

Mayor Patrick L. McCrory

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING

Monday, October 12, 2009

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

Item #	Page #	Title
16	16	Intelligent Transportation Systems Expansion Plan
23-A	25	LYNX Blue Line East/West Boulevard Crossing Panels Replacement
23-E	27	Fred D. Alexander Boulevard, Section B-2
29	34	Billy Graham Parkway Pavement Replacement

CITY COUNCIL AGENDA
Monday, October 12, 2009

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	Mayor and Council Consent Item Questions	1	
2.	Charlotte Rail Improvement and Safety Program	1	1
3.	H1N1 Flu Update	2	
4.	2010 Census	2	2
5.	Answers to Mayor and Council Consent Item Questions	4	
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
6.	Recognition of Katherine Southard, Miss North Carolina, and National Spokeswoman for the National Scoliosis Foundation	5	
7.	Recognition of 24 Hours of Booty Charity Bike Ride	5	
Consent			
8.	Consent agenda items 23 through 39 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.	6	
Policy			
9.	City Manager's Report	7	
10.	North Corridor Commuter Rail Project Resolution	7	3
11.	Waiver of Sovereign Immunity under the State Tort Claims Act	8	4
12.	Rental Property Ordinance	9	5

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
13. Carolina Theatre Ninth Amendment	11	
Business		
14. Single-Stream Residential Recycling Collection Services	13	6
15. Centralina Council of Governments Membership Dues	15	7
16. Intelligent Transportation Systems Expansion Plan	16	
17. Digital Video Recording Equipment	18	
18. Amendment to Agreement for Legal Services in SC vs. NC Suit over Water Rights	19	
19. Business Investment Grant for SCR-Tech	20	8
20. Nominations to Boards and Commissions	21	9-18
21. Mayor and Council Topics	23	
22. Closed Session	23	
Consent I		
23. Various Bids	25	
A. LYNX Blue Line East/West Boulevard Crossing Panels Replacement	25	
B. Refuse Rearloader Cab and Chassis	26	
C. Sanitary Sewer Line Cleaning	26	
D. Thomasboro-Hoskins Neighborhood Improvements, Phase 3 Glenwood Area	27	
E. Fred D. Alexander Boulevard, Section B-2	27	
F. Air Quality Calibration Gases, Meters and Sensors	28	
G. Street De-icing Salt	28	
H. FY2010 Utility Locate Services	29	
24. Refund of Property and Business Privilege License Taxes	29	19

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
25.	Resolution of Intent to Abandon a Residual Portion of Matheson Avenue and a 10 foot Alleyway between Wesley Avenue and Matheson Avenue	29	20
26.	In Rem Remedy	30	21-27
Consent II			
27.	Water and Sewer Revenue Bonds	33	28
28.	Utility Billing System Software Maintenance	33	
29.	Billy Graham Parkway Pavement Replacement	34	
30.	DNA Grant	35	29
31.	Gang of One Evaluation Contract	35	
32.	McKee Creek Sanitary Sewer Interceptor Engineering Services Contract Amendment	36	
33.	Developer Construction Agreement for Ballantyne Commons Parkway and Ballantyne Corporate Place	37	
34.	Freedom Drive at Stewart Creek Parkway Intersection Improvements	38	
35.	FY2010 Sign and Private Structure Relocations	39	
36.	Communication Tower Lease with T-Mobile	39	30
37.	Fire Administration Facility Land Purchase	40	31
38.	Property Transactions	41	
39.	Meeting Minutes	45	

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. Charlotte Rail Improvement and Safety Program

Resources: Patrick Simmons, Director, Rail Division, NCDOT
Allan Paul, Director, Operations and Rail Safety Branch, Rail Division, NCDOT
Tim Gibbs, Transportation

Time: 45 minutes

Synopsis

- The Charlotte Rail Improvement Safety Program (CRISP) will provide for improvements and define agreements on a package of projects that will improve safety along rail corridors and crossings citywide. These improvements will be coordinated to implement the Charlotte Area Transit System Blue Line Extension Light Rail project between uptown and Eastway Drive. These improvements include:
 - Building new bridges
 - Establishing a new rail transportation hub in Uptown
 - Realigning rail corridors
 - Establishing new rail connections
 - Closing crossings
- Patrick Simmons and Allan Paul of NCDOT Rail Division will discuss impacts and highlights of the CRISP project and provide specific information on individual proposals.

