

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, November 22, 2010

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

Item #	Page #	Title
28	28	Technology and Network Security Device

CITY COUNCIL AGENDA
Monday, November 22, 2010

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. NASCAR Hall of Fame Update

Resources: Derick Close, Chair, CRVA Board
Vi Lyles, Vice Chair, CRVA Board
Tim Newman, Executive Director, CRVA
Winston Kelley, Executive Director, NASCAR Hall of Fame
Paul Brooks, Vice President, NASCAR

Time: 45 minutes

Synopsis

- The following topics will be covered in this update:
 - Charlotte Regional Visitors Authority (CRVA) role/Board oversight and involvement in Hall of Fame matters
 - History of project and review of financing and attendance projections
 - Hall of Fame results since opening and upcoming promotional plans
 - NASCAR support for Hall and partnership going forward

3. Snow and Ice Program Review

Resource: Ken Martin, Street Maintenance

Time: 15 minutes

Synopsis

- Annually, CDOT prepares to handle icy conditions and snow removal during Charlotte's winter months. Staff will review the logistics of the program and the decision making process for implementation of the plan.

4. **Answers to Mayor and Council Consent Item Questions**

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

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

6:30 P.M. CITIZENS' FORUM

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

5. Proclamation for Bishop George E. Battle, Jr.

Action: Mayor Foxx to present Bishop George E. Battle, Jr., of the Greater Enrichment Program, with a proclamation in recognition of his 35 years of dedication and service to Charlotte.

6. Proclamation for Homeless Awareness Month

Action: Mayor Foxx to present the Homeless Services Network and Homeless Helping Homeless Organizations with a proclamation to recognize November as Homeless Awareness Month in the City of Charlotte and Mecklenburg County.

CONSENT

7. **Consent agenda items 17 through 32 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 Comment on Plaza-Central Pedscape Plan Amendment

Action: Receive public comments on the Plaza-Central Pedscape Plan Amendment.

Committee Chair: David Howard

Staff Resource: Michelle Jones, Planning

Explanation

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

Charlotte-Mecklenburg Planning Commission (Planning Committee)

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

Transportation & Planning Committee

- City Council's Transportation & Planning Committee received an overview of the plan amendment at their October 28 meeting. The Committee voted

unanimously (Council members Howard, Cooksey, Kinsey, Carter) to forward the plan to Council for public comment on November 22.

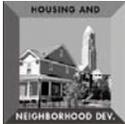
- After public comment, the plan amendment will be reviewed again by the Transportation & Planning Committee, with a subsequent recommendation to the City Council.

Attachment 1

Plaza-Central Pedscape Plan Amendment

Plaza-Central Pedscape Amendment Map

9. Public Hearing on Housing Locational Policy



Action: Conduct a public hearing on the proposed Housing Locational Policy.

Committee Chair: Patsy Kinsey

Staff Resource: Pamela Wideman Lopez, Neighborhood & Business Services

Policy

- The current Housing Locational Policy was approved by City Council on November 26, 2001 and amended on September 24, 2003.
- On June 24, 2010, City Council approved a draft revised Housing Locational Policy and requested that Neighborhood & Business Services staff host a series of public forums during the months of July and August to gain input on a new Housing Locational Policy.

Explanation

- The Policy provides a guide for the development of new, rehabilitated or converted City, Federal or State subsidized multi-family housing developments designed to serve, in whole or part, households earning 60% or less than the area median income.
- The objectives of the Policy are to:
 - Avoid undue concentration of multi-family assisted housing
 - Geographically disperse new multi-family housing developments
 - Support the City's neighborhood revitalization efforts
 - Promote diversity and vitality of neighborhoods
 - Support school, transit corridor and other public development initiatives
- The Policy establishes permissible and prohibited areas for the development of new multi-family rental housing. These areas are delineated based on Neighborhood Statistical Areas in the City of Charlotte.
- On November 8, 2010, staff presented a dinner briefing to the Council on the proposed Housing Locational Policy. Based on the discussion, the Council directed staff to move forward with a public hearing on November 22, 2010.
- The City Attorney's opinions concerning fair housing and feasibility of inclusionary zoning will be sent to Council in the Friday, November 19 Council-Manager packet.

Community Input

- During the months of July and August, five public forums were hosted throughout the City. Forums were held in the north, south, east, west and central regions.
- A total of 158 citizens attended the forums and the following reoccurring concerns were raised at each of the forums:
 - Half-mile proximity restriction
 - Necessity of a Housing Locational Policy
 - Geographical dispersion
 - Aesthetics and on-site property management
 - Impact on property values
 - Inclusionary zoning
 - Proximity to goods and services
 - Policy application to City assisted developments
 - Policy exemptions for seniors, disabled and special needs populations

Committee Action

- On October 18, 2010, the Housing and Neighborhood Development Committee voted three to one to approve (Kinsey, Cannon and Mitchell – in favor; Cooksey – opposed) the revised Housing Locational Policy with the following revisions:
 - The notification time period for notice of a waiver request should be aligned with the timeframe for rezoning notifications.
 - All Council members should be notified of upcoming waiver requests.

Next Step

- City Council will consider adoption of the Affordable Housing Locational Policy on December 13, 2010.

Attachment 2

Follow-up from November 8 Dinner Briefing
Permissible Area Map

POLICY

10. City Manager's Report

11. 2011 State Legislative Agenda

In order to include the outcome of the November 17 Metropolitan Transit Commission's legislative agenda vote, this item will be sent in the Friday, November 19 Council-Manager Memo.

12. City Contribution to Grameen America Bank



Action: A. Approve the Economic Development Committee recommendation to:

1. Allocate up to \$230,000 from the City's Business Corridor Fund to Grameen America Bank, with \$200,000 allocated to help establish a micro loan pool for low income entrepreneurs, and up to \$30,000 allocated to help defray the cost of City business privilege licenses,
2. Contribute the funds only after Grameen Bank raises the first \$2.3 million for the loan pool, and

B. Authorize the City Manager to execute a contract with Grameen America Bank for a one-time grant up to \$230,000.

Committee Chair: James Mitchell

Staff Resource: Dennis Marstall, Neighborhood & Business Services

Explanation:

- Grameen America (Grameen) is a not-for-profit bank that provides affordable micro-loans to low-income entrepreneurs who are traditionally excluded from the banking system.
- Grameen is working to establish its eighth US bank location in Charlotte.
- Grameen targets customers in census tracts with high poverty and those who are unemployed and under-employed.
- Typical Grameen borrowers are low-income entrepreneurs with an annual average income of \$12,000 that need a small amount of funding to create business activity.
- The Grameen loan model provides:
 - Small loans without collateral (not to exceed \$1,500).
 - Mandatory weekly pay-off installments not to exceed 12 months.
 - Technical assistance in understanding credit, business development, and close supervision of borrowers through mandatory weekly meetings with bank staff and a five-member peer group
 - Mandatory savings requirement of at least \$2 a week in a no fee, no minimum balance savings account established with a partner bank
- Grameen's start-up efforts in Charlotte include the creation of a local loan pool of \$2.5 million with operations beginning in the second quarter of 2011.
- Grameen will continue fundraising to expand its Charlotte loan pool to \$5 million within five years.
- Funding for the loan pool is being generated through fundraising requests to banks, foundations, endowments, individuals and government entities.
- To date, \$1 million has been committed to the Grameen Charlotte loan pool.
- The City has been asked to contribute \$200,000 towards the loan pool, once an initial \$2.3 million has been raised. The City has also been asked to provide up to \$30,000 to help low-income entrepreneurs defray the cost of a City-County privilege/business license.

