

Mayor Patrick L. McCrory **Mayor Pro Tem Susan Burgess**

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, November 9, 2009

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

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CITY COUNCIL AGENDA
Monday, November 9, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. MUMPO 2035 Long Range Transportation Plan

Committee Chair: Anthony Foxx

Staff Resources: Danny Pleasant, Transportation
Norm Steinman, Transportation

Time: 15 minutes

Synopsis

- Federal regulations require metropolitan planning organizations in air quality non-attainment areas to prepare and adopt a long range transportation plan (LRTP) every four years.
- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) must adopt a new plan, along with a positive air quality conformity finding, before May 2010.
- Regulations now require a more stringent cost feasibility test. The estimated cost of individual projects, as well as revenue forecasts, must be escalated into future years of the plan.
- The MUMPO Board endorsed testing four funding scenarios to determine whether a plan could be developed which meets the air quality conformity test and provides additional mobility benefits. The following four scenarios were analyzed:
 - No additional revenue sources
 - ¼ % sales tax for roads
 - ¼ % sales tax for transit
 - ¼ % sales tax split evenly between roads and transit
- All scenarios would pass the air quality conformity test for the MUMPO area.
- The Transportation Committee discussed factors affecting the LRTP at several meetings, including October 12 and 28.
- Tonight, Council will receive the recommendations from the Transportation Committee on how to direct the upcoming vote of the City's representative to MUMPO. The two recommendations are based on staff's recommendations to assume no new revenues for the LRTP and to begin the update of MUMPO's next LRTP in 2010.

Future Action

This is item 15, page 14 of this agenda.

3. Energy Efficiency and Conservation Block Grant: Proposed Energy Strategy

Resources: Julie Burch, City Manager's Office
Dave Zimmer, Camp Dresser and McKee
Tom Warshauer, Neighborhood & Business Services

Time: 30 minutes

Synopsis

- The City was notified in March 2009 that Charlotte is eligible to receive \$6.7 million in funding for the Federal Energy Efficiency and Conservation Block Grant (EECBG).
- On May 26, 2009, the City Council approved the City's application to the Department of Energy (DOE) for the initial funding of \$ 250,000. Council also authorized the City Manager to award contracts for
 - Hiring a consultant to assist in developing the City's Energy Strategy
 - Performing city building energy audits using the remaining portion of the initial funding
- The City was awarded the initial grant funding on August 4. On August 18 the City Manager approved a contract for \$175,000 with Camp Dresser and McKee (CDM) as the consultant. CDM was selected through a Request for Proposal process.
- The Energy Strategy is required before any further grant money is made available to the City. DOE requires that the Strategy be approved and submitted within 120 days of the initial grant award or December 4, 2009.
- The purpose of this briefing is to present the proposed Energy Strategy. The results of the City operations and community greenhouse gas emissions inventories will also be provided.
- A second public meeting is scheduled for Thursday evening, November 12, in the Council Chambers where the proposed strategy will be presented for comments. Those comments will be considered as staff and the consultant finalize the proposed strategy.

Future Action

- On November 23 the Council will be asked to approve proposed Energy Strategy for submission to DOE in order to meet the deadline of December 4.

Attachment 1

Proposed Energy Strategy/Summary of Projects
Eligible Grant Activities and Other Communities' EECBG Programs

4. World Cup Soccer 2018/2022 Bid Process

Resources: Tim Newman, Charlotte Regional Visitors Authority
Richard Thigpen, Carolina Panthers

Time: 20 minutes

Synopsis

- The US Soccer Federation has established a Bid Committee for the USA to be considered a host country for either the 2018 or 2022 FIFA World Cup Soccer Tournament. Charlotte is one of 27 cities being considered by the US Bid Committee as a match venue, if the USA gets the bid.
- The US Bid Committee will decide on 12 – 18 cities by December 30, 2009 and then will submit a detailed bid for the USA by May 2010. FIFA will announce the host countries for 2018 and 2022 in December 2010.
- The USA is one of seven known countries to be interested in bidding for the 2018 games, and this is the first time FIFA (Federal Internationale de Football Association) is announcing the selection of two consecutive World Cup host countries for both 2018 and 2022. FIFA World Cup Soccer was last held in the U.S. in 1994.
- The World Cup matches would be held in the months of June and July and Bank of America Stadium has agreed to be the host venue for Charlotte.
- Much like the Olympics, FIFA has strict requirements they place on host cities, including a Fan Fest Event or venue, much like Speed Street, for each match game, plus they want a large outside venue for the general public to be able to watch all 64 matches of World Cup Soccer series.
- This requirement is in addition to the host city covering expenses for traffic management, police protection, solid waste services and other costs for the five to six matches that may be held in Bank of America Stadium and the related fan events.
- Related costs and associated economic benefits of hosting a World Cup Soccer Match will be presented in detail for Council's review.

Action

- Staff requests direction from City Council on whether or not to continue working on a bid. An agreement, if directed, would be placed on the November 23, 2009 City Council business meeting agenda.

Attachment 2

Host City Agreement Template

5. Public Art Program Update

Resources: Brad Thomas, Chairperson, Public Art Commission
Scott Provancher, President, Arts & Science Council

Time: 15 minutes

Synopsis

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On January 10, 2005 Council approved improvements to communications related to the Public Art Program, including a requirement for updates to the Council by November 30 and June 30 of each fiscal year.
- Council approved the administrative guidelines for the Public Art Ordinance on November 12, 2007.

- At the May 12, 2009 Council Dinner Briefing, the Public Art Commission and Arts & Science Council presented the FY2010 Proposed Public Art Workplan.
- On June 8, 2009 City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- In accordance with the annual agreement and Council direction, this is the FY2010 mid-year reporting to Council on the status of current projects as well as an audit report of the program activities for FY2009.

Future Action

This presentation is for information only.

Attachment 3

Public Art Commission Presentation

6. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

7. Proclamation for National Opera Week

Action: Mayor McCrory to recognize Kay Norris, President, Opera Carolina, and James Meena, General Director, Opera Carolina to present them with a Proclamation highlighting November 13 – 22, 2009 as National Opera Week in Charlotte.

8. Proclamation for Carolinas Freedom Foundation Week

Action: Mayor McCrory to recognize Obey Oakley with the Carolinas Freedom Foundation to outline the Charlotte Veteran's Day activities for November 11, 2009 and present him with a Proclamation highlighting the 14th Anniversary of the Carolinas Freedom Foundation.

CONSENT

- 9. Consent agenda items 25 through 54 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

10. Public Hearing on a Resolution to Close an Unopened Right-of-Way Known as Hasty Avenue

Action: **A. Conduct a public hearing to close an unopened right-of-way known as Hasty Avenue, and**

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Mr. David Lee Kinney

Right-of-Way to be abandoned

An unopened right-of-way known as Hasty Avenue

Location

Located within the vicinity of the Grier Heights Community. Approximately 30 feet wide beginning from North Wendover Road continuing northwestwardly approximately 558 feet to its terminus at Billingsley Road. The area to be abandoned consists of 16,044 square feet.

Reason

To incorporate the right-of-way into the adjacent properties owned by the abutting owners in order to create more viable parcels for development

Notification

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

Adjoining property owners

Mr. Ralph Victor Malphurs – No objection
 Mr. Gwendolyn Davis – No objection
 Mr. Mayo Kilgo – No objection
 Mr. James Clifford Funderburk – No objection
 Mr. Fred Frazier – No objection

Neighborhood/Business Associations

Grier Heights Economic Foundation – No objection
 Hillsboro Acres Neighborhood – No objection
 Sedgewood Circle/Meadowbrook – No objection
 Wendover Hill Neighborhood – No objection
 Sedgewood Lake Drive HOA – No objection
 Sedgewood Place HOA- No objection

Private Utility Companies – No objection

City Departments

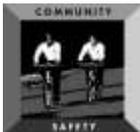
Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes
- Be contrary to the objectives of the Transportation Action Plan regarding connectivity

Attachment 4

Map
 Resolution

11. Public Hearing and Action on Rental Property Ordinance



Action:

- A. Conduct a public hearing on the proposed Rental Property Ordinance,**
- B. Approve the Community Safety Committee’s recommendation to adopt an ordinance to amend Chapter 6 of the Charlotte City Code entitled “Businesses and Trades”, effective June 1, 2010,**
- C. Adopt a budget ordinance appropriating \$103,828 for start up costs from General Fund fund balance to be repaid by future registration user fees, and**
- D. Approve two new positions added for ordinance administration.**

Committee Chair: Warren Turner

Staff Resources: Deputy Chief Ken Miller, Police
 Mark Newbold, City Attorney’s Office
 Eric Campbell, City Manager’s Office

Explanation

- In 2004 CMPD conducted a detailed analysis of crime that showed that 33% of robberies, 33% of auto thefts, 25% of residential burglaries, and 12% of larcenies from vehicles occur on multi-family rental property.
- A 2006 analysis showed that 41.5% of all crime occurs on residential property and that 60% of residential crime occurs in multi-family and single family rental housing.

- A 2007 analysis showed that Charlotte had 320,639 residential housing units. 179,982 of the units were owner-occupied and 140,657 were renter-occupied
- Many of the rental properties are owned by absentee landlords and the activity that occurs at these properties creates disorder in the neighborhoods where they are located.
- CMPD proposed an ordinance that would require rental property owners to take remedial action if crime and disorder calls reach a designated threshold at a rental location.
- The issue of a proposed ordinance was referred to the Community Safety Committee for review.
- At its October 12 meeting City Council reviewed the ordinance, instructed staff to schedule a public hearing for November 9, and approved a motion to vote on the ordinance at the November 9 meeting.

Committee Discussion

- During the past year, the Community Safety Committee has held a number of meetings to discuss the components of the proposed ordinance.
- The Committee reviewed similar ordinances from a number of cities including Houston, Minneapolis, and Tempe.
- During this same period, CMPD held numerous meetings with a Stakeholders Group comprised of representatives from the rental property industry including the Greater Charlotte Apartment Association, the Real Estate and Building Industry Coalition, Legal Aid of Charlotte and neighborhood leaders to assure that the ordinance reflected the interests of all affected parties. The neighborhood leaders were recommended by their patrol division captains and were asked to serve on the stakeholders group
- Much of the Committee's discussion concerned whether the ordinance should require mandatory registration of all rental properties. The ordinance, as originally proposed by CMPD, included mandatory registration. The rental industry opposed that requirement and felt only problem properties should require registration.
- The rental industry presented an alternative proposal to the ordinance drafted by CMPD. At its September 17 meeting, the Committee directed staff to work with the Stakeholder's Group to reach a compromise on an ordinance that served the needs of CMPD, the rental industry, and the neighborhoods.
- A draft ordinance agreed upon by staff and the Stakeholders Group was presented to the Committee at its October 5 meeting. The Committee voted unanimously (Turner, Kinsey, Dulin, Peacock) to present the ordinance to the full Council on October 12 and recommended that Council vote to adopt the ordinance at its November 9 meeting.
- The Committee also recommended a future review of the ordinance to ensure that it is functioning as it was intended. Staff recommends that the Committee review the ordinance 18 months after its adoption to allow for an implementation period and a full year of data collection.