Future Action

A resolution of support endorsing the program will be prepared for Council consideration at a future meeting.

Attachment 1

Charlotte Rail and Safety Improvement Program Map
Charlotte Rail and Safety Improvement Program Project Descriptions

3. H1N1 Flu Update

Resources: Wynne Mabry, Mecklenburg County Health Director
Dan Pliszka, Finance – Risk Management
Cheryl Brown, Human Resources

Time: 20 minutes

Synopsis

- H1N1 Preparedness
 - H1N1 flu and vaccine update
 - Mecklenburg County Health Department preparedness
- H1N1 Vaccines for General Population:
 - Priority to receive vaccine from primary care physician or clinic:
 - Pregnant women
 - Those who care for children under six months of age
 - All people from six months through 24 years of age
 - Persons aged 25 through 64 with underlying medical conditions
 - Healthcare and emergency medical services personnel
- H1N1 Vaccines for City Employees:
 - Immunization priority: Police and Fire emergency service workers; cannot issue to anyone outside of this group
 - Risk Management has reached an agreement with Mecklenburg County MEDIC to receive and administer the vaccines to Fire and Police employees.
- City Business Continuity for H1N1:
 - Risk Management and Human Resources are handling coordination.
 - Key Business Units are planning for a worst case scenario regarding workforce absences.
 - Human Resources developed workplace guidelines for managers and employees.
 - Human Resources enhanced communications on its CNet site.
 - Seasonal Flu Shots for employees and dependents started on October 1, 2009.

Future Action

For information only

4. 2010 Census

Resources: Sue Breckenridge, Complete Count Committee
Melanie Sizemore, Complete Count Committee
Kim McMillan, Corporate Communications
Steve Patterson, Planning

Time: 15 minutes

Census Overview

- The U.S. Census is important to our community for several reasons:
 - The U.S. Constitution mandates that the federal government count the population every ten years.

- Data obtained from the Census determines how many representatives a state will have in the U.S. House of Representatives.
- More than \$400 billion per year in federal and state funding is allocated to communities for neighborhood improvements, public health, education and transportation needs based on census data.
- Local leaders also use a number of reports generated from Census data to plan for medical and public facilities such as schools, libraries, hospitals, police and fire stations.
- Both private and government sectors use the data to determine where jobs and job programs are needed as well as to assist companies in their selection process to relocate a business.

Census Complete Count Committee

- In July 2009 an effort to recruit volunteers for the 2010 Census Complete Count Committee began. The City of Charlotte, Mecklenburg County and Charlotte Chamber of Commerce agreed to form one official City-County wide committee in order not to duplicate organizational efforts to educate residents on the importance of the Census and increase the area's participation rate.
- Leadership in area towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville were also contacted and invited to join the Charlotte-Mecklenburg Complete Count Committee.
- In August 2009 volunteer leadership was identified and Sue Breckenridge and Melanie Sizemore agreed to lead the Complete Count Committee. Co-chairs to lead sub committees were also recruited. On August 20 staff facilitated a kick-off meeting with representatives from the local Census Office and the Charlotte Chamber to educate the Committee about the Census.
- On September 30 the Complete Count Committee met to develop key messages and outreach efforts to reach the public.
- During the months of October and November, the Complete Count Committee will finalize a Community Action Plan.

Future Action

- Over the next several months members of the Complete Count Committee representing various sectors including business, non-profit, education, civic, faith and service agencies will be contacting businesses, neighborhood leaders, community volunteers, customers and clients to promote the Census.
- In January 2010 the Complete Count Committee will present the plan to the Charlotte City Council, Mecklenburg County Commission, and the six towns.
- Council will be asked to support March 2010 as Census Awareness Month leading up to the April 1 deadline to complete the count.

