

**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 8, 2010**

---

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

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
33	31	2010 UASI and MMRS Grants
34	32	Consolidated E-911 System
35	33	Fire Station Alerting System

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

**TABLE OF CONTENTS**

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>5:00 P.M. Dinner Briefing Conference Center</b>			
<b>1.</b>	Mayor and Council Consent Item Questions	1	
<b>2.</b>	Housing Locational Policy	1	1
<b>3.</b>	Proposed 2011 State Legislative Agenda	2	2
<b>4.</b>	Closed Session	3	
<b>5.</b>	Answers to Mayor and Council Consent Item Questions	3	
<b>Consent</b>			
<b>6.</b>	Consent agenda items 14 through 48 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.	4	
<b>Policy</b>			
<b>7.</b>	City Manager's Report	5	
<b>8.</b>	Citizens Parole Accountability Committee	5	
<b>9.</b>	2011 Annexation Ordinance and Resolutions	6	3
<b>Business</b>			
<b>10.</b>	2010 Community Housing Development Organization Grants	8	4
<b>11.</b>	Transfer of Grant Funds to Stimulus Account	10	5
<b>12.</b>	Appointments to Boards and Commissions	10	6-11
<b>13.</b>	Mayor and Council Topics	12	
<b>Consent</b>			
<b>14.</b>	Clanton Road Sidewalk Project	13	

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>15.</b>	Fred D. Alexander Boulevard Section B1 Landscaping	14	
<b>16.</b>	Lincoln/Wilson Heights Neighborhood Improvement Project	15	
<b>17.</b>	Employee Assistance Program and Related Services	15	
<b>18.</b>	Small Business Web Portal Development	17	12
<b>19.</b>	Enhanced Security Equipment for Transit Facilities Perimeter Monitoring	18	
<b>20.</b>	Relocation and Adjustment of Utility Lines Supplemental Municipal Agreement	19	13
<b>21.</b>	Laboratory Supplies, Equipment and Chemicals	20	
<b>22.</b>	FY2009 Water Main Rehabilitation Renewal #2	21	
<b>23.</b>	Water Meter Reading Equipment	22	
<b>24.</b>	Airport Cellular Antenna System Phase I	23	
<b>25.</b>	Airport Deicing Trucks	24	14
<b>26.</b>	Airport Terminal Elevated Roadway Design	25	15
<b>27.</b>	Airport Capital Program Management Contract	26	
<b>28.</b>	West Boulevard Relocation Change Order	27	
<b>29.</b>	Wilkinson Boulevard Intersection Change Order	27	
<b>30.</b>	Airport Runway Project Change Order	28	
<b>31.</b>	Firefighter Certification Training Agreement	29	
<b>32.</b>	Air-fill Stations for Breathing Equipment	30	
<b>33.</b>	2010 UASI and MMRS Grants	31	

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>34.</b>	Consolidated E-911 System	32	
<b>35.</b>	Fire Station Alerting System	33	
<b>36.</b>	Crime Scene Search Vehicle	34	16
<b>37.</b>	Assets Forfeiture Appropriation	35	17
<b>38.</b>	Police Helicopter Repair and Maintenance Services	36	
<b>39.</b>	John Deere Equipment Parts and Services	37	
<b>40.</b>	Vacall Equipment Parts and Services	38	
<b>41.</b>	Browne and Hucks Road Improvements Municipal Agreement	39	18
<b>42.</b>	Snow and Ice Removal Municipal Agreement	40	19
<b>43.</b>	Various Storm Drainage Improvement Projects	41	
<b>44.</b>	Refund of Property and Business Privilege License Taxes	42	20
<b>45.</b>	Resolution of Intent to Abandon a Ten-foot Alleyway Located of S. Mint Street	42	21
<b>46.</b>	Steele Creek Police Station Land Purchase	42	
<b>47.</b>	Property Transactions	44	
<b>48.</b>	Meeting Minutes	59	

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

### 1. Mayor and Council Consent Item Questions

**Resource:** Eric Campbell, 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. Housing Locational Policy

**Committee Chair:** Patsy Kinsey

**Resource:** Pamela Lopez, Neighborhood & Business Services

**Time:** 30 Minutes

#### Synopsis

- Staff will brief City Council on the Housing & Neighborhood Development Committee's recommended revised Housing Locational Policy (Policy).
- The current Policy was approved by City Council on November 26, 2001, and amended on September 24, 2003.
- 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 subsidized multi-family 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 subsidized multi-family rental housing. These areas are delineated based on Neighborhood Statistical Areas in the City of Charlotte.
- On June 24, 2010, City Council approved a draft revised Policy and requested that Neighborhood & Business Services staff host a series of public forums during the months of July and August to gain citizen input on a revised Policy.
- 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 exemptions for seniors, disabled and special needs populations
- During the months of August, September and October, the Housing & Neighborhood Development Committee met with Neighborhood & Business Services Staff to develop the attached revised Housing Locational Policy.
- On October 18, 2010, the Housing and Neighborhood Development Committee voted 3 to 1 (for: Kinsey, Cannon, Mitchell; opposed: Cooksey) to recommend the attached revised Housing Locational Policy.

**Future Action**

Public Hearing, November 22, 2010  
Council Approval, December 13, 2010

**Attachment 1**

Draft revised Housing Locational Policy Chart

### **3. Proposed 2011 State Legislative Agenda**

**Resources:** Ron Kimble, City Manager's Office  
Dana Fenton, City Manager's Office

**Time:** 20 minutes

**Synopsis**

- Annually, the City Council prepares a State Legislative Agenda to communicate its policy preferences to the North Carolina General Assembly. The North Carolina General Assembly convenes on January 26. In 2011, the General Assembly will be focused upon budgetary and financial issues.
- The Government Affairs Committee (GAC) met in September, October and November to discuss issues to be considered in 2011, which are of interest to the City. The GAC also considered staff recommendations of issues proposed for inclusion in the agendas. The GAC requested that the attached issues be presented to the City Council on November 8 prior to a vote of Council on November 22.

**Future Action**

Council will be requested to approve the Proposed 2011 State Legislative Agenda at its November 22, 2010 meeting.

**Attachment 2**

Presentation: Proposed 2011 State Legislative Agenda  
2011 State Legislative Agenda position statements

#### 4. Closed Session

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

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

**Resource:** Eric Campbell, City Manager's Office

**Time:** 10 minutes

**Synopsis**

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

## **CONSENT**

- 6. Consent agenda items 14 through 48 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.**

## POLICY

### 7. City Manager's Report

### 8. Citizens Parole Accountability Committee



**Action:** Approve the Community Safety Committee recommendation to dissolve the Citizens Parole Accountability Committee.

**Committee Chair:** Patrick Cannon

**Staff Resources:** Eric Campbell, City Manager's Office  
Katrina Graue, Police

#### Explanation

- The Citizens Parole Accountability Committee (CPAC) was established by City Council in 1994 as part of the City's five-year Community Safety Plan.
- The committee was established to evaluate the cases of inmates from Mecklenburg County who were under consideration for parole and to object to those paroles through letters and appearances before the Parole Commission.
- The CPAC was successful in increasing the role of victims in Parole Commission hearings and provided assistance in the passage of the Victim Rights Amendment.
- The workload for the CPAC has decreased significantly since 2007 when the General Assembly enacted legislation that changed the parole review process from every year to once every three years.
- The N.C. Parole Commission also continues to release inmates sentenced prior to 1994 for a number of reasons including good behavior, successful completion of programs such as the Mutual Agreement Parole Program, and high medical costs.
- As a result, the number of inmates under review by the CPAC has declined 70% in the last three years from 111 cases in 2007 to 33 in 2010.
- Both the District Attorney and the Police Chief have recommended that the CPAC be dissolved. The District Attorney's Office will continue to object to paroles of inmates sentenced prior to October 1, 1994.
- The Chairman of the CPAC resigned in June 2010 and only five members remain on the Committee. Those Committee members are exploring other ways to impact the criminal justice system. The remaining Committee members do not oppose dissolving the CPAC.

#### Committee Discussion

- On October 18, the Community Safety Committee discussed the staff recommendation to disband the CPAC. The Committee reviewed the recommendations from the District Attorney and Police Chief. Staff presented a report on the Committee's decreasing workload. The City Attorney told the Committee that there is no legal or policy provision that precludes dissolving committees and there is precedent for doing so.
- The Community Safety Committee voted 4-1 to recommend that the Citizens Parole Accountability Committee be dissolved (for: Cannon, Barnes, Dulin, Kinsey; against: Peacock).

## 9. 2011 Annexation Ordinance and Resolutions

- Action:**
- A. Adopt resolution amending Camp Stewart South annexation report,**
  - B. Establish the effective date of June 30, 2011 for the annexations and adopt annexation ordinances for the Rhyne, Whitehall, and Camp Stewart South annexation qualifying areas,**
  - C. Adopt an annexation budget ordinance totaling \$502,747, and**
  - D. Adopt a resolution stating the intent of the City to pay economic loss to qualified solid waste collection firms totaling \$179,079.**

**Staff Resources:** Jonathan Wells, Planning  
 Bill Parks, Budget and Evaluation  
 Terrie Hagler-Gray, City Attorney's Office

### Policy

City Council's Policies for Considering Involuntary (City-initiated) Annexation were adopted on June 23, 2003. The Policies recognize annexation, to be undertaken on a regular two-year cycle, as a key tool in the orderly development and maintenance of the City. The Policy is attached.

### Previous Council Actions

- On June 8, 2009, Council adopted Resolution of Consideration, creating 2011 annexation study areas.
- In spring 2010, staff determined areas within study areas that qualified for annexation.
- On June 14, 2010, Council was briefed on 2011 Annexation Qualifying Areas.
- On June 14, 2010, Council adopted Annexation Reports and Resolutions of Intent for three Annexation Qualifying Areas.
- On August 5, 2010, a public informational meeting was held for owners of properties within the annexation qualifying areas.
- On August 23, 2010, Council held annexation public hearings for the Rhyne, Whitehall, and Camp Stewart South annexation qualifying areas.

### A. Camp Stewart South Annexation Report Resolution

- State annexation statutes require City Council to adopt Annexation Reports as prerequisites to subsequently taking action on annexations.
- The Annexation Report for the Camp Stewart South qualifying area adopted by Council on June 14, 2010 requires revisions to provide specific economic loss figures for Solid Waste firms that were not available when the report was initially produced.
- The Resolution (attached) officially amends the Annexation Report.
- Revision does not affect the area's eligibility for annexation.

### B. Effective Date and Annexation Ordinances

- The recommended effective date of annexation for the three annexation areas is June 30, 2011.

- State annexation statutes require Council to adopt an ordinance (attached) extending the corporate limits to include the areas described in the public hearing notice and which Council has concluded should be annexed.
- Statutes also stipulate Council must establish the annexation effective date not less than 70 days or more than 400 days from the date of passage of the ordinance.

### **C. Budget Ordinance**

- The annexation budget ordinance (attached) indicates the start-up costs and funding sources required in the current fiscal year. The ordinance is necessary to prepare for the extension of City services into the areas to be annexed effective June 30, 2011.
- In accordance with state annexation statutes, expenses must include economic loss payments to volunteer fire departments and to private solid waste collection firms currently serving the annexation areas.
- Start-up expenses of \$502,747 are necessary to provide economic loss payments to volunteer fire departments (\$158,749) and to private solid waste collection firms (\$179,079), and to purchase equipment (\$164,919) to deliver services beginning on June 30, 2011.
- All of the start-up expenses will be appropriated from fund balance of the General Fund. The appropriation will not compromise the City's minimum fund balance requirement of 16%.
- Full year operating expenditures and revenues for the combined three annexation areas will be included as part of the FY2012-FY2013 Operating Budget Plans. A summary of these expenditures and revenues is attached.
- Funding to begin the installation of water and sewer lines in the annexation areas is already included in the FY2011-2015 Capital Investment Plan.
- No other capital investment is required for this annexation.

### **D. Economic Loss Resolution**

- The resolution states the intent of the City to pay economic loss to qualified solid waste collection firms operating in the annexation areas in lieu of a contract. A sum equal to the economic loss has been determined under subsection (f) of G.S. 106-A49.3. The total amount of the economic loss payment is \$179,079.

### **Attachment 3**

City Council's Policies for Considering Involuntary Annexation  
 Resolution Amending Annexation Report and Amended Annexation Report  
 Economic Loss Resolution  
 Annexation Ordinances  
 Annexation Budget Ordinance  
 Summary of Revenues and Expenses  
 Camp Stewart South Report  
 Questions and Answers from August 5 Public Information Meeting

## BUSINESS

### 10. 2010 Community Housing Development Organization Grants

**Action:** Approve financial commitments of \$1,594,000 to four City of Charlotte Community Housing Development Organizations for housing development in the City's targeted revitalization areas.