Provisions of the Rental Property Ordinance

- The Rental Property Ordinance will require registration of those properties that fall within the top 4% of a Disorder Risk Threshold among all rental properties. This activity will be measured on a weighted scale with violent crime rated the highest, followed by property crime and citizen initiated disorder calls for service.
- Owners of those properties meeting the 4% threshold will pay a registration fee based on the number of units in the property.

- Owners of the properties falling into the highest 4% on the Disorder Risk Threshold will be sent a certified letter requiring a mandatory meeting with CMPD and registration of the property.
- After the initial meeting, the property owner and CMPD will jointly develop a remedial action plan for the property which includes measures the property owner will take to reduce the crime and disorder.
- The property owner and CMPD will review the progress of the remedial action plan six months after it is signed. If the property is no longer within the top 4% of the disorder activity threshold, it will be designated as in compliance and no further action will be taken. If the property is still in the top 4% of the Disorder Risk Threshold, it will be designated as In Need of Remedial Action (INRA). An amended remedial action plan will be signed and another six month review date will be set.
- At the second review meeting, the property will either be designated as in compliance or the remedial action plan will once again be amended and a third six month review date will be set.
- At the third review meeting, a property not in compliance will have its rental property registration revoked unless the owner has complied in good faith with all aspects of the remedial action plan. The notice to revoke will include a transition plan to disengage the property owner from renting the property and ensure that residents are not unduly burdened.
- The ordinance establishes a new Residential Rental Property Review Board to hear appeals of registration revocations. The board is comprised of seven members; four appointed by Council, two by the Mayor and one by the City Manager.
- After holding a hearing, the Board will issue an administrative order affirming or reversing the revocation decision made by CMPD.
- Property owners may appeal the Board's decision to the City Council. Council will review the record and a majority vote is required to uphold the Board's decision to revoke the registration. Council will not conduct hearings.
- Failure to comply with revocation provisions will subject the property owner with a civil penalty of \$50 a day for the first 30 days, \$100 a day for the next 30 days and \$500 a day for each subsequent day.
- The ordinance will be effective June 1, 2010 at which time the 2010 Disorder Risk Threshold will be established. There will be an extensive public information campaign in conjunction with the implementation of the ordinance.

Ordinance Administration and Costs

- CMPD will administer the ordinance by adding two non-sworn management analyst positions. The analysts will do the data analysis to identify the affected properties, compile the documentation on the problem properties and coordinate the remedial action process for all properties.
- Estimated first year costs of the ordinance, including personnel, vehicles, computers, etc. are \$229,000. Those costs will be covered by the registration fees for those properties in the top 4% of the Disorder Activity Threshold. Registration user fees will cover the cost of ordinance administration in subsequent years. The registration fees will be charged on a scale of \$335 to \$1,300 depending on the rental property size. The scale covers one to 300 units.

Funding

Start-up cost of \$103,828 in FY2010 will be funded by General Fund fund balance to be repaid by future registration user fees. The balance of the full year cost will be included in the FY2011 budget, funded by registration user fees.

Attachment 5

Questions and Answers from the October 12, 2009 Council meeting
Rental Property Ordinance
Budget Ordinance
Rental Property Stakeholders Group Members
Maps: Location of Properties That Would be Considered INRA Based on Calculations from 9/2008-8/2009 by Police Divisions and Council Districts

POLICY

12. City Manager's Report

13. Connectivity Policy Statements



Action: Approve the Transportation Committee's recommendation to adopt the five Connectivity Policy Statements.

Committee Chair: Anthony Foxx

Staff Resources: Matt Magnasco, Transportation
Norm Steinman, Transportation

Policy: Transportation Action Plan

Explanation

- The Transportation Action Plan (TAP), adopted by City Council in 2006, emphasizes the reliance on connectivity to increase mobility and manage congestion. The TAP defined two new programs – Street Connectivity and Pedestrian/Bicycle Connectivity – to produce City funded connectivity projects. To date, Council has authorized funding for only the Street Connectivity Program.
- Implementation of the TAP's connectivity goals is being accomplished through a variety of initiatives. New connections are being created by City capital projects, land-development projects, and public/private partnerships.
- The following five proposed Connectivity Policy Statements will provide policy guidance for the City's connectivity capital programs:
 - Plan: Develop and implement a plan of strategic connections
 - Preserve: Strive to preserve existing opportunities for connectivity
 - Partner: Seek the optimum form of connection and seek cost-sharing partnerships
 - Protect: Identify when mitigation may be appropriate for connectivity projects
 - Prioritize: Prioritize connectivity capital projects
- The Connectivity Policy Statements are intended to declare Council's endorsement of the five types of activities listed above. In 2010, staff will present options to the Transportation Committee describing options to identify key connections, cost-sharing arrangements, and appropriate mitigations.
- The Connectivity Policy Statements are provided in the attachment.

Committee Discussion

- The Transportation Committee unanimously endorsed (Barnes, Burgess, Carter) the five Connectivity Policy Statements on October 28, 2009.

Attachment 6

Policy statements

14. Non-System Residential Street Program



Action: Receive a report from the Transportation Committee on the recommendation for Non-System Residential Street Program (NSRSP) policy revisions.

Committee Chair: Anthony Foxx

Staff Resource: Phil Reiger, Transportation

Explanation

- Staff will make a presentation on the Transportation Committee's recommendations for revising the Non-System Residential Street Program Policy.
- In 1975 the City developed the Non-System Residential Street Program (NSRSP) to address many unpaved streets within the city limits.
- In 1992 City Council expanded the policy to encourage greater use of the program.
- Recently, the Shopton Road West NSRSP project exposed some problems with the current policy, such as:
 - A connection between the Water/Sewer Main Extension Policy and NSRSP, which required the construction of a street in order for residents to access utility services
 - High project costs
 - Unclear and out-of-date business processes
- On June 8, 2008, City Council asked staff to update and revise the City's policy for addressing sub-standard, unmaintained streets.

Summary of Committee's Recommendations

- The Committee recommends provisions to prevent the eligibility of future streets developed and designated as private.
- Provisions are included to ensure that investments made through the NSRSP meet the future demands of anticipated growth.
- Provisions are also included to manage the City's financial exposure by limiting the size of projects considered eligible to \$1 million.
- A revision to the Water/Sewer Main Extension Policy is recommended and integral to the amended NSRSP to allow for the extension of services through donated easements rather than requiring a City maintained street right of way. This revision uncouples the NSRSP and Water/Sewer Main Extension Policy and offers citizens the option to obtain water/sewer services without the burden of building a full street. City Council will consider changes to the water/sewer extension policy in early 2010.
- The Committee recommends the addition of a provision that requires property owners to share 50% of the cost of the project with the City through special assessments. This cost sharing arrangement reflects the mutual benefit the street provides to the property owners and the City.
- The Committee asks that the NSRSP be considered at the November 23 agenda business meeting.

Transportation Committee Discussion

- On October 28, 2009 the Transportation Committee voted unanimously (Burgess, Barnes, Carter) to recommend the policy revisions to City Council.
- Committee discussion centered around the percentages needed for the two required petitions. The first petition requires 60% of property owners

to sign in support of designing the proposed street. The second petition requires 80% of the property owners to sign in support of the property assessment for building the street. The Committee was comfortable with 60% and 80% petition requirements after staff explained that a non-refundable deposit equal to 50% of the design cost is required from the property owners before the City will design the street.

Funding

Powell Bill Street Maintenance Fund and Transportation Capital Investment Plan

Attachment 7

Recommended NSRSP Policy
NSRSP Presentation

15. Long Range Transportation Plan Directed Vote



Action: Approve the Transportation Committee recommendation to direct the vote of the City of Charlotte's representative to the Mecklenburg Union Metropolitan Planning Organization (MUMPO) related to endorsement of the MUMPO 2035 Long Range Transportation Plan.

Committee Chair: Anthony Foxx

Staff Resources: Danny Pleasant, Transportation
Norm Steinman, Transportation

Explanation

- Federal regulations require metropolitan planning organizations in air quality non-attainment areas to prepare and adopt a long-range transportation plan (LRTP) every four years.
- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) must adopt a new plan, along with a positive air quality conformity finding before May 2010.
- Federal regulations now require a more stringent financial feasibility test. Both the estimated costs of individual projects, as well as the revenues for construction and maintenance must be escalated into future years of the plan.
- That new requirement will allow far fewer projects under current funding capacity. Approximately 2/3 of road projects will be dropped from the financially feasible portion of the plan under current funding assumptions.
- The MUMPO Board endorsed testing four funding scenarios to determine whether a plan could be developed to meet the air quality conformity test and provide additional mobility benefits. The following four scenarios were analyzed:
 - No additional revenue sources (current funding capacity only)
 - ¼ % sales tax for building roads
 - ¼ % sales tax for building transit
 - ¼ % sales tax split evenly between building roads and transit.
- All scenarios would pass the air quality conformity test for the MUMPO area.
- While scenarios involving additional revenue sources allowed more transit and road projects to advance, none of the scenarios made a significant

overall difference in congestion or air quality benefits. Staff presented the results of the tests to the Transportation Committee on October 12.

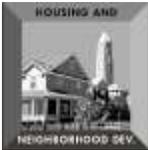
- MUMPO is scheduled to endorse the preferred funding and implementation components of the 2035 LRTP at its November 18 meeting.

Committee Discussion

- The Transportation Committee further discussed factors affecting the LRTP at its October 28 meeting. Staff presented two recommendations:
 - Assume LRTP scenario with no new revenue since the ¼% scenarios were projected to result in small area-wide differences
 - Begin the MUMPO next plan update in 2010.
- The subsequent plan would address more systemic issues affecting the transportation system such as land development patterns, the effects of a better-connected street network, and more reliance on transit, walking, and bicycling use.
- The Committee unanimously supported staff recommendations (Burgess, Carter and Barnes). They also requested that staff incorporate into the LRTP the long term context for growth in the region and the necessity to find the revenues necessary to fund the needed improvements to serve this growth.

BUSINESS

16. Habitat for Humanity Neighborhood Stabilization Program Grant



Action: Approve a Neighborhood Stabilization Program Grant to Habitat for Humanity of Charlotte (Habitat) for an amount up to \$700,000 for the acquisition of up to 14 foreclosed, vacant and abandoned single-family homes.