Attachment 2

2010 Charlotte-Mecklenburg Complete Count Committee Organizational Chart
Frequently Asked Questions
Complete Count Committee Members

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

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

6. Recognition of Katherine Southard, Miss North Carolina, and National Spokeswoman for the National Scoliosis Foundation

Action: Mayor McCrory will recognize Miss Katherine Southard, who will be representing North Carolina in the Miss America Pageant in January. Miss Southard will address the City Council about Scoliosis Awareness through her role as National Spokeswoman for the National Scoliosis Foundation.

7. Recognition of 24 Hours of Booty Charity Bike Ride

Action: Mayor McCrory will recognize Mr. Spencer Lueders, Chair, 24 Hours of Booty Charity Bike Ride, to recognize his effort in raising over \$825,000 for the Lance Armstrong Foundation (Live Strong) to benefit Cancer research during the 2009 24 Hours of Booty biking event.

CONSENT

- 8. Consent agenda items 23 through 39 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

POLICY

9. City Manager's Report

10. North Corridor Commuter Rail Project Resolution

Action: Adopt a resolution supporting the recent Transit Investment Generating Economic Recovery (TIGER) grant application for the North Corridor Commuter Rail Project.

Staff Resource: John Muth, Transit

Explanation

- On May 13, 2009 the Metropolitan Transit Commission submitted a request to Governor Perdue to support the North Corridor Rail project as an alternative if the I-85 Bridge Replacement over the Yadkin River is determined not eligible for Transit Investment Generating Economic Recovery (TIGER) grant funding in the federal stimulus package.
- North Carolina Department of Transportation Secretary Gene Conti recently acknowledged before a group of North Mecklenburg supporters that the North Commuter line is a good back up project for the Yadkin River Bridge.
- In response to discussions at the September 23, 2009 Metropolitan Transit Commission meeting, City Council suggested at the September 28 meeting that a resolution supporting the North Corridor TIGER Grant application be prepared for the October 12 City Council meeting.
- The attached resolution requests that should the I-85 (Yadkin River) Bridge Replacement not be eligible for federal TIGER grant funding, that the state and federal legislative delegation support the Metropolitan Transit Commission's request for TIGER grant funding for the North Corridor Commuter Rail line.

Attachment 3

Resolution of support for North Corridor Commuter Rail Project
May 13 Letter to Governor Perdue
North Corridor Commuter Rail Project Description

11. Waiver of Sovereign Immunity under the State Tort Claims Act

Action: **A. Adopt a resolution waiving the City of Charlotte’s sovereign immunity under the State Tort Claims Act, and**

B. Adopt an ordinance Amending Article I of Chapter 2 of the Charlotte City Code.

Staff Resources: Mac McCarley, City Attorney’s Office
 Court Fulton, City Attorney’s Office

Explanation

- The North Carolina General Assembly recently enacted G.S. 160A-485.5 which authorizes cities with a population greater than 500,000 to voluntarily opt into the State Tort Claims Act. Doing so will:
 - Waive sovereign immunity as a defense to tort claims
 - Cap the City’s exposure at the same level as the State of North Carolina
- Sovereign immunity is a legal doctrine that completely insulates the City from liability for torts committed while engaged in a governmental function. Sovereign immunity is not a defense to torts committed while engaged in a proprietary function. Not only is the governmental/proprietary distinction sometimes difficult to determine, but the doctrine can create harsh results. For example, a citizen injured in an auto accident involving a City vehicle driven by a Utilities employee on the way to inspect a sewer line would be compensated (Utilities is a proprietary function), while a citizen injured in an accident involving a CDOT employee on the way to inspect a traffic signal would not (street/signal maintenance is a governmental function).
- In exchange for the waiver of immunity, the City would enjoy the benefit of the same cap on damages – currently \$1 million per person injured – that the State has established for itself.
- The City Attorney’s Office believes that these changes will:
 - Eliminate the harshness of not compensating some persons injured by torts committed by the City
 - Make it easier to negotiate fair settlements
 - Protect the City against the possibility of runaway juries

Attachment 4

Resolution
Ordinance

12. Rental Property Ordinance



- Action:**
- A. Receive a report from the Community Safety Committee on the recommendation for a proposed rental property ordinance, and**
 - B. Schedule a vote on the rental property ordinance for the November 9 Council meeting.**

Committee Chair: Warren Turner

Staff Resources: Deputy Chief Ken Miller, Police
Mark Newbold, Police Attorney
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.
- Many of the rental properties are owned by absentee landlords and the activity that occurs at these properties creates disorder and fear 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 proposed ordinance was referred to the Community Safety Committee for review.