Background

- The types of business activities funded in the other Grameen America markets include:
 - Cosmetic and salon accessory sales

- Clothing, optical, shoes and undergarment product sales
- Health product sales
- Catering services
- Jewelry and handbag sales
- Baked goods, ice cream, beverage and other food sales
- Printing, manufacturing, construction supply sales
- Day care services
- Flowers and party décor sales
- Grameen has a 99% repayment rate for borrowers in all seven US branches (New York City (4), Washington, D.C., San Francisco and Omaha).
- Grameen has been successful in other US cities including Omaha, Nebraska, where it has loaned \$1.16 million to 615 low income-entrepreneurs in its first 15 months of operations (June 2009 – Sept 2010).

Committee Discussion

- On November 11, 2010, the Economic Development Committee voted unanimously (Mitchell, Cannon, Burgess, Dulin, Kinsey) to recommend:
 - Approval to provide Grameen America Bank a one-time grant of up to \$230,000, out of the Economic Development Business Corridor Fund after an initial \$2.3 million has been raised by other sources, consisting of:
 - o \$200,000 for revolving loan pool
 - o Up to \$30,000 to help defray the cost of obtaining a City-County privilege/business license for Grameen borrowers
 - Location of its bank operations in the City's Business Corridor Revitalization Geography to help promote low-income entrepreneur activity in the City's distressed business corridors
- The Committee discussed the Grameen proposal at its September 20, and November 11, 2010 meetings. Key issues raised and discussed by the Committee include:
 - A desire for City funds to be the last funds added to the loan pool to demonstrate that Grameen has funding support outside of the City government, resulting in the need for Grameen to raise the first \$2.3 million before the City will contribute.
 - The inclusion of additional dollars to defray the cost of a City/County privilege/business license fees with City funds. The Committee took into consideration the low income-target population and the small nature of the loans when developing the recommendation of funding up to \$30,000. They decided for an up-to amount due to the uncertain number of loans.
 - Whether to use the Economic Development Revolving Loan Funds (EDRLF) or the Economic Development Business Corridor Fund as a funding source for the grant. The EDRLF is part of the City's Community Development Block Grant funds and could be used as a line of credit to Grameen. This option includes HUD restrictions regarding principal and interest tracking and payback. The Business Corridor Funds can be directed or granted at City Council discretion and have minimal restrictions on uses for economic development activity.

Funding

\$230,000 from the Economic Development Business Corridor Fund

BUSINESS

13. Gang of One Grant



Action: **A. Accept a grant from the North Carolina Department of Juvenile Justice and Delinquency Prevention, in the amount of \$851,977, for the Gang of One Program, and**

B. Adopt a budget ordinance, appropriating \$851,977 in grant funds.

Staff Resources: Ruth Story, Police
 Fran Cook, Police

Explanation

- Gang of One is Police's gang prevention and intervention initiative in partnership with local citizens and agencies as well as local, state, and federal law enforcement.
- Gang of One received a grant in the amount of \$851,977 from the North Carolina Department of Juvenile Justice and Delinquency Prevention.
- The grant funds are part of the state's allocated funds from the American Recovery and Reinvestment Act.
- The funds will be used to support the Gang Reentry and Intervention Team (GRIT) initiatives. The GRIT Team assists gang-involved juveniles in gang disassociation by providing them access to needed services and increasing the effectiveness of the agencies that serve them. The GRIT Team is composed of professionals from the fields of juvenile justice, education, Gang of One, law enforcement, and other agencies as needed, who work together to case manage gang-involved youth to reduce juvenile gang involvement and criminal activity.
- \$348,000 will fund salaries for temporary Gang of One personnel, including the Intervention Program Manager, Hotline Manager, Reentry Case Managers, and Intervention Case Managers.
- \$436,358 will fund professional services and activities for GRIT Team clients. These services include family strengthening, tutoring/career exploration, special events, community service, and tattoo removal.
- \$52,763 will fund supplies and program materials.
- \$14,856 will fund professional development activities and cell phone service for program staff.
- The grant period is from October 1, 2010 to June 30, 2011.

Funding

\$851,977 from the North Carolina Department of Juvenile Justice and Delinquency Prevention; no City matching funds are required

Attachment 3

Budget Ordinance

14. 2010 General Obligation Bond Referendum Certification

Action: Adopt a resolution certifying and declaring the results for the November 2, 2010 Special Bond Referendum.

Staff Resource: Greg Gaskins, Finance

Explanation

- On November 2, 2010, a Special Bond Referendum was held and voted upon by the voters of the City of Charlotte. The voters approved the authorization of \$156,600,000 in Street Bonds, \$32,000,000 in Neighborhood Improvement Bonds and \$15,000,000 in Housing Bonds.
- The Mecklenburg County Board of Elections certified the results of Special Bond Referendum on November 12.
- This action certifies and declares the official results of voter referendum.
- Following Council action, staff will publish a statement of results for each bond issuance. Publication initiates a 30-day action period to dispute the election results. It is not anticipated that any challenges will be filed.