**Staff Resources:** Zelleka Biermann, Neighborhood & Business Services  
Pamela Lopez, Neighborhood & Business Services

#### Policy

- City Council approved the City's FY2011-FY2015 Consolidated Action Plan on July 26, 2010.
- The plan identified the need for affordable, safe and decent housing for low and moderate-income families; and reaffirmed the three basic goals of the City's Housing Policy - preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

#### Explanation

- The U.S. Department of Housing and Urban Development (HUD) requires the City to set aside a minimum of 15% of its HOME allocation for affordable housing development activities in which qualified CHDOs are the owners, developers and/or sponsors of housing.
- The 15% (or \$1,594,000) represents funding from three previous years of CHDO allotments, which have not been spent due to a lack of projects.
- A Community Housing Development Organization (CHDO) is an organization that develops affordable housing for the community it serves. A Community Development Corporation (CDC) is a non-profit organization incorporated to provide programs, services and engage in other activities that promote and support a community. Belmont, CROSSROADS, Friendship and Lakewood are recognized by the City as CDC's and CHDOs.
- The City's FY2011 budget includes operational funding for the Lakewood CDC in the amount of \$60,000. In June 2010, City Council agreed to discontinue operational support for all CDCs in the FY2012 budget and future years, but to continue providing capital support to CDCs.
- The City has \$1,594,000 available in CHDO set-aside funds through the HUD HOME fund allocation. The funding is used to provide affordable housing opportunities in the City's targeted neighborhoods, which include Druid Hills, Grier Heights, Lakewood, Lincoln Heights, Peachtree Hills, Reid Park, Thomasboro/Hoskins, Washington Heights, and Windy Ridge.
- A Request for Proposals was issued in June 2010. The following four proposals have been accepted from the Belmont, Crossroads, Friendship and Lakewood CHDOs to develop affordable housing. Staff has reviewed each proposal and recommends making the following:

<b>Project Name</b>	<b>Developer/ Partner</b>	<b>NSA</b>	<b>Units</b>	<b>Type</b>	<b>Grant Amount</b>	<b>Total Development Cost</b>
Belmont Bungalows	Belmont CDC/ Structural Creations, Inc.	51-Belmont	4	New Construction & Rehab	\$268,000	\$425,687
Grier Heights Homes	CROSSROADS CDC/ Self Help CDC	59 - Grier Heights	11	Land Acquisition	\$427,000	\$2,231,900
Friendship Gardens Apartments	Friendship CDC/Builders of Hope	29 - Lincoln Heights	10	New Construction	\$449,000	\$837,725
Lakewood Bungalows Apartments	Lakewood CDC/The Affordable Housing Group	21- Lakewood	9	New Construction	\$450,000	\$1,156,000
<b>Total</b>			<b>34</b>		<b>\$1,594,000</b>	<b>\$4,651,312</b>

- In order to ensure quality and timely development of these projects, the City is requiring each CHDO to work with an experienced development partner during the construction of the project. Additional efforts to ensure successful developments include monitoring of these projects by City staff. Technical assistance from HUD is also available.
- These projects will serve families earning at or below 60% of the area median income for rental units and families earning at or below 80% of the area median income for single family homeownership units.
- Each project will have deed restrictions requiring a minimum affordability period of ten years.
- Each CHDO understands and agrees that the project must be completed within the 24-month time span allotted by HUD. If an organization fails to complete their project, CHDO funds will be forfeited and can be allocated to other CHDO projects.

**Background**

- The Belmont CHDO has successfully delivered 12 affordable housing units since 2005.
- The Crossroads CHDO began operating in July 2008 with a grant from Myers Park Presbyterian Church. They are exclusively focused on the revitalization of the Grier Heights neighborhood and will partner with the Self Help CDC, a nationally recognized community development financial institution.
- The Friendship CDC recently completed a 26-unit Women Shelter in the Lincoln Heights neighborhoods.
- The Lakewood CDC has previously partnered with Habitat for Humanity and Charlotte-Mecklenburg Housing Partnership to develop and revitalize units in the Lakewood neighborhood.

**Small Business Opportunity**

The contracts funded by this grant are subject to applicable HUD requirements for providing training, employment, and contracting opportunities to Section 3 residents, business concerns, and small, minority and women business enterprises and labor surplus area firms.

**Funding**

Federal Home Funds

**Attachment 4**

Project Summaries

**11. Transfer of Grant Funds to Stimulus Account**

**Action: A. Approve the transfer of \$567,985 in Gang of One (Gang Reentry and Intervention Team) and \$62,684 in Gang of One (Multidisciplinary Gang Intervention Team) to the American Reinvestment and Recovery Act (ARRA) or Stimulus grant account, and**

**B. Adopt a budget ordinance transferring \$630,669 in grant funds to the Stimulus grant account.**

**Staff Resource:** Greg Crystal, Police

**Explanation**

- Police received two grants for Gang of One through Mecklenburg County. One grant, in the amount of \$567,985, funds a Gang Reentry and Intervention Team. The other, in the amount of \$62,684, funds a Multidisciplinary Gang Intervention Team.
- Mecklenburg County received the grant funds from the North Carolina Department of Juvenile Justice and Delinquency Prevention.
- At the time the funds were appropriated, City staff was unaware that the initial source of the North Carolina Department of Juvenile Justice and Delinquency Prevention funding was ARRA money granted to the state and subsequently granted to Mecklenburg County.
- This action transfers the previously appropriated funds to the City's Stimulus grant account.

**Funding**

Gang of One Grants from Mecklenburg County

**Attachment 5**

Budget Ordinance

**12. Appointments to Boards and Commissions**

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

**A. BICYCLE ADVISORY COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending December 31, 2011
    - Christopher Gladora nominated by Council members Barnes, Cooksey and Turner
    - Jonathan Harding nominated by Council members Cannon, Carter, Howard, Kinsey, Mitchell and Peacock\*
    - Dick Perlmutter nominated by Council members Dulin and Peacock \*
- \*Nominations at the previous Business meeting allowed for three nominations, of which two were incumbents who were

reappointed. Council member Peacock made three nominations, of which two have been carried over to this meeting.

### **Attachment 6**

#### Applications

#### **B. CHARLOTTE INTERNATIONAL CABINET**

- Two appointments for unexpired terms beginning immediately and ending June 30, 2012 and June 30, 2013 for representatives in the cultural/ethnic and non-profit categories
  - Cynthia Barnes nominated by Council members Barnes, Dulin and Turner
  - Carrie Cook nominated by Council members Burgess and Howard
  - Larken Egleston nominated by Council members Dulin and Kinsey
  - Tracy Hill nominated by Council member Peacock
  - Judith Osei-Tutu nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Peacock and Turner (Ms. Osei-Tutu seeking reinstatement after attendance failure.)
  - Yolanda Perry nominated by Council member Carter
  - Aaron Sanders nominated by Council member Mitchell
  - Ximena Uribe nominated by Council members Cannon and Cooksey
  - Sonya Young nominated by Council member Mitchell

### **Attachment 7**

#### Applications

#### **C. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION**

- Two appointments for terms beginning immediately and ending June 30, 2011 and June 30, 2013
  - Cassandra Blaine nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey and Peacock
  - Sonnie McRae nominated by Council members Cannon and Dulin
  - Linda Webb nominated by Council members Barnes, Burgess, Kinsey and Turner
  - Adrian Woolcock nominated by Council members Carter, Cooksey, Howard, Peacock and Turner

### **Attachment 8**

#### Applications

#### **D. COMMUNITY RELATIONS COMMITTEE**

- One appointment for a three-year term beginning immediately and ending June 30, 2013
  - Myna Advani nominated by Council members Cooksey and Peacock
  - Patricia Albritton nominated by Council member Mitchell
  - Chantay Cooper nominated by Council member Turner
  - MaNeisha LaFate nominated by Council member Dulin
  - Sharon Merritt nominated by Council members Burgess, Carter and Kinsey
  - Teresa Sandman nominated by Council member Howard
  - Glenn Thomas nominated by Council member Barnes

- Gaynell Thornton nominated by Council member Cannon

**Attachment 9**

## Applications

**E. KEEP CHARLOTTE BEAUTIFUL**

- Two appointments for unexpired terms beginning immediately and ending June 30, 2012
  - Daniel Callahan nominated by Council members Carter, Cooksey and Peacock
  - Lawrence Ferri nominated by Council members Barnes, Burgess, Cannon, Carter, Kinsey and Peacock
  - Gregory Greer nominated by Council members Howard, Mitchell and Turner
  - Cecelia Hendking nominated by Council members Burgess, Cooksey and Mitchell
  - Sonya Young nominated by Council members Barnes, Cannon, Howard, Kinsey and Turner

**Attachment 10**

## Applications

**F. WASTE MANAGEMENT ADVISORY BOARD**

- Three recommendations for Board of County Commissioners appointment for term lengths beginning immediately and ending November 4, 2012, July 13, 2013 and September 30, 2013
  - Christopher Capellini nominated by Council members Burgess, Cannon, Dulin, Howard, Mitchell and Peacock
  - Patrick Darrow nominated by Council members Burgess, Cannon, Carter, Cooksey, Dulin, Mitchell and Peacock
  - Mark Joyce nominated by Council members Cannon, Cooksey, Dulin, Howard, Mitchell and Peacock
  - Jennifer White nominated by Council members Barnes, Burgess, Carter, Howard, Kinsey and Turner

**Attachment 11**

## Applications

**13. 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.

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."

## 14. Clanton Road Sidewalk Project

**Action: Award a low bid contract for \$946,083.30 to Blythe Development Company for the Clanton Road Sidewalk Project.**

**Staff Resource:** Doug Pierotti, Engineering & Property Management

#### **Explanation**

- This project will construct new sidewalk, curb and gutter, and storm drainage on portions of Clanton Road.
- This project will provide multiuse transportation connectivity including new bicycle lanes, pedestrian sidewalks and traffic calming across the I-77 bridge crossing.
- Construction is expected to be complete in third quarter 2011.

#### **Background**

- City Council adopted the Transportation Action Plan in 2006, which calls for pedestrian-related facilities, including construction of more than 625 miles of new sidewalks by 2030 to provide a safe, connected and comfortable pedestrian system.

#### **Small Business Opportunity**

Established SBE Goal: 9%

Committed SBE Goal: 9.00%

Blythe Development Co. committed 9.00% (\$85,160) of the total contract amount to the following SBEs: Bullington Construction (fence), R. Broome

Trucking (hauling), Major Contractors (electrical), PANDTL, Inc. (erosion control) and ACS Pavement Marking (pavement markings).

### **Funding**

Transportation Capital Investment Plan

## **15. Fred D. Alexander Boulevard Section B1 Landscaping**

**Action: Award a low bid contract for \$102,852.20 to Ingle and Son Landscaping, Inc. for the Fred D. Alexander Boulevard Section B1 Landscaping project.**

**Staff Resource:** Imad Fakhreddin, Engineering & Property Management

### **Explanation**

- The Fred D. Alexander Boulevard project is divided into three sections:
  - Section B1 is the middle section which includes a bridge over Old Mt. Holly Road, the CSX Railroad and Mount Holly Road. It also includes the realignment of Valleydale Road and a ramp from Fred D. Alexander Boulevard to Old Mt. Holly Road. This section was opened to traffic November 1.
  - Section B2 (under construction and expected to be completed by fourth quarter of 2011) is between Freedom Drive and the ramp to Old Mt. Holly Road.
  - Section C (under construction and expected to be completed by third quarter of 2011) is between the realigned Valleydale Road and Brookshire Boulevard.
- This landscaping project follows the construction completion of Section B1 of the Fred D. Alexander roadway project.
- Work includes the installation of trees, shrubs, ornamental grass and groundcover. The plant material will be installed in the planting strip (between the curb and sidewalk), surrounding monuments, behind the sidewalk and in several medians.
- Landscaping will be installed along Fred D. Alexander Boulevard between the Old Mt. Holly Road and Valleydale Road intersections, along Valleydale Road between Homestead Glen Boulevard and Rozzelles Ferry Road and along Mt. Holly Road between Fred D. Alexander Boulevard to just east of Valleydale Road.
- Landscaping will be completed in the first quarter of 2011.

### **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**

Transportation Capital Investment Plan

## 16. Lincoln/Wilson Heights Neighborhood Improvement Project

**Action:** Award a low bid contract for \$2,166,229.59 to Sealand Contractors, Corp. for the Lincoln/Wilson Heights Neighborhood Improvement Project.

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

### Explanation

- The Lincoln/Wilson Heights Neighborhood Improvement Project (NIP) will include the construction of new sidewalks, driveways, curb, wheelchair ramps, storm drainage improvements, water/sewer system improvements and asphalt pavement repair.
- The area is bounded by Russell Avenue, Beatties Ford Road, I-77 and Friendship Place north of Northwest Middle School.
- This NIP was one of 13 identified by Neighborhood and Business Services and was included in the 2008 bond referendum.
- Construction completion is scheduled for fourth quarter 2011.

### Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 10.00%

Sealand Contractors Corp. committed 10.00% (\$216,623) of the total contract amount to the following SBEs: Darnell Jones Trucking (hauling), M.D.J. Construction (concrete), On Time Construction (masonry), PANDTL, Inc. (silt fence) and Richard Bear Trucking (hauling).

### Funding

Neighborhood Capital Investment Plan

## 17. Employee Assistance Program and Related Services

**Action:** **A. Approve a three-year, unit-price contract with Business Health Services for the Employee Assistance Program and Related Services in an estimated amount of \$374,400, and**  
**B. Authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract, and contingent upon the Company's satisfactory performance.**

**Staff Resources:** Tim Mayes, Human Resources  
Christina Fath, Human Resources

### Explanation

- The City's Human Resources Department Administers the Employee Assistance Program (EAP), which provides services to approximately 6,500 City of Charlotte employees and members of their households.
- The EAP provides employees with a comprehensive package of services and support that includes counseling, resources, and guidance for managing a range of personal, psychosocial and work-life issues that may adversely affect their health, well-being and productivity on the job. EAP counseling can reduce workplace violence, morale/attitude problems, turnover, absenteeism, substance abuse and workplace accidents. EAP

training helps managers and employees improve both workplace and personal skills. Counseling topics include:

- Coping with stress at work
  - Managing change and conflict at work
  - Anger management
  - Caregivers support
  - Financial management
- Approximately 12% of City employees contact EAP each year.

#### **Selection Process**

- The City issued a Request for Proposals for these services on September 10, 2010 and received six proposals from interested service providers.
- The Project Team, consisting of staff from Business Support Services' Procurement Services Division and Human Resources, evaluated the proposals and recommends awarding the contract to Business Health Services as the service provider best meeting the city's needs in terms of qualifications, experience, cost effectiveness, and value.

#### **Contract Terms**

- The contract will have an initial term of three years with the option to renew for two additional consecutive one-year renewal terms. Contract renewal is contingent upon availability of funds as well as the company's satisfactory performance.
- Pricing for these services is based on a per employee, per month unit price, which shall be firm throughout the term of this agreement.
- The proposed pricing represents a 0% increase in pricing for these Services from what the City is currently paying.
- The aggregate estimated cost for Employee Assistance Program and Related Services for the full five-year term is \$624,000. The unit price is the same for the five-year term.

#### **Small Business Opportunity**

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

#### **Funding**

Health Insurance Fund

## 18. Small Business Web Portal Development

- Action:**
- A. Approve a contract with Crown Communications for Small Business Web Portal development with brand and marketing campaign services for an initial term of 16 months in the amount of \$147,204, and**
  - B. Authorize the City Manager to approve up to two, one year renewal options for continued marketing and website support and maintenance as authorized by the contract, and contingent upon the company's satisfactory performance.**

**Staff Resources:** Nancy Rosado, Neighborhood & Business Services  
Emily Cantrell, Neighborhood & Business Services

### Background

- On June 14, 2010, City Council approved the Small Business Strategic Plan. The City of Charlotte uses this strategic plan to lead a collaborative effort with Small Business Resource Partners to help grow and sustain the 27,000 small businesses located in Charlotte-Mecklenburg.
- Additionally, City Council approved \$150,000 for the development, branding and marketing of a Small Business Web Portal.
- The Small Business Web Portal is a key strategy of the Small Business Strategic Plan and will become a central resource for new, existing and relocating small businesses in Charlotte-Mecklenburg.
- The Small Business Web Portal will streamline and consolidate small business resource information and create new content consistent with the newly formed brand. The web portal will also provide:
  - Links to the Small Business Resource Partners' websites
  - A consolidated calendar of events and training opportunities
  - Useful business resources, such as loan and grant program information
  - Information on how to start a business
  - Small business success stories
- A comprehensive marketing strategy will be implemented to launch the Small Business Web Portal and build awareness among the small business community through the first year of operation. The Small Business Web Portal's impact and effectiveness will be measured using web analytics and a web-based user survey and through regular feedback from the Small Business Resource Partners.

### Selection Process

- The City issued a Request for Proposals (RFP) for Web Portal development with brand and marketing campaign services on August 17, 2010, which included a 4% SBE Utilization Goal.
- In response to the RFP, the City received nine proposals from interested service providers.
- The Project Team, consisting of staff from Business Support Services' Procurement Services Division and Neighborhood & Business Services, evaluated the proposals and shortlisted to three service providers for further evaluation and SBO Program review.
- The Project Team recommends awarding the contract to Crown Communications as the service provider best meeting the City's needs in terms of qualifications, experience, cost effectiveness, and creative appeal.

**Contract Terms**

- The Contract has an initial term of 16 months to allow for website development and marketing strategy and one year of post go-live support. The Contract has an option to renew for two additional one year terms for continued marketing and website support and maintenance thereafter.
- The amount for the initial 16 month term of the agreement is \$147,204.
- After the Web Portal's first year of operation, the level of continued marketing and website support and maintenance will be determined and costs will be finalized. The Project Team estimates \$20,000 for marketing and \$12,000 for website support and maintenance, for an aggregate annual estimated amount of \$32,000 for the continuation of these services.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.75%

Crown Communications exceeded the SBE Goal and committed 4.75% (\$7,000) of their proposal amount to the following SBE firms: Action Graphics (printing) and Choice Translating, Inc. (translation services)

**Funding**

One time funding of \$147,204 from the Business Corridor Revitalization Strategy Fund and annual maintenance from Neighborhood & Business Services' Operating Budget

**Attachment 12**

Small Business Resource Partners Directory

## 19. Enhanced Security Equipment for Transit Facilities Perimeter Monitoring

**Action: Approve a contract with Simplex-Grinnell in an amount not to exceed \$544,000, for the purchase and installation of updated security equipment to monitor the perimeter of transit facilities.**

**Staff Resources:** Carolyn Flowers, Transit  
Bryan Leaird, Transit

**Explanation**

- The Department of Homeland Security (DHS) awarded a Command Center Enhancements and Closed Circuit Television System Advancements grant to CATS in May of 2008 to make technology related perimeter security improvements to the exterior of its facilities.
- DHS has identified newer technologies that offer better monitoring capability for threat assessment than existing technologies and equipment.
- The grant covers 100% of the project's cost and therefore no local matching funds are required. This project is an upgrade to existing technology. The system will be monitored by Transit's existing security employees at current staffing levels.
- DHS has strongly advised transit agencies to take advantage of this latest monitoring technology. By incorporating equipment with higher efficiency and capability, DHS anticipates a greater ability for transit agencies to improve safety for transit riders and staff.

- The new enhanced video cameras, recorders and data storage equipment will provide:
  - More monitoring coverage area
  - Clearer surveillance images as a result of specific focus on megapixel cameras, and the ability to produce sharper images over large areas
  - More system functionality due to improved networking capability and computer control interfaces
  - Increased memory storage capacity
- The contract will provide a state of the art system-wide video monitoring system to monitor the exterior perimeter of various transit facilities including:
  - Transit Centers
  - Vehicle Maintenance facilities
  - Park and Rides
  - Transit stations

**Contract Terms: U.S. General Services Administration Agreement**

- NC General Statute 143-129(e)(9a) authorizes "Purchases of apparatus, supplies, materials or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, conditions as established in the federal contract."
- SimplexGrinnell has a national contract through a U.S. General Services Administration (GSA) purchasing agreement (Contract #GS-07F-0396M) that offers volume discount pricing procured using full and open competition.

**MWBE Opportunity**

The City is purchasing off an existing federal contract. This contract is subject to federal grant requirements for outreach to small, minority, women-owned and disadvantaged firms. The City's Small Business Opportunity Program does not apply.

**Funding**

Federal Department of Homeland Security

## 20. Relocation and Adjustment of Utility Lines Supplemental Municipal Agreement

**Action: Adopt a resolution authorizing the Utilities Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation for relocation and adjustment of water and sewer lines along West Catawba Avenue in the amount of \$107,833.31.**

**Staff Resource:** Barry Gullet, Utilities

**Explanation**

- All encroachment agreements with NCDOT allowing the installation of water and sewer lines in state maintained road rights of way require that the utility pay for the cost of any utility line relocations required for roadway improvements.

- On October 8, 2007, Council approved a Municipal Agreement for the relocation and adjustment of municipally-owned water and sewer lines along West Catawba Avenue in Cornelius, from Jetton Road to I-77, in the estimated amount of \$122,443.06.
- On April 28, 2008, Council approved the first supplemental agreement for this project, in the amount of \$104,926.12, because actual bids exceeded NCDOT's estimate by this amount.
- This Supplemental Agreement is the result of the following:
  - NCDOT storm drain changes during construction
  - Unanticipated need to replace a portion of the existing sewer lines that did not meet NCDOT strength requirements for having traffic over them
- Total project cost is now \$335,202.49.

### **Funding**

Utilities Capital Investment Plan

### **Attachment 13**

Resolution

## **21. Laboratory Supplies, Equipment and Chemicals**

**Action:**

**A. Approve the purchase of laboratory supplies, equipment and chemicals, without competitive bidding, as authorized by the State contract exemption of G.S. 143-129(e)(9), and**

**B. Award a unit price contract to provide laboratory supplies, equipment and chemicals for a term of one-year to Fisher Scientific in the not-to-exceed amount of \$170,000.**

**Staff Resource:** Barry Gullet, Utilities

### **State Contract Exemption**

- G.S. 143-129(e)(9) provides that formal bidding requirements do not apply when purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as established in the State contract.

### **Explanation**

- The State's contracts for lab products are awarded to ensure better pricing and availability. Fisher Scientific has the current State contract for laboratory supplies, equipment and chemicals.
- Utilities was successful in negotiating lower unit prices with Fisher Scientific.
- Utilities purchases microscopes, beakers, test tubes, testing reagents, and other basic laboratory supplies.
- These products will be used at all of Utilities' various wastewater treatment plants and the Laboratory Services Facility.

### **Small Business Opportunity**

Contracts issued off of a state contract are exempt (Appendix Section 23.2 of the SBO Policy).

**Funding**

Utilities Capital Investment Plan

**22. FY2009 Water Main Rehabilitation Renewal #2**

- Action:**
- A. Approve renewal #2 of the contract with Heitkamp, Inc., in the amount of \$1,533,058.50, for cleaning and epoxy lining of aged water mains throughout Mecklenburg County, and**
  - B. Authorize the City Manager to renew the contract for a final term with possible price adjustments based on the terms of the contract.**

**Staff Resource:** Barry Gullet, Utilities**Explanation**

- In June 2009, Council awarded a contract in the amount of \$1,484,752.52, for cleaning and epoxy lining of aged water mains throughout Mecklenburg County.
- Rehabilitation is done on lines that have reached the end of their service life based on water quality concerns, reduced fire hydrant flow rates, and/or excessive repairs.
- The contract provides for three renewal terms, at the sole discretion of the City, with unit price adjustments based on the Construction Cost Index. The index indicates a 2.1% cost increase since the last renewal of the contract in March 2010.
- At the time of bid opening, Heitkamp's bid was \$968,899.48 less than the second low bidder. Even with the price adjustments, the City's cost remains significantly lower than the second low bid.

**Small Business Opportunity**

Heitkamp had a committed goal of 5.54% during the initial term of the contract. To date, they have attained 10.66% (\$204,841.83) utilization with the following SBE firms: Central Carolina Underground, (water main repairs), Conmat Development, Inc. (sidewalk and driveway repairs), Victor Melton Construction, (storm drain repairs). Heitkamp committed to continue using the same SBE firms and fully expects to exceed their initial committed goal of 5.54% throughout this renewal term.

**Funding**

Utilities Capital Investment Plan

## 23. Water Meter Reading Equipment

- Action:**
- A. Approve a sole source contract for the purchase of meter reading equipment manufactured by Itron, Inc., as authorized by the sole source purchasing exemption G.S. 143-129 (e) (6), and**
  - B. Approve the purchase of one Mobile Collection Unit and 80 Handheld Mobile Collectors with associated equipment from Itron, Inc., in the estimated amount of \$643,800.**

**Staff Resource:** Barry Gullet, Utilities

### Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source or supply
  - Standardization or compatibility is the overriding consideration
- The Mobile Collection Unit and the Handheld Mobile Collection Units are proprietary equipment, available only through the manufacturer of the meter reading system.