Committee Discussion

- During the past year, the 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.
- Much of the Community Safety 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 registrations.
- The rental industry presented an alternative proposal to the ordinance drafted by CMPD. On September 17 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, Dulin, Kinsey, 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 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 insure 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 May 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 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 upon the rental property size, ranging from one to 300 units.

Funding

\$229,000 in year one, funded by registration fees

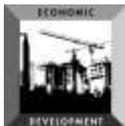
Attachment 5

Rental Property Ordinance

Summary Comparison of Ordinance Proposals

Rental Property Ordinance Power Point Presentation

13. Carolina Theatre Ninth Amendment



Action: Approve the Economic Development and Planning Committee recommendation to approve a ninth amendment to the Purchase and Sale Agreement for the Carolina Theatre with CMP Carolina Theatre, LLC to extend the closing date until December 1, 2011 at no cost to the developer and direct staff to negotiate a property maintenance agreement between CMP and the City at no cost to the City.

Committee Chair: John Lassiter

Staff Resources: Tom Flynn, Neighborhood & Business Services
Peter Zeiler, Neighborhood & Business Services

Explanation

- In January 2006 the City entered into a Purchase and Sale Agreement with CMP for the Carolina Theatre for \$1,000,000, which provided for a closing in January 2007.
- Council has approved eight subsequent amendments and extensions. All required payments have been made. These payments, along with the \$50,000 payment in the original agreement, now total \$250,000 in non-refundable deposits to the City.
- CMP has made excellent progress on reaching pre-sale goals and other milestones, such as securing preliminary permit approval, completing easement and air rights negotiations and licensing agreements with theatre operators, but has faced continued volatility in the national credit market as well as real estate market uncertainty, due to recent mergers and acquisitions in the local economy.
- A recent appraisal values the site as is at \$2,530,000.
- In June 2009 Council approved a seventh extension of the option until August 31, 2009 to allow for the resolution of certain easement issues that both the City and the Developer became aware of in June 2009, after Committee discussion. The Easement issues have since been resolved.
- On August 24, 2009 the Council approved an eighth extension until October 15, 2009 to allow staff to verify the financial capability of CMP

Carolina Theatre LLC to complete the project in light of continued economic stresses. Since that time, staff has determined that CMP Carolina Theatre LLC is financially capable of completing the project.

- This agreement extends the October 15, 2009 closing date to allow the developer to continue securing financing for the project. While much of the financing has been secured for the project, approximately 30% is still in negotiation. Additionally, the agreement has been modified to give the City the right to terminate the Agreement in the event of adverse changes to the financial capability of any or all of the principals in CMP Carolina Theatre LLC to complete the project.

Committee Discussion

- The Economic Development and Planning Committee discussed the Carolina Theatre at three meetings: May 13, 2009, June 15, 2009 and August 19, 2009.
- On June 15, 2009 staff presented two options to the Committee:
 - Have CMP make a fair market value offer on Carolina Theatre subject to an upset bid process, or
 - Extend the existing option at no cost to the developer for two to three years
- The Committee discussed both options and unanimously voted to extend the existing option at no cost to the developer until December 1, 2011 and directed staff to include a negotiated property maintenance agreement between CMP and the City (Lassiter, Carter and Kinsey).
- On August 19, 2009, staff updated the Committee on the status of the easement issues. At that time, the Committee unanimously voted to reaffirm their June 15 decision to extend the existing option at no cost to the developer until December 1, 2011 and directed staff to include a negotiated property maintenance agreement between CMP and the City (Lassiter, Carter and Kinsey).

BUSINESS

14. Single-Stream Residential Recycling Collection Services



Action: Authorize the City Manager to execute a five year unit price contract with two, one year renewal options with Inland Service Corporation to perform Citywide single-stream residential recycling collection for an amount not to exceed \$28,020,000 for the seven year maximum life of the contract.