Mecklenburg County Board of Election Results

	Yes	No
Street Bonds	63.92%	36.08%
Neighborhood Improvement Bonds	62.53%	37.47%
Housing Bonds	57.04%	42.96%

Funding

Municipal Debt Service Fund

Attachment 4

Resolution

Statement of Results Street Bonds

Statement of Results Neighborhood Improvement Bonds

Statement of Results Housing Bonds

Canvass Certificate

List of Projects

15. Co-Located Communications Center

- Action:**
- A. Approve the purchase of approximately seven acres of land in an amount not to exceed \$3,850,000 for a co-located communications center adjacent to the new Fire Department Headquarters facility with funding from a one-time special designation of 911 surcharge fund balance,**
 - B. Authorize the City Manager to negotiate and execute the Purchase and Sale Agreement with:**
 - **Carpops LLC and Ponderosa Holdings, LLC at 1315 N. Graham Street (Parcel A)**
 - **NGIA, LLC at 1419 N. Graham Street (Parcel B), and**
 - C. Authorize the City Manager to negotiate and execute a contract in an amount not to exceed \$150,000 for an architectural programming study for the communications facility.**

Staff Resources: Rich Granger, Fire
Katrina Graue, Police

Explanation

- The land purchase is contingent upon the 911 Board's formal approval of the City's 911 Surcharge fund balance and use.
- Parcels A and B are located adjacent to the new Fire Department Headquarters facility to be built at 500 Dalton Avenue.
- Both parcels are zoned I-2, which allows this type of facility to be built on this land.
- A co-located facility that would house the communication center for Police, Fire, the Mecklenburg County Sheriff's Office, the Mecklenburg County Emergency Operations Center (EOC) and possibly MEDIC, is proposed for this site. Additionally, it is preferable to include 311, CDOT traffic cameras and the BSS IT Data Backup center in the project.
- A co-located communications center would provide many benefits including the following:
 - Allow departments to share technology and resources
 - Eliminate the need to transfer 911 calls
 - Improve response time to emergencies
 - Unify tracking of mobile resources
 - Eliminate costs associated with lease payments for 311 and BSS IT Data Center
- An architectural programming study will be performed to determine facility needs and the overall project budget. The study will provide options for including MEDIC and other City services.

Funding

- Effective July 1, 2010, North Carolina legislation (H.B. 1691) allows for the one-time use of 50% of FY2010 911 Surcharge fund balance to be used to provide for public safety needs. These funds must be expended by June 30, 2012.
- The City is awaiting formal confirmation from the 911 Board that the FY2010 911 Surcharge fund balance is available for public safety expenses, which staff calculates as \$4,400,000.

911 Fund Balance	
911 Surcharge Fund Balance	\$8,800,000
Fund Balance Available for Use (50% of Total)	-\$4,400,000
Land Purchase	-\$3,850,000
Architectural Programming Study	-\$150,000
Funds remaining for additional public safety expenses	\$400,000

- Staff has contacted the executive director of the 911 Board for written confirmation that the purchase of land and an architectural programming study is eligible for use under the one-time 50% fund balance provision. The Board's executive director has verbally communicated that the purchase of land for a co-located 911 facility does meet the legislation's interpretation of public safety needs.
- Currently, \$6,000,000 in FY2010 Capital Investment Plan (CIP) funding has been allocated for the purchase of land for a joint communications center. If 911 Surcharge fund balance can be used to purchase the land, the \$6,000,000 in CIP funding can be re-programmed towards the future planning, design and construction of the facility.

Future Funding

- Purchasing the land for the project is the first step to secure additional funding for the co-located communications center.
- Once the land is purchased, the City will be eligible to apply for FEMA grant funding for technology for the EOC. This application period is expected to open in December 2010. Maximum award amount is \$1,000,000.
- Additionally, the State of North Carolina has allocated grant funding specifically designated for voluntary consolidation of one or more Public Safety Answering Points (e.g. Police, Fire, and MEDIC). This funding can be applied to construction and technology costs. This grant period will open in April 2011, and currently there is no limit on the amount of funding that can be requested.
- Final cost and funding estimates for the building will not be available until after the architectural programming study and grant application processes are complete. Any remaining funding gaps will be considered as part of a future CIP budget process.

Small Business Opportunity

Contracts for the acquisition or lease of real estate are exempt (Appendix Section 23.4 of the SBO Policy).

Funding

911 Fund Balance

Attachment 5

Map

16. 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."

17. Reconditioning Services for Bus Alternators and Starter Motors

- Action:**
- A. Award a low bid, one-year contract to Larry's Auto Electric Service on a unit cost basis for an estimated annual amount of \$98,005, and**
 - B. Authorize the City Manager to approve up to two, one-year renewals. The estimated amount for three years is \$294,015.**

Staff Resource: Tom Livingston, Transit

Explanation

- The reconditioning process extends the life of the alternators and starter motors and allows them to operate more efficiently.
- On September 9, 2010, CATS issued a formal invitation to bid to solicit reconditioning services for Bus Alternators and Starter Motors for the CATS bus fleet.
- Larry's Auto Electric Service submitted the lowest bid of the four received.
- This will be a one-year contract with two, one-year renewals. The pricing will be fixed throughout the initial term and subsequent renewals of the contract.

Small Business Opportunity

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

Funding

Transit Operating Budget

18. Storm Water Maintenance Contracts FY2011-A and FY2011-B

- Action:**
- A. Award the low bid contract for \$768,619.50 to Bullseye Construction, Inc. for Storm Water maintenance construction FY2011-A,**
 - B. Authorize the City Manager to execute up to three renewals of the Bullseye contract for \$768,619.50 each,**
 - C. Award the low bid contract for \$758,425 to Onsite Development, LLC, for Storm Water Maintenance construction FY2011-B, and**
 - D. Authorize the City Manager to execute up to three renewals of the Onsite Development contract for \$ 758,425 each.**

Staff Resource: Bill Pruitt, Engineering & Property Management

Explanation

- The construction contracts, FY2011-A and FY2011-B, are part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new storm drainage systems.
- Each request is investigated and prioritized based on the severity of potential public/private property flooding.
- The necessary repairs for each request or project are designed and a work order is prepared including an estimated list of quantities.
- Storm Water Services Division uses 12-month retainer contracts to provide timely repairs. The contract amount is based on the unit prices bid for items that are typically used during construction of storm drainage repairs.
- Approximately 50 to 60 projects may be constructed using these contracts. The number may vary depending on the nature and extent of repairs actually constructed.
- The City may renew the contracts up to three times. The renewal options are an incentive to the contractor for good performance, productivity and workmanship.

Small Business Opportunity – Bullseye Construction, Inc.

Established SBE Goal: 7%

Committed SBE Goal: 7.00%

Bullseye Construction Inc. committed 7.00% (\$53,800) of the total contract amount to the following SBE firms: D's Trucking (hauling) and On Time Construction (concrete). Bullseye is also a certified SBE.

Small Business Opportunity – Onsite Development, Inc.

Established SBE Goal: 7%

Committed SBE Goal: 7.65%

Onsite Development committed 7.65% (\$58,000) of the total contract amount to the following SBEs: Husky Construction (pipeline), Mudrunners (hauling), On Time Construction (masonry) and D's Trucking (hauling).