Staff Resources: Richard Payne, Neighborhood & Business Services
Stan Wilson, Neighborhood & Business Services

Policy

- City's FY2006-FY2010 Consolidated Action Plan:
 - Approved by City Council on June 13, 2005
 - Identified the need for affordable, safe and decent housing for low and moderate-income families
 - 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
- On November 24, 2008 City Council approved the Housing and Neighborhood Development Committee's recommendation to approve the City of Charlotte's Neighborhood Stabilization Program (NSP) to address growing number of foreclosures in the City of Charlotte.

Explanation

- The City is providing a grant up to \$700,000 to Habitat to acquire foreclosed, vacant and abandoned properties to combat the impact of foreclosures in the City's revitalization neighborhoods and other eligible Neighborhood Stabilization Program (NSP) areas.
- Habitat will use the City funding to acquire up to 14 single-family homes and will use other resources (donations, grants and volunteers) to complete the rehabilitation of the homes.
- The homes will be sold to individuals and families earning 50% (\$33,250 for a family of four) or less than the area median income.
- To date, Habitat has committed \$882,331 (87%) of its current \$1,013,200 NSP contract to acquire 13 foreclosed homes, of which three have been rehabilitated.
- Habitat currently has a waiting list of approximately 17 families that are ready to purchase a home and 88 potential homebuyers in the pipeline.
- All Habitat buyers receive pre-homeownership counseling.
- Habitat also provides post closing financial, mortgage delinquency and mortgage default counseling. Habitat uses newsletters and annual events to educate homeowners and assist them in keeping and maintaining their homes.

Neighborhood Stabilization Program

- The City has received \$8,056,777 in NSP funds, \$5,431,777 from the U.S. Department of Housing and Urban Development (HUD) and \$2,625,000 from the State Department of Commerce's Division of Community Assistance.
- At least 27% (2,175,329) of the Federal and State NSP funds received by the City must be used to serve households earning 50% (\$33,250 for a

family of four) or less than the area median income. To date, 46% (\$3,706,117) of the City's NSP funds are committed to or will serve households earning 50% or less than the area median income.

- The NSP funds have deadlines for obligating funds. The HUD deadline for obligating its \$5.4 million grant is September 13, 2010 and the State's deadline for obligating its \$2.6 million grant is July 18, 2010.

Funding

Neighborhood Stabilization Program – Federal/State Department of Commerce's Division of Community Assistance

17. Builders of Hope Neighborhood Stabilization Program Grant

Action: Approve a Neighborhood Stabilization Program Grant to Builders of Hope, Inc. for an amount up to \$500,000 for the acquisition of up to 10 foreclosed, vacant and abandoned single-family homes.

Staff Resources: Richard Payne Neighborhood & Business Services
Stan Wilson, Neighborhood & Business Services

Policy

- City's FY2006-FY2010 Consolidated Action Plan:
 - Approved by City Council on June 13, 2005
 - Identified the need for affordable, safe and decent housing for low and moderate-income families
 - 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
- On November 24, 2008 City Council approved the Housing and Neighborhood Development Committee's recommendation to approve the City of Charlotte's Neighborhood Stabilization Program to address the growing number of foreclosures in the City of Charlotte.

Explanation

- The City is providing a grant up to \$500,000 to Builders of Hope to acquire foreclosed vacant and abandoned properties to combat the impact of foreclosures in the City's revitalization neighborhoods and other eligible Neighborhood Stabilization Program (NSP) areas.
- Builders of Hope will use the City funding to acquire up to ten single-family homes and will use private resources (bank financing, donations, grants and volunteers) to complete the rehabilitation of the homes.
- The homes will be sold to low and moderate income homeowners earning 60% (\$39,900 for a family of four) or less of the area median income.
- The Builders of Hope organization is a Chapel Hill, North Carolina based non-profit organization and has worked with the cities of Raleigh and Durham to rehabilitate vacant properties.
- Builders of Hope focuses on acquiring and rehabilitating the deteriorated housing stock in cities to create quality affordable housing.
- Builders of Hope's mission includes:
 - Increasing the availability of affordable housing for low and moderate-income working families
 - Promoting neighborhood revitalization through extreme green rehabilitation

- Incorporating economic benefits, environmental stewardship and social solutions
- Builders of Hope develops work-mentor programs to provide job training to homeless and at-risk youth and contracts with local trades for the housing rehabilitation.

Neighborhood Stabilization Program

- The City has received \$8,056,777 in NSP funds, \$5,431,777 from the U.S. Department of Housing and Urban Development (HUD) and \$2,625,000 from the State Department Commerce's Division of Community Assistance.
- At least 27% (2,175,329) of the Federal and State NSP funds received by the City must be used to serve households earning 50% (\$33,250 for a family of four) or less than the area median income. To date, 46% (\$3,706,117) of the City's NSP funds are committed to or will serve households earning 50% or less than the area median income.
- The NSP funds have deadlines for obligating funds. The HUD deadline for obligating its \$5.4 million grant is September 13, 2010 and the State's deadline for obligating its \$2.6 million grant is July 18, 2010.

Funding

Neighborhood Stabilization Program – Federal/State Department of Commerce's Division of Community Assistance

Attachment 8

Company Profile – Builders of Hope

18. Charlotte Housing Authority Neighborhood Stabilization Program Loan

Action: Approve a Neighborhood Stabilization Program loan to the Charlotte Housing Authority for an amount up to \$1,500,000 for the acquisition of the Woodlawn House Apartments.

Staff Resources: Richard Payne, Neighborhood & Business Services
Stan Wilson, Neighborhood & Business Services

Policy

- City's FY2006-FY2010 Consolidated Action Plan:
 - Approved by City Council on June 13, 2005
 - Identified the need for affordable, safe and decent housing for low and moderate-income families
 - 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
- On November 24, 2008 City Council approved the Housing and Neighborhood Development Committee's recommendation to approve the City of Charlotte's Neighborhood Stabilization Program to address growing number of foreclosures in the City of Charlotte.

Explanation

- The Woodlawn House Apartments are located at 1315 E. Woodlawn Road near the Park Road Shopping Center in NSA 60 (Ashbrook/Clawson Village). The property has been vacant for approximately two years.

- The Charlotte Housing Authority is requesting funding to acquire the apartments to create 104 housing units.
- The rehabilitated units will serve seniors with household incomes of 30% (\$13,950 for an individual) or less of the area median income.
- The Woodlawn House Apartments are one and two bedroom units.
- The monthly rents will range from \$335 to \$644. Tenants will receive subsidies to ensure that they do not pay more than 30% of their income.
- The up to \$1,500,000 City loan will be funded through the Neighborhood Stabilization Program (NSP) and funds will be used to assist the Housing Authority acquire the property. The total property acquisition price is \$3,403,750 and the remaining \$1,903,750 will be funded by the Charlotte Housing Authority.
- The term of the City loan is 20 years at 1% interest payable each year. The City's loan will be in a second lien position.
- The total project development budget is \$8,365,756 and the units will remain affordable for 40 years.

Neighborhood Stabilization Program

- The City has received \$8,056,777 in NSP funds, \$5,431,777 from HUD and \$2,625,000 from the State Department of Commerce's Division of Community Assistance.
- At least 27% (2,175,329) of the Federal and State NSP funds received by the City must be used to serve households earning 50% (\$33,250 for a family of four) or less than the area median income. To date, 46% (\$3,706,117) of the City's NSP funds are committed to or will serve households earning 50% or less than the area median income.
- The NSP funds have deadlines for obligating funds. The HUD deadline is September 13, 2010 and the State deadline is July 18, 2010.

Funding

Neighborhood Stabilization Program – Federal/State Department of Commerce's Division of Community Assistance

Attachment 9

Project Summary and Map
Sources and Uses

19. FY2010 Youth Job Connection Contract

Action: Approve a \$200,000 contract with Goodwill Industries for the operation of the Youth Job Connection for FY2010.

Staff Resource: Brad Richardson, Neighborhood & Business Services

Explanation

- On November 10, 2008 City Council approved a \$200,000 contract with Goodwill Industries to operate the Youth Job Connection (YJC), which provides year-round employment training and job placement assistance to Charlotte youth ages 14-21.
- On February 23, 2009 the YJC opened, offering the following services:
 - Job skills training, including: customer service skills, resume writing, web-based job applications, work-place etiquette, interviewing skills, tips on finding a job, retail/cash register training.

- Job development, through a part-time job developer, phone campaign, and the use of their in-house agency, GoodWorks Staffing.™
- As of September 30 the YJC had provided job training to 1,174 youth (an increase of 24% from FY2009) and directly assisted 292 youth in getting a paid summer job (an increase of 194% from FY2009), in part through the use of \$222,074 in federal stimulus funds for youth stipends.
- For FY2010, the Youth Job Connection has established the following objectives:
 - Provide basic job skills training to 750 youth
 - Provide intensive career counseling to 300 youth, with at least 50% receiving offers of employment

Small Business Opportunity

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

Funding

The FY2010 budget includes \$200,000 for this initiative.

20. Business Investment Grant for Premier, Inc.

Action: Approve the City's share of a Business Investment Grant to Premier, Inc. for a total estimated amount of \$183,555 over three years. (Total City/County grant estimated at \$519,245).

Staff Resource: Brad Richardson, Neighborhood & Business Services

Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix

Explanation

- Premier, Inc., headquartered in San Diego, is a national healthcare alliance entirely owned by not-for-profit hospitals and health system organizations.
- Premier employs 748 workers in Charlotte, and is currently located in LakePointe Corporate Center.
- On October 14, 2009 Premier announced a relocation of their corporate headquarters to Charlotte and the addition of 182 jobs over three years.
- Premier will relocate their Charlotte office to a ten story building in the Ballantyne Corporate Center. The company will sign a 15 year lease.
- Premier's expansion meets all of the Council-approved requirements for a Large Impact Business Investment Grant:
 - A taxable investment of approximately \$16 million
 - Creation of 182 new jobs by 2012 with an average annual wage of \$70,000 (180% of the local average). 91% of new jobs will be hired locally.
 - York County competed for this project.
- On July 28, 2008 City Council indicated their intent to approve a Business Investment Grant to Premier in a closed session.
- On August 5, 2008 the Board of County Commissioners indicated their intent to approve a Business Investment Grant to Premier in a closed session.

