMPO has also released for public review an amendment to the 2009-2015 Transportation Improvement Program (TIP). This amendment is necessary to reflect the change for the start of construction of I-485 in northeast Charlotte from 2015 to 2011.
- Both documents are supported by an Air Quality Conformity Determination Report. This report demonstrates that air pollutant emissions from motor vehicle travel associated with the projects in the LRTP and TIP will eliminate or reduce violations of the national ambient air quality standards in the Metrolina area.
- All three documents are available for review at MUMPO's website ([www.mumpo.org](http://www.mumpo.org)).
- On February 25, the Transportation Committee voted unanimously (Howard, Barnes, Cooksey, Kinsey) to recommend that the City Council direct the vote of the MUMPO representative, Mayor Pro Tem Burgess, to approve the 2035 LRTP, amendment to 2009-2015 TIP, and the Air Quality Conformity Determination Report.

**Future Action**

This is item 11, page 9, of this agenda.

### 3. Center City 2020 Plan

**Resources:** Debra Campbell, Planning  
 Michael Smith, Charlotte Center City Partners  
 Harvey Gantt, Co-Chairman, 2020 Center City Vision Plan  
 Ann Caulkins, Co-Chairman, 2020 Center City Plan

**Time:** 25 minutes

#### Synopsis

- The Center City 2020 Vision Plan is a community-driven planning effort that will culminate in recommendations to guide the growth and development of Charlotte-Mecklenburg's urban core over the next decade.
- The project effort, sponsored by the City of Charlotte, Charlotte Center City Partners, and Mecklenburg County, is chaired by Ann Caulkins of the Charlotte Observer and Harvey Gantt of Gantt Huberman Architects.
- The consultant team, led by MIG Inc. and supported by Charlotte firms Cole Jenest Stone, Wray Ward, and Kimley-Horn, began the effort in September 2009.
- In addition to collecting data and information and conducting many stakeholder interviews, the consultants have implemented a far-reaching community engagement effort, including a community workshop, steering committee meetings, working group meetings, a lecture series, and county-wide neighborhood workshops.
- Staff from the Planning Department, Center City Partners, and the Co-Chair will update Council on:
  - Planning process
  - Feedback received to date from community forums
  - Path forward

#### Future Action

The final plan is scheduled to be adopted by City Council in late 2010.

### 4. Mecklenburg County Domestic Violence Advisory Board Annual Report

**Resources:** Marage Blakeney, Chair  
 Julie Owens, Co-Chair

**Time:** 20 minutes

#### Synopsis

- In 1992, the City of Charlotte and Mecklenburg County formed a citizen advisory commission entitled Domestic Violence Advisory Board (DVAB), to address the systemic problems associated with domestic violence.
- This body is charged to review and evaluate Mecklenburg County and City of Charlotte domestic violence services and make appropriate recommendations to the BOCC and City Council on the need for additional services to victims of domestic violence. The members are appointed by the Mayor, the Board of County Commissioners (BOCC), and the City Council.
- The DVAB also provides vigorous advocacy and works to increase public awareness of domestic violence within the community.

- The Domestic Violence Advisory Board will present its 2009 Annual Report to City Council.

**Future Action**

This report is only for information.

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

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

**6. Proclamation for Census Awareness Month**

**Action: Mayor Foxx to recognize Sue Breckenridge and Melanie Sizemore, Co-chairs of the 2010 Charlotte-Mecklenburg Complete Count Committee, and to present them with a Proclamation highlighting the month of March as 2010 Census Awareness Month.**

## **CONSENT**

- 7. Consent agenda items 18 through 36 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

### 8. Public Hearing on Resolution to Close a Portion of Armory Drive

**Action:**   **A. Re-open and conduct a public hearing to close a portion of Armory Drive, and**

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

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

#### **Policy**

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

#### **Explanation**

- This public hearing is continued from February 8.
- 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**

Central Piedmont Community College - Mr. Rich Rosenthal

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

A portion of Armory Drive

#### **Location**

Located within the Elizabeth Community; a 60 foot wide right-of-way beginning at Kings Drive continuing approximately 410 feet southeastwardly then tapering to a width of 35 feet continuing an additional 280 feet to its terminus consisting of 28,809 square feet

#### **Reason**

To incorporate right-of-way into adjacent parcels for a future development plan that includes a greenway connector

#### **Notification**

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

#### Adjoining Property Owners

City of Charlotte- No objections by staff  
Mecklenburg County- No objections

Neighborhood/Business Associations

Cherry Community Organization- No response  
 Friends & Residents of Historic Cherry- No response  
 Elizabeth Community Association- No objections  
 Belmont Community- No response  
 First Ward Community Fund, Inc- No objections  
 First Ward Neighbors, Inc- No response

Private Utility Companies – No objections

City Departments

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

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

**Attachment 1**

Map  
 Resolution

**9. Public Hearing on Resolution to Close a Portion of Edenbridge Lane, Vanderhorn Lane, and Banfield Place**

**Action:**   **A. Conduct a public hearing to close a portion of Edenbridge Lane, Vanderhorn Lane, Banfield Place, and**  
                   **B. Adopt a resolution to close.**

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

**Policy**

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

**Explanation**

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

**Petitioner**

Bellmore Hall, LLC- Mr. Ray Killian, Jr.

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

A portion of Edenbridge Lane, Vanderhorn Lane, and Banfield Place

**Location**

As part of the new Bellmore Hall Subdivision located within the Olde Providence East Community; A portion of Edenbridge Lane: beginning at its intersecting point with Windyrush Road as a 50-foot wide right-of-way running approximately 380 feet southeastwardly then curving southwest and continuing 450 feet while narrowing to a 40-foot wide right-of-way that terminates at parceled property and consisting of 40,946 square feet; Vanderhorn Lane: a 50-foot wide right-of-way beginning at its intersecting point with Banfield Place and continuing approximately 200 feet northeastwardly to its terminus at its intersecting point with Edenbridge Lane and consisting of 10,454 square feet; and Banfield Place: a 50-foot wide right-of-way beginning at Windyrush Road and continuing approximately 410 feet southeastwardly to its terminus at its intersecting point with Edenbridge Lane and consisting of 21,344 square feet