Funding

Storm Water Capital Investment Plan

19. McKee Creek Sanitary Sewer Outfall, Cabarrus County

- Action:**
- A. Award the low bid contract of \$2,995,331.91 by Sanders Utility Construction Co., Inc. for the construction of the Cabarrus County section of the McKee Creek Sanitary Sewer Outfall, and**
 - B. Approve a contract in the amount of \$692,100 with Woolpert North Carolina, PLLC to provide construction administration services for the Cabarrus County section of the McKee Creek Sanitary Sewer Outfall.**

Staff Resource: Barry Gullet, Utilities

Construction Explanation

- The City entered into an agreement with the Water and Sewer Authority of Cabarrus County (WSACC) in 1996 to provide sewer service to the eastern side of Mecklenburg County in the Davidson-Huntersville area.
- Wastewater in this portion of the county naturally flows toward the Cabarrus County line. The agreement for WSACC to treat this wastewater is more cost effective than constructing a new wastewater treatment plant or pumping the wastewater back to existing City treatment plants.
- In 2002, an agreement was executed for service to the Reedy and McKee Creek areas (Harrisburg Road/Rocky River Road).
- The sewer lines along Reedy Creek from the WSACC wastewater plant into Mecklenburg County are currently under construction to service areas within the 2009 annexation.
- This construction contract will provide for the construction of the McKee Creek sewer line in Cabarrus County to the Cabarrus/Mecklenburg county line. A subsequent contract will be awarded next year for the Mecklenburg County portion of this sewer line.
- This project provides the primary sewer line required to serve the proposed 2011 Camp Stewart South annexation area and up to the Albemarle Road/I-485 area.

Professional Services Explanation

- This professional services agreement will provide the following services required to construct the sanitary sewer outfall along McKee Creek in Cabarrus County:
 - Bid administration services
 - Construction administration services
 - Surveying
 - NCDOT tunneling inspection services
- Woolpert was selected using the Council approved qualifications-based selection process.

Small Business Opportunity - Construction

Established SBE Goal: 6%

Committed SBE Goal: 2.32%

Post-bid Committed SBE Goal: 5.25%

Sanders Utility failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 2.32% (\$69,613) of the total contract amount to the following SBE firms: Perry's Lawn & Landscaping Services (erosion control), A-1 Precision Fence Co. (construction fencing), and Martin Resources (hauling).

Subsequent to bid opening, Sanders Utility committed an additional 2.93% (\$87,556.28) to four more SBE firms: JAAMCO (sewer line video inspection), Martin Landscaping Co. (landscape services), Carolina Wetlands Services (seeding), and R&N Construction Group (temporary creek crossings).

Twelve bids were received for this project, none of which met the established goal. Sanders Utility's committed goal of 5.25% is now higher than all the other bidders. The attachment provides additional information concerning the Good Faith Effort points.

Small Business Opportunity - Professional Services

For professional service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). Woolpert committed 3.61% (\$25,000) of the total contract amount to the following SBE firms: Pittman Professional Land Surveying, and Richa Graphics.

Funding

Utilities Capital Investment Plan

Attachment 6

Good Faith Effort Points

20. Mallard Creek Water Reclamation Facility Filter Repair

Action: Approve a contract for \$394,100, with Kemp Construction Inc, for the repair of three filters at Mallard Creek Water Reclamation Facility.

Staff Resource: Barry Gullet, Utilities

Explanation

- The Mallard Creek Water Reclamation Facility is located on Highway 29 North, near Charlotte Motor Speedway.
- Mallard Creek Water Reclamation Facility (WRF) currently has four filter units. These filters remove pollutant particles from the treated waste water before that water can be discharged into the creek or re-use system.
- During maintenance of one of the filters, severe corrosion damage was discovered. The damaged filter was repaired.
- This contract will repair the remaining three filters.
- City Council approved the purchase of the replacement filter equipment on August 23, 2010. This contract is for the installation of that replacement equipment and filter media.

- A solicitation was issued on October 18, 2010 for the filter repair. Two proposals were received.
- The repairs must be performed for the facility to stay in compliance with the Environmental Protection Agency mandates.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

21. McAlpine Creek Wastewater Treatment Plant Expansion, Owner's Representative Professional Services

Action: Approve a contract with Black & Veatch in the amount of \$1,498,934 for owner's representative professional services associated with the McAlpine Creek Wastewater Treatment Plant Effluent Filter Expansion Project.

Staff Resource: Barry Gullet, Utilities

Design-Build

- The McAlpine Creek Wastewater Treatment Plant effluent filters will be expanded using the design-build project delivery method.
- At the September 27 Dinner Briefing, Utilities presented information relative to the City's first design-build project at the McAlpine Wastewater Treatment Plant.
- With a design-build contract, the City would contract with a designer and contractor team (usually a joint venture between a design firm and a contractor), who would work together to design and then build a project. This allows the contractor to be involved in the design and incents the team to find creative solutions that can be completed more quickly, have lower overall costs, or both. The team is selected in a competitive bid process based on how well each proposal satisfies the project goals, and overall price.
- The first step in the process is for the City to hire an engineering company to serve as the Owners Representative. Their role is to provide preliminary engineering sufficient to adequately outline the scope of the project and to assist the City in the design-build team selection and review of the final design and construction.

Selection Process and Contract Services

- Selection of the design-build team will be a two-step process based on a request for qualifications (RFQ) for developing the short list of teams that will provide proposals (RFP).
- Black & Veatch's (B&V) services under this contract include coordination of the RFQ/RFP and selection processes and administration of the design-build team contract through the design and construction phases of the project.
- B&V was selected using the Council approved qualifications-based selection process.

- The estimated cost of the project is \$25 million. Based on information from other design-build owners around the country, the fee for Black and Veatch is within the expected range, given the services they will be providing.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). Black & Veatch committed 3.3% (\$50,000) of the total contract amount to the following SBE firms: Joel E. Wood and Associates, PLLC (geotechnical services) and The Survey Company (surveying services).

Funding

Utilities Capital Investment Plan

22. Environmental Protection Agency Grant

Action:

A. Accept Environmental Protection Agency grant funding for the construction of the Sardis Water Booster Station project in the amount of \$970,000, and

B. Adopt a budget ordinance appropriating \$970,000 in grant funds.

Staff Resource: Barry Gullet, Utilities

Explanation

- The City received a grant authorization for a water transmission main proposed for the lower end of Providence Road near I-485. This grant, which is administered through the Environmental Protection Agency (EPA), was part of the City's federal legislative agenda in 2006.
- Shortly after the notice of award of the grant, a change in the overall master plan for the water distribution system in that area indicated the water line would not be of significant value to the water system. Therefore, Utilities staff worked with EPA to determine if a comparable water project in that geographical area could serve as a substitute project.
- The project identified was the expansion of the Sardis Road Water Booster Station, which was a project in the same geographical area and in the Utilities Capital Improvement Plan. EPA was agreeable to the project substitution.
- The Sardis Road Water Booster Station project was a modification to an existing booster station to provide water pumping capability into eastern Charlotte and Mecklenburg County, whereas it previously only pumped into the southern and central areas of the City.
- This project provided additional water capacity in the eastern region to support proposed annexations in the area and to improve reliability of water distribution to this portion of the county. Prior to this project, the eastern portion of the water system relied heavily on a single water booster station to maintain flow and pressure.
- The project has been completed this past year at a cost of \$1,249,651.50 and the grant funding of \$970,000 will be applied toward that expenditure.