Resources: Gerald Gorbey, Solid Waste Services
Charles Robinson, Business Support Services
Joel Ford, Privatization/Competition Advisory Committee

History

- On June 22, 2008 Council approved a Revised and Restated Solid Waste Interlocal Agreement with Mecklenburg County that included a commitment by the City to implement a single-stream recycling program for residential curbside collection by July 1, 2010 for at least 50% of its curbside collection routes. The implementation of the single-stream recycling program fulfills a specific target in the Council-adopted FY2009 Strategic Focus Area Plan for the Environment.
- On April 27, 2009 Council approved a reorganization of the City Solid Waste Services' service delivery model that allocated citywide collection of refuse, bulky item, and yard waste to City crews and outsourced through a Request for Proposals process, Citywide collection of single-stream residential recyclables to a private waste company.
- Subsequently, on June 6, 2009, Council adopted by resolution the 10 Year Mecklenburg County Solid Waste Management Plan (SWMP) that establishes a comprehensive system for the management of recyclables, yard waste and refuse generated by the residents of the City. The SWMP has a goal to reduce residential per capita waste disposal, including an option to implement a single-stream residential recycling program.
- To prepare for single-stream recycling, Mecklenburg County committed to a retrofit of the Metrolina Recovery Facility to receive both single-stream and dual-stream recyclables collected by the City.
- On September 28, 2009 Council received a briefing on the Inland Service and Allied Waste proposals.

Proposal Selection Process

- City Solid Waste Services and Procurement Services staff issued a Request for Proposals (RFP) on April 30, 2009 and received four responses on July 17, 2009 as follows:
 - Allied Waste Services/Republic Services
 - Inland Service Corporation
 - Waste Management of Carolina's, Inc.
 - Waste Pro USA, Inc.
- The City's RFP Evaluation Team represented Procurement Services and Solid Waste Services. The Privatization and Competition Advisory Committee monitored the procurement process to ensure transparency and fairness. Internal Audit performed present value calculations on all proposed pricing. The City Attorney's Office determined that the RFP process was properly conducted and will withstand legal challenges.

- The RFP Evaluation Team reviewed all proposals based on background and experience, method of service delivery (staffing, equipment, and routes), and exceptions to the RFP and contract language as well as pricing.
- Completion of this review resulted in the RFP Evaluation Team selecting Inland Service and Allied Waste Services for further evaluation and onsite presentations.
 - Both companies were invited onsite to provide a more in-depth analysis of their proposed solution.
 - As part of the final evaluation, City staff discussed refuse contamination concerns (such as responsibilities and disposal costs related to transportation of contaminated recyclables), routes, vehicles, facilities, container ID tracking, terms and conditions, and exceptions to the draft contract language presented in the RFP.
 - Recyclable contamination was of particular concern in evaluating service delivery methodology because of provisions in the Interlocal Agreement that hold the City responsible for costs related to recyclable contamination that exceeds 10% of recyclable deliveries. Contamination occurs when garbage and other non-recyclable substances such as hazardous waste are blended with recyclables and have the effect of reducing the value or making the recyclable load useless.
- Upon completion of the vendor presentations, the RFP Evaluation Team requested pricing options from both finalists for the following services which address the concerns discussed during the presentations and as listed above:
 - Ability to increase staffing in anticipation of 75% citizen participation in the recycling program
 - A decrease in the cure period from eight hours to four hours to ensure that recyclables are not left curbside for an extended period of time
 - Contamination inspection of 100% of all recyclable containers