**Reason**

To convert public streets into private streets and to allow the installation of gates at the entrance to the subdivision as part of rezoning petition #2009-21, which was approved by City Council on April 27, 2009

**Notification**

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

Adjoining Property Owners- None

Neighborhood/Business Associations

Bellmore Hall- No objections

Olde Providence Civic Association- No response

Providence Springs- No response

Ridgeloach Homeowners Association- No response

Wessex Square Homeowners Association- No response

Stoncroft Homeowners Association- No response

Chadwyck Farm Homeowners Association- No objections

Canterbury Homeowners Association- No response

Private Utility Companies – No objections

City Departments

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

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

**Attachment 2**

Map

Resolution

## POLICY

### 10. City Manager's Report

### 11. Long Range Transportation Plan Directed Vote



**Action:** Approve the Transportation Committee recommendation to direct the vote of the City of Charlotte's representative, Mayor Pro Tem Burgess, to the Mecklenburg Union Metropolitan Planning Organization (MUMPO) related to the following:

1. Approve the MUMPO 2035 Long Range Transportation Plan,
2. Approve an amendment to the 2009-2015 Transportation Improvement Program to change the start of construction of I-485 in northeast Charlotte from 2015 to 2011, and
3. Approve the accompanying Air Quality Conformity Determination Report.

**Committee Chair:** David Howard

**Staff Resources:** Danny Pleasant, Transportation  
Norm Steinman, Transportation

#### **MUMPO 2035 Long Range Transportation Plan**

- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) has released the draft 2035 Long Range Transportation Plan (LRTP) for public review. Federal regulations require metropolitan planning organizations in air quality non-attainment areas to prepare and adopt a long range transportation plan (LRTP) every four years.
- MUMPO must adopt a new plan, along with a positive air quality conformity finding, before May 2010.
- Federal regulations now require a more stringent financial feasibility test. Both the estimated costs of individual projects, as well as the revenues for construction and maintenance, must be escalated into future years of the plan.
- That new requirement will allow far fewer projects under current funding capacity. Approximately 2/3 of road projects will not be included in the financially-feasible portion of the plan under current funding assumptions.
- Due to decreases in revenues anticipated to be available to CATS, the LRTP extends the timeframes for implementation of some of the rapid transit projects.
- Last November, Council and the MUMPO Board voted to assume no new revenues for the LRTP. That decision established the financial context for the LRTP.

#### **Amendment to 2990-2105 Transportation Improvement Program**

- MUMPO has also released for public review an amendment to the 2009-2015 Transportation Improvement Program (TIP). This amendment is necessary to reflect the change for the start of construction of I-485 in northeast Charlotte from 2015 to 2011.

**Air Quality Determination Report**

- Both documents are supported by an Air Quality Conformity Determination Report. This report demonstrates that air pollutant emissions from motor vehicle travel associated with the projects in the LRTP and TIP will eliminate or reduce violations of the national ambient air quality standards in the Metrolina area.

**Committee Discussion**

- On February 25, the Transportation Committee voted unanimously (Howard, Barnes, Cooksey, Kinsey) to recommend that the City Council direct the vote of the MUMPO representative to approve all three actions at the March 24 MUMPO meeting.

## BUSINESS

### 12. Charlotte-Mecklenburg Broadband Technology Opportunities Program Grant Application



**Action:** Authorize the City Manager to apply for a \$16,996,500 Broadband Technology Opportunities Program (BTOP) Grant from the American Recovery & Reinvestment Act of 2009 (ARRA) to construct a regional, wireless, long-term evolution network.

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

#### Explanation

- On February 22, City Council received a presentation on the Broadband Technology Opportunities Program (BTOP) grant. The presentation described how the current strategic plan for public safety wireless services has established a regional wireless broadband network as a key component of its long range technology and service plan. Receipt of the ARRA Broadband Technology Opportunities Program grant funding is being considered as one funding opportunity to advance this service strategy.
- The ARRA appropriated \$4.8 billion for the second round of The Department of Commerce's National Telecommunications Information Administration (NTIA) initiative to expand broadband access across the U.S., increase jobs, spur investments in technology and infrastructure, and provide long-term economic benefits. As part of this appropriation, the NTIA initiated the Broadband Technology Opportunities Program grant to provide grants to fund broadband infrastructure, public computer centers and sustainable broadband adoption projects.
- The Grant program includes the objectives "To improve access to, and use of, broadband service by public safety agencies" and "To provide broadband access, education, awareness, training, equipment, and support to community anchor institutions (e.g., universities and colleges, libraries, medical facilities) or job-creating, strategic facilities."
- A regional Broadband Leadership Team including Mecklenburg County, Cornelius, Davidson, Huntersville, Mint Hill, Matthews, Charlotte Mecklenburg Schools, Charlotte Housing Authority, University of North Carolina at Charlotte, and Central Piedmont Community College was organized to explore the need for developing a wireless broadband network. The Team did establish the need for the broadband network, and signed a Memorandum of Understanding to develop a BTOP Grant proposal. A condition agreed to by all parties in applying for the grant was that any grant matching fund requirements must be satisfied by in-kind services, facility use and/or other current resources. Upon successfully securing a grant, a consortium of these agencies will be established to manage and administer the funding.

#### Project Purpose

- The primary purpose of this project is to build a County-wide Broadband Network to provide communication services for public safety, approved state universities, and other public sector agencies. The project will leverage current consortium resources and the opportunity to obtain Stimulus Grant funding to provide these services at a greatly reduced cost.

### Project Benefits

- Expected benefits of the proposed broadband network include:
  - Improved public safety and improved public services communications
  - Lower cost compared to leasing services from public carriers
  - Consolidation of networks and services
  - Secure wireless network operation
  - High speed mobile data in the megabit range
  - Very high speed, low latency, non-mobile wireless data
  - Affordable pricing for low income subscribers
  - Business continuity
- Implementation of the broadband network is anticipated to reduce the City's costs for this service between 40% and 50%, for a minimum annual savings of \$234,000.
- It is expected that a public-private partnership will provide for the operation and maintenance of the network. This partnership would also allow for a negotiated roaming agreement.
- Anticipated cost of broadband network - \$22,662,000
  - In-kind match (no funds) - \$5,665,500 (25%)
  - Total grant funds - \$16,996,500
    - Equipment - \$15,796,000
    - Tower/site work - \$1,200,500

### Next Steps

- Staff will submit the grant application by the March 15 deadline.
- The Department of Commerce's National Telecommunications Information Administration is expected to announce awardees mid-Summer 2010.
- If Charlotte receives a grant award, Council will be asked to approve acceptance of the grant in late summer or early fall of 2010.