Funding

Utilities Capital Investment Plan and EPA Grant

Attachment 7

Budget Ordinance

23. McAlpine Relief Phase 3 and Irvins Creek Sewer Projects Consultant Contract

Action: Approve a professional services contract with McKim and Creed in the amount of \$2,100,000, for construction administration services for the McAlpine Relief Sewer Phase 3 projects and design and construction administration services for the Irvins Creek Parallel Sewer line.

Staff Resource: Barry Gullet, Utilities

McAlpine Relief Sewer Construction Administration Services

- The McAlpine Relief Sewer project was initiated in 2000 to address wet weather sewer overflows occurring in the existing McAlpine sewer system. The sewer line extends from the McAlpine Treatment plant near I-485 in Pineville to Lawyers Road.
- The project is divided into four phases. Phase 1 was one of the projects required under the February 2008 EPA Administrative Order. Phase 1 is complete. Phase 2 is scheduled for completion by the end of 2010.
- Phase 1 was constructed at a cost of \$18,248,890.66. Phase 2 will cost \$11,802,918.86.
- Phase 3 is approximately 31,000 linear feet, beginning at Colony Road and extending to Independence Boulevard.

Irvins Creek Sewer Design and Construction Administration

- This agreement also provides funding for design and construction administration for the Irvins Creek Parallel Sewer. This project provides for a parallel sewer line for the lower portion of the Irvins Creek sewer line. The lower portion of the Irvins Creek Sewer line is undersized for projected sewer flows and the section under Independence Boulevard is a bottleneck in that sewer line due to the pipe diameters being too small.
- This sewer project is approximately 7,000 linear feet, beginning at the McAlpine Relief Sewer at the McAlpine Greenway and extending under Independence Boulevard near Sardis Road North.
- The Irvins Creek Parallel Sewer project was identified in the FY2007-2012 Capital Investment Plan.
- A significant portion of the McAlpine Creek Relief Sewer Phase 3 and Irvins Creek Parallel Sewer projects pass through the McAlpine Creek Greenway Park.
- The Parks and Recreation Department has requested that all construction within the park occur in one project to minimize disruptions to the park's operation. Therefore, the Irvins Creek Sewer line will be constructed in conjunction with Phase 3 of the McAlpine Relief Sewer.
- McKim and Creed was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

For professional service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). On this contract, McKim and Creed committed 22.9% (\$480,000) to the following SBE firms: Gavel & Dorn (materials testing), Avioimage (aerial mapping), and Carolina Wetland Services (environmental permitting).

Funding

Utilities Capital Investment Plan

24. Fire Department Supplies

- Action:**
- A. Approve the purchase of Fire Department supplies as authorized by the sole source exemption of G.S. 143-129(e)(6),**
 - B. Approve contracts with the following companies for the purchase of miscellaneous supplies in the combined estimated annual amount of \$1,000,000 for the term of three years, subject to available funds:**
 - **Municipal Emergency Services (MES) – Carolinas**
 - **Newton's Fire & Safety Equipment, Inc.**
 - **Phoenix Rescue Equipment, Inc., and**
 - C. Authorize the City Manager to approve up to two additional one-year renewal options with possible price adjustments as stipulated in the contract, not to exceed an average of 5% for all items, combined in any 12-month period.**

Staff Resource: Rich Granger, Fire

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary due to the all the reasons stated above.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Charlotte Fire Department uses numerous supplies in their daily operations that are necessary for personal safety, to maintain equipment, and to effectively protect and serve the citizens.
- These supplies include, but are not limited to, respirators, stretchers, helmets, battery packs, badges, fire hose, specialized tools, test kits, and a variety of replacement parts and accessories for many of these products.
- Some of these items are proprietary to these companies, or the manufacturers have identified these vendors as the exclusive distributor of their products for this area.

- It is not possible to obtain competition for many of these items, or there is a substantial technical risk in using other products due to compatibility and warranty issues.
- BSS/Procurement Services and Fire compare the costs of these items with other public entities contracts to ensure the City is receiving the best prices and value.

Small Business Opportunity

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

Funding

Fire Department Operating Budget

25. City Vehicle Washing Services

Action:

A. Approve service contracts for vehicle washing services with the following two companies for an initial term of three years at the following estimated annual expenditures:

- **Autobell Car Wash - \$180,000/year**
- **Diamond Finish Car Wash - \$20,000/year, and**

B. Authorize the City Manager to approve up to two additional one-year contract renewal options as authorized by the contract.

Staff Resource: Chuck Robinson, Business Support Services

Explanation

- Auto industry best practices suggest that a regular washing program by automated approach can prolong the finish life and defer corrosion by removing environmental decontaminants from vehicle surfaces.
- The City vehicle washing service program is open to all KBU's; however 95% of this service is used by Police and Fire. Police and Fire use vehicle washing services on approximately 1,357 fleet vehicles consisting of sedans, vans, and trucks of less than 10,000 gross vehicle weight with single rear wheel drive.
- In the last fiscal year, approximately 13,500 washes were performed on police vehicles and 120 on fire vehicles.
- Three washing options have been established for the City:
 - Exterior only
 - Exterior wash with interior cleaning
 - Comprehensive wash with interior cleaning
- Carpet cleaning services are available as needed as for an additional cost per service.
- The standard washing frequency for most City vehicles is monthly; however, Police and Fire do encounter extenuating circumstances that can impact that timeframe such as transporting soiled passengers or soiled equipment.
- Both vendors use recycled water.

Selection Process

- The City issued a Request for Proposals for vehicle washing and decontamination services on September 28, 2010. The City received two proposals in response to the vehicle washing portion of the solicitation,

but did not receive any proposals in response to vehicle decontamination services (involves bio-hazard/blood born pathogens). The City has a month to month contract for decontamination services, the cost for which is within the City Manager's authority for approval.

- The Project Team, comprised of staff from Business Support Services, Police and Fire, conducted a thorough evaluation of the two proposals for Vehicle Washing Services and recommends awarding contracts to Autobell Car Wash and Diamond Finish Car Wash. The contract amounts are based on the number of locations. Diamond Finish has one location. Autobell has 13 locations.