- The expansion is estimated to have a total direct economic impact of \$20 million per year on Charlotte’s economy, and generate average annual tax revenues of \$340,000 for the City.
- If approved, the following schedule is an estimate of the Investment Grant payments to Premier. This estimate is the City and County share of the grant and represents 50% of net new property taxes paid by the company over the five year term:

Year	City	County	Totals
1	\$37,124	\$67,893	\$105,017
2	\$36,894	\$67,473	\$104,367
3	\$36,688	\$67,096	\$103,784
4	\$36,505	\$66,761	\$103,266
5	\$36,344	\$66,467	\$102,811
Total	\$183,555	\$335,690	\$519,245

- The general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- On October 14, 2009 the State awarded a Job Development Investment Grant estimated at approx \$4.1 Million to Premier.
- The Board of County Commissioners will consider approval of a Business Investment Grant to Premier, Inc. on November 4, 2009.

Funding

Business Investment Grant Account; first payment is estimated to occur in FY2011.

21. Nomination to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. TREE ADVISORY COMMISSION

- One appointment for a three year term beginning December 14, 2009
 - Judith Goda is eligible, but does not wish to be reappointed.

Attachment 10

Applications

22. 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, 2009, then continuing for a full three year term, ending December 31, 2012
 - Eric Banks nominated by Council member Dulin
 - Jonathan Harding nominated by Council member Carter
 - Terry Lansdell nominated by Council members Burgess and Foxx
 - Durward Owen nominated by Council members Dulin, Mitchell and Peacock
 - L. Wayne Sams nominated by Council member Barnes
 - Joshua Smith nominated by Council members Burgess and Lassiter
 - Jane Wasilewski nominated by Council members Cooksey and Kinsey

Attachment 11

Applications

B. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2010
 - Madelyn Baer nominated by Council member Foxx
 - Jenifer Daniels nominated by Council member Turner
 - Kathi Knier nominated by Council member Dulin
 - Geoffrey Owen nominated by Council members Burgess and Kinsey
 - Kenneth Rance nominated by Council member Barnes
 - Christopher Sites nominated by Council member Carter
 - Sherrell Smith nominated by Council member Mitchell
 - Beverly Grant-Turner nominated by Council members Cooksey and Peacock

Attachment 12

Applications

C. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending September 21, 2011
 - Myna Advani nominated by Council members Cooksey and Dulin
 - Beatrice Cote nominated by Council members Burgess, Carter, Kinsey and Lassiter
 - James Harrell, Jr. nominated by Council members Mitchell, Peacock and Turner
 - Teresa Smith nominated by Council member Barnes

Attachment 13

Applications

D. HISTORIC DISTRICT COMMISSION

- One appointment for an unexpired term for a resident of Wesley Heights beginning immediately and ending June 30, 2010
 - * Shirley Fulton nominated by Council member Turner
 - Gregory Grueneich nominated by Council members Burgess, Carter, Cooksey, Foxx, Kinsey, Mitchell and Peacock
 - **Karen Eady-Williams nominated by Council member Turner
- * Ms. Fulton does not wish to serve at this time.
 **Ms. Eady-Williams was contacted, but did not submit an application.

Attachment 14

Applications

E. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending March 1, 2011
 - Christopher Brown nominated by Council members Carter and Dulin
 - Paul Hurlburt nominated by Council member Cooksey
 - Geoffrey Owen nominated by Council members Barnes, Burgess, Foxx and Kinsey
 - Thomas Turner nominated by Council members Lassiter and Peacock

Attachment 15

Applications

23. Mayor and Council Topics

Council members may share information and raise topics for discussion.

24. Closed Session**Action: Adopt a motion to go into closed session pursuant to:**

- 1. NCGS 143-318.11(a)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the cases of: (i) Shontrese Leggett v. Gerrod Alexander Jones and the City of Charlotte, Superior Court for Mecklenburg County, 09 CVS 3790; and (ii) Estate of Shatona Robinson v. Martray Proctor and the City of Charlotte, Superior Court for Mecklenburg County, 09 CVS 10358, and**
- 2. NCGS 143-318.11(a)(5) to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.**

CONSENT I

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy. Price lists for unit price contracts are available upon request.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

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

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

Contractors and Consultants

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

25. Various Bids

A. Bus Cleaning Chemicals

CATS

Staff Resource: Tom Livingston, Transit

Action

Award the low bid unit-price contract to Hunt and Company, Inc. d/b/a ChemStation, for a term of one year and authorize the City Manager to renew the agreement with possible price adjustments for two additional, one-year terms. Pricing will remain firm for the first year of the contract. Staff will negotiate subsequent annual price adjustments based on changes in the Producer Price Index. Chemicals, such as degreaser, soap, glass cleaner and windshield wiper fluid will be ordered on an as-needed basis for the entire bus fleet. The estimated first year expenditure is \$122,000. The total

contract value is estimated at \$384,600. Estimates are based on the prior year's usage and the required amount of chemicals needed to continue maintaining the cleanliness of the entire bus fleet. Residual chemicals drain into underground holding tanks which are emptied by a hazardous materials company.

Small Business Opportunity

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

B. Police Transport Vans

CMPD

Staff Resource: Eddie Levins, Police

Action

Award the low bid unit price contract of \$33,865 to Parks Chevrolet to provide two prisoner transport vans for Police in the estimated annual amount of \$67,730 for a term of two years and authorize the City Manager to renew the agreement for three additional one year terms with possible price adjustments at the time of renewal as authorized by the contract.

The prisoner transport vans are required for efficient police patrol operations such as concerts, protests, DWI checkpoints, and other high density gatherings of people where a large number of arrests are probable. There are processing delays at the Intake Center when multiple arrests occur during peak hours. Using prisoner transport vans allows Police to transport and process multiple arrestees with only one or two officers, enabling more officers to remain in their assignments in the field.

Small Business Opportunity

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

C. Safety Shoes

BSS

Staff Resource: Kim Morrell, Business Support Services

Action

Award unit price contracts for providing safety shoes for City employees in the combined estimated annual amount of \$250,000 for a term of one year and authorize the City Manager to renew up to two additional one year terms with possible price adjustments at the time of renewal as authorized by the contract to the following vendors: Saf-Gard Safety Shoes, American Safety Utility Corporation, and Award Excellence Company, Inc.

OSHA requires safety shoes for employees who are exposed to various hazardous conditions on the job. The unit price ranges from \$44 to \$98 depending on the type of shoe for different work conditions. The City has determined the best way to purchase safety shoes is by executing contracts with multiple vendors rather

than attempt to depend on a single vendor source. This methodology will provide employees the flexibility to purchase safety shoes by local in-store pick up, on-line ordering, or mobile van support. Further, City departments need alternative sources for purchasing safety shoes during emergency situations and when certain vendors experience supply problems. Mecklenburg County is eligible to utilize the safety shoe contracts also.

Small Business Opportunity

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

D. Fall Resurfacing FY2010

EPM

Staff Resources: Layton Lamb, Transportation
Bryan Tarlton, Engineering & Property Management

Action

Award the low bid of \$6,705,221.75 to Ferebee Corporation. This project consists of resurfacing approximately 70 miles of City streets and includes traffic control, asphalt and concrete pavement milling, resurfacing, manhole and water valve adjustments, wheelchair ramps and pavement markings. Construction completion is scheduled for fourth quarter of 2010.

This is the first resurfacing contract for FY2010. The City has appropriated \$18.5 million in FY2010 for street resurfacing. The \$18.5 million includes the \$4.5 million General Fund supplement approved by Council in the FY2010 budget and reaffirmed in the Council's September 8 action to fully fund the supplement. Additional resurfacing contracts will come before Council in the spring of FY2010 to authorize the remaining funding.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 8.32%

Ferebee Corporation committed 8.32% (\$558,315) of the total contract amount to the following SBE firm: DOT Construction Inc.

Attachment 16

Street List

26. 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 \$50,505.36, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made through clerical error in the amount of \$547.**

Staff Resource: Scott Greer, Finance

Attachment 17

Resolution

List of property tax and business license refunds

27. Resolution of Intent to Abandon an Unopened Right-of-Way Known as Jackson Place and a Portion of Jackson Drive

- Action:**
- A. Adopt the resolution of intent to abandon an unopened right-of-way know as Jackson Place and a portion of Jackson Drive, and**
 - B. Set a public hearing for December 14, 2009.**

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 18

Map

Resolution

28. Resolution of Intent to Abandon a 10-foot Alleyway between South Mint Street and South Church Street

- Action:**
- A. Adopt the resolution of intent to abandon a 10-foot alleyway between South Mint Street and South Church Street, and**
 - B. Set a public hearing for December 14, 2009.**

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 19

Map

Resolution

29. Resolution of Intent to Abandon a Residual Portion of Shopton Road West

Action: A. Adopt the resolution of intent to abandon a residual portion of Shopton Road West, and
B. Set a public hearing for December 14, 2009.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 20

Map
Resolution

30. Resolution of Intent to Abandon a Portion of West 3rd Street and a Residual Portion of South Mint Street

Action: A. Adopt the resolution of intent to abandon a portion of West 3rd Street and a residual portion of South Mint Street to incorporate right-of-way into adjacent parcels for the future Knights Baseball Stadium Project, and
B. Set a public hearing for December 14, 2009. The abandonment will not occur until the stadium deal is final.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 21

Map
Resolution

CONSENT II

31. Whitewater Center Parkway Amendment

Action: Approve an amendment to the agreement with Whitewater Parkway, LLC regarding the payment provisions for construction of the Whitewater Center Parkway.

Staff Resource: Ron Kimble, City Manager's Office

Explanation

- On February 12, 2007 City Council approved an agreement with Whitewater Parkway, LLC to pay \$1,725,000 towards the cost of the \$4,000,000+ Whitewater Center Parkway construction.
- Payment terms included four equal payments of \$431,250, with three payments totaling \$1,293,750 already paid to date.
- NCDOT and the City of Charlotte have a Municipal Agreement which reimburses the City for the full \$1,725,000.
- The road is more than 90% complete and has been open to traffic since April 2009, but Whitewater Parkway, LLC needs cash flow assistance to make final improvements prior to NCDOT accepting Whitewater Center Parkway for maintenance.
- This amendment would allow the City to pay Whitewater Parkway, LLC an additional 15% now (\$258,750), with the final 10% (\$172,500) paid upon acceptance of the road by NCDOT.
- The entire project remains appropriately bonded.

32. Water and Sewer Revenue Bonds

Action: A. Adopt a Bond Order authorizing the issuance of up to \$400,000,000 in 2009B Water and Sewer Revenue Bonds, and

B. Adopt a Bond Resolution providing for the sale of the 2009B Bonds and authorizing the execution and delivery of various documents in connection with the issuance of the 2009B Bonds in an amount not to exceed \$400,000,000.

Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation

- The City regularly issues short-term and long-term debt instruments to fund the capital needs of the Water and Sewer system.
- The bond order and the bond resolution are the final City Council actions necessary for the issuance of revenue bonds in an amount not to exceed \$400,000,000.
- The 2009B Bonds will permanently finance long-term, fixed rate bonds projects that were originally financed with short-term, variable rate commercial paper bond anticipation notes.
- The projects being refinanced include improvements to the Water and Sewer System, including the extension of existing water and sewer lines

and rehabilitation or replacement of others, construction of new water and sewer mains and outfalls, rehabilitation and upgrades of water and wastewater treatment plants, and the acquisition of land.

Funding

Water and Sewer Debt Service Fund

Attachment 22

Resolution

33. South Corridor Bridge Inspection Services

Action:

A. Approve a two year contract with the LPA Group for an amount not to exceed \$200,000 for bridge inspection services for the South Corridor LYNX Blue Line, and

B. Authorize the City Manager to execute a renewal for an additional two year period in an amount not to exceed \$200,000.

Staff Resource: John Muth, Transit

Explanation

- The United States Department of Transportation sets the national standards for the proper safety inspection and evaluation of bridges.
 - Bridges are to be inspected every two years in accordance with the National Bridge Inspection Standards.
 - To maintain the safety of the Lynx Blue Line bridges, transit retaining walls and culverts, CATS plans to contract for these inspections.
- On April 30, 2009, a Request for Qualifications was advertised. A committee from CATS and E&PM selected the LPA Group out of a pool of four firms.
- The contract with LPA will provide:
 - Inspections of 14 bridges
 - Inspections of culverts and other structures
 - Conditional reports
 - On-call services
 - Recommendations for repairs if needed
 - Assist in the preparations of bid documents
 - Construction administration
- The contract will be for inspections and the aforementioned related services only. Any necessary repairs will be contracted separately.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 5%

Committed DBE Goal: 5%

The proposed DBE firm is SEPI Engineering Group.

Funding

Transit Capital Investment Plan

34. South Corridor Light Rail Transit Grounds Maintenance

Action: Approve three year contracts for grounds maintenance services with

- 1. Taylor’s Landscape Services for the north section in the amount of \$229,565.62, and**
- 2. Taylor’s Landscape Services for the south section in the amount of \$310,182.60.**

Staff Resource: Greg Bugica, Engineering & Property Management

Explanation

- Landscape Management selected Taylor’s Landscape Services for both contracts through the Council-approved Request for Proposals process. These grounds maintenance service projects were publicly advertised on Engineering & Property Managements’ website.
- Firm was selected based on the following criteria:
 - Qualifications (licensing and certifications)
 - Experience in providing similar services for similar projects
 - Current and anticipated work load of contractor
 - References and/or past performances on City projects
 - Pricing
- Consideration was also given to:
 - Proposed use of SBE firms
 - Qualifications of key individuals
 - Safety
 - Responsiveness to both emergency and non-emergency situations
 - Ability to meet City’s goals
- The term for each contract is for three years with no renewals.

Taylor’s Landscape Services for the North Section

- This section consists of grounds maintenance along the CATS Blue Line Light Rail Transit System from 9th Street to South Boulevard split: 9th Street Trolley Stop, 7th Street Station, CTC/Arena Station, 3rd Street Station, Stonewall Station, Morehead Street Trolley Stop, Carson Boulevard Station, Bland Street Station, East/West Boulevard Station, Tremont Avenue Trolley Stop, New Bern Station.
- Work includes maintenance of turf, trees, shrubs, perennials, grounds and managed vegetative areas, trash and debris removal; irrigation operation, maintenance and repair; and mulching.
- The contract amount for the three years of grounds maintenance services is \$229,565.64.
- Of the five proposals received for this contract, none were SBEs.

Taylor’s Landscape Services for the South Section

- This section consists of grounds maintenance along the CATS Blue Line Light Rail Transit System from the South Boulevard split to I-485 Station including the station, platform areas with adjacent Park and Ride Lots: Scaleybark Station, Woodlawn Station, Tyvola Station, Archdale Station, Arrowood Station, Sharon Road West Station/Pedestrian Bridge, I-485/South Boulevard Station.

- Work includes maintenance of turf, trees, shrubs, perennials, stormwater installations and grounds; trash and debris removal; snow and ice removal; irrigation operation; maintenance and repairs.
- The contract amount for the three years of grounds maintenance services is \$310,182.60.
- Of the four proposals received for this contract, none were SBEs.

Small Business Opportunity

No SBE goal was set for these contracts because subcontracting opportunities are not anticipated (Part B: Section 2.4 of the SBO Policy).

Funding

Transit Operating Budget

35. Engineering Services for Pond and Dam Rehabilitation Projects

Action: Approve a contract with W.K. Dickson & Co., Inc. in the amount of \$750,000 for engineering services for pond and dam rehabilitation projects.

Staff Resource: Daryl Hammock, Engineering & Property Management

Policy

On May 29, 2007, the City Council adopted the Pond and Dam Policy to identify and preserve/enhance existing ponds and dams on private property that provide significant public benefits such as flood control, pollution control and public safety. Ponds and dams will be ranked by criteria including existing condition, cost effectiveness, flood control benefits, water quality benefits, public safety, infrastructure needs and coordination with other City investments and policies.

Policy Goals and Benefits

- The goals of the Pond and Dam Policy are to protect as many existing ponds as possible prior to removal for development or failure, and to use these ponds as a highly cost-effective tool to achieve water quality, flood control and public safety goals.
- The selected ponds drain to creeks that are identified as impaired by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into the creeks.
- Improved water quality in the creeks supports the City's objective to sustain the quality of the environment for future generations.
- Enhancing existing ponds on private property provides public benefits by:
 - Removing pollutants
 - Reducing stream bank erosion
 - Addressing public safety issues
 - Alleviating the burden on the storm water system
- Using existing ponds is much cheaper than obtaining property to build new ponds.
- If existing ponds fail, the City will realize greater impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.

Explanation

- The consultant will provide engineering services for the planning, design and/or construction phases for various retrofits and repairs of existing ponds to support goals of the Environment Focus Area Plan.
- Typical retrofits/repairs to the existing ponds may include:
 - Repair or replacement of the outlet structure
 - Stabilization of the embankment
 - Installation of an additional planted area for pollutant removal
- Hunter Acres Pond is the first project under this contract and is located in north Charlotte near Derita between West Sugar Creek Road, Gibbon Road and Christenbury Road. Crestland Avenue runs across the top of the dam forming Hunter Acres Pond. The dam is in very poor condition and presents a safety concern. A portion of Crestland Avenue has been temporarily closed to traffic.
- The consultant will provide engineering services for the design and construction phases for Hunter Acres Pond. Estimated fees are approximately \$250,000.
- This project was selected based on the level of public benefits provided by the facility and the need for repair.
- If the consultant continues to perform well, then one or two additional pond projects will be started under the same contract.
- This contract may be amended to finish design and construction services for the projects started under this contract.
- The chosen firm was selected pursuant to a Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- Construction contracts will be needed for each pond once the project is designed.

Small Business Opportunity

WK Dickson & Co., Inc. listed in their proposal the following SBEs as supporting team members: On-Target Utility Locate Services and Avioimage Mapping Services. WK Dickson will use these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

36. Citywide Offsite Record Storage, Shredding and Scanning Services

- Action:**
- A. Approve unit price contracts with the following service providers for Citywide Offsite Record Storage, Shredding and Scanning Services for an initial term of one year with an aggregate estimated annual expenditure of \$300,000:**
- **Automated Shredding, Inc. (Shredding)**
 - **DataChambers (Record Storage)**
 - **Iron Mountain (Record Storage)**
 - **Advanced Imaging Systems, Inc. (Scanning)**
 - **Paperless Digital Solutions (Scanning)**
- B. Authorize the City Manager to approve up to four, one-year renewal options, contingent upon the companies' satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City currently uses various vendors for offsite records storage, shredding and electronic document imaging services.
- These services are required for effective retention, management and disposal of records per the North Carolina Records Retention Schedule.
- By collaborating with Mecklenburg County and consolidating the needs of multiple departments, the City and County are able to realize certain economies of scale to include volume and uniform pricing, decreased administrative burden and overhead, increased ability to capture usage data and expenditures, and improved service levels.
- Both secure and non-secure shredding services will be provided along with a Certificate of Destruction as required.
- Confidential records storage services will be provided in compliance with all North Carolina records requirements per state statutes regarding storage, retention and record destruction procedures.
- Scanning services will include pick-up and/or receipt of records or source documents, imaging of records at a central location, and indexing, storage and delivery of records as required.

Selection Process

- In response to a Request for Proposals, the City received ten proposals.
- The Evaluation Team was comprised of staff from Business Support Services, Police, Charlotte Area Transportation System, City Human Resources and the Mecklenburg County Sheriff's Office.
- After thorough evaluation, the Evaluation Team unanimously considered Automated Shredding, Inc., DataChambers, Iron Mountain, Advanced Imaging Systems, Inc., and Paperless Digital Solutions as the service providers best meeting the established requirements in each of their respective categories of service.
- The Evaluation Team is recommending multiple awards to ensure alternative solutions, flexibility, and availability in the provision of services to best fit the particular needs of each department.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy). Two of the firms selected, however, are certified SBEs: Automated Shredding, Inc. and Paperless Digital Solutions.

Funding

Various KBU Operating Budgets

37. Citywide Interpretation, Translation, Transcription and Related Services

- Action:**
- A. Approve contracts with the following service providers for citywide interpretation, translation, transcription and related services for an initial term of three years in the aggregate estimated annual amount of \$400,000:**
- **Language Line Services, Inc.**
 - **Choice Translating, Inc.**
 - **Carolinas Captioning Service, Inc.**
 - **Net Transcripts, Inc.**
 - **Niki's Int'L Ltd.**
- B. Authorize the City Manager to approve up to two, one-year renewal options, contingent upon the companies' satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The Charlotte-Mecklenburg Police Department, CharMeck 311, Fire Department, 911, Charlotte Mecklenburg Utilities, Transit and Corporate Communications provide citizen services that may require interpretation, translation, transcription, American Sign Language, captioning, and proficiency testing.
- These services are typically used to resolve public safety needs, to assist with general interpretation and translation, to provide court-certified interpreters, to communicate with the audibly impaired, or to provide language proficiency testing for public safety personnel.
- The City currently uses multiple vendors for the provision of these services with varying rates and response times based on the type and timing of the service needed. Under these circumstances, the City does not typically have access to volume discounts or guarantees for timely service.
- The estimated current annual expenditure for these services for Utilities, CharMeck 311 and 911 totals \$372,000. The balance of the contract amount will be used by Corporate Communications, Fire and Transit.
- Staff anticipates an overall decrease in cost due to the contracted service rates. For example, CharMeck 311 currently pays \$2.25 per minute for interpretation phone support. Under the new contract, the standard rate is \$1.25 per minute.
- This collaborative effort is designed to accomplish certain economies of scale to include volume and uniform pricing, decreased administrative burden and overhead, increased ability to capture usage data and

expenditures, and improved service levels. Mecklenburg County may also use this contract if they choose.