### Funding

- No commitment of City funds is required.
- Grant matching funds would come from in-kind facility assets (for antenna sites and network connectivity) and service from existing staff and stakeholders (project management, contract management, etc.).

## 13. Energy Internship and Fellowship Program



**Action:** Authorize the City Manager to submit a proposal for interns and/or fellows through the North Carolina Energy Office's "Student Energy Internship and Fellowship Program," which is funded under the American Recovery and Reinvestment Act.

**Staff Resource:** Robert Phocas, City Attorney's Office

### Explanation

- On February 17, the North Carolina Energy Office notified municipalities that it would accept proposals from local and state government agencies, accredited public and private educational institutions, and nonprofit organizations for the creation of green energy-related internships and/or fellowship programs in the energy sector that would serve the needs of talented undergraduate and graduate students in North Carolina.
- This program is called the "Student Energy Internship and Fellowship Program" and is funded under the American Recovery and Reinvestment Act.

- The purpose of this program is to:
  - Provide on-the job work experiences for current or recently graduated students that would enhance their education through this opportunity
  - Assist businesses and organizations in the fulfillment of their missions
  - Encourage these students to consider employment and careers in North Carolina
- Approximately \$2 million will be made available state-wide through this program. It is expected that 5-15 awards will be made in amounts ranging from \$30,000 up to \$500,000. Internships and fellowships must be concluded by April 30, 2012.
- The City has been approached by UNC-Charlotte, Davidson College and Johnson C. Smith University to consider partnering with their students and graduates to serve as interns and/or fellows under this program.
- The interns/fellows could assist City staff on a range of energy-related projects currently underway. For example, an intern/fellow could assist with the development and implementation of projects that are part of the City's Energy Strategy, such as the neighborhood energy challenge, or with the implementation of the City's Sustainable Facilities Policy.
- City staff anticipate employing five to seven interns/fellows over the life of the program.
- No City matching funds are required. The City commits to providing the students with a supervised and positive work experience and adequate work space and resources to help them perform their assigned duties.
- Proposal deadline is March 17, 2010. If the City's grant application is successful, Council action will be necessary to accept funding.

#### 14. Lead Based Paint Hazard Reduction Contract for Weyland II Apartments



**Action: Award the low bid of \$150,211 to W J Schowald Construction, Inc. for lead based paint hazard reduction at Weyland II Apartments.**

**Staff Resource:** Diane Adams, Neighborhood & Business Services

##### **Explanation**

- On May 26, 2009, City Council approved the appropriation of an American Recovery and Reinvestment Act (ARRA) grant from the U.S. Department of Housing and Urban Development (HUD) Office of Healthy Homes and Lead Hazard Control in the amount of \$2,999,903.
- The HUD grant requires lead based paint hazard reduction at a total of 275 units over the course of three years. To date, 17 units have been completed.
- The project consists of reducing lead based paint hazards at 32 of the Weyland II Apartments.
- The Weyland II Apartments are a set of duplexes located between the 2900 and 3000 blocks of Royston Road in the Ashley Park neighborhood. The units are owned and managed by MW Group, LLC.
- The apartments must be occupied by families earning under \$53,200 (80% or below the area median income for a family of four) and at least 50% of the units must be occupied by families earning under \$33,250 (50% of the area median income for a family of four).
- The City will provide the funds to the owner in the form of a grant and the units must remain affordable for a period of three years. Affordability will

be ensured through a deed restriction and annual monitoring of the occupants.

- The lead based paint hazard reduction program is part of the housing rehabilitation program and works to preserve the existing housing stock, meet a critical need in the community, create construction jobs and promote energy conservation techniques.
- Contract will begin on March 24, 2010, and be completed by April 26, 2010. The work performed under this contract includes removing and replacing the entrance doors, removing and replacing siding on the gables, soffits and overhangs, removing and replacing crawlspace doors, and removing and installing new gutters.

#### **Small Business Opportunity**

Contracts following state and federal requirements are exempt (Appendix Section 23.5 of the SBO Policy).

#### **Funding**

HUD Office of Healthy Homes and Lead Hazard Control Program under Title XII of the American Recovery and Reinvestment Act of 2009

## **15. Appropriation of Reserve for Economic Deterioration**

**Action: Adopt a budget ordinance to appropriate \$7.4 million from reserve for economic deterioration.**

**Staff Resource:** Ruffin Hall, Budget and Evaluation

#### **Explanation**

- The Council has \$7.4 million remaining from last year as a reserve for economic deterioration. The \$7.4 million capital reserve is the amount remaining from the original \$16 million set aside from last year's amount over 16%. For the FY2010 budget, the Council made several adjustments with staff's recommendations:

\$16.0m	FY2009 capital reserves
<u>- 4.0m</u>	One-time public safety capital costs
\$12.0m	Reserve for economic deterioration

-2.6m	SafeLight/SafeSpeed payment
<u>-2.0m</u>	One-time loss of beer and wine tax revenue from the State of NC
\$7.4m	FY2010 current balance – reserve for economic deterioration

- By Council policy, the City maintains a target of 16% unrestricted fund balanced in the General Fund.
- Staff estimates a shortfall of approximately \$8.5 million in General Fund for FY2010. Staff estimates budget savings of at least \$4.2 million.
- Given current declining revenues, staff recommends appropriating the \$7.4 million reserve for economic deterioration to offset the loss of revenue and help balance the current year budget.
- Council discussed this recommendation at Council's February Retreat.
- At the end of the current fiscal year, any unused portion of the \$7.4 million will revert to Pay-As-You-Go capital.