Contract Price

- The base price of Inland Service's five year contract with two, one year extensions before adjustments for residential growth and changes in fuel prices is projected at \$25,842,671.
- In comparison to Inland Service's proposal of \$25.8 million for bi-weekly single stream recycling collection, the Allied Waste seven year proposal is projected at \$66.5 million.
- Under the City's current business model for weekly dual-stream recycling collection, the projected seven year cost for service delivery is \$47.1 million. The implementation of single-stream recycling and contract with Inland Services reduces that seven year cost projection by \$21.3 million.
- Prior to the bid process, staff projected that the conversion from weekly dual-stream recycling program to a bi-weekly single-stream recycling collection program would generate seven year operating cost savings of \$13.9 million; however, Inland Service's base contract proposal for bi-weekly single-stream recycling creates savings of \$21.3 million.
- In contrast, Allied Waste's base contract proposal of \$66.5 million eliminates the City's projected \$13.9 million conversion savings and exceeds the City's 7-year estimated cost to continue with weekly, dual-stream recycling (\$47.1 million) by an extra \$19.4 million.
- The Inland Service seven year proposal base price of \$25.8 million when adjusted upward by 2% annually, in order to account for projected residential normal infilling and annexation growth and for authorized fuel

price adjustments, is expected to not exceed \$28,020,000 over the seven year contract life.

- The negotiated contract, for cost containment and customer satisfaction purposes, will have an enforceable liquidated damages clause that will impose financial penalties in the event of non-performance of contract specifications.
- The RFP Evaluation Team determined that the Inland Service Corporation proposal offers the best value for the City and recommends that Inland Service Corporation be approved as the contractor to perform Citywide Single-Stream Residential Recycling Collection Service.

Small Business Opportunity

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

Funding

Solid Waste Services Operating Budget

Attachment 6

Price Comparison of Recycling Collection Contract Proposals
City of Charlotte and Inland Service Corporation Employee Benefits

15. Centralina Council of Governments Membership Dues

Action: Adopt a budget ordinance appropriating \$84,332 from the Council Discretionary Fund for the City of Charlotte's remaining FY2010 Centralina Council of Governments membership dues.

Staff Resource: Julie Burch, City Manager's Office

Explanation

- This action would complete the payment of the City's FY2010 membership dues to the Centralina Council of Governments (COG).
- COG Executive Director and staff have met with the City Manager and staff to discuss ways in which the COG can enhance its value to the City and to the region.
- The meetings resulted in very specific feedback on ways the COG can better serve the City.
- As presented at the September 28 Dinner Briefing, Centralina COG is planning to undertake two significant new efforts related to critical City of Charlotte issues:
 - The establishment of Regional Air Quality Compact
 - A comprehensive study intended to determine the best way to create a sound, multi-modal transportation system
- The air quality compact, through the use of interlocal agreements linking municipalities and similar Memoranda of Understanding linking chambers of commerce, would focus regional action through centralized coordination, maintenance, accountability, and reporting.
- The compact's purpose would be further development and implementation of the Regional Air Quality Plan being developed by the Regional Air Quality Work Group.
- COG's transportation study will focus on the best way to provide a transportation system considering existing structures and funding mechanisms, changes that will occur as the result of the upcoming

census, and changes that are expected as a result of federal and state legislation.

- COG staff has also worked with City staff to develop bi-monthly updates of COG activities that are relevant to City priorities and contain detailed information concerning projects that directly impact or serve Charlotte.

Background

- In June Council approved an FY2010 budget that appropriated \$84,333 for COG membership dues, one-half of the full year request of \$168,665.
- The Council directed the City Manager to work with the Centralina COG on refining the COG's provision of services to the City, to examine the COG's regionalism role and to report back the results of the work to Council no later than October 15, 2009.
- COG dues for municipalities are 25 cents per capita based on 2007 population estimates.

Funding

- Funds for the membership dues will come from the Council discretionary account. The current balance of that account is \$150,000.

Attachment 7

Budget Ordinance

Air Quality Framework for Charlotte and the Greater Charlotte Region

Centralina COG Transportation Framework for Charlotte and the Greater

Charlotte Region

Centralina Council of Governments City of Charlotte Report for July – August 2009

16. Intelligent Transportation Systems Expansion Plan



Action: Approve a contract with Kimley-Horn and Associates, Inc. to perform the project management and systems engineering for Ethernet/Internet Protocol communications infrastructure and digital video conversion for the Intelligent Transportation Systems Expansion Plan in an amount not to exceed \$1,600,000.