### Explanation

- Purchase of the water meter reading equipment is consistent with the recommendations and findings of the Customer Service Evaluation Project recently completed.
- The additional equipment in the field will allow for billing issues to be resolved before bills are mailed to customers. As a result, fewer customers will need to call to resolve errors, which will result in greater confidence in the accuracy of their water and sewer bills.
- The water meter reading system includes two types of tools used to collect electronic readings:
  - Mobile Collection Units, which are mounted inside vehicles and are used for regularly scheduled, drive-by meter readings
  - Handheld Mobile Collectors used to perform testing, confirm electronic readings, facilitate new service installations, and conduct high bill investigations on individual meters
- Utilities has three Mobile Collection Units. Two units reached their end of service life and were replaced in 2009. The third unit has also reached its end of service life and is being replaced as part of this contract.
- Utilities has only 31 Handheld Mobile Collection Units and 80 technicians who need them.
- The technicians who don't have Handheld Mobile Collection Units can only check the mechanical meter readings, not the electronic reading the bills are based on. These readings are handwritten, returned to the office, keyed in, and then compared to the electronic reading. If the two readings don't agree, another trip must be made to re-read the meter.
- The 31 Handheld Mobile Collection Units are approximately four years old and are a model that soon will no longer be supported by the manufacturer.
- This contract provides for:
  - One Mobile Collection Unit at a cost of \$35,746.91
  - The immediate purchase of 49 new Handheld Mobile Collection Units (\$7,600 each, which includes maintenance) to supplement the existing

- 31 units so all field technicians will be fully equipped to collect electronic readings
- The future purchase (approximately \$235,600) of 31 new Handheld Mobile Collection Units to replace the existing 31 older models
- The new units have more capabilities to integrate data analysis, data capture, and troubleshooting and will reduce the number of visits that have to be made for many meter checks.

#### **Small Business Opportunity**

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

#### **Funding**

Utilities Capital Investment Plan

## **24. Airport Cellular Antenna System Phase I**

**Action:** Approve an agreement with DPJJ, LLC d/b/a Wireless Services (Wireless Services) in the amount of \$375,000 for the design of the Distributed Antenna System and consulting services relating to the design and installation of the Distributed Antenna System.

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- Approximately 34.5 million passengers passed through the Airport in 2009, most of whom employed the use of a cellular device during their visit to the Airport.
- Cellular service in the terminal building of the Airport is currently provided by cellular towers located around the Airport.
- The cellular coverage provided by these towers is insufficient in many areas of the terminal building, resulting in sub-optimal cellular reception for the passengers, air carriers and the Airport's lessees, contractors and employees.
- A Distributed Antenna System (DAS) is a network of antennas connected to a common source by fiber-optic cabling that provides consistent cellular service in a building. A DAS will resolve the cellular coverage deficiencies in the terminal building of the Airport.
- In February of 2010, the Airport solicited proposals from firms interested in designing, installing and operating the DAS.
- After the evaluation of the proposals and the proposers' qualifications, experience and financial information by a selection committee, Wireless Services was selected.

#### **Contract Terms**

- This contract represents Phase I of the DAS and will include all design, planning and consulting services related to the DAS.
- Wireless Services will conduct certain testing to evaluate the present strength and consistency of cellular service in the terminal building.
- Wireless Services will survey the wireless carriers for their individual and collective needs and assist the City in developing license agreements with the carriers for the use of the DAS.
- Based upon the results of its testing and the feedback from the wireless carriers, Wireless Services will develop a design and cost estimate for the

DAS that will enable the City to assess the feasibility of implementing Wireless Services' DAS solution in the Airport.

- If the City determines that the DAS is technically and financially feasible, the City will proceed to Phase 2 of the project and will negotiate a second contract with Wireless Services to install, operate and maintain the DAS in the terminal building. A separate request for Council action for Phase 2 of the DAS will be submitted at the appropriate time.

#### **Small Business Opportunity**

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

#### **Funding**

Aviation Capital Investment Plan

## **25. Airport Deicing Trucks**

**Action:**

**A. Approve a contract in the amount of \$10,548,853 to Global Ground Support for 28 deicing trucks and four training simulators, and**

**B. Adopt a budget ordinance appropriating \$10,548,853 from the Passenger Facility Charge Fund.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- On September 13, 2010, Council approved a three-year contract with Contego Systems, LLC to operate a consolidated aircraft deicing facility at the Airport.
- After careful evaluation of the Airport's deice operation requirements, Contego Systems, LLC determined and recommended that the Airport purchase 28 deice trucks and four training simulators in order to provide adequate deicing resources during winter weather events.
- In a formal Invitation to Bid (ITB) dated September 30, 2010, the Airport solicited bids from companies to provide the deicing trucks and training simulators.
- Three companies initially responded to the ITB - Global Ground Support, JBT Aerotech, and Vestergaard Company. Global Ground Support submitted a bid. Vestergaard Company submitted a bid but withdrew it before bid opening, and JBT Aerotech did not submit a bid. The Global bid with five bid alternates is \$10,548,853.

#### **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**

Aviation Capital Investment Plan

#### **Attachment 14**

Budget Ordinance

## 26. Airport Terminal Elevated Roadway Design

**Action:**   **A. Approve a contract with HNTB North Carolina, P.C. in the amount of \$1,292,280 for the design of the elevated commercial vehicle roadway in front of the terminal, and**

**B. Adopt a budget ordinance appropriating \$1,292,280 from the Airport Discretionary Fund Balance.**

**Staff Resource:**     Jerry Orr, Aviation

### Explanation

- The Airport experiences heavy traffic volumes and delays on the departure level terminal roadway on a near-constant basis. A major reason for these delays is that commercial vehicles and private vehicles share the same curb front and roadway in front of the terminal.
- As part of the terminal expansion program that has been reviewed with City Council, most recently at its workshop in September, the terminal roadway will be expanded from three to eight lanes, with a separate set of commercial lanes to help alleviate the congestion on the curb front.
- The Airport has determined that the elevated commercial lanes are needed immediately and can be constructed in their permanent location between the existing curb front roadway and the existing hourly parking deck.
- This contract will provide design, bidding, and construction administration services from HNTB North Carolina, P.C. for the elevated roadway.
- HNTB was selected as part of the design team for the new Hourly/Rental Car Parking Deck currently under design. HNTB's role on that project is structural and roadway design. Since this project is an integral piece of the terminal/parking deck development, HNTB provides the most efficient and economical approach to the design of the roadway.

### 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, no SBO utilization goal was set because subcontracting opportunities were not identified.

### Funding

Aviation Capital Investment Plan

### Attachment 15

Budget Ordinance

## 27. Airport Capital Program Management Contract

**Action:**   **A. Award a one-year contract to Newton & Associates, Inc. not to exceed \$350,000 for Capital Investment Plan Program Management Services, and**

**B. Authorize the City Manager to execute two additional annual renewals of this contract, at the same hourly rates, not to exceed \$350,000 annually.**

**Staff Resource:**   Jerry Orr, Aviation

### Explanation

- In June 2007, Council approved a contract with Newton & Associates, Inc. to provide assistance in implementation of the Airport's Capital Investment Plan (CIP).
- In November 2007, Council awarded a contract in the amount of \$1,105,000 to the team of LS3P/HNTB, Newton & Associates, Albersman & Armstrong and Roy Johnson specifically for a master planning study of the terminal complex including the Hourly/Rental Car Parking Deck, curbside roadways, and the terminal building ticketing & baggage lobbies.
- The team members were selected based on their qualifications and their extensive experience with the development of the facilities in the terminal complex at the Airport.
- In July 2009, Council approved design contracts with team members LS3P, Albersman & Armstrong, and Roy Johnson for the design of the parking deck in the amount of \$6,685,320.
- The Airport is continuing its significant multi-year CIP which includes the terminal complex expansion, as well as other facilities needed to accommodate the continuing growth in demand for aviation and related transportation services.
- The Airport requires continued assistance in the implementation of this complex CIP. Such services include:
  - Assistance in preparing and monitoring the plan of finance for the CIP
  - Evaluation of economic analyses, land use plans and cost estimates prepared by others concerning the CIP
  - Assistance in relations with the Federal Aviation Administration concerning the federal requirements for Airport facilities and federal funding of the CIP
  - Assistance to the Aviation Director in preparing reports to Council and others on the CIP, its financing and implementation
  - Continued service as a key member of the CIP Management Team
- Newton & Associates, Inc. is a local firm possessing the expertise to provide the required services and has been an integral part of the Airport development team throughout the formulation and implementation of the Airport Development Program since 1996. They will be paid at an hourly rate for services.

### Small Business Opportunity

No SBO utilization goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.2 of the SBO Policy). Newton & Associates, Inc. is certified as a SBE, a WBE and DBE. Its

participation will be included in the Aviation Department's overall DBE achievement.

**Funding**

Airport Capital Investment Plan

## 28. West Boulevard Relocation Change Order

**Action: Approve Change Order #1 with Blythe Development Company in the amount of \$192,707.95 for additional road improvements related to the West Boulevard relocation.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Construction of the new runway has provided several new roads to serve the neighborhoods west of I-485. This portion of West Boulevard is the final portion of the relocation of roads.
- On July 26, 2010, City Council approved a contract with Blythe Development Company totaling \$2,559,800 for the paving of the West Boulevard extension.
- That contract included work along Steele Creek Road to realign the road to meet the new intersection and the connection of the relocated portion of West Boulevard.
- At the time the contract was awarded, Davidland, LLC was completing design of an industrial development on the southeast corner of the new intersection which required improvements along Steele Creek Road. This parcel was part of a land transaction with the Airport that was approved by City Council in June 2009.
- As part of the land transaction, the Airport agreed to include the required road improvements in its upcoming contract to relocate West Boulevard, the cost of which would be paid by the developer.
- This change order will add turn lanes, curb, and sidewalks for both sides of Steele Creek Road south of the new intersection.

**Disadvantaged Business Opportunity**

Established DBE Goal: 12%

Committed DBE Goal: 15%

Blythe Development Company committed 15% (\$381,983) of their base bid amount to two certified DBE companies: Bullington Construction (fence and guardrail) and A&R Materials, LLC (liquid asphalt).

**Funding**

Funding for this change order comes from Davidland, LLC.

## 29. Wilkinson Boulevard Intersection Change Order

**Action: Approve Change Order #1 in the amount of \$143,825 with Callahan Grading for additional work on a new intersection on Wilkinson Boulevard at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- On August 23, 2010, City Council approved a contract with Callahan Grading totaling \$378,740 for the construction of a new intersection on Wilkinson Boulevard at a new road constructed by the Airport during construction of the new runway.
- Change order #1 is for changes required by NC Department of Transportation that were added after the contract was approved by City Council. NCDOT required revisions to a concrete median, additional clearing for line of sight, and additional guardrail.

**Disadvantaged Business Enterprise**

Established DBE Goal: 13%

Committed DBE Goal: 13%

Callahan Grading committed 13% (\$50,600) of their base bid amount to a certified DBE company: D2 Construction Specialties, Inc. (trucking and landscaping).

**Funding**

Aviation Capital Investment Plan

**30. Airport Runway Project Change Order**

**Action: Approve change order #9 with E.S. Wagner Co., LLC in the amount of \$800,000 for additional work on the Third Parallel Runway.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In February 2007, Council approved a contract with ES Wagner in the amount of \$43,626,829 for grading of the new runway.
- Subsequently, Council approved eight change orders:

#1	August 2007	\$3,514,989	Expedite the paving of relocated roads, additional clearing and erosion control
#2	January 2008	\$1,585,744	Additional clearing to improve line of sight from the Air Traffic Control Tower and payment for fuel escalation
#3	May 2008	\$2,099,884	Construct road to future airfield electrical vault, additional erosion control, and payment for fuel escalation
#4	August 2008	\$1,468,699	Additional clearing for navigational aid lights and payment for fuel escalation
#5	August 2008	\$2,191,341	Additional clearing and excavation in preparation to build two Taxiway Bridges
#6	November 2008	\$1,976,046.07	Additional grading at the runway light line, and fuel escalations
#7	September 2009	\$2,367,943.90	Erosion control at light lines, permanent Stormwater Management devices, erosion control maintenance and fuel escalations

#8	November 2009	\$398,521.90	Additional grading, and erosion control for two berm areas between the runway and Wallace Neel Road to block line of sight of I-485 from the Air Traffic Control Tower
----	---------------	--------------	--

- Change order #9 includes erosion control for a soil land farm on the airfield and additional grading that will place contaminated soil from the area that was used to take dirt to build up the airfield for the new runway. Establishing a soil land farm is much cheaper than excavating the contaminated soil and hauling to a landfill. (The estimate to haul to a landfill was \$2,000,000.)
- As with previous change orders, this change order takes advantage of favorable bid pricing due to large quantities in the existing contract and facilitates an expedited construction schedule.
- The budget for the grading and drainage for the runway was \$71,457,950. The total contract amount to date, including this change order, is \$60,029,998.74.

**Disadvantaged Business Opportunity**

ES Wagner will self perform the majority of work on this change order as the scope does not afford subcontracting opportunities. ES Wagner maintains their original DBE commitment of 13.5% with the addition of this change order.