**Attachment 3**  
Budget Ordinance

## 16. Appointments to Boards and Commissions

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

**A. CHARLOTTE INTERNATIONAL CABINET**

- Two appointments for unexpired terms, one that ends June 30, 2011 and one that ends June 30, 2012
  - Phillip Davis nominated by Council member Burgess
  - Timothy Fallon nominated by Council members Barnes, Howard and Kinsey
  - Rory McNicholas nominated by Council members Kinsey and Peacock
  - Yolanda Perry nominated by Council member Carter
  - Lisa Rudisill nominated by Council members Kinsey and Peacock
  - Nadine Russell nominated by Council members Carter, Howard and Kinsey
  - Aaron Sanders nominated by Council member Burgess
  - Heather Whillier nominated by Council member Dulin

**Attachment 4**  
Applications

**B. CITIZENS' REVIEW BOARD**

- One appointment for an unexpired term beginning immediately and ending July 31, 2012
  - Doris Bowen nominated by Council member Peacock
  - Sharon High nominated by Council member Burgess
  - Paulette Michael nominated by Council members Barnes, Carter and Howard
  - Leslie Michaels nominated by Council members Dulin and Kinsey

**Attachment 5**  
Applications

**C. COMMUNITY RELATIONS COMMITTEE**

- Two appointments for unexpired terms beginning immediately and ending June 30, 2010 and then continuing for full three year terms that end June 30, 2013
  - Marc Friedland nominated by Council members Burgess, Carter, Dulin, Howard and Peacock
  - Kenneth Rance nominated by Council member Barnes
  - Ryan Rich nominated by Council member Kinsey
  - Gaynell Thornton nominated by Council member Carter
  - Beverly Grant-Turner nominated by Council members Barnes, Burgess, Dulin, Howard and Peacock
  - Jared Watkins nominated by Council member Kinsey

**Attachment 6**

## Applications

**D. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for an unexpired term beginning immediately and ending July 30, 2011
  - Anthony Ashworth nominated by Council members Barnes, Dulin and Peacock
  - Cecelia Hendking nominated by Council members Burgess and Carter
  - Regina Tisdale-Melville nominated by Council members Howard and Kinsey

**Attachment 7**

## Applications

**E. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM**

- Two appointments for neighborhood leaders and neighborhood organization leaders for unexpired terms beginning immediately and ending April 15, 2010 and then continuing for full two year terms that end April 15, 2012
  - Richard Alexander, Jr. nominated by Council members Kinsey and Peacock
  - Jenifer Daniels nominated by Council members Burgess, Dulin and Howard
  - Phillip Davis nominated by Council member Howard
  - Benjamin Heatley nominated by Council members Barnes and Dulin
  - Chaunta Jones-Hunter nominated by Council member Barnes
  - David Molinaro nominated by Council members Burgess, Carter and Kinsey
  - Carol Scally nominated by Council member Carter

**Attachment 8**

## Applications

**F. ZONING BOARD OF ADJUSTMENT**

- One appointment for an unexpired term beginning immediately and ending January 30, 2011
  - Matthew Ewers nominated by Council member Kinsey
  - David Hoffman nominated by Council members Dulin and Howard
  - Joseph Lesch nominated by Council member Carter
  - Mark Loflin nominated by Council members Barnes and Burgess
  - Dazzell Matthews, Sr. nominated by Council member Barnes
  - Steven Meckler nominated by Council member Peacock
  - Nicole Storey nominated by Council member Burgess

**Attachment 9**

## Applications

**17. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

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

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

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

#### Contractors and Consultants

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

## PROCUREMENT ITEMS

### 18. Dump Trucks and Brush Chippers

**Action:**

**A. Award the low bid unit price contracts for providing 12-foot dump trucks and brush chippers for a term of two years to the following:**

- 1. Piedmont Truck Center**
- 2. Vermeer Mid-Atlantic, Inc, and**

**B. Authorize the City Manager to extend the contracts for three additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

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

#### Explanation

- The first year, FY2010, total equipment expenditures under this contract are estimated to be \$176,799.
- During FY2010 the City plans to purchase two dump trucks (12-foot dump body and 33,000 lbs,) at a unit price of \$75,000.
  - This is a crew cab, single axle dump truck used by the Street Maintenance Division to transport work crews and materials to the job sites for road repair. Materials delivered to the sites include reinforced concrete drainage pipe up to 12-feet in length, block, brick, sand and mortar. The sides of the dump truck are configured to allow other heavy equipment to offload the pipe, block, mortar and supplies by hand or forklift.
  - This dump truck replaces SMJ268, a 1999 International model 4700 self-contained patch dump truck with high sides and a short bed of only eight feet. This equipment spends a significant amount of operational time in stationary positions on construction sites with the engine idling to support the road repair functions. It is 11 years old and is equipped with outdated technology for asphalt distribution. The configuration of a combination asphalt distributor and dump body no longer provides a practical application for the City. Life to date maintenance costs for this vehicle exceeds the average for this type of vehicle by 22% or \$7,411.
  - The other replacement truck, SMD352, is a 19-year old single axle dump truck, 1992 International model 4700 with 118,268 miles and is in need of mechanical and suspension repairs. It is beyond its serviceable life with extensive rust to the frame and dump bed. The replacement truck would be equipped with enhanced current safety features such as anti-lock brakes. Both replacement vehicles will have high efficiency diesel engines that will produce substantially less pollution or harmful emissions and consume less fuel than the trucks currently in use.
- During FY2010 the City plans to purchase one brush chipper at a unit price of \$26,799.
  - This piece of equipment is used by Tree Management in the Landscape Management Division for chipping up tree limbs during tree maintenance operations and storm debris removal.

- This brush chipper replaces LMZ935, a 1998 Vermeer model 625 chipper, which is 12 years old with maintenance costs that exceed the class average by 58% or \$8,121. It is currently in need of \$6,500 in repairs to the chipping or grinding mechanism and an engine rebuild.

**Vehicle Replacement Criteria**

- Staff uses three criteria for determining the need to replace vehicles:
  - Age
  - Mileage
  - Maintenance costs
- Criteria points are assigned for each vehicle, ranging from one to four, with four reflecting the highest need. Replacement recommendations are prioritized based on the number of points. Because of limited funding each year, the replacement of all vehicles that justify replacement does not occur.