Contract Terms

- Volume price savings resulting from the consolidated contract range from \$0.50 to \$2 per vehicle.
- The contracts will have an initial term of three years with the option to renew for two additional, consecutive one-year terms.
- For years four and five, price increases, ranging from \$0.50 to \$1, are specified in the contract based on type of service and type of vehicle.
- Contract renewal after the initial term is contingent upon availability of funds as well as the vendors' satisfactory performance.

Small Business Opportunity

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

Funding

Various Key Business Unit Operating Budgets

26. Humane Society Contract Amendment #4

Action: Approve contract amendment #4 providing a six-month extension to the City's contract with the Humane Society of Charlotte in an amount not to exceed \$90,000.

Staff Resources: Ruth Story, Police
Mark Balestra, Police

Explanation

- On January 31, 2005, the City entered into a contract with the Humane Society of Charlotte to provide spay/neuter services at the animal shelter.
- The first amendment to the contract, dated March 28, 2007, returned the mobile spay/neuter vehicle that was leased to the City to the Humane Society.
- The contract was scheduled to expire on January 1, 2010, but was amended a second time to extend the agreement to June 30, 2010 and to adjust the rates the Humane Society was allowed to charge the public for its services.
- The third contract amendment, requested by the Humane Society, extended the agreement to December 31, 2010. The extension was requested to accommodate a change in leadership at the Humane Society and to allow its new Executive Director to review the relationship between the Humane Society and the City. That amendment was approved by Council on June 28, 2010.
- The Humane Society has now requested a fourth amendment to the contact to extend the agreement until June 30, 2011. The Humane

Society hired a Vice President for operations with an extensive background in operating spay/neuter clinics and want him to have six months to review clinic operations to improve productivity. This is a key component of the Society's Strategic Plan.

- City staff has agreed to the requested amendment with the understanding that this will be the final amendment to this contract.
- The rates established for spay/neuter and other related services in the second contract amendment will remain in effect during the six months covered by the fourth amendment.

Funding

Police Operating Budget

27. Mint Hill Radio Tower

Action: Authorize the purchase of a 390-foot radio tower, peripheral equipment, and authorization to use associated radio frequencies from the Town of Mint Hill in the amount of \$350,000.

Staff Resources: Charles Robinson, Business Support Services
Jeff Dulin, Fire

Explanation

- The Charlotte-Mecklenburg Radio Communication Council (RCC) is a representative body for all entities that participate in the regional radio system. This group coordinates with Business Support Services (BSS) on the use of the radio system across the region.
- In 2005, Mint Hill built a 390-foot radio tower at a cost of approximately \$1.2 million, to create a Mint Hill Public Safety Radio service independent of the Charlotte-Mecklenburg system and outside of the Charlotte-Mecklenburg Radio Communication Council (RCC). The decision to create this system was made by the governing body of the Town of Mint Hill.
- Currently, Mint Hill has decided to no longer host their own public radio system and is in the process of rejoining the Charlotte-Mecklenburg Public Safety Radio System and the RCC.
- Through the Urban Area Security Initiative (UASI), the City has the opportunity and the funds to purchase the Mint Hill radio site (i.e. the tower, peripheral equipment, and radio frequency authorizations) at a discount of approximately 70% of the original cost paid by Mint Hill.
- Mint Hill has already approved the sale of the tower to the City of Charlotte.
- The City is purchasing this tower in its role as Lead Agency for the Charlotte USAI region using USAI grant funds it administers.
- The Charlotte-Mecklenburg Radio System, which provides the core of the regional 800 MHz radio system, has a tower located in the general vicinity of the Mint Hill tower, which will provide coverage for the Town of Mint Hill when it rejoins the system.
- The tower will be relocated to northwest Cabarrus County or northeastern Mecklenburg County, where it will provide connectivity for northeast Mecklenburg County and the ability to advance the regional system into Cabarrus County. A specific site for the tower has yet to be identified.
- In this new location, the tower will provide coverage to the northeastern section of Mecklenburg County, specifically the Town of Davidson, which currently has issues with system coverage. At the same time, it will

provide Cabarrus County with a platform to deploy equipment to enhance their radio system.

- This tower will also provide an opportunity for connectivity between the Charlotte-Mecklenburg Radio System and the Cabarrus County Radio System, which is currently being negotiated and is anticipated to be brought to City Council as an Interlocal agreement by March 2011.
- This supports the UASI strategy of strengthening regional radio capabilities.
- Per General Statute 143-129(e)(1), local governments are authorized to purchase used equipment from other local government entities and are not required to comply with the competitive bidding statutes when they contract for purchase of apparatus, supplies, materials, or equipment from any other government unit from within the United States.

Small Business Opportunity

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

Funding

2009 UASI Grant Funds

28. Technology and Network Security Device

- Action: A. Approve the purchase of security, information and event management (SIEM) device as authorized by the previously bid or piggybacking exemption of G.S. 143-129(g), and**
- B. Approve a contract with LogRhythm, Inc. for the purchase of LogRhythm LRX2 Series Event Manager in the amount of \$219,336.12.**

Staff Resources: Jeff Stovall, Chief Information Office
Randy Moulton, Chief Information Office

Piggybacking Exception

- G.S. 143-129(g) allows local governments to purchase from any supplier that has contracted, within the past 12 months, 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.
- The original contract as awarded and approved on November 24, 2009, by the Wayne County Airport Authority Chief Executive Officer located in the metro area of Detroit, Michigan.

Explanation

- The City currently uses a Cisco appliance for technology and network security of data collection, which is housed internally into a central repository for trend analysis, called Security Information and Management System (SIEM). The solution is comprised of software that allows the Information Technology team to monitor the security console, sending information about security-related events; review the consolidated information; and take action in response to any alerts issued.

- This appliance is nearing the end of its useful life and support, and therefore, will not meet the compliance needs of the City going forward.
- The benefits and functionality of the LogRhythm LRX2 Series Event Manager are as follows:
 - Collect and retain logging information from mission critical devices (firewalls, network equipment, servers, etc.) that are connected to the City network
 - Alert appropriate personnel for events that might compromise the City computer network. These events might include, but are not limited to:
 - Invalid login attempts
 - Probing of the network, either internal or external
 - Attempted usage of disabled accounts
 - Virus and Trojan attacks
 - Improper configurations that might cause a disruption of service on the network
 - Collect and retain logging information pertinent to the access of restrictive data
 - Monitor sensitive applications for unauthorized changes and alert as necessary
 - Monitor and alert in the event of restrictive data leakage through email, file transfer, etc.
- The SIEM solution will enable the City to comply with industry standards and laws protecting the privacy of customers and employees.