Staff Resource: Debbie Self, Transportation

Explanation

- The City has been working on the design of an Intelligent Transportation Systems (ITS) Expansion Plan to improve traffic flow and incident management. A key component of the ITS Expansion plan is migration from serial communications (older technology) to an Ethernet/Internet Protocol (IP) based infrastructure.
- The migration from serial to Ethernet/IP communication is critical to create high-performance networking and fault tolerant systems for the management of ITS.
- The ITS Expansion Plan also includes the conversion of traffic management cameras from analog video to digital video using the Ethernet-based communication infrastructure. This conversion supports the City's goal to provide for inter-agency and public viewing of the traffic management cameras via a website.

Grant

- The City secured a federal ITS grant in the amount of \$4,000,000 in Federal Highway Administration (FHWA) funds through the American Recovery and Reinvestment Act of 2009. The grant will be administered by North Carolina Department of Transportation (NCDOT) through a municipal agreement.
- The municipal agreement was approved by City Council on July 27, 2009.
- The \$4,000,000 grant is divided into four parts as follows:
 - Part A: Migration to Ethernet/IP Communication and Digital Video Conversion
 - Part B: Highway 51 ITS Project
 - Part C: Trade Street/Beatties Ford Road ITS Project
 - Part D: University Area ITS Project

Kimley-Horn Contract

- The contract with Kimley-Horn and Associates, Inc. will accomplish the necessary work for Part A, migration to Ethernet/IP Communication and Digital Video Conversion.
- Council will be asked to approve construction contracts for Parts B, C and D in the coming months.
- With this contract, Kimley-Horn and Associates, Inc. will perform project systems engineering, configuration and installation of Ethernet switches to support the established IP addressing scheme. Also under this contract, Kimley-Horn will perform systems engineering to develop requirements for the migration from analog to digital video.
- Kimley-Horn and Associates, Inc. will focus their initial efforts under this on stakeholder meetings to develop requirements for the traffic management camera website.
- The contract with Kimley-Horn and Associates, Inc. will be fully funded through the ITS grant in an amount not to exceed \$1,600,000.
- The City received the necessary approvals from NCDOT and FHWA to move forward with this contract.
- City staff selected Kimley-Horn and Associates, Inc. through a formal Request for Qualifications process.

Disadvantaged Business Enterprise Opportunity

Kimley-Horn and Associates, Inc. complied with the applicable federal DBE requirements.

Funding

American Recovery and Reinvestment Act of 2009

17. Digital Video Recording Equipment



- Action:**
- A. Approve the purchase of Digital Mobile Video Recorders without competitive bidding, 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 81 Digital Mobile Video recorders for Police marked vehicles in the amount of \$470,485.26.**

Staff Resources: Ken Miller, Police
Ron Horton, Police

Explanation

- On August 24, 2009 Council accepted the 2009 Recovery Act Justice Assistance Grant in the amount of \$4,453,144. A portion of the grant is being used to fund equipment for police vehicles.
- Police equips its police vehicles with Digital Mobile Video Recorders (DMVRs) that record traffic stops and other interaction between police officers and citizens.
- These recordings are used as investigative tools in complaints and as evidence in court and protect both police officers and citizens.
- Council approved the implementation of the current model of DMVRs for Police vehicles on August 26, 2006. Since that date, Police has been converting its vehicle fleet to this new model of DMVR and expects to complete the transition by spring of 2010.
- Police needs to purchase an additional 81 DMVR units to equip 41 take-home police vehicles and 40 new vehicles that are being purchased in conjunction with receiving 125 new police officer allocations.
- Police wishes to purchase these additional DMVR units now so that all their DMVR equipment will be standardized and can be supported through the current wireless infrastructure.
- The purchases contract with GTSI is for a one year period and includes a five year warranty on the equipment.
- The 41 units for the take-home vehicles are being funded through the 2009 American Recovery and Reinvestment Act Justice Assistance Grant accepted by Council on August 24. The 40 units for the new vehicles will be purchased with public safety reserve funds set aside to equip the 125 new officers, which Council appropriated on August 24.