**Contract Terms**

- A multi-year contract term provides the City with better pricing and saves the City and the vendor the administrative cost associated with the solicitation process.
- Price increases are only allowed when justified in the City's sole discretion based on legitimate, bona fide increases in the cost of materials. Written documentation sufficient to demonstrate the proposed increases are required.
- The option to renew the contract for additional terms allows the City the opportunity to re-bid as determined necessary and does not lock the City into a long term contract.
- Future purchases are subject to funding approved in the City Council adopted, annual budgets.

**Environmental Considerations**

- The dump trucks will meet the EPA 2010 emissions standard and are equipped with the cleanest burning diesel engines available for heavy duty trucks.
- The brush chipper will meet the EPA tier III standards, which provide a reduction in emissions, operating noise and fuel usage.

**Small Business Opportunity**

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

**Funding**

Capital Equipment Lease-Purchase Fund

## 19. Sanitary Sewer Degreaser

- Action:**
- A. Approve the purchase of sanitary sewer degreaser, as authorized by the piggybacking exemption of G.S. 143-129(g), and**
  - B. Approve a unit price contract with TP Environmental Products & Services, LLC for the purchase of the Bison 300 Degreaser in the amount of \$105,000 for the term of one year.**

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

### Piggybacking Exception

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.

### Explanation

- Grease in sewer lines continues to be one of the most common causes of sanitary sewer overflows. In this fiscal year, 185 sanitary sewer spills have been reported, of which 97 were grease related.
- Sewer line cleaning for grease involves washing the sewer lines via a high pressure water nozzle pulled through the sewer lines. Degreasers added to the wash water have shown to aid in providing for a more effective cleaning process.
- Utilities has tested several degreasers for effectiveness in dissolving grease in sewer lines during cleaning processes. The Bison product has been effective and was the lowest cost.
- The City of Raleigh competitively solicited Bison 300 Degreaser and awarded a unit price contract to TP Environmental Products on January 8, 2010.
- The unit price is \$3.19/gallon and Utilities projects it will need approximately 33,000 gallons next year.

### Small Business Opportunity

Piggyback contracts are exempt from the Small Business Opportunity Program (Appendix Section 23.2 of the SBO Policy).

### Funding

Utilities Capital Investment Plan

## 20. McAlpine Creek Wastewater Management Facility Digester Recirculation Pump Replacement Project

**Action:** Award a low bid contract to Hickory Construction Co., in the amount of \$466,675, for the installation of four digester recirculation pumps and associated electrical and mechanical appurtenances at McAlpine Creek Wastewater Management Facility.

**Staff Resource:** Barry Gullet, Utilities

### **Explanation**

- Four new pumps and associated piping will be installed as replacements for the existing digester recirculation pumps.
- The pumps are a critical part of the operation of the digesters and are necessary to ensure bio-solids are reliably treated to regulated standards.
- The older existing pumps require excessive maintenance for reliable operation and are at the end of their service life.

### **Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part B: Section 2.4 of the SBO Policy). The work associated with this contract occurs in a high hazard atmosphere requiring processes and equipment to remain in operation.

### **Funding**

Utilities Capital Investment Plan

## CONTRACT ITEMS

### 21. Sewer Bypass Pumping Services

- Action:**
- A. Approve service contracts to provide bypass pumping services as required by Charlotte Mecklenburg Utilities in the combined estimated annual amount of \$500,000 for an initial term of three years to the following three companies:**
    - Rain For Rent
    - Sunbelt Rentals, Inc.
    - Godwin Pumps of America, Inc., and
  - B. Authorize the City Manager to approve up to two, one-year renewal options with price adjustments as stipulated in the contracts, and contingent upon each company's satisfactory performance.**

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

#### Explanation

- Charlotte Mecklenburg Utilities currently uses multiple vendors for bypass pumping of gravity sewer systems, sewage lift stations, and pumps to dewater large excavation areas at locations throughout Mecklenburg County.
- Awarding to multiple vendors ensures adequate coverage and resources for these services, which are traditionally needed on a 24/7 basis.
- The City received three proposals in response to a Request for Proposals, which were evaluated by a team consisting of staff from Procurement Services and Utilities Operations Division.
- Evaluation Criteria included:
  - Competitiveness of pricing
  - Background and experience of the company, including references
  - Operational qualifications including equipment and personnel
  - Customer service approach
  - Willingness and ability to comply with the terms of the agreement

#### Small Business Opportunity

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

#### Funding

Utilities Operating Budget

## 22. Police Time Warner Network Support Contract Extension

**Action:** Approve amendment #5 to the contract with Time Warner Telecommunications to extend the network support contract for three years at a cost not to exceed \$280,260 per year.

**Staff Resource:** Ron Horton, Police

### Explanation

- Time Warner Communications fiber optic wide area network provides data linking computers at all Police Department facilities.
- Police recommends extending the contract for three years to maintain the connectivity and maintenance support for all Police facilities.
- This contract will also include the billing for three circuits that serve BSS-IT locations.
- Council approved the original contract with Time Warner on August 25, 1997.
- Staff looked at other service providers, including AT&T, but Time Warner Communications provided the best price.
- The contract amendment with Time Warner will provide service continuity.
- The three-year cost of the contract will be \$840,780 or \$280,260 per year.
- The contract price represents an annual reduction of \$91,140 over current Time Warner rates for the included facilities.
- The extended contract will be effective from April 12, 2010 to April 11, 2013.

### Small Business Opportunity

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

### Funding

Police Operating Budget

## 23. Animal Licensing and Registration Contract

**Action:** A. Approve a contract with PetData Company to administer the City's animal registration and licensing program, at an estimated cost of \$207,000 per year, with four, one-year renewal terms, and

B. Authorize the City Manager to execute the four, one-year renewal options.

**Staff Resources:** Vicki Foster, Police  
Mark Balestra, Police

### Explanation

- Police recommends renewing the contract with PetData Company to handle the City's animal licensing and registration function.

- The City initially contracted with PetData Company in 2005 based upon a recommendation from the City's Privatization and Competition Advisory Committee.
- Based on staff research, PetData Company is the only vendor that provides comprehensive animal licensing services.
- PetData is paid a fee for each license sold. For a one-year spay/neuter tag, PetData receives \$3.50 of the \$10 fee paid by the animal owner.
- During the first four years of the contract, PetData Company has been paid \$931,144. During that same period, the company generated \$3,422,396 in revenue for the City.
- The number of licensed pets has increased from 50,427 at the inception of the contract to 81,496 as of January 1, 2010.
- Estimated cost of the contract is \$207,000 per year.
- PetData did not raise its fees during the five years of the current contract and committed to not raise fees during the first year of the new contract.