**Funding**

Aviation Capital Investment Plan

**31. Firefighter Certification Training Agreement**

**Action: Authorize the City Manager to sign a contract through June 30, 2011, with five, one-year renewal options, with Central Piedmont Community College to provide initial and ongoing firefighter training in an amount not to exceed \$175,000 annually.**

**Staff Resource:** Rich Granger, Fire

**Explanation**

- Since 1975, instructional costs for all initial Fire training have been funded by Central Piedmont Community College (CPCC) through the North Carolina Department of Community Colleges System.
- On September 2, 2010, Fire Chief Hannan received a letter from CPCC President Tony Zeiss indicating a change in this practice based on the college’s interpretation of the North Carolina Administrative Code.
- Based on CPCC’s interpretation of NC Administrative Code Section 23 NCAC 02E.0405 (b)(2) Training for Public Safety Agencies, a college may only receive state funds for 25% of the training hours provided to direct delivery public fire and rescue agencies.
- CPCC will continue to provide 25% of initial training, including the following disciplines:
  - Initial firefighter recruit training
  - Apparatus and hydraulics
  - Hazardous materials technician

- Technical rescuer
- Public safety diver training
- The most cost effective solution to provide the remaining 75% of initial training will be to contract with CPCC to deliver the required training. This amount will not exceed \$175,000 annually.
- The Fire Department will reallocate funds within their existing budget to cover the training costs.

#### **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**

Fire Department Operating Budget

### **32. Air-fill Stations for Breathing Equipment**

**Action:**   **A. Approve the purchase of air-fill stations without competitive bidding as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and**

**B. Approve the purchase of two air-fill stations from Safe Air Systems in an amount not to exceed \$120,000.**

**Staff Resource:**   Rich Granger, Fire

#### **Sole Source Exception**

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source or supply
  - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since Safe Air Systems is the only distributor authorized to sell the air-fill station in North Carolina.

#### **Explanation**

- The Fire Department was awarded funding for two air-fill stations as a part of the 2009 Assistance to Firefighters Grant.
- Air-fill stations are used to refill air bottles that are used by firefighters during a fire.
- Currently, Fire has 11 air-fill stations distributed throughout the City.
- The two new air-fill stations will be placed at two Battalion Stations. Increasing the number of fill stations throughout the city will decrease travel time to refill air bottles and increase the amount of time that companies remain in-service and available in their area.

#### **Small Business Opportunity**

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

#### **Funding**

2009 Assistance to Firefighters Grant

### 33. 2010 UASI and MMRS Grants

- Action:**
- A. Authorize the Fire Chief to accept a grant in the amount of \$4,016,969.60 from the US Department of Homeland Security's 2010 Urban Areas Security Initiative (UASI) Grant Program, and**
  - B. Authorize the Fire Chief to accept a grant in the amount of \$301,548.05 from the US Department of Homeland Security's 2010 Metropolitan Medical Response System (MMRS) Grant Program.**

**Staff Resource:** Jeff Dulin, Fire

#### **Urban Area Security Initiative Grant**

- The 2010 Urban Areas Security Initiative Grant Program allowed 64 applicants to apply for funding to aid in the prevention, protection, response and recovery from terrorist attacks.
- The City of Charlotte was awarded the grant by the US Department of Homeland Security based on risks and threats.
- In developing a regional approach, as mandated by the grant guidelines, the following counties were included as part of a regional implementation concept: Cabarrus County, NC; Catawba County, NC; Gaston County, NC; Iredell County, NC; Lincoln County, NC; Lancaster County, SC; Stanly County, NC; Union County, NC; and York County, SC.
- The total amount of the grant awarded to Charlotte was \$4,583,712. The North Carolina Division of Emergency Management is eligible to retain up to 20% of the funds under the program guidelines. The Division however, decided to only retain 12.4% of these funds for the management and administration of the grant program, and for the construction of a radio tower to support the NC Voice Interoperability Plan for Emergency Responders (VIPER) radio system.
- Funds will be used for terrorism preparedness, prevention, response and recovery activities in the focus areas of interoperable communications; command and control; hazardous materials response; law enforcement activities; urban search and rescue; and planning, exercise and training activities.

#### **Metropolitan Medical Response System Grant**

- The 2010 Metropolitan Medical Response System Grant Program provided funding to 124 identified cities to aid in the medical response to an act of terrorism or natural disaster.
- The City was awarded the grant by the US Department of Homeland Security due to population and metropolitan center status. The other cities that were awarded funds in the State of North Carolina were Greensboro and Raleigh.
- The grant total awarded to Charlotte was \$317,419. However, the State of North Carolina retained 5% of the grant for allowable management purposes, which is permissible under the grant program guidelines.
- Funds will be used to purchase communications equipment, medical cache supplies and pharmaceuticals for the treatment of patients on a terrorism scene.

**Funding**

- Grant revenue for both grants was anticipated and included in the FY2011 budget.
- No matching funds are required with either grant.

**34. Consolidated E-911 System**

**Action: Authorize the City Manager to negotiate and execute a contract with Intrado Systems Corporation, formerly known as Positron Public Safety Systems Corporation, for a consolidated E-911 system for Mecklenburg County Emergency Management Services (MEDIC), Charlotte-Mecklenburg Police Department, and Charlotte Fire Department, in an amount not to exceed \$5,000,000.**

**Staff Resources:** Rich Granger, Fire  
Katrina Graue, Police

**Previous Council Action**

- Following a Request for Proposal (RFP) process, Council approved the following action at the May 24, 2010 Council meeting:
  - Authorize the City Manager to negotiate a contract with Plant CML for a consolidated E-911 system for MEDIC, Police, and Fire, in an amount not to exceed \$5,000,000.

**Revised Process**

- Following the Council approval, Plant CML submitted revised pricing to the City that exceeded the above approved amount.
- The Project Team consulted with the City Attorney's Office and decided to request revised proposals using the latest version of hardware/software available and pricing from the two vendors from the original RFP process, PlantCML and Positron Public Safety Systems Corporation (Intrado), for the following reasons:
  - With the proposal increase from PlantCML, the pricing divergence between the two vendors no longer exists
  - Changes in technology over the timeframe from original proposal submittals
  - Modifications to the City's and MEDIC's requirements
- The E-911 system provides the initial point of contact between the caller and the public safety agency. This system receives and collects data from the caller that is transferred into the Computer Aided Dispatch systems used by Police, Fire and MEDIC, which is used to provide a public safety response to the caller.
- It is critical that the City move ahead with this project for several reasons:
  - The technology associated with CFD and MEDIC's current system has become obsolete.
  - MEDIC's contract with their current vendor has expired.
  - There are many community safety advantages of consolidating equipment and operating as a single primary Public Safety Answering Point, including:
    - Reduced 911 caller wait-times

- The system will provide end-to-end reporting capabilities, ensuring that all data collected can be transferred to the appropriate dispatch center.
- There will be a common back-up center.
- The system will be poised to be capable of receiving Next Generation 911 services such as text, pictures and video as they become available.

#### **Selection Process**

- On July 13, 2010, the City requested Best and Final Offers (BAFOs) from PlantCML and Positron Public Safety Systems Corporation (Intrado) to include a detailed revised proposal to incorporate all changes that had been discussed since the RFP was initially issued, as well as a detailed response to contractual requirements.
- BAFOs were evaluated by Police, Fire, and MEDIC staff. Responses to contractual terms and conditions were reviewed by the City Attorney's Office.
- After thorough evaluation and extensive contractual discussions, the team is recommending award to Intrado Systems Corporation for the consolidated E911 System.

#### **Terms**

- The business terms are identical to the information previously presented to and approved by Council on May 24. These terms included hardware, software, site preparation, implementation, training and five years of maintenance in an amount not to exceed \$5,000,000. The May 24 approved contract was not executed.
- As planned, the system will be paid for and maintained using funding from the 911 surcharge administered by the NC911 Board. A 911 fund balance has been reserved for this project

#### **Small Business Opportunity**

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

#### **Funding**

911 Fund

### **35. Fire Station Alerting System**

**Action: Approve a contract with US Digital Designs (USDD) to install and implement a station alerting system for the Charlotte Fire Department in an amount not to exceed \$1,275,000.**

**Staff Resource:** Rich Granger, Fire

#### **Previous Council Action**

- Following a Request for Proposal process, Council approved the following action at the July 23, 2007 Council meeting:
  - Approve the procurement and implementation of a Fire Station Alerting System from Locution Systems, Inc., associated Fire Station hardware, site preparation (audio/connectivity upgrade, if necessary), and five-year maintenance agreement at a cost not to exceed \$1,200,000

**Explanation**

- The Charlotte Fire Department has been working to procure a new station alerting system since 2007. The current system has reached its end of life and parts and equipment are no longer available, thus necessitating the replacement of the entire system. The station alerting system is responsible for visually and audibly notifying fire companies that they have a call.
- The contract awarded to Locution Systems, Inc. was terminated on August 20, 2008 after mutual agreement between the City of Charlotte and Locution Systems, Inc.
- After the contract with Locution Systems, Inc. was terminated, the City proceeded into negotiations with the alternate vendor.
- While in contract negotiations, funding for the project was lost due to changes in the law governing the 911 surcharge.
- Fire began searching for alternate sources of funding, and was ultimately awarded the 2009 Assistance to Firefighters Grant to fund the project.
- A Request for Proposals was issued on September 3, 2010. Originally, five vendors notified city procurement of their intention to submit proposals. However, USDD was the only vendor to submit a proposal.
- After evaluating the proposal, it was determined that USDD’s submission will meet Fire’s needs.
- The cost of the project will not exceed \$1,275,000 and will include equipment and installation for 42 fire stations, one test set and one spare set.

**Small Business Opportunity**

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

**Funding**

2009 Assistance to Firefighters Grant

**36. Crime Scene Search Vehicle**

**Action:**

- A. Approve the purchase of a Crime Scene Search vehicle as authorized by the cooperative purchasing exemption of G.S. 143-129 (e)(3),**
- B. Approve a contract with MBF Industries for the purchase of a crime scene search vehicle in the amount of \$187,086 and**
- C. Adopt a budget ordinance appropriating \$187,086 in assets forfeiture funds for the purchase of the vehicle.**

**Staff Resources:** Ruth Story, Police  
Nelson Bowling, Police

**Explanation**

- The Charlotte-Mecklenburg Police Department recommends the purchase of a specialized vehicle that will allow its Crime Scene Search Unit (CSS) to more efficiently process major crime scenes.
- The crime lab vehicle is based on a Ford F550 truck with a 16-foot box work area.

- The box work area will enable CSS personnel to package, process, and review evidence at the scene.
- The vehicle will also have space to store specialized equipment and supplies, a generator to provide power at crime scenes, a mounted tripod light system, and an awning system to keep sensitive pieces of evidence dry in inclement weather.
- The vehicle will be funded with assets forfeiture funds in the amount of \$187,086.

#### **Cooperative Purchasing Exemption**

- Section 1122 of the 1994 National Defense Authorization Act established the authority for states and units of local government to purchase law enforcement equipment through federal procurement channels, provided that the equipment is used in the performance of counter-drug activities.
- The U.S. General Services Administration (GSA) awarded contract GS-30F-0022S to MBF Industries for providing crime lab vehicles to federal and state agencies on September 20, 2006 for a period of five years.
- The North Carolina Department of Crime Control and Public Safety granted the Charlotte-Mecklenburg Police Department the authority to purchase the crime lab vehicle directly from MBF Industries.

#### **Small Business Opportunity**

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

#### **Funding**

Police Assets Forfeiture Funds

#### **Attachment 16**

Budget Ordinance

### **37. Assets Forfeiture Appropriation**

**Action: Approve a budget ordinance appropriating \$230,914 in assets forfeiture funds for various public safety needs.**

**Staff Resource:** Greg Crystal, Police

#### **Explanation**

- The budget ordinance appropriates \$230,914 of Police's assets forfeiture funds.
- \$100,000 will be used to fund the police portion of a psychological services program for the Police and Fire Departments. Police and Fire will contract for a psychological services program that focuses on the unique needs of police and fire personnel. Psychological services will be available on a 24 hour per day, seven day per week basis with an emphasis on response and follow-up to critical incidents which include but are not limited to:
  - Officer involved shootings
  - In-custody deaths
  - Major incidents, including natural or man made disasters
  - Traumatic incidents such as school shootings or other acts of violence against children
  - Deaths of a police officer or firefighter

- Fire deaths
- \$45,000 will be spent to hire a Time and Labor Consultant for three months to develop processes and reports that extract data from PeopleSoft, the city's time reporting system, to help police better manage overtime and the department's overall budget.
- \$50,000 will be used for enhanced rewards for citizens providing information to Crime Stoppers that results in the arrest of a homicide suspect.
- \$32,914 will be used to equip a new crime scene search vehicle with radios, computers and graphics (item 36, page 34 of this agenda).
- \$3,000 will be used for printing costs for the public information campaign on the animal tethering restrictions approved by Council on September 13, 2010.