Service Use

- Police, Utilities, 911, and CharMeck 311 primarily use interpretation services as a resource to allow two parties to verbally communicate due to the lack of bilingual ability, as they field a variety of public requests from emergency needs to general information. These services may include phone support, in-person support and scheduled support.
- Over 95% of the interpretation services are provided in Spanish with the remaining percentages including German, Hungarian, Korean, Laotian, Mandarin, Portuguese, Russian, Turkish and Vietnamese.
- Police, CATS and Corporate Communications are the primary users of translation services which include document-to-document, document-to-audio and document-to-electronic format.
- Police is the primary user of transcription services, which converts an audio format to a written format, from audio recordings generated in the duties of law enforcement.
- Corporate Communications is the primary user of American Sign Language and captioning services for the dissemination of information, on the Government Channel and during public meetings, to the hearing impaired.
- Police and Fire primarily use proficiency testing services to ascertain employee proficiency related to bi-lingual job requirements.

Selection Process

- In response to a Request for Proposals, the City received 13 proposals.
- The Evaluation Team was comprised of staff from Business Support Services, Police, Fire, CharMeck 311, Utilities, and Corporate Communications.
- After thorough evaluation, the Evaluation Team unanimously considered Language Line Services, Inc., Choice Translating, Inc., Carolinas Captioning Service, Inc., Net Transcripts, Inc., and Niki's Int'L Ltd. as the service providers best meeting the established requirements.

Small Business Opportunity

For services based contracts, the City may negotiate SBE participation after the proposal selection process (Part C: Section 2.2 of the SBO Policy). NO SBE goal was set for this contract because subcontracting opportunities are not anticipated. However, two of the firms selected are certified SBEs: Choice Translating, Inc. and Carolina Captioning Service, Inc.

Funding

Various KBU budgets

38. Police Cellular Phone Service and Equipment

- Action:**
- A. Approve the purchase of cellular phone service and equipment as authorized by cooperative purchasing exemption of G.S. 143-129 (e)(3),**
 - B. Approve a one year contract with two, one year renewal Options, with Verizon Wireless to provide cellular phone service and equipment to CMPD at a cost not to exceed \$335,430 per year, and**
 - C. Authorize the City Manager to approve up to two, one-year renewal options.**

Staff Resources: Ken Miller, Police
Eddie Levins, Police
Mike Bedard, Police

Explanation

- CMPD personnel make use of cell phones and blackberries to coordinate response to major incidents, exchange information, and make contact with citizens. Personnel in the 39 patrol response area provide citizens with their cell phone numbers so they can address citizen concerns on a timely basis.
- On April 27, 2009 Council approved a contract with AT&T for cellular phone services for CMPD. Since the change to AT&T, there have been repeated issues with dropped calls, lost data, and lack of coverage. AT&T made several attempts to patch the problem but they were unsuccessful. AT&T is currently unable to provide necessary and reliable coverage.
- The contract with Verizon Wireless will provide cell phone service and equipment for an estimated 519 cell phones and 186 Blackberry devices.
- Verizon Wireless is providing a \$100 one-time credit per phone line equating to \$67,800.
- Verizon will assist CMPD in selling current cell phones and equipment. The current market rate for all cell phones and equipment is \$29,700.

Cooperative Purchasing Exemption

- NC General Statute 143-129 (e)(3) authorizes competitive group purchasing.
- Verizon has a wireless communications services and equipment contract with the State of North Carolina (ITS-001432). Equipment pricing is open market.
- The Verizon contract was competitively bid by the State of North Carolina- ITS and awarded on July 16, 2009.
- Verizon provides a discount for voice and data plans, equipment, and accessories.

Citywide Contract

- City staff is soliciting proposals for a Citywide cellular phone service and equipment contract.
- Staff anticipates a new contract recommendation will be made in summer 2010.
- Police will be able to join the Citywide contract in 2010 without penalty from Verizon.

Small Business Opportunity

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

Funding

Police Operating Budget

39. Police Cisco Network Equipment

Action: A. Approve the purchase of Cisco network equipment as authorized by the cooperative purchasing exemption of G. S. 143-129(e)(3), and

B. Approve a contract with GTSI for the purchase of Cisco network equipment in the amount of \$212,000.

Staff Resource: Ron Horton, Police

Explanation

- CMPD needs to upgrade data switches on its computer network to meet the demands of current technology.
- The switches are required to provide high speed capacity for critical Public Safety applications at CMPD Headquarters and Division offices across the City.
- The current equipment is four to seven years old.
- Cisco components are necessary for this upgrade to be compatible with existing Cisco equipment and to sustain existing warranties.

Cooperative Purchasing Exemption

- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest offered to a Government Entity.
- GTSI is a certified Cisco distributor for this product.
- The GTSI contract was competitively bid by Fairfax County, Virginia and awarded by the Fairfax Board of Commissioners on July 26, 2003.
- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.
- GTSI focuses exclusively on federal, state and local government customers worldwide.
- GTSI is the federal government's leading supplier for public safety and homeland security products.

Small Business Opportunity

Cooperative purchasing contracts are exempt (Appendix Section 23.3 of the SBO Policy).

Funding

Police Operating Funds

40. Pre and Post Blast Surveys and Blast Monitoring Professional Services Agreement for McAlpine Relief Sewer

Action: Approve a professional services contract with ECS Carolinas, LLP, in the amount of \$176,220.75, for pre and post blast surveys and blast monitoring on the McAlpine Relief Sewer Project.

Staff Resource: Doug Bean, Utilities

Explanation

- The construction project consists of the installation of 17,700 linear feet of 72 and 66 inch diameter sewer outfall adjacent to McAlpine Creek. This phase begins at Highway 51 in Pineville and ends at Colony Road.
- Council awarded the construction contract on June 22, 2009.
- Construction is scheduled for completion in July 2011.
- Blasting will occur during certain portions of construction.
- The services of seismologists are needed to ensure that construction blasting specifications are strictly adhered to, in order to help avoid damage to nearby structures.
- Blast monitoring in the field involves seismographic monitoring during all blasting events, documenting ground vibrations, blast durations and noise.
- The pre-blast surveys are used to document the existing condition of structures within a certain distance of the blasting area prior to blasting activities. The survey documentation helps protect Utilities from false damage claims.
- Nearby residents are notified prior to blasting.
- ECS Carolinas, LLP was selected pursuant to the Council-approved qualifications based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

For service-based contracts, the City negotiates SBE commitments after the proposal selection process (Part C: Section 2.2 of the SBO Policy). ECS Carolinas, LLP committed 4.00% (\$7,049) of the total contract amount to the following SBE firm: Capstone Civil Group, P.A.

Funding

Utilities Capital Investment Plan

41. Agreement with Town of Cornelius for Water Main Improvements

Action: Approve an agreement with the Town of Cornelius in the estimated amount of \$185,000 for water main improvements in conjunction with intersection improvements at Catawba Avenue and NC 115.

Staff Resource: Doug Bean, Utilities

Explanation

- Charlotte-Mecklenburg Utilities and the Town of Cornelius have agreed that it would be mutually beneficial to include the construction of needed water mains within Cornelius' upcoming intersection improvements project at Catawba Avenue and NC 115.
- Charlotte-Mecklenburg Utilities has a capital improvement project to install a 24-inch water main through this intersection to improve flows and pressures in the region.
- In order to better facilitate the roadway and water line construction, it is best if both projects are constructed concurrently by the roadway contractor.
- This agreement would authorize the Town of Cornelius to include the water line construction in their roadway contract.
- The estimated cost of the proposed water main is \$185,000. Utilities agrees to reimburse the Town of Cornelius for the actual construction cost of the water main.

Funding

Utilities Capital Investment Plan

42. Franklin Water Treatment Plant Raw Water Reservoir Improvements

Action: Approve contract Amendment #1 for \$364,700 with Hazen and Sawyer, P.C. for professional services for the Raw Water Reservoir Improvements at the Walter M. Franklin Water Treatment Plant.

Staff Resource: Doug Bean, Utilities

Explanation

- The original contract in the amount of \$1,949,830 was approved by Council on September 10, 2007.
- The contract provided for engineering design services to replace two smaller existing reservoirs (Reservoirs 1 and 2) with a single larger reservoir.
- The larger reservoir will provide additional water storage at the plant.
- The existing reservoirs also had small leaks that needed to be addressed to meet NC Dam Safety regulations.
- This Amendment provides funding for the following:
 - Design and inspection of repairs to Reservoir 3 which was not in the original scope of the project. While in the design of this project, it was

determined that some concrete repairs to Reservoir 3 were also needed. Staff made the decision to include these in the overall reservoir project as it would be more cost effective to make the repairs while the contractor was on site for the Reservoir 1 and 2 project.

- Additional engineering and submittals to the NC Dam Safety department for the project permitting beyond the original contract scope
- Additional rock exploration, soil moisture testing, and final vulnerability assessment

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

43. Airport Runway Project Change Order

Action: Approve change order # 8 with E.S. Wagner Co., LLC in the amount of \$398,521.90 for additional work on the Third Parallel Runway.

Staff Resource: Jerry Orr, Aviation

Explanation

- Change order #8 includes grading, drainage 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.
- As with previous change orders, this change order takes advantage of favorable bid pricing due to large quantities in 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 \$59,229,998.74.
- Funding for this change order comes from proceeds of the 2007 General Airport Revenue Bond Issue, the debt service of which is paid by Passenger Facility Charge revenues, and proceeds from federal grants.

Background

- In February 2007 Council approved a contract with ES Wagner in the amount of \$43,626,829 for grading of the new runway.
- In August 2007 Council approved change order #1 in the amount of \$3,514,989 allowing the Airport to expedite the paving of Wallace Neel Road and providing additional clearing and erosion control modifications.
- In January 2008 Council approved change order #2 in the amount of \$1,585,744 providing funding for additional clearing around the runway to improve line of sight from the Air Traffic Control Tower, additional pavement for the relocation of Wallace Neel Road, and payment for fuel escalation.
- In May 2008 Council approved change order #3 in the amount of \$2,099,884 providing funding for constructing a road to the future airfield

electrical vault, additional erosion control measures and maintenance, and payment for fuel escalation.