Small Business Opportunity

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

Funding

Chief Information Office Operating Budget

29. Workers' Compensation Claim Settlement

Action: Approve a payment of \$560,773 in full and final settlement of a Workers' Compensation claim for Utilities employee, Carroll Brown.

Staff Resource: Daniel Pliszka, Finance

Explanation

- This payment will be a full and final settlement.
- The City has already paid its maximum liability of \$300,000.
- The entire amount of this settlement request will be reimbursed by the excess insurance carrier.
- On February 7, 2001, Mr. Brown was injured in a work-related accident.
- A confidential memo will be sent to City Council in the Friday, November 19 Council-Manager packet.

Funding

Excess Insurance Carrier

30. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Complaint:

- A. 3025 Sloan Drive (Neighborhood Statistical Area 112 – Toddville Road Neighborhood)

Field Observation:

- B. 1002 East 10th Street (Neighborhood Statistical Area 54 – Elizabeth Neighborhood)
- C. 1300 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- D. 1209 Parkwood Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)
- E. 3052 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- F. 3110 1, 2, 3, 4, 5, 6 Southwest Blvd. (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood)
- G. 3300 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- H. 913 Van Every Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)

Complaint:

A. 3025 Sloan Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3025 Sloan Drive (Neighborhood Statistical Area 112 – Toddville Road Neighborhood).

Attachment 8

Field Observation:

B. 1002 East 10th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1002 East 10th Street (Neighborhood Statistical Area 54 – Elizabeth Neighborhood).

Attachment 9

C. 1300 Fairmont Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1300 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

Attachment 10

D. 1209 Parkwood Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1209 Parkwood Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).

Attachment 11

E. 3052 Rozzelles Ferry Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3052 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 12

F. 3110 1, 2, 3, 4, 5, 6 Southwest Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3110 1, 2, 3, 4, 5, 6 Southwest Blvd. (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood).

Attachment 13

G. 3300 Tuckaseegee Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3300 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 14

H. 913 Van Every Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 913 Van Every Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 15

PROPERTY ITEMS

31. Property Transactions

Action: Approve the following property acquisitions (A-J) and adopt the condemnation resolutions (K-Q).

NOTE: For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates. In the case of condemnations, the City has negotiated in good faith to acquire the properties. For condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review. In most 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:** Franklin Wastewater Treatment Plant Reservoir Protection (1110 Auten Road), Parcel # 3
Owner(s): Mildred G. Self
Property Address: 1110 Auten Road
Property to be acquired: 86,124 sq. ft. (1.977 ac.) in Fee Simple **(Total Take)**
Improvements: None
Landscaping: None
Zoned: R-17MF
Use: Multi Family
Tax Code: 039-181-04
Total Parcel Tax Value: \$113,000
Purchase Price: \$188,250
Remarks: Compensation was established by an independent, certified appraisal and appraisal review. This parcel is for the protection of CMU's Franklin WTP (Wastewater Treatment Plant) reservoir.
- B. Project:** Central/Medford Storm Drainage Improvement, Parcel # 10
Owner(s): Chandrakant S. Patel
Property Address: 2911 Eastway Drive
Property to be acquired: 4,563 sq. ft. (.105 ac.) in Storm Drainage Easement, plus 383 sq. ft. (.009 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: None
Zoned: B-2(CD)
Use: Commercial
Tax Code: 101-161-10
Total Parcel Tax Value: \$590,300
Purchase Price: \$26,425
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

- C. Project:** Freedom Drive Intersection Project, Parcel # 246
Owner(s): Michael Poarch and Wife, Catherine M. Ryan
Property Address: 6236 Freedom Drive
Property to be acquired: 1,712 sq. ft. (.039 ac.) in Fee Simple, plus 191 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 322 sq. ft. (.007 ac.) in Utility Easement, plus 850 sq. ft. (.020 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 057-232-06
Total Parcel Tax Value: \$118,400
Purchase Price: \$11,550
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- D. Project:** Freedom Drive Intersection Project, Parcel # 247
Owner(s): Chrysalis NC Enterprises, LLC
Property Address: 6228 Freedom Drive
Property to be acquired: 4,293 sq. ft. (.099 ac.) in Fee Simple, plus 1,796 sq. ft. (.041 ac.) in Existing Right-of-way, plus 220 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 2,386 sq. ft. (.055 ac.) in Utility Easement, plus 1,617 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 057-221-01
Total Parcel Tax Value: \$159,100
Purchase Price: \$11,050
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- E. Project:** Freedom Drive Widening, Parcel # 444
Owner(s): J.C. Taylor a/k/a James C. Taylor
Property Address: 4401 Freedom Drive
Property to be acquired: 5,116 sq. ft. (.117 ac.) in Fee Simple, plus 2,422 sq. ft. (.056 ac.) in Existing Right-of-way, plus 1,794 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 2,434 sq. ft. (.056 ac.) in Sidewalk and Utility Easement, plus 22 sq. ft. (.001 ac.) in Utility Easement, plus 17,375 sq. ft. (.399 ac.) in Slope Easement, plus 3,394 sq. ft. (.078 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None

- Zoned:** R-4
Use: Single Family Residential
Tax Code: 059-041-12
Total Parcel Tax Value: \$124,400
Purchase Price: \$31,025
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- F. Project:** Freedom Drive Intersection Project, Parcel # 495
Owner(s): Bobby Ray Aderhold, Jr.
Property Address: 6205 Freedom Drive
Property to be acquired: 2,856 sq. ft. (.066 ac.) in Fee Simple, plus 1,458 sq. ft. (.033 ac.) in Existing Right-of-way, plus 375 sq. ft. (.009 ac.) in Utility Easement, plus 4,060 sq. ft. (.093 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-231-05
Total Parcel Tax Value: \$88,700
Purchase Price: \$11,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- G. Project:** Rea Road Widening / Improvements, Parcel # 50
Owner(s): Joseph David Ransom
Property Address: 5300 Five Knolls Drive
Property to be acquired: 1,538 sq. ft. (.035 ac.) in Fee Simple, plus 2,990 sq. ft. (.069 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs/Trees
Zoned: R-3
Use: Condominium
Tax Code: 211-233-18
Total Parcel Tax Value: \$91,900
Purchase Price: \$47,625
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- H. Project:** Rea Road Widening/Improvements, Parcel # 53
Owner(s): Ronald S. Drobonick and Wife, Lena Delores Drobonick
Property Address: 5222 Rea Road
Property to be acquired: 1,081 sq. ft. (.025 ac.) in Fee Simple, plus 4,107 sq. ft. (.094 ac.) in Temporary Construction Easement
Improvements: Fencing
Landscaping: Trees/Bushes
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-233-15
Total Parcel Tax Value: \$170,200
Purchase Price: \$22,337