### **Funding**

Police Assets Forfeiture Funds

### **Attachment 17**

Budget Ordinance

## **38. Police Helicopter Repair and Maintenance Services**

**Action: Approve a contract extension with Edwards and Associates, Inc. for general helicopter repair services and maintenance for one year for approximately \$150,000.**

**Staff Resources:** Dale Greene, Police  
Benton Herring, Police

### **Explanation**

- The City owns two Bell 407 helicopters. One is a 1997 model and the other is a 1998.
- The helicopters support the Police Department's mission by assisting in patrol's crime reduction efforts and conducting vehicle pursuits, surveillance, and search and rescue operations.
- The two helicopters require periodic general maintenance, overhaul, repair, electrical work, painting, interior refurbishment, and overall maintenance support.
- In order to reduce costs associated with the transportation of the helicopters to the maintenance facilities, Police requires that the company be located in close proximity to Charlotte.
- Edwards and Associates is the only company within one hour flight time of Charlotte that is capable of performing this work. It is a Bell 407 approved customer service center and Federal Aviation Administration certified repair station.
- Edwards and Associates has performed the maintenance and repair on these helicopters since they were purchased and has the records and maintenance history on both of the helicopters. The quality of their work is superior.
- The pricing they submitted is considered market rate and offers a 10% discount off the list price for Bell Helicopter parts.
- Edwards and Associates was originally selected for this work based on the company's training, certifications, safety and training practices of its employees, pricing, and proximity to Charlotte.

- Council approved the current contract, in the amount of \$270,000, in December 2009.

#### **Small Business Opportunity**

All additional work involved in this contract extension will be performed by the current contractor (Part D: Section 6 of the SBO Policy).

#### **Funding**

Police Operating Budget

### **39. John Deere Equipment Parts and Services**

**Action: A. Approve the purchase of John Deere Equipment and Diamond Mower parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**

**B. Approve a contract with James River Equipment for the purchase of repair and replacement parts in the estimated annual amount of \$100,000 for the term of five years.**

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

#### **Sole Source Exception**

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

#### **Explanation**

- Business Support Services/Equipment Management Division maintains 44 units of John Deere construction or off road industrial equipment that are used by CDOT and Utilities for various daily operations.
- John Deere product warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- James River Equipment is the only authorized distributor of John Deere OEM parts, warranty, and manufacturer approved, diagnostic services for construction equipment and off-road industrial engines in the Charlotte area. James River Equipment is also the only authorized dealer/distributor of Diamond mower equipment warranty and OEM parts in the Charlotte area.

#### **Small Business Opportunity**

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

#### **Funding**

Business Support Services Operating Budget

## 40. Vacall Equipment Parts and Services

- Action:**
- A. Approve the purchase of Vacall Equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
  - B. Approve a contract with Rodders and Jets Supply for the purchase of repair and replacement parts and services in the estimated annual amount of \$125,000 for the term of five years.**

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

### Sole Source Exception

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

### Explanation

- The City currently operates nine units of Vacall combination sewer cleaning trucks that are used by Utilities for maintaining water and sewer lines. These trucks were approved by Council on April 28, 2008.
- This equipment is specialized and cannot be serviced or maintained without the proper training, parts, electronic operating systems, and tooling.
- Vacall warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- Rodders and Jets Supply is the exclusive authorized distributor of Vacall equipment parts and warranty services for the Charlotte area.

### Small Business Opportunity

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

### Funding

Business Support Services Operating Budget

## 41. Browne and Hucks Road Improvements Municipal Agreement

- Action: A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation for the widening, realignment, and signalization of the intersection of Browne Road and Hucks Road, and**
- B. Adopt a budget ordinance appropriating \$250,000 in State funding.**

**Staff Resources:** Alan Morrison, Engineering & Property Management  
Mark Cole, Transportation

### Explanation

- The intersection of Hucks Road and Browne Road is located in the vicinity of the Davis Lake neighborhood in north Charlotte, near W.T. Harris Boulevard.
- The intersection is currently a skewed, Y-shaped intersection that poses operational and safety issues for motorists (see attached concept plan).
- The City intends to combine the State funds listed above with City Capital Investment Plan funds to improve the alignment of the intersection, add left-turn lanes, and install a traffic signal at the intersection.
- The project improvements will improve traffic operations, driver visibility, and better accommodate turning school buses.
- The municipal agreement with the North Carolina Department of Transportation (NCDOT) will allow the City to accept \$250,000 in State spot safety funding identified for this intersection realignment project. This is the maximum allowable contribution under NCDOT's Spot Safety program.
- In addition to the intersection realignment, the City will be constructing a turn lane and sidewalk along Browne Road adjacent to the Amberleigh subdivision. The developer of Amberleigh has paid the City \$160,000 to construct improvements as required by the subdivision plan approval process.
- The limits of construction for the developer's improvements on Browne Road extend into the intersection with Hucks Road. Constructing both improvements at the same time leverages funding and minimizes the disruption to traffic.
- The total project budget is estimated to be \$1,240,000. Contributions from NCDOT and the Developer total \$410,000 with the balance funded by the capital improvement program
- The format and cost sharing philosophy of this agreement is consistent with past Municipal Agreements.

### Small Business Opportunity

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

### Funding

Transportation Capital Investment Plan and North Carolina Department of Transportation

**Attachment 18**  
Resolution  
Budget Ordinance  
Concept plan

## 42. Snow and Ice Removal Municipal Agreement

**Action:** Adopt a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement and any subsequent renewals for up to five years with the North Carolina Department of Transportation for annual snow and ice removal.

**Staff Resources:** Layton Lamb, Transportation  
Charles Jones, Transportation

### Explanation

- Under this agreement, the Charlotte Department of Transportation (CDOT) will provide brining, salting and plowing on select North Carolina Department of Transportation (NCDOT) streets and bridges inside the Charlotte city limits during the threat of or actual snow and ice accumulation.
- NCDOT streets covered under this agreement are major and minor thoroughfares not considered first priority in their snow and ice removal program. NCDOT focuses primarily on Interstate and freeway locations within the County during inclement winter weather. Under this agreement, qualifying state roads include:
  - Providence Road
  - Morehead Street
  - Route 4 (Eastway Drive, Wendover Road, Runnymede Lane and Woodlawn Road)
- CDOT will give the same priority to brining, salting and plowing NCDOT streets that it gives Charlotte thoroughfare streets to provide consistent and seamless service throughout the City during snow and ice events.
- NCDOT will reimburse the City at a mutually agreed rate for each activity by June 30 of each year for seasonal roadway brining, salting, and snow and ice removal activities. The reimbursement rates cover all of the City's costs for performing these services for NCDOT.
- The estimated reimbursement from the State under this agreement is \$125,000 annually based on four snow events with two road treatments each.

### Small Business Opportunity

Interlocal agreements are exempt (Appendix Section 23.8 of the SBO Policy).

### Funding

Transportation Operating Budget

**Attachment 19**  
Resolution

## 43. Various Storm Drainage Improvement Projects

**Action: Approve a contract with HDR Engineering, Inc. of the Carolinas for \$1,000,000 for engineering services.**

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

### Explanation

- This contract will provide funding for planning, design and/or construction administration services to address high priority storm drainage improvement projects and/or requests throughout Charlotte on an as-needed basis.
- The projects may include storm drainage improvements that reduce house and street flooding or repair failing infrastructure.
- Services performed under this contract will be determined based on current ranking procedures, emergency needs, priority requests and consultant performance. Work orders will be issued as needs arise.
- Amendments to this contract may be needed to finish design and construction services as projects are started.
- HDR Engineering, Inc. was selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- The first project to be initiated under this contract will be the Blenheim Capital Improvement Project.
  - The project boundaries are approximately Interstate I-85 to the south, Rozelles Ferry Road to the north and east and Tillman Road and Wildwood Avenue to the west.
  - The project area is experiencing street and house flooding as well as stream erosion.
  - Fees for the design phase of this project are approximately \$500,000.

### Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). HDR Engineering, Inc. included the following SBEs to be used as the project evolves: R. Joe Harris & Associates, PLLC. (surveying), Joel E. Wood & Associates PLLC. (geotechnical), On Target Utility Locate Services (utility locator), and Avioimage Mapping Services (surveying).

### Funding

Storm Water Capital Investment Plan

#### 44. 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 \$29,467.81, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$9,373.71.**

**Staff Resource:** Robert Campbell, Finance

##### Attachment 20

Resolution

List of property tax and business license refunds

#### 45. Approve Resolution of Intent to Abandon a Ten-foot Alleyway Located off S. Mint Street

- Action:**
- A. Adopt the resolution of intent to abandon a ten-foot alleyway located off S. Mint Street, and**
  - B. Set a public hearing for December 13, 2010.**

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

##### Attachment 21

Map

Resolution

#### 46. Steele Creek Police Station Land Purchase

- Action:**
- A. Approve the purchase of approximately three acres for \$1,695,000 for the Steele Creek Division Police Station at 9530 S. Tryon Street, and**
  - B. Approve the Purchase and Sale Agreement with Gus Kanos and Chrisoula Kanos.**

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

##### Explanation

- Approve the purchase of approximately three acres for the Steele Creek Division Police Station, which includes the following parcels: PID 201-171-09, PID 201-171-10 and PID 201-171-21 at 9530 S. Tryon Street for \$1,695,000.

- A new 12,500 square feet police station is proposed for this site and will replace the existing facility located on the grounds of the Police and Fire Training Academy.

**Disbursement**

- The earnest money deposit of \$50,000, which is fully refundable for any reason during the due diligence period, is due and payable to the Seller’s attorney within ten days of City Council approval.
- The balance of \$1,645,000 is payable to the Buyer’s closing attorney prior to closing. These funds will be disbursed to Seller after closing.

**Background**

- A minimum of three acres is needed to accommodate the 12,500 square feet facility and parking.
- Replacement of the existing facility is deemed critical due to the lack of accessibility to the public after hours.
- Police adopted a Facilities Strategic Plan in February 2010 which outlines the following criteria to guide City staff in identifying a site suitable for future division offices:
  - Site must be highly visible, located on a major thoroughfare
  - Easily accessible from patrol division area
  - Accommodate a facility containing a minimum of 12,500 square feet of floor area, secured parking for at least 95 vehicles and public parking for at least ten vehicles
- In March 2010, Police submitted a request to locate a site for this facility within the boundaries of the Steele Creek Division. Fourteen sites were considered and this site was identified as the preferred location due to access, topography, configuration and availability.

**Sustainable Facilities Planning Phase Goals**

- The following chart summarizes the facility-specific goals which support the City’s Sustainability Priorities defined in the policy.

<b>Sustainability Priorities</b>	<b>Facility-Specific Planning Phase Goals</b>
<b>Preserve Land &amp; Trees</b>	<ul style="list-style-type: none"> <li>• Facility will fit into neighborhood context</li> <li>• Location reflects infill development along a major urban corridor</li> </ul>
<b>Maximize Transportation Alternatives</b>	<ul style="list-style-type: none"> <li>• Location provides excellent access to existing bus routes</li> <li>• Preferred parking for low-emitting vehicles</li> </ul>
<b>Protect Occupant Health, Maximize Productivity &amp; Encourage Sustainable Employee Behaviors</b>	<ul style="list-style-type: none"> <li>• Integrated daylight system for office environment</li> </ul>

- The project will provide a LEED equivalent design. Staff will recommend at a later date whether or not LEED certification will be pursued.

**Funding**

Government Facilities Capital Investment Plan

## PROPERTY ITEMS

### 47. Property Transactions

**Action: Approve the following property transactions (A-J) and adopt the condemnation resolutions (K-AI).**

For property transactions AC-AI, property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

In the case of condemnations, the City has negotiated in good faith to acquire properties. In each case, value was established by an independent, certified appraiser followed by a third-party appraisal review. To date City staff and the property owner(s) have been unable to reach agreement on a purchase price.

If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, staff and the City Attorney's Office will continue to negotiate, including through court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are eventually settled.

If a settlement cannot be reached, the case will proceed to trial before a judge or jury who will determine "just compensation."