- In August 2008 Council approved change order #4 in the amount of \$1,468,699 for additional clearing for navigational aid lights and payment for fuel escalation.
- In August 2008 Council approved change order #5 in the amount of \$2,191,341 for additional clearing & grubbing and excavation in preparation for a separate contract to build two Taxiway Bridges.
- In November, 2008 Council approved change order # 6 in the amount of \$1,976,046.07 for additional grading at the runway light line and navaid pads, as well as for fuel escalations.
- In September, 2009 Council approved change order # 7 in the amount of \$2,367,943.90 for erosion control and drainage at north and south light lines, permanent Stormwater Management devices, erosion control maintenance requested by DWQ and fuel escalations.
- The revised contract totals \$59,229,998.74.

Disadvantaged Business Opportunity

ES Wagner Co. committed to 13.5% DBE participation with the original contract. The current change order does not meet this goal as the majority of the work is self-performed; however the contractor has confirmed that the overall goal for the contract plus Change Orders #1-8 is being met.

Funding

Airport Capital Investment Plan

44. Corporate Aviation and Fuel Facility Leases

Action: Approve termination of Corporate Aviation and Fuel Facility Leases with Wells Fargo & Company (formerly First Union/Wachovia/Hawkaire) and payment of \$3,200,000 as compensation for the value to the City of the leasehold improvements.

Staff Resource: Jerry Orr, Aviation

Explanation

- Wells Fargo & Company leases a Corporate Aviation Facility and Fuel Facility (Hawkaire Facility) from the City of Charlotte at the Airport. Wells Fargo is the successor to Wachovia Corporation. The lease is a ground lease only as Wells Fargo paid for the leasehold improvements.
- In June 2009 City Council approved an assignment of the Hawkaire Facility leases to SPX Corporation and to terminate the current Hangar Lease with SPX Corporation.
- Because Wells Fargo and SPX Corporation could not consummate the assignment, the City will not proceed with the termination of the SPX Hangar Lease.
- Wells Fargo has elected to close its Corporate Aviation operation in Charlotte and has instead requested that it be permitted to return the land and leasehold improvements back to the Airport and for the City to compensate Wells Fargo for the value to the City of the leasehold improvements paid for by Wachovia.
- The Airport has negotiated a payment to Wells Fargo of \$3,200,000 as full payment for the surrender of these assets to the Airport.

- The Airport and Wells Fargo have agreed upon the terms of a Termination Agreement to effectuate this transaction, and it had been executed by Wells Fargo pending Council approval.
- Upon execution of the Termination Agreement, the Airport will take possession of the Hawkaire Facility and operate it as part of the Wilson Air Center Fixed Base Operations.

Funding

Airport Capital Investment Plan

45. Airport Taxiway Extension Design Contract

Action: Approve a contract to Talbert, Bright, & Ellington, Inc. in the amount of \$750,000 for the design to extend Taxiway D on the north and south ends of the taxiway.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Master Plan Update, which was approved by City Council in 1997, showed the need for extending Taxiway D on the east side of the airfield to increase capacity for aircraft using the general aviation facilities, as well as aircraft accessing the Air National Guard ramp.
- In September 2009 City Council accepted an Airport Improvement Program grant from the Federal Aviation Administration for the design of extensions to Taxiway D, which runs parallel to Runway 18L/36R. When constructed, these extensions will complete the taxiway so it is the full length of the runway.
- This contract provides preliminary design, engineering, and bidding services for the project.
- Funding for this contract comes from FAA grants and proceeds of future General Airport Revenue Bonds, the debt service of which will be paid for with Passenger Facility Charge revenues.

Funding

Airport Capital Investment Plan

46. Airport Fuel System Improvements Change Order # 2

Action: Approve change order #2 with Poling and Bacon Construction Company in the amount of \$118,868.19 for changes needed to complete the Fuel System Improvement project.

Staff Resource: Jerry Orr, Aviation

Explanation

- In January 2008 City Council awarded a contract to Poling and Bacon, Inc. in the amount of \$6,798,000 for construction of two additional 30,000 barrel fuel storage tanks and install associated piping and control systems within the facility to increase system capacity
- In June 2009 the Aviation Director executed Change Order #1 in the amount of \$27,315.06 for a sump pump, additional piping and other

miscellaneous grading items to accommodate changes in the field during construction.

- This change order includes changes to the security fence, an additional fire alarm system and changes to facilitate the next phase of expansion to the fuel farm.
- This project is funded by the 2004 General Airport Revenue bonds the debt service of which is paid by airline rentals.
- The revised contract totals \$6,944,183.25.

Small Business Enterprise

All additional work involved in this change order will be performed by the current Contractor and their existing subcontractors. This change order complies with Part D: Section 6 of the SBO Program.

Funding

Airport Capital Investment Plan

47. Airport Flight Information Display Maintenance Contract Extension

Action: Approve a one year contract extension with Signature Technologies, Inc. doing business as ComNet in the amount of \$118,800 for maintenance of the Airport's Flight Information

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2003 Council approved a three year contract with Signature Technologies, Inc. doing business as ComNet, to provide proprietary parts and maintenance at a cost of \$270,000.
- In January 2007 Council approved a one year contract extension with Signature Technologies in the amount of \$114,360 for maintenance on 525 devices.
- In December 2008 Council approved a one year contract extension with Signature Technologies in the amount of \$114,420 for maintenance on 489 devices.
- This contract extension will provide the proprietary parts and maintenance service on the 497 devices for a period of one year at a cost of \$118,800.
- This contract can be cancelled within 60 days notice without cause.

Small Business Opportunity

All additional work involved in this extension will be performed by the current contractor. This contract extension complies with Part D: Section 6 of the SBO Program.

Funding

Airport Operating Budget

48. Traffic Analysis Engineering Services

Action: Approve a contract with HNTB North Carolina, P.C. for traffic analysis services. The total amount of the contract is \$250,000.

Staff Resource: Mark Cole, Transportation

Explanation

- This contract will provide traffic analysis engineering services for various transportation projects related to the Transportation Action Plan, Center City Transportation Plan, Area Plans, and other City initiatives that exceed the resources of available City staff.
- The contract will include, but is not limited to, traffic capacity analysis, travel demand modeling, traffic forecasting, and Traffic Impact Analysis preparation and review.
- Project assignments may include traffic analysis work in support of farm-to-market roads, intersections, street conversions, private development plan review, area plans, and other capital projects.
- The contract will be a continuing services contract wherein work will be assigned by task order and paid for incrementally on an as needed basis. It will enable staff to more efficiently address customer service needs that require traffic analysis support during periods of unanticipated or heavy workload.
- HNTB was selected pursuant to the Council-approved qualification-based selection process performed in accordance with NC State General Statutes.

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). HNTB included SBE's on their project team; however, the work to be completed by the Consultant may not require the services of those SBEs.

Funding

Transportation Capital Investment Plan

49. Traffic Signal Installation at US 521 and Ballantyne Crossing Avenue Municipal Agreement

Action: Adopt a resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for installation of a traffic signal at the intersection of US 521 (Johnston Road) and Ballantyne Crossing Avenue in the amount of \$241,390.

Staff Resource: Scott Putnam, Transportation

Explanation

- On August 24, 2009 City Council approved a resolution supporting North Carolina Department of Transportation's (NCDOT) use of state contingency funds in the amount of \$80,000 for the installation of a traffic signal at Johnston Road (US 521) and Ballantyne Crossing Avenue.

- The NCDOT also received additional funding from the neighborhood homeowners' association to upgrade the traffic signal installation from wood poles to steel poles/mast arms at this intersection.
- Within the City of Charlotte, the Charlotte Department of Transportation (CDOT) installs and maintains signals on State system roads under a Municipal Agreement.
- A Municipal Agreement has been received from NCDOT in order for the City to perform the signal installation and be reimbursed up to \$241,390.
- The above signal meets the same criteria as other traffic signals approved by the City.

Funding

Transportation Capital Investment Plan

Attachment 23

Resolution

50. 2009 State Homeland Security Grants

Action: Authorize the Fire Chief to accept three grants totaling \$315,714 from the North Carolina Division of Emergency Management from the 2009 State Homeland Security Grant Program to be used to assist with the preparation for a response to terrorism-related events or other emergency situations.

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2009 State Homeland Security Grant Program provided funding from the US Department of Homeland Security to each State and US Territory to aid in the prevention, protection, response and recovery from terrorist attacks and other large scale events.
- The North Carolina Division of Emergency Management administers this program for the State of North Carolina.
- The Charlotte Fire Department has been awarded three separate grants to support the continued growth and development of special operations teams to respond to terrorism or large scale emergency events:
 1. Funding in the amount of \$135,714 has been awarded for the department's Regional Response Hazardous Materials Team.
 - Grant funds will also be used to purchase equipment for the team to use for hazardous materials response operations such as personnel monitoring equipment, closed circuit breathing equipment, and chemical and biological detection equipment.
 - Grant funds will also be used to provide advanced hazardous materials training and to conduct an exercise in support of the team's continued development.
 2. Funding in the amount of \$100,000 was awarded to the department's Urban Search and Rescue Task Force in order to provide training and exercises for team members.
 - Training funds will be used to provide training for all members of the task force based on after action reviews from recent exercise activities.

3. Funding in the amount of \$80,000 was also awarded to the department's Urban Search and Rescue Task Force in order to provide training and exercises for team members
 - Equipment funds will be used to purchase equipment used by the task force for collapse and swiftwater rescue response operations.
- Grant revenue was anticipated and included in the FY2010 budget.
- No matching funds are required with these grants.

Funding

2009 State Homeland Security Grant Program

51. Area Monitoring System Equipment Purchase

Action: **A. Approve the purchase of an area monitoring system as authorized by the sole source purchasing exemption of G.S. 143-129 (e)(6), and**

B. Approve a contract with Mine Safety Appliances Company (MSA) for the purchase of this system in the amount of \$141,341.27

Staff Resources: Jeff Dulin, Fire
 Garry McCormick, Fire

Sole Source Exemption

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary as MSA is manufacturer and distributor of the desired system.
- Sole source purchases require City Council approval.

Explanation

- The original area monitoring system equipment was purchased in December 2005 with an earmark from the Centers for Disease Control.
- This system is being used by all of the department's hazardous materials teams. It is deployed for large gatherings including sporting events and festivals in the Uptown area to help detect possible releases of Chemical, Biological, Radiological, Nuclear (CBRN) elements.
- The new system will enhance the teams' current one. These enhancements include monitoring for an increased number of CBRN elements, monitoring of an expanded area compared to the current capability, and the capability to monitor multiple sites at the same time.