#### **Small Business Opportunity**

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

#### **Funding**

Police Operating Budget

## **24. Surveying Services**

**Action: Approve a contract amendment with Post, Buckley, Schuh and Jernigan (PBS&J) in the amount of \$260,000 for surveying services.**

**Staff Resource:** David Snider, Engineering & Property Management

#### **Contract for Surveying and Mapping Services**

- Typical surveying services contracts include, but are not limited to:
  - Boundary
  - Topographical
  - Physical
  - American Land Title Association Surveys
  - Construction staking
- This contract provides funding for surveying services for ongoing capital improvement projects, such as Neighborhood Improvement Program projects, Sidewalk, Roadway and Storm Water projects.
- The Survey Division maintains contracts with various (12) surveying firms to supplement City staff, in order to provide timely response to ongoing project needs and requirements.

#### **Selection of PBS&J**

- PBS&J was selected in May 2008 pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- PBS&J was one of four firms selected from a total of 19 respondents to the solicitation.

**Contract Amendment**

- This amendment is needed to complete ongoing projects, including plats required for easements and right-of-way.
- The original contract with PBS&J in the amount of \$250,000 was approved by Council on July 28, 2008.
- As anticipated in the original contract, the City entered into an amendment with PBS&J in the amount of \$100,000 on August 24, 2009.
- This amendment will bring the total contract amount to \$610,000. A portion of this amendment is necessary to provide funds to meet the recent change to mapping rules of the North Carolina Board of Examiners for Engineers and Surveyors that require plats preparation for easement and right-of-way acquisition for ongoing projects.

**Contract Terms**

- The original contract specified a 12-month term and provided an option to the City to extend the term for two additional 12-month periods, for a total of 36 months ending approximately July 28, 2011.
- Option years provide incentive for good performance on the part of the surveyor.
- Services are provided on an hourly rate and unit price basis. Pricing is competitive and similar to pricing offered by other firms that provide similar services.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the current consultant, PBS&J and their existing sub-consultants (Part D: Section 6 of the SBO Policy).

**Funding**

Various Capital Investment Plans

**25. Airport Parking Revenue Control System**

**Action: Approve a contract with Kimley-Horn Associates in the amount of \$110,410 for the design of a Parking Revenue Control System.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The Airport has a commercial vehicle lane, five parking decks, and five surface parking lots which provide 27,331 public parking spaces. The Airport's Parking Revenue in FY2009 was \$30 million.
- The Airport has had an automated Parking Revenue Control System provided by ACS, Inc. since 1982.
- On February 22, City Council extended the maintenance contract for this system for no longer than 24 months.
- This system is outdated and becoming unsupportable.
- This design contract will provide the following for a new automated parking revenue control system:
  - Performance specifications
  - Assistance in procurement and installation
  - Acceptance testing of the system installed by the selected vendor

- The new system will include all new equipment and provide credit card entry and exit, self service options, as well as traditional ticket in-cashier out capabilities, along with numerous security controls.
- Three vendors have been pre-qualified based on experience in providing similar systems and will submit proposals in April.
- Council will be asked to award a contract to the selected vendor in May (approximately \$4 million) with installation expected to take 18 months. Proceeds from the 2010 General Airport Revenue Bonds are available to fund the project.

#### **Small Business Opportunity**

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

#### **Funding**

Aviation Capital Investment Plan

## **26. Airport Taxiway D Extension**

**Action:**

- A. Approve a contract with Blythe Development Co. in the amount of \$4,578,925.50 for the construction of the Taxiway D North Extension,**
- B. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$3,434,194 for construction of the taxiway extension, and**
- C. Adopt a budget ordinance appropriating \$3,434,194 in FAA grant funds and \$1,144,731.50 in Airport Discretionary Funds to be repaid with future General Airport Revenue Bond proceeds.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- On November 11, 2009, City Council approved a design contract with Talbert and Bright, Inc. to design the extensions of Taxiway D on the north and south ends of the taxiway.
- This contract will provide for the construction of a northern extension of Taxiway D, which includes the relocation of a hangar currently leased to the Carolina's Historic Aviation Commission, and the relocation of a small portion of Minuteman Way.
- The taxiway extension will increase airfield capacity by providing direct access to the east side of Runway 18L for aircraft using the Air National Guard and corporate facilities, as well as providing a bypass for air carrier aircraft departing on that runway at peak times.
- The FAA has offered the City an Airport Improvement Program grant in the amount of \$3,434,194 for construction of the taxiway extension. The grant will cover 75% of the construction costs.
- The remaining 25% of the costs will be funded by future General Airport Revenue Bond proceeds, with debt service paid from Passenger Facility Charge revenues.

**Disadvantaged Business Opportunity**

Established DBE Goal: 16%

Committed DBE Participation: 17.36%

Blythe Development committed to using the following NCDOT certified DBE's for work totaling \$795,073.25: Bullington Construction, Inc. (fence), Herndon, Inc. (seeding), Mugo Gravel & Grading, Inc. (concrete plus earth, aggregate & concrete hauling), All Points Trucking, Inc. (asphalt hauling) and A&R Materials, LLC (liquid asphalt plus hauling).