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

- I. **Project:** Rea Road Widening/Improvements, Parcel # 54
Owner(s): Ronald S. Drobonick and Wife, Lena Delores Drobonick
Property Address: 5200 Rea Road
Property to be acquired: 897 sq. ft. (.021 ac.) in Fee Simple, plus 1,340 sq. ft. (.031 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-233-21
Total Parcel Tax Value: \$45,000
Purchase Price: \$12,663
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- J. **Project:** Rea Road Widening / Improvements, Parcel # 106
Owner(s): Kiran K. Vuppu and Wife, Neelkamal Shaikh
Property Address: 4995 Rea Road
Property to be acquired: 684 sq. ft. (.016 ac.) in Fee Simple, plus 32 sq. ft. (.001 ac.) in Utility Easement, plus 1,870 sq. ft. (.043 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-532-29
Total Parcel Tax Value: \$359,400
Purchase Price: \$15,775
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- K. **Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 46
Owner(s): Paul Kevin Butler And Wife, Angela L. Butler a/k/a Angela D. Butler And The Unknown Heirs Of Elizabeth S. Dellinger And Any Other Parties Of Interest
Property Address: 6324 Hazelton Drive
Property to be acquired: 705 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 745 sq. ft. (.017 ac.) in Utility Easement, plus 1,106 sq. ft. (.025 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 179-032-10
Total Parcel Tax Value: \$185,200
Appraised Value: \$7,950
Property Owner's Counteroffer: \$9,950

Reason for Condemnation: The project purpose is to construct infrastructure for the Eastburn CIP to upgrade storm drainage infrastructure and stabilize channels which requires the acquisition of Storm Drainage Easements, Temporary Construction Easements, Sanitary Sewer Easements and Permanent Utility Easements for relocation of electric distribution poles/lines. The title abstract indicates there is 50% owner that the current owner is not aware of. The owner's title insurance company has stated it could take months to research and clear the title. Therefore, City staff is recommending condemnation in order to obtain clear title.

- L. Project:** McCrorey Heights Neighborhood Improvements Project, Parcel # 64
Owner(s): Gerald Oren Johnson, Robert C. Johnson, Tina Karon Simmons, and Cathy Frontis and Any Other Parties of Interest
Property Address: 815 Condon Street
Property to be acquired: 808 sq. ft. (.019 ac.) in Sidewalk and Utility Easement, plus 1,186 sq. ft. (.027 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 078-382-05
Total Parcel Tax Value: \$153,000
Appraised Value: \$825
Property Owner's Counteroffer: none
Reason for Condemnation: This neighborhood improvement project includes installing sidewalks and storm drainage. It requires the acquisition of Temporary Construction Easements, Permanent Sidewalk Easements and Storm Drainage Easements. The title abstract indicates four owners obtained the property by last will and testament. The title abstract demonstrates issues which prevent obtaining a clear title. City staff is recommending condemnation in order to obtain clear title.
- M. Project:** Providence Road Sidewalk II (Folger Drive to Blueberry Lane), Parcel # 8
Owner(s): Zac B. Dean and Wife, Jennifer M. Dean and Any Other Parties of Interest
Property Address: 1100 Blueberry Lane
Property to be acquired: 31 sq. ft. (.001 ac.) in Utility Easement, plus 16 sq. ft. in Combined TCE and Utility, plus 1,533 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 187-251-40
Total Parcel Tax Value: \$282,300
Appraised Value: \$675
Property Owner's Counteroffer: none

Reason for Condemnation: This is a Neighborhood Improvement Project that requires a retaining wall for the installation of the sidewalk. The property owner is not agreeable to the retaining wall. City staff has offered alternate designs to which the property owner has yet to agree.

- N. Project:** Rea Road Widening / Improvements, Parcel # 35
Owner(s): Phillip T. Liao and Wife, Lynn P. Liao and Any Other Parties of Interest
Property Address: 5301 Stallworth Drive
Property to be acquired: 805 sq. ft. (.018 ac.) in Fee Simple, plus 2,064 sq. ft. (.047 ac.) in Storm Drainage Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 2,222 sq. ft. (.051 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Bushes
Zoned: R-3
Use: Single Family Residential
Tax Code: 211-521-30
Total Parcel Tax Value: \$298,800
Appraised Value: \$48,500
Property Owner's Counteroffer: none
Reason for Condemnation: This project will improve Rea Road between Hwy 51 and Colony Road by providing two through lanes with planted median, left-turn lanes, bike lanes, planting strips and sidewalk. The project will also improve the sight distance at intersections and along the road. The property owner will not accept the City's offer, which is based on the appraisal, and has not made a counter offer.
- O. Project:** Shillington Storm Water Capital Improvements Project, Parcel # 22
Owner(s): Brad C. Glosson and Wife, Amy E. Glosson and Any Other Parties of Interest
Property Address: 8245 Bar Harbor Lane
Property to be acquired: 108 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 2,610 sq. ft. (.060 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 209-431-24
Total Parcel Tax Value: \$715,800
Appraised Value: \$3,725
Property Owner's Counteroffer: none
Reason for Condemnation: This is a capital improvement project that will address flooding issues and storm water complaints. This property owner requested to be included in the project to remedy the erosion occurring in the existing drainage ditch. City staff has worked diligently to meet the property owner's requests regarding the design and special provisions, however, the owner has not agreed to the terms.

- P. Project:** Shillington Storm Water Capital Improvements
Project, Parcel # 36
Owner(s): Oussama Faouzi Kablaoui n/k/a Osama Fawzi Kablawi and Wife, Hoda Oussami Kablawi and Any Other Parties of Interest
Property Address: 8101 Greencastle Drive
Property to be acquired: 4,162 sq. ft. (.096 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 209-501-02
Total Parcel Tax Value: \$125,000
Appraised Value: \$7,625
Property Owner's Counteroffer: none
Reason for Condemnation: This is a capital improvement project that will address flooding issues and storm water complaints. The property owners have been out of the country and unavailable throughout the negotiation process for the last year. Condemnation is the only way to obtain clear title.
- Q. Project:** Shillington Storm Water Capital Improvements
Project, Parcel # 60
Owner(s): Uri Krause and Wife, Esther Krause and Any Other Parties of Interest
Property Address: 8305 Bar Harbor Lane
Property to be acquired: 629 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 1,849 sq. ft. (.042 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 209-431-25
Total Parcel Tax Value: \$790,000
Appraised Value: \$5,675
Property Owner's Counteroffer: none
Reason for Condemnation: This is a capital improvement project that will address flooding issues and storm water complaints. City staff has worked extensively with the property owners to address their concerns regarding the design and the easement language, however, the owner has not agreed to the terms.

32. Meeting Minutes

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

- August 23, 2010
- September 7, 2010
- September 13, 2010
- September 20, 2010