#### Acquisitions

- A. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 7  
**Owner(s):** Sylvia L. Harrison  
**Property Address:** 236 Matthews Township Parkway  
**Property to be acquired:** 1,668 sq. ft. (.038 ac.) in Utility Easement, plus 1,252 sq. ft. (.029 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Mature Trees  
**Zoned:** R-15  
**Use:** Rural Home site  
**Tax Code:** 227-027-13  
**Total Parcel Tax Value:** \$203,600  
**Purchase Price:** \$13,850  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- B. Project:** Colonial Village/Sedgefield Neighborhood Improvement Project - Phase II, Parcel # 46  
**Owner(s):** William M. Verch and Wife, Melisa J. Verch

**Property Address:** 933 Sedgefield Road  
**Property to be acquired:** 2,971 sq. ft. (.068 ac.) in Storm Drainage Easement, plus 1,480 sq. ft. (.034 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 147-101-56  
**Total Parcel Tax Value:** \$173,800  
**Purchase Price:** \$13,800  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

- C. Project:** Freedom Drive Intersection Project, Parcel # 248  
**Owner(s):** Guadalupe Vidal, Jr.  
**Property Address:** 6220 Freedom Drive  
**Property to be acquired:** 2,693 sq. ft. (.062 ac.) in Fee Simple, plus 1,161 sq. ft. (.027 ac.) in Existing Right-of-way, plus 478 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 811 sq. ft. (.019 ac.) in Utility Easement, plus 821 sq. ft. (.019 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-4  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 057-221-02  
**Total Parcel Tax Value:** \$106,000  
**Purchase Price:** \$11,475  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- D. Project:** Freedom Drive Intersection Project, Parcel # 497  
**Owner(s):** Richard C. Ferrell and Wife, Tifini Snellings Ferrell a/k/a Tifini L. Snellings  
**Property Address:** 6221 Freedom Drive  
**Property to be acquired:** 2,877 sq. ft. (.066 ac.) in Fee Simple, plus 1,478 sq. ft. (.034 ac.) in Existing Right-of-way, plus 360 sq. ft. (.008 ac.) in Utility Easement, plus 1,433 sq. ft. (.033 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 059-231-07  
**Total Parcel Tax Value:** \$79,600  
**Purchase Price:** \$10,850  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- E. Project:** Raw Water ROW Protection, Parcel # 1  
**Owner(s):** Cynthia K. Thompson a/k/a Cyndy K. Thompson  
**Property Address:** 413 Oakdale Road  
**Property to be acquired:** 37,940.9 sq. ft. (.871 ac.) in Fee Simple **(TOTAL TAKE)**  
**Improvements:** House and Outbuilding

**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 035-031-16  
**Total Parcel Tax Value:** \$95,100  
**Purchase Price:** \$125,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

- F. Project:** Rea Road Widening/Improvements, Parcel # 2, 3, 4 and 5  
**Owner(s):** Renaissance On Rea, LLC  
**Property Address:** Fletcher Circle  
**Property to be acquired:** 740 sq. ft. (.017 ac.) in Storm Drainage Easement, plus 20 sq. ft. in Utility Easement, plus 10,733 sq. ft. (.246 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** UR-2  
**Use:** Town House Common Area  
**Tax Code:** 211-254-60, 211-254-61, 211-254-95 and 211-254-94  
**Total Parcel Tax Value:** \$364,000  
**Purchase Price:** \$27,300  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- G. Project:** Rea Road Widening/Improvements, Parcel # 110  
**Owner(s):** Hyung S. Kang and Wife, Soon Y. Kang  
**Property Address:** 4412 Pebble Pond Drive  
**Property to be acquired:** 1,657 sq. ft. (.038 ac.) in Fee Simple, plus 1,546 sq. ft. (.035 ac.) in Storm Drainage Easement, plus 16 sq. ft. in Utility Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-531-02  
**Total Parcel Tax Value:** \$322,700  
**Purchase Price:** \$14,275  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.
- H. Project:** Rea Road Widening/Improvements, Parcel # 124  
**Owner(s):** Charles R. Yates, Jr. and Wife, Jane L. Yates  
**Property Address:** 5207 Macandrew Drive  
**Property to be acquired:** 506 sq. ft. (.012 ac.) in Fee Simple, plus 1,955 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 1,231 sq. ft. (.028 ac.) in Public Utility Easement, plus 1,731 sq. ft. (.040 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Mature Trees  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-392-03  
**Total Parcel Tax Value:** \$179,000

**Purchase Price:** \$12,815

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

- I. Project:** Shillington Storm Water Capital Improvement Project, Parcel # 8

**Owner(s):** Camdee Land Company, LLC

**Property Address:** 8405 Double Eagle Gate Way

**Property to be acquired:** 2,970 sq. ft. (.068 ac.) in Storm Drainage Easement, plus 221 sq. ft. (.005 ac.) in Temporary Construction Easement

**Improvements:** The property is currently vacant.

**Landscaping:** The property is currently vacant but some natural trees will be removed for construction. If grass is disturbed, it will be replanted.

**Zoned:** R-20MF

**Use:** Single Family Residential

**Tax Code:** 209-201-24

**Total Parcel Tax Value:** \$210,000

**Purchase Price:** \$20,400

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

- J. Project:** Shillington Storm Water Capital Improvement Project, Parcel # 10

**Owner(s):** Camdee Land Company, LLC

**Property Address:** 8400 Double Eagle Gate Way

**Property to be acquired:** 1,865 sq. ft. (.043 ac.) in Storm Drainage Easement

**Improvements:** The property is currently vacant.

**Landscaping:** The property is currently vacant but some natural trees will be removed for construction. If grass is disturbed, it will be replanted.

**Zoned:** R-20MF

**Use:** Single Family Residential

**Tax Code:** 209-201-23

**Total Parcel Tax Value:** \$240,000

**Purchase Price:** \$18,175

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

## Condemnations

- K. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 1

**Owner(s):** The Greene Family Trust, dated November 8th, 1994, Dennis R. Greene and Wife, Patsy A. Greene, Trustors and/or Trustees And Any Other Parties Of Interest

**Property Address:** 130 Bubbling Well Road

**Property to be acquired:** 4,222 sq. ft. (.097 ac.) in Utility Easement, plus 1,014 sq. ft. (.023 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Mature Trees

**Zoned:** R-15

**Use:** Rural Home site

**Tax Code:** 227-027-49

**Total Parcel Tax Value:** \$241,700

**Appraised Value:** \$16,350

**Property Owner's Counteroffer:** \$49,727

**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. CMU presented two design options in order to address the property owners' concerns regarding the loss of landscaping. In an attempt to settle, CMU also allowed concessions in the easement agreement allowing certain landscape to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.

- L. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 2

**Owner(s):** Acts Retirement-Life Communities, Inc f/k/a Adult Communities Total Services, Inc. And Any Other Parties Of Interest

**Property Address:** Pineville-Matthews Road

**Property to be acquired:** 3,309 sq. ft. (.076 ac.) in Utility Easement, plus 337 sq. ft. (.008 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees, Shrubs, Flower Bed

**Zoned:** R-15

**Use:** Rural Home site

**Tax Code:** 227-027-41

**Total Parcel Tax Value:** \$179,800

**Appraised Value:** \$14,225

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. In order to address the concerns of the property owner regarding traffic during construction, CMU revised the design to incorporate a bore under the entrance to minimize the overall impact to the traffic utilizing the entrance. Condemnation will allow mediation and/or the court system to establish just compensation.

- M. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 3

**Owner(s):** Acts Retirement-Life Communities, Inc. f/k/a Adult Communities Total Services, Inc. And Any Other Parties Of Interest

**Property Address:** 733 and 737 Plantation Estates Drive

**Property to be acquired:** 1,448 sq. ft. (.033 ac.) in Utility Easement

**Improvements:** None

**Landscaping:** Trees, Shrubs, Flower Bed

**Zoned:** CC

**Use:** Home For The Aged

**Tax Code:** 227-027-43

**Total Parcel Tax Value:** \$36,870,400

**Appraised Value:** \$5,800

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. In order to address the concerns of the property owner regarding traffic during construction, CMU revised the design to incorporate a bore under the entrance to minimize the overall impact to the traffic utilizing the entrance. In an attempt to settle, CMU also allowed concessions in the easement agreement allowing certain landscape to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.

**N. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 4

**Owner(s):** Donald D. Grey and Wife, Parilee G. Grey And Any Other Parties Of Interest

**Property Address:** 208 Matthews Township Parkway

**Property to be acquired:** 1,425 sq. ft. (.033 ac.) in Utility Easement, plus 623 sq. ft. (.014 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Mature Landscaping Buffer

**Zoned:** R-15

**Use:** Rural Home site

**Tax Code:** 227-027-16

**Total Parcel Tax Value:** \$180,000

**Appraised Value:** \$20,900

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. The property owners also have concerns about damage to the house as well as landscaping outside of the easement areas. CMU approved special provisions which addressed these concerns. In an attempt to settle, CMU also allowed concessions in the easement agreement allowing certain landscaping to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.

- O. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 5  
**Owner(s):** Donald D. Grey and Wife, Parilee G. Grey And Any Other Parties Of Interest  
**Property Address:** 216 Matthews Township Parkway  
**Property to be acquired:** 1,573 sq. ft. (.036 ac.) in Utility Easement, plus 643 sq. ft. (.015 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Mature Landscaping Buffer  
**Zoned:** R-15  
**Use:** Rural Home site  
**Tax Code:** 227-027-15  
**Total Parcel Tax Value:** \$56,700  
**Appraised Value:** \$16,800  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. The property owners also have concerns about damage to the house, as well as landscaping outside of the easement areas. CMU approved special provisions which addressed these concerns. In an attempt to settle, CMU also allowed concessions in the easement agreement allowing certain landscaping to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.
- P. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 8  
**Owner(s):** Barbara P. Bjork, Christopher Bjork and Debra Ann Bjork And Any Other Parties Of Interest  
**Property Address:** 300 Matthews Township Parkway  
**Property to be acquired:** 3,642 sq. ft. (.084 ac.) in Utility Easement, plus 2,497 sq. ft. (.057 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-15  
**Use:** Rural Home site  
**Tax Code:** 227-027-12  
**Total Parcel Tax Value:** \$200,300  
**Appraised Value:** \$6,350  
**Property Owner's Counteroffer:** \$12,700  
**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. The property owners also have concerns about damage to the house and their well. In an attempt to settle, CMU approved special provisions which addressed these concerns. Also in an

attempt to settle, CMU allowed concessions in the easement agreement allowing certain landscaping to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.

- Q. Project:** 36" Water Main along NC 51 to Fullwood Lane, Parcel # 9  
**Owner(s):** Barbara P. Bjork And Any Other Parties Of Interest  
**Property Address:** 316 Matthews Township Parkway  
**Property to be acquired:** 6,208 sq. ft. (.143 ac.) in Utility Easement, plus 2,512 sq. ft. (.058 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Zoned:** R-15  
**Use:** Rural Home site  
**Tax Code:** 227-027-11  
**Total Parcel Tax Value:** \$217,100  
**Appraised Value:** \$21,925  
**Property Owner's Counteroffer:** \$43,850  
**Reason For Condemnation:** To complete the system water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. The property owners also have concerns about damage to the house and their well. In an attempt to settle, CMU approved special provisions which addressed these concerns. Also in an attempt to settle, CMU allowed concessions in the easement agreement allowing certain landscaping to be planted within the permanent easement. Condemnation will allow mediation and/or the court system to establish just compensation.
- R. Project:** Colonial Village/Sedgefield Neighborhood Improvement Project - Phase II, Parcel # 219  
**Owner(s):** Owners Of All Units In The Condominiums At Versailles And Any Other Parties Of Interest  
**Property Address:** 2600 Park Road  
**Property to be acquired:** 1,826 sq. ft. (.042 ac.) in Fee Simple, plus 11,922 sq. ft. (.274 ac.) in Existing Right-of-way, plus 1,915 sq. ft. (.044 ac.) in Storm Drainage Easement, plus 48 sq. ft. (.001 ac.) in Utility Easement, plus 1,674 sq. ft. (.038 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-17MF  
**Use:** Condominium  
**Tax Code:** 147-090-98  
**Total Parcel Tax Value:** \$0  
**Appraised Value:** \$13,450  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** To install sidewalks and storm drainage for the neighborhood improvement project. The condominium bylaws state that 2/3 of the property owners as well as 75 % of the mortgage holders must sign the easement

agreement. City staff is recommending condemnation in order to obtain clear title.

- S.**     **Project:** Harrisburg Road 16" Water Main - 8128 (from Pence Rd), Parcel # 1  
**Owner(s):** Heirs At Law Of Ethel Johnson Fielder Thurston And Any Other Parties Of Interest  
**Property Address:** Pence Road  
**Property to be acquired:** 382 sq. ft. (.009 ac.) in Utility Easement, plus 1,254 sq. ft. (.029 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Rural Home site  
**Tax Code:** 108-201-02  
**Total Parcel Tax Value:** \$19,200  
**Appraised Value:** \$450  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** 16" water main along Harrisburg Road from Pence Road to 8128 Harrisburg Road. The current listed owner died without a will and the independent title abstract reveals no heirs. City and outside legal council recommend condemnation in order to obtain clear title.
- T.**     **Project:** Harrisburg Road 16" Water Main - 8128 (from Pence Rd), Parcel # 3  
**Owner(s):** Virginia Wesley Or Her Heirs At Law And Any Other Parties Of Interest  
**Property Address:** 7301 Harrisburg Road  
**Property to be acquired:** 1,448 sq. ft. (.033 ac.) in Permanent Water Main Easement, plus 600 sq. ft. (.014 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Rural Home site  
**Tax Code:** 108-031-13  
**Total Parcel Tax Value:** \$112,600  
**Appraised Value:** \$325  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** 16" water main along Harrisburg Road from Pence Road to 8128 Harrisburg Road. The current listed owner died without a will and the independent title abstract reveals no heirs. City and outside legal council recommend condemnation in order to obtain clear title.
- U.**     **Project:** McCrorey Heights Neighborhood Improvement Project, Parcel # 65  
**Owner(s):** Omari W. Greene And Any Other Parties Of Interest  
**Property Address:** 2009 Patton Avenue  
**Property to be acquired:** 309 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 712 sq. ft. (.016 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 078-382-07

**Total Parcel Tax Value:** \$110,200

**Appraised Value:** \$975

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** This project will install sidewalks and planting strips throughout the McCrorey Heights Neighborhood for the McCrorey Heights NIP. After the initial meeting with the property owner, where they raised concerns regarding the location of the sidewalk, the planting strip width and the loss of trees, the property owner became non-responsive to multiple attempts to re-contact them. The appraisal evaluates the "before and after" condition. Condemnation will allow mediation and/or the court system to establish just compensation.