**Funding**

Aviation Capital Investment Plan

**Attachment 10**

Resolution

Budget Ordinance

## OTHER CONSENT ITEMS

### 27. Federal Aviation Administration Grant Acceptance

**Action:**   **A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$17,302,493 for Airport projects related to the new runway, and**

**B. Adopt a budget ordinance appropriating \$17,302,493 in FAA grant funds.**

**Staff Resource:**     Jerry Orr, Aviation

#### **Explanation**

- Each year the Airport qualifies for FAA entitlement funds based on passenger enplanements under the Airport Improvement Program. The Airport's FY2010 entitlement funds currently available are \$5,302,493. Additional entitlement funds may be available later in the year.
- In December 2006 the FAA issued its Letter of Intent (LOI) to provide \$80 million dollars over eight years in discretionary federal funds to be applied towards the cost of constructing the new runway. The FY2010 allocation of this LOI is \$12 million dollars and is included in the \$17,302,493 grant offer. This is the fourth installment of the LOI.
- This grant will be used to fund a portion of the costs associated with the following project elements:
  - Runway Environmental Permitting
  - Runway Grading & Drainage
  - Runway Construction Administration
  - Taxiway V Construction

#### **Funding**

Aviation Capital Investment Plan

#### **Attachment 11**

Resolution  
Budget Ordinance

## 28. Wright Avenue Street Improvement Special Assessment

- Action:**   **A. Adopt a preliminary assessment resolution for a special assessment to construct an un-opened, one block portion of Wright Avenue, extending to the south from Lomax Avenue, and**
- B. Set a public hearing for April 12, 2010.**

**Staff Resource:**   Phil Reiger, Transportation

**Policy:**            Non-System Residential Street Policy

### Explanation

- On November 23, 2009, City Council adopted revisions to the Non-System Residential Street Policy.
- The intent of the Non-System Residential Street Program (NSRSP) is to offer property owners within the City corporate limits the option to improve sub-standard residential streets that hinder access to standard city services (i.e. primarily fire protection, solid waste collection and street maintenance).
- The policy requires property owners to share 50% of the total cost of the street project.
- The policy directs staff to exercise the City's statutory authority (NCGS 160A-216 et seq.) to use special assessments to finance the street improvements. Special assessments constitute a lien on properties abutting the street improvements.
- The policy calls for assessments to be based on length of frontage, parcel area and number of lots served, each receiving equal weight.
- The actions set forth above begin the special assessment process.

### Wright Avenue

- Wright Avenue is an unopened portion of an existing street located in the Cotswold Neighborhood north of Sharon Amity and adjacent to the Charlotte Swim and Racquet Club (map attached).
- Staff has determined that Wright Avenue is an eligible candidate for the NSRSP.
- The street project will affect seven property owners (seven residential parcels, two of which have one owner, and one commercial parcel).
- The City Clerk certified that 85% of the abutting property owners signed a petition in support of the project, exceeding the NSRSP policy requirement of 80% support.
- The project will build a standard residential street including curb, gutter and sidewalk.
- The estimated total cost of the project is \$157,000.
- Staff estimates that assessments will range from \$9,500 to \$12,500, depending on parcel dimensions.

### Future Actions and Tentative Schedule

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

<b>Actions</b>	<b>Schedule</b>
Hold Public Hearing and Adopt Final Assessment Resolution	April 12, 2010
Land Acquisition	Spring 2010
Construction Contract Approval	Summer 2010
Project Construction ( <i>no City Council action required</i> )	Fall 2010
Determine Project Cost, Establish Interest Rate and Adopt Preliminary Assessment Roll	Late Fall 2010
Hold Final Public Hearing and Adopt Final Assessment Roll	Winter 2010

- Within 30 days of the assessment roll confirmation, Wright Avenue residents will be able to pay all or a portion of the balance in cash without penalty of interest.
- Residents can choose to pay all or a portion of the assessment in ten annual installments at a City Council adopted interest rate. The first installment will become due and payable 60 days after the date that City Council confirms the assessment roll.

### **Attachment 12**

Preliminary Resolution  
Map

## **29. Police Assets Forfeiture**

**Action: Adopt a budget ordinance appropriating \$370,000 in police assets forfeiture funds.**

**Staff Resource:** Ken Miller, Police

### **Explanation**

- Federal and state laws permit law enforcement agencies to use their share of confiscated assets to funds improvements to law enforcement.
- The funds must be used for expenditures that meet state and federal guidelines and are not included in the department's operating budget.
- The budget ordinance appropriates \$370,000 in assets forfeiture funds.
- Expenditures include two sets of new and more durable duty uniforms for patrol officers and sergeants (\$250,000), upgrades to the video interview room (\$15,000), and equipment and vehicle leases for the Priority Offender Strategy Team.
- A detailed list of expenditures is attached.

### **Funding**

Police assets forfeiture funds

### **Attachment 13**

Police Assets Forfeiture Expenditures-March 2010  
Budget Ordinance

### 30. Inspection of City Maintained Bridges Municipal Agreement

**Action:** Approve a resolution authorizing the Transportation Key Business Executive to execute a municipal agreement with the North Carolina Department of Transportation to share the cost of inspecting 129 qualifying City maintained bridges and culverts.

**Staff Resource:** Jimmy Rhyne, Transportation

**Explanation**

- The federal government requires that all bridge structures 20 feet or greater that carry vehicular traffic on public roads be inspected every two years.
- Bridges are inspected for structural adequacy, safety and functionality.
- The North Carolina Department of Transportation will share the cost (80%) of inspecting 129 qualifying bridges.
- The City's portion (20%) is estimated to be \$64,000 and is included in the budget.

**Funding**

Transportation Capital Investment Plan – Bridge Replacement Program

**Attachment 14**

Resolution

Bridge Inspection and Repair Program Overview

### 31. Public Auctions for Disposal of Equipment and Police Unclaimed Property

**Action:** **A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and**

**B. Authorize said items for sale by public auctions on April 17, 2010, and April 24, 2010.**

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

**Explanation**

- Pursuant to North Carolina G.S. 160A-270(b), approval is requested for two public auctions as follows:
  - On April 17, 2010 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment, Exhibit A)
  - On April 24, 2010 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required)
- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive.
- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company (Rogers

Realty and Auction Company, Inc.) will conduct each auction. Rogers Realty and Auction Company, Inc. is a woman-owned business.

- Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day, they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
  - Rolling stock equipment – 9.50% of the total gross sale price
  - Police unclaimed property – 9.50% of the total gross sale price
  - Miscellaneous items – 9.50% of the total gross sale price

**Small Business Opportunity**

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

**Funding**

Business Support Services Operating Budget

**Attachment 15**

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

**32. Resolution of Intent to Abandon a Portion of a Ten-Foot Alleyway between Spruce Street and South Mint Street**

**Action:**    **A. Adopt the resolution of intent to abandon a portion of a ten-foot alleyway between Spruce Street and South Mint Street, and**

**B. Set a public hearing for April 12, 2010.**

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

**Attachment 16**

Map  
Resolution

### 33. 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 \$41,715.51, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$313.75.**

**Staff Resource:** Susan Walker, Finance

#### Attachment 17

Resolution

List of property tax and business license refunds

### 34. Utilities Maintenance Facility Lease Renewal

- Action: Approve lease with Donco Properties, LLC for office and warehouse space for Utilities' North Mecklenburg Maintenance Facility located at 11235 Sam Furr Road (Zone 1) in Huntersville, NC.**

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

#### Background

- The water and sewer maintenance division for Utilities is divided into four different operation centers (zones) placed geographically around the city and county to minimize travel and response times to worksites.
- The northern operation center is located off of Sam Furr Road (Hwy 73) in Huntersville in a leased facility shared with another commercial business.
- This location offers easy access to I-77 and I-485 and enables Utilities to respond to maintenance calls for water and sewer lines in the North Mecklenburg service area.

#### Explanation

- This action will renew the current lease and secure a five-year, three-month lease commencing April 1, 2010. The additional three-month period will enable the lease term and rental increases to coincide with the City's fiscal year.
- Utilities has been leasing space in this location since 2005 for the North Mecklenburg Utility Maintenance Office.
- The facility offers a secure location with office and warehouse space and parking for employees and service vehicles.

#### Lease Terms

- Rentable area:
  - 11,163 square feet (2,163 square foot office, 2,925 square foot warehouse and 6,075 square foot covered storage area)
  - Parking for 20 employees and 20 service vehicles

- Term:
  - Commencing April 1, 2010 for five years and three months
- Rental Rate:
  - \$4,339/month (\$52,068/year), plus utilities, for the first three months with a 2.5% annual rate increase commencing July 1, 2010
- Utilities will pay actual cost of utilities.
- The landlord will be responsible for maintenance of the building and common area, fence and gate maintenance and repairs, HVAC maintenance and repairs, property taxes and insurance.

**Funding**

Utilities Operating Budget

## PROPERTY ITEMS

### 35. Property Transactions

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

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

#### Acquisitions

- A. Project:** 2009 Annexation - Hood Road North Sanitary Sewer Improvements, Parcel # 56 and 58  
**Owner(s):** Betty Parker Coleman  
**Property Address:** Coleman Drive and Rocky River Road  
**Property to be acquired:** 36,145 sq. ft. (.830 ac.) in Sanitary Sewer Easement, plus 58,463 sq. ft. (1.342 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Purchase Price:** \$14,175  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 105-153-31 and 105-153-33  
**Total Parcel Tax Value:** \$575,700
- B. Project:** Conway/Briabend Storm Water Improvements, Parcel # 1  
**Owner(s):** Matthew Payne and Wife, Margot Payne  
**Property Address:** 3908 Conway Avenue  
**Property to be acquired:** 965 sq. ft. (.022 ac.) in Storm Drainage Easement, plus 681 sq. ft. (.016 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,850  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 149-061-04  
**Total Parcel Tax Value:** \$141,300
- C. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 11 and 14  
**Owner(s):** Bernadette F. Jean-Francois and Solon Jean-Francois, Andre Jean-Francois and Edith Jean-Francois  
**Property Address:** 4421 and 4425 Statesville Road  
**Property to be acquired:** 26,359 sq. ft. (.605 ac.) in Fee Simple, plus 859 sq. ft. (.020 ac.) in Storm Drainage Easement,

plus 14 sq. ft. in Utility Easement, plus 5,207 sq. ft. (.120 ac.) in Slope Easement, plus 30 sq. ft. (.001 ac.) in Combined Permanent Utility and Slope Easement, plus 7,687 sq. ft. (.176 ac.) in Temporary Construction Easement

**Improvements:** Two commercial buildings

**Landscaping:** None

**Purchase Price:** \$317,125

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

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 041-071-13

**Total Parcel Tax Value:** \$258,200

- D. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 56
- Owner(s):** Irvin Linsey Greene
- Property Address:** 5131 Statesville Road
- Property to be acquired:** 2,967 sq. ft. (.068 ac.) in Fee Simple, plus 261 sq. ft. (.006 ac.) in Existing Right-of-way, plus 2,587 sq. ft. (.059 ac.) in Storm Drainage Easement, plus 45 sq. ft. (.001 ac.) in Utility Easement, plus 1,733 sq. ft. (.040 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** Trees
- Purchase Price:** \$23,542
- Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- Zoned:** R-4
- Use:** Single Family Residential
- Tax Code:** 041-162-74
- Total Parcel Tax Value:** \$48,300

## Condemnations

- E. Project:** Harrisburg & Robinson Church Roads 16" Water Main, Parcel # 1 and # 2
- Owner(s):** Kingstree Homeowners Association, Inc. And Any Other Parties Of Interest
- Property Address:** Harrisburg Road
- Property to be acquired:** Total Combined Area of 8,972 sq. ft. (.206 ac.) of Temporary Construction Easement
- Improvements:** Monuments
- Landscaping:** Trees and shrubs
- Purchase Price:** \$8,550
- Remarks:** Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.
- Zoned:** MX-2
- Use:** Single Family Residential - Common
- Tax Code:** 108-064-91 and 108-064-97
- Total Parcel Tax Value:** \$0
- F. Project:** Harrisburg & Robinson Church Roads 16" Water Main, Parcel # 3

**Owner(s):** Kingstree Homeowners Association, Inc. And Any Other Parties Of Interest  
**Property Address:** Harrisburg Road  
**Property to be acquired:** Total Combined Area of 4,938 sq. ft. (.113 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** Monument  
**Landscaping:** Shrubs and trees  
**Purchase Price:** \$5,100  
**Remarks:** Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.  
**Zoned:** MX-2  
**Use:** Single Family Residential - Common  
**Tax Code:** 108-064-98  
**Total Parcel Tax Value:** \$0

- G. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 37 and # 39  
**Owner(s):** Paul Barnes Stewart and Wife, Jean Brown Stewart and Any Other Parties of Interest  
**Property Address:** 4900 and 4916 Statesville Road  
**Property to be acquired:** Total Combined Area of 4,121 sq. ft. (.095 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$3,150  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Commercial  
**Tax Code:** 045-302-06 and 045-302-05  
**Total Parcel Tax Value:** \$47,900

### 36. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:  
- January 11, 2010