Small Business Opportunity

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

Funding

2007 State Homeland Security Grant Program for Regional Response Team

52. Fire Administration Office Lease Amendment

- Action:**
- A. Approve Lease Amendment #2 with Ninth Street Investors, LLC to extend the term of the lease for the Fire Department for an additional two years plus two, one-year renewal options,**
 - B. Approve the annual lease rate of \$243,484.44 with a 2.5% annual rate increase for year two and 2.5% annual increases for each of the two, one-year options, and**
 - C. Authorize the City Manager to execute Lease Amendment #2 and the two, one-year options, if necessary.**

Staff Resources: Timothy O'Brien, Engineering & Property Management
Rich Granger, Fire

Explanation

- Fire Administration staff and Emergency Management staff are located at 228 E. Ninth Street. The lease extension (Amendment #1) will terminate on September 30, 2010.
- This lease amendment #2 will extend the lease from September 30, 2010 until September 30, 2012. The two, one-year option periods will allow City staff to remain in the current leased facility beyond September 30, 2012. The City will have the right to terminate the lease early during the option periods, with a 90 day written notice.
- City Council approved the purchase of land at 500 Dalton Avenue for a Fire Administration Campus at the October 12 Council Meeting.
- The new Fire Administration facility is expected to be completed by the end of 2012.

Terms for Amendment #2 of the Lease

- Term: Two-year extension with two one-year options to renew
 - The two-year extension expires September 30, 2012.
 - The two, one-year option periods expire on September 30, 2013 and September 30, 2014.
- Rentable area: 11,267 square feet
- Lease rate: \$21.61/square foot (no rate increase from the previous year).
 - Rent increase for the second year will be 2.5%.
 - Two, one-year options increase at 2.5% per year, allowing for early termination with a 90 day written notice.
- City will continue to be responsible for utility expenses.

Funding

Fire Department Operating Budget

53. Property Transactions

Action: Approve the following property transaction(s): (A-O) and adopt the condemnation resolutions (P-S).

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

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Jeffrey Todd Covington
Property Address: 4811 Beam Road
Property to be acquired: .89 acres
Improvements: single family residence
Purchase Price: \$201,000
Remarks: The purchase price was determined by an independent Member Appraisal Institute (MAI) appraiser and was reviewed by a second MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R3 Use: single family residence
Tax Value: \$88,300
Tax Code: 141-054-12
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Aubrey J. Elam, Jr., et al
Property Address: 9319, 9335, 9425 Dixie River Road
Property to be acquired: 47.18 acres
Improvements: vacant land
Purchase Price: \$1,985,000
Remarks: The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R3 Use: vacant land
Tax Value: \$616,800
Tax Codes: 113-152-11, 113-152-12, 113-152-13, 113-152-14
- C. Project:** Freedom Drive Widening, Parcel # 319
Owner(s): Troy S. McCrory and Wife, Nettie K. McCrory
Property Address: 4314 Freedom Drive

Property to be acquired: 1,042 sq. ft. (.024 ac.) in Fee Simple, plus 1,302 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 2,930 sq. ft. (.067 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$16,750

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

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-043-04

Total Parcel Tax Value: \$97,500

- D. Project:** Freedom Drive Widening, Parcel # 320
Owner(s): Little Eagles Property, LP
Property Address: 4300 Freedom Drive
Property to be acquired: 2,982 sq. ft. (.068 ac.) in Fee Simple, plus 2,265 sq. ft. (.052 ac.) in Sidewalk and Utility Easement, plus 6,949 sq. ft. (.160 ac.) in Temporary Construction Easement
Improvements: Handicapped Parking
Landscaping: None
Purchase Price: \$22,550
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Day Care Center
Tax Code: 057-043-05
Total Parcel Tax Value: \$142,600
- E. Project:** Freedom Drive Widening, Parcel # 324
Owner(s): Little Eagles Property, LP
Property Address: 4262 Freedom Drive
Property to be acquired: 1,460 sq. ft. (.034 ac.) in Fee Simple, plus 1,046 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 6,031 sq. ft. (.138 ac.) in Temporary Construction Easement
Improvements: Handicapped Parking
Landscaping: None
Purchase Price: \$16,775
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Day Care Center
Tax Code: 063-091-24
Total Parcel Tax Value: \$106,900
- F. Project:** South Tryon Street, 10922, 10926 - Dogwood Professional Plaza, Parcel # 1
Owner(s): CLNL Acquisition Sub, LLC
Property Address: 10900 Point South Drive
Property to be acquired: 6,675 sq. ft. (.153 ac.) in Sanitary Sewer Easement, plus 1,361 sq. ft. (.031 ac.) in Temporary Construction Easement

Improvements: None
Landscaping: None
Purchase Price: \$17,650
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-17MF
Use: Multi Family
Tax Code: 201-401-01
Total Parcel Tax Value: \$8,698,400

- G. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 2
Owner(s): Statesville Road Land Company, LLC
Property Address: 4254 Statesville Road
Property to be acquired: 1,401 sq. ft. (.032 ac.) in Fee Simple, plus 40 sq. ft. (.001 ac.) in Utility Easement, plus 1,064 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 045-012-04
Total Parcel Tax Value: \$51,000
- H. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 20
Owner(s): Economy Transport Group, Inc.
Property Address: 4500 Statesville Road
Property to be acquired: 8,242 sq. ft. (.189 ac.) in Fee Simple, plus 2,348 sq. ft. (.054 ac.) in Storm Drainage Easement, plus 135 sq. ft. (.003 ac.) in Utility Easement, plus 33 sq. ft. (.001 ac.) in Combined Utility and Storm Drainage, plus 8,487 sq. ft. (.195 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$63,300
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 045-281-05
Total Parcel Tax Value: \$502,100
- I. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 51
Owner(s): Jerry E. Wright and Wife, Jean M. Wright
Property Address: 5124 Statesville Road
Property to be acquired: 7,324 sq. ft. (.168 ac.) in Fee Simple, plus 2,263 sq. ft. (.052 ac.) in Existing Right-of-way, plus 2,221 sq. ft. (.051 ac.) in Storm Drainage Easement, plus 17 sq. ft. in Utility Easement, plus 33 sq. ft. (.001 ac.) in

Combined Utility and Storm Drainage Easement, plus 372 sq. ft. (.009 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$18,100

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

Zoned: R-4

Use: Rural Homesite

Tax Code: 045-312-07

Total Parcel Tax Value: \$106,800

- J. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 54
Owner(s): Charles Herbert Cochrane, Jr. and Wife, Patricia Lynn Cochrane
Property Address: 5138 Statesville Road
Property to be acquired: 9,110 sq. ft. (.209 ac.) in Fee Simple, plus 3,449 sq. ft. (.079 ac.) in Existing Right-of-way, plus 3,406 sq. ft. (.078 ac.) in Storm Drainage Easement, plus 16 sq. ft. in Utility Easement, plus 34 sq. ft. (.001 ac.) in Combined Utility and Storm Drainage Easement, plus 143 sq. ft. (.003 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$30,925
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Rural Homesite
Tax Code: 045-312-06
Total Parcel Tax Value: \$106,000
- K. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 74
Owner(s): Economy Transport Group, Inc.
Property Address: 5407 Statesville Road
Property to be acquired: 1,152 sq. ft. (.026 ac.) in Fee Simple, plus 33 sq. ft. (.001 ac.) in Utility Easement, plus 13,259 sq. ft. (.304 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,975
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Commercial
Tax Code: 041-192-19
Total Parcel Tax Value: \$360,900
- L. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 80
Owner(s): Stanley A. Snyder
Property Address: 5446 Statesville Road

Property to be acquired: 699 sq. ft. (.016 ac.) in Fee Simple, plus 1,830 sq. ft. (.042 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$25,500

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

Zoned: R-4

Use: Single Family Residential

Tax Code: 045-324-01

Total Parcel Tax Value: \$65,700

- M. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 126
Owner(s): William G. Robinson
Property Address: 3139 Cindy Lane
Property to be acquired: 2,316 sq. ft. (.053 ac.) in Fee Simple, plus 4,873 sq. ft. (.112 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-152-05
Total Parcel Tax Value: \$87,700
- N. Project:** Sugar Creek Road - Rumble Left Turn Lane, Parcel # 6
Owner(s): Shayona 2000, Inc.
Property Address: 2414 West Sugar Creek Road
Property to be acquired: 967 sq. ft. (.022 ac.) in Fee Simple, plus 153 sq. ft. (.004 ac.) in Utility Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,100
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 047-043-08
Total Parcel Tax Value: \$86,800
- O. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 48
Owner(s): Douglas Development Company
Property Address: 7232 W. Rocky River Road
Property to be acquired: 8,967 sq. ft. (.206 ac.) in Utility Easement, plus 33 sq. ft. (.001 ac.) in Existing Utility Easement
Improvements: None
Landscaping: None

Purchase Price: \$26,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2(CD)
Use: Commercial
Tax Code: 049-181-03
Total Parcel Tax Value: \$1,063,700

Condemnations

- P. Project:** 2009 Annexation Hood Road South Sanitary Sewer Improvements, Parcel # 1
Owner(s): Betty Bynum Owens, Et Al and Any Other Parties of Interest
Property Address: Frank Grier Road
Property to be acquired: Total Combined Area of 7,014 sq. ft. (.161 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff is recommending condemnation in order to obtain clear title.
Zoned: R-3
Use: Rural Homesite
Tax Code: 108-112-08
Total Parcel Tax Value: \$157,700
- Q. Project:** 2009 Annexation Hood Road South Sanitary Sewer Improvements, Parcel # 2
Owner(s): John Earl Mahler and Any Other Parties of Interest
Property Address: Plaza Road Extension
Property to be acquired: Total Combined Area of 27,098 sq. ft. (.622 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,400
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 108-112-04
Total Parcel Tax Value: \$218,200
- R. Project:** 2009 Annexation Hood Road South Sanitary Sewer Improvements, Parcel # 3
Owner(s): Wallace Road, LLC and Any Other Parties of Interest
Property Address: 7430 Plott Road
Property to be acquired: Total Combined Area of 46,390 sq. ft. (1.065 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement

Improvements: None
Landscaping: None
Purchase Price: \$4,300
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 108-071-13
Total Parcel Tax Value: \$206,300

- S. Project:** FY08 Accessible Ramp Installation, Parcel # 16
Owner(s): 200 East Bland Street, LLC and Any Other Parties of Interest
Property Address: 201 East Bland Street
Property to be acquired: Total Combined Area of 2,673 sq. ft. (.061 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$23,300
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 123-033-03
Total Parcel Tax Value: \$436,500

54. Meeting Minutes

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

- September 14, 2009
- September 21, 2009
- September 28, 2009