**V. Project:** McCrorey Heights Neighborhood Improvement Project, Parcel # 66

**Owner(s):** Fredericka Bryant And Any Other Parties Of Interest

**Property Address:** 2015 Patton Avenue

**Property to be acquired:** 331 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 584 sq. ft. (.013 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 078-382-08

**Total Parcel Tax Value:** \$92,000

**Appraised Value:** \$700

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** This project will install sidewalks and planting strips throughout the McCrorey Heights Neighborhood for the McCrorey Heights NIP. The property owner's concerns include location of the sidewalk and the width of the planting strip. The engineering project manager, real estate project manager, CDOT, Landscape Management, the design consultant and Council Member Mitchell met with the property owner to address these concerns. The property owner obtained an attorney who has rejected our offer and has made no counter offers. The appraisal evaluates the "before and after" condition. Condemnation will allow mediation and/or the court system to establish just compensation.

**W. Project:** Rea Road Widening / Improvements, Parcel # 39

**Owner(s):** Adlai Asante And Any Other Parties Of Interest

**Property Address:** 5405 Brianton Place

**Property to be acquired:** 1,421 sq. ft. (.033 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 211-521-65

**Total Parcel Tax Value:** \$332,200

**Appraised Value:** \$14,575

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** To 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 attorney for property owner requested compensation for damages to the remainder, and also requested trees to be saved within the temporary construction easement- neither of which could be approved. Although the City's agent requested, the attorney for the property owner would not provide a counter offer and requested we proceed with condemnation. Condemnation will allow mediation and/or the court system to establish just compensation.

- X. Project:** Rea Road Widening / Improvements, Parcel # 45  
**Owner(s):** Rosa M. Earnhardt And Any Other Parties Of Interest  
**Property Address:** 5312 Rea Road  
**Property to be acquired:** 1,175 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 200 sq. ft. (.005 ac.) in Utility Easement, plus 3,933 sq. ft. (.090 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-231-27  
**Total Parcel Tax Value:** \$131,700  
**Appraised Value:** \$29,500  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** To 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 wanted to be relocated during construction because she runs a business caring for children with disabilities in her home, and is concerned about the driveway and walkway accessibility and loss of business during construction. Several revisions were made to the plans reducing setbacks and ensuring ingress/egress to driveway. Although the City agent requested, the attorney for the property owner would not provide a counter offer and requested we proceed with condemnation. Condemnation will allow mediation and/or the court system to establish just compensation.
- Y. Project:** Rea Road Widening / Improvements, Parcel # 111  
**Owner(s):** Shaun E. Koch and Wife, Zipora Koch And Any Other Parties Of Interest  
**Property Address:** 4404 Pebble Pond Drive  
**Property to be acquired:** 4,748 sq. ft. (.109 ac.) in Fee Simple, plus 2,927 sq. ft. (.067 ac.) in Storm Drainage Easement, plus 1,738 sq. ft. (.040 ac.) in Utility Easement

**Improvements:** None

**Landscaping:** Trees

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 211-531-03

**Total Parcel Tax Value:** \$275,600

**Appraised Value:** \$76,600

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** To 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 roadway will be raised approximately 10' at this location. The Property Owners wanted the wall height increased from 12' to 22' so as not to see traffic. They were concerned about length of construction, noise, and buses entering the road during construction. Also, the owners wanted to be temporarily relocated while the construction occurred. Although City agent requested, the attorney for the property owner would not provide a counter offer and requested we proceed with condemnation. Condemnation will allow mediation and/or the court system to establish just compensation.

- Z. Project:** Rea Road Widening / Improvements, Parcel # 112  
**Owner(s):** Jane Patten Powell And Any Other Parties Of Interest  
**Property Address:** 4400 Pebble Pond Drive  
**Property to be acquired:** 3,782 sq. ft. (.087 ac.) in Fee Simple, plus 3,327 sq. ft. (.076 ac.) in Storm Drainage Easement, plus 1,736 sq. ft. (.040 ac.) in Utility Easement, plus 790 sq. ft. (.018 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs and Vegetation  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-531-04  
**Total Parcel Tax Value:** \$323,400  
**Appraised Value:** \$71,050  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** To 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 Owners had concerns that additional new storm drainage with this project would cause flooding to their property. Storm Water engineers reviewed and met with owners to address the concerns. As part of the project, the City is building a retaining wall on the property which the property owner does not want. Although City agent requested, the attorney for the property owner would not provide a counter offer and requested we proceed with condemnation. Condemnation will allow mediation and/or the court system to establish just compensation.

- AA. Project:** Rea Road Widening/Improvements, Parcel # 126  
**Owner(s):** David Ardrey and Wife, Lisa Ardrey And Any Other Parties Of Interest  
**Property Address:** 5229 Macandrew Drive  
**Property to be acquired:** 2,018 sq. ft. (.046 ac.) in Fee Simple, plus 584 sq. ft. (.013 ac.) in Underground UE, plus 5,624 sq. ft. (.129 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Mature Trees  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 211-392-01  
**Total Parcel Tax Value:** \$168,600  
**Appraised Value:** \$49,775  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** To 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. Upon initial meeting, the property owner requested staking so as to see the limits of construction. Although the City agent requested, the attorney for the property owner would not provide a counter offer and requested we proceed with condemnation. Condemnation will allow mediation and/or the court system to establish just compensation.
- AB. Project:** Shillington Storm Water Capital Improvement Project, Parcel # 7  
**Owner(s):** Blue Ridge Savings Bank, Inc. And Any Other Parties Of Interest  
**Property Address:** 8407 Winged Bourne  
**Property to be acquired:** 1,784 sq. ft. (.041 ac.) in Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** Trees and Landscaping  
**Zoned:** R-15  
**Use:** Single Family Residential  
**Tax Code:** 209-382-01  
**Total Parcel Tax Value:** \$360,000  
**Appraised Value:** \$32,750  
**Property Owner's Counteroffer:** \$50,000  
**Reason For Condemnation:** This is a capital improvement project that will address flooding issues and storm water complaints and complete the water main loop between Sardis Road and Fullwood Lane. The appraisal takes the landscape into account in evaluating the "before and after" condition; however, the property owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish just compensation.
- AC. Project:** CATS: West Corridor Bus Enhancements, Parcel # 3

**Owner(s):** 1401 Morehead, LLC And Any Other Parties Of Interest

**Property Address:** 1401 West Morehead Street

**Property to be acquired:** 202 sq. ft. (.005 ac.) in Permanent Shelter Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** B-1

**Use:** Industrial

**Tax Code:** 067-012-04

**Total Parcel Tax Value:** \$1,935,200

**Appraised Value:** \$1,000

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** West Corridor Enhanced Bus Stop Locations. The property owner's concerns include the compensation amount as well as his ability to terminate the agreement should he decide to re-develop the site. In an attempt to settle, the City extended redevelopment language to the benefit of the property owner in the agreement. The property owner has become unresponsive to multiple attempts to contact. Condemnation will allow mediation and/or the court system to establish just compensation.

**AD. Project:** CATS: West Corridor Bus Enhancements, Parcel # 5

**Owner(s):** WBTV, LLC f/k/a WBTV, Inc f/k/a Jefferson-Pilot Communications/WBTV, Inc. And Any Other Parties Of Interest

**Property Address:** 1 Julian Price Place

**Property to be acquired:** 450 sq. ft. (.010 ac.) in Permanent Shelter Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 067-021-53

**Total Parcel Tax Value:** \$697,300

**Appraised Value:** \$2,250

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** West Corridor enhanced bus stop locations. The Sprinter Airport Enhanced Bus Project is an interim step toward the implementation of the West Corridor Streetcar, as approved by the MTC in 2006. One of the criteria for Sprinter Airport stops is proximity to future streetcar stops. Condemnation will allow mediation and/or the court system to establish just compensation.

**AE. Project:** CATS: West Corridor Bus Enhancements, Parcel # 6

**Owner(s):** Raycom Sports Network, Inc. f/k/a Lincoln Financial Sports, Inc. And Any Other Parties Of Interest

**Property Address:** 1900 West Morehead Street

**Property to be acquired:** 261 sq. ft. (.006 ac.) in Permanent Shelter Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 067-031-18

**Total Parcel Tax Value:** \$1,315,200

**Appraised Value:** \$1,050

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** West Corridor enhanced bus stop locations. The Sprinter Airport Enhanced Bus Project is an interim step toward the implementation of the West Corridor Streetcar, as approved by the MTC in 2006. One of the criteria for Sprinter Airport stops is proximity to future streetcar stops. Condemnation will allow mediation and/or the court system to establish just compensation.

- AF. Project:** CATS: West Corridor Bus Enhancements, Parcel # 9  
**Owner(s):** Heirs Of Mary A. Funderburk And Any Other Parties Of Interest  
**Property Address:** 2533 Wilkinson Boulevard  
**Property to be acquired:** 327 sq. ft. (.008 ac.) in Permanent Bus Shelter Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 117-011-10  
**Total Parcel Tax Value:** \$64,200  
**Appraised Value:** \$875  
**Property Owner's Counteroffer:** \$175,000  
**Reason For Condemnation:** West Corridor enhanced bus stop locations. The owner of this parcel is deceased and staff has been working with her daughter, an heir to the property. The daughter is concerned that the bus shelter will have a negative impact to the marketability of the property. In an effort to settle, staff proposed redevelopment language in the agreement. CATS also agreed to furnish landscaping to the site. Condemnation will allow mediation and/or the court system to establish just compensation.
- AG. Project:** CATS: West Corridor Bus Enhancements, Parcel # 16  
**Owner(s):** National Retail Properties, LP And Any Other Parties Of Interest  
**Property Address:** 3800 Wilkinson Boulevard  
**Property to be acquired:** 250 sq. ft. (.006 ac.) in Perm. Bus Shelter Easement, plus 1,249 sq. ft. (.029 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 061-036-47  
**Total Parcel Tax Value:** \$333,900  
**Appraised Value:** \$2,700  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** West Corridor enhanced bus stop locations. The property owners would only agree if the tenant would agree as well. The tenant is against the stop, as they feel it will encourage criminal activity. In an effort to enhance the shelter site, CATS offered landscaping. Condemnation will

allow mediation and/or the court system to establish just compensation.

- AH. Project:** CATS: West Corridor Bus Enhancements, Parcel # 26  
**Owner(s):** F. D. Godley Number Two, LLC And Any Other Parties Of Interest  
**Property Address:** 4517 Wilkinson Boulevard  
**Property to be acquired:** 300 sq. ft. (.007 ac.) in Permanent Shelter Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 115-091-06  
**Total Parcel Tax Value:** \$889,300  
**Appraised Value:** \$500  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** West Corridor enhanced bus stop locations. The property owner is against the project and requested we move forward with condemnation. The property owner has become non-responsive to multiple attempts to contact. Condemnation will allow mediation and/or the court system to establish just compensation.
- AI. Project:** CATS: West Corridor Bus Enhancements, Parcel # 27  
**Owner(s):** Knosby, LLC And Any Other Parties Of Interest  
**Property Address:** 4516 Wilkinson Boulevard  
**Property to be acquired:** 269 sq. ft. (.006 ac.) in Permanent Shelter Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** I-1  
**Use:** Commercial  
**Tax Code:** 061-042-02  
**Total Parcel Tax Value:** \$898,000  
**Appraised Value:** \$1,075  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** West Corridor enhanced bus stop locations. There will be a 6-foot proposed concrete sidewalk constructed inside of the existing right-of-way in order to connect the shelter amenity to the nearest intersection and fill in the gap. No easement is necessary for the sidewalk. The property owner's concern is the proximity of the shelter location to his office building, as well as security issues he feels may arise. Condemnation will allow mediation and/or the court system to establish just compensation.

## 48. Meeting Minutes

<p><b>Action:</b> Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> <li>- June 21, 2010</li> <li>- June 28, 2010</li> <li>- July 19, 2010</li> <li>- July 26, 2010</li> </ul>
---