Cooperative Purchasing Exemption

- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.
- The GTSI contract was competitively bid by Fairfax County, Virginia and awarded by the Fairfax Board of Commissioners on April 24, 2009.
- 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.
- GTSI is the federal government's leading supplier for public safety and homeland security products.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

American Recovery and Reinvestment Act of 2009

18. Amendment to Agreement for Legal Services in SC vs. NC Suit over Water Rights

Action: Approve amendment #1 to the Agreement for professional services with the law firm of Hogan & Hartson to represent the City of Charlotte's interests in the law suit filed by South Carolina against North Carolina over water rights in the Catawba River increasing the cost ceiling to \$3,000,000.

Staff Resource: Mac McCarley, City Attorney's Office

Explanation

- The City's right to withdraw water from the Catawba River in the future without court restrictions is at stake in the SC vs. NC suit over water rights.
- South Carolina's water rights suit against North Carolina before the United States Supreme Court alleges that North Carolina is using more than its fair share of the water from the Catawba River. One of three examples cited in the South Carolina's suit of improper water use is North Carolina's approval of an inter-basin transfer of water from the Catawba by Charlotte of up to 33 million gallons per day. Under long standing case law, the US Supreme Court has the authority to hear and resolve disputes between states over water rights in rivers that flow from one state into another.
- Council approved retaining the law firm of Hogan & Hartson to represent the City in this suit.
- The costs of taking an active role in this litigation have been substantial to date and are expected to continue at a significant level. This amendment increases the cost ceiling under this agreement by \$1.19 million which, together with approximately \$310,000 in previously approved, but unspent funds, is \$1.5 million—the estimated amount of legal expenses for the rest of the fiscal year. Legal expenses in any litigation are difficult to estimate, particularly in a suit as complicated and as contentious as this one. Updates on the litigation will be provided as the litigation progresses and when the cost ceiling of the professional services agreement with Hogan & Hartson is approaching.

Funding

Utilities Capital Investment Plan

19. Business Investment Grant for SCR-Tech

- Action:**
- A. Approve contracts between the City of Charlotte, the NC Department of Commerce (NCDOC) and SCR-Tech for a \$90,000 One NC Grant from the State to SCR-Tech,**
 - B. Adopt a budget ordinance appropriating \$90,000 from a One NC Grant to SCR-Tech, and**
 - C. Approve the City's share of a Business Investment Grant to SCR-Tech for a total estimated amount of \$127,017 over three years (total City/County grant estimated at \$359,308).**

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

- SCR-Tech, a subsidiary of Charlotte-based CoaLogix, regenerates selective catalytic reduction (SCR) systems used by coal-fired and natural gas power plants to reduce nitrogen oxide emissions.
- SCR-Tech is currently located on Mt. Holly Road and currently employs 45 people.
- For the past year, SCR-Tech has been considering various sites in the Charlotte region for a potential \$12.8 million expansion which will create 61 new jobs in the energy sector.
- Recently, the company announced that it had selected a site in Charlotte at 11707 Steele Creek Road.

One NC Grant

- On September 4, 2009, the State awarded a \$90,000 One North Carolina Grant to SCR-Tech as part of the company's expansion.
- By State statute, the City is required to administer a performance contract with SCR-Tech to ensure compliance with the State's job creation and capital investment standards.

Business Investment Grant

- One North Carolina Grants require a local match.
- SCR-Tech's expansion meets all of the Council-approved requirements for a Business Investment Grant:
 - Location is within the Business Investment Zone
 - A taxable investment of approximately \$7.8 million with a potential for another \$5 million in 2012
 - Creation of 61 new jobs by 2012 with an average annual wage of \$49,372 (124% of the local average)
 - York County, Lincoln County and Gaston County competed for this project.
- On March 9, 2009, City Council indicated their intent to approve a Business Investment Grant to SCR-Tech in a closed session.
- On March 17, 2009, the Board of County Commissioners indicated their intent to approve a Business Investment Grant to SCR-Tech in a closed session.

- The expansion is estimated to have a total direct economic impact of \$7.6 million per year on Charlotte’s economy, and generate average annual tax revenues of \$158,000 for the City.
- If approved, the following schedule is an estimate of the Investment Grant payments to SCR-Tech. This estimate is the City and County share of the grant and represents 90% of net new property taxes paid by the company over the three year term:

Year	City	County	Totals
1	\$47,246	\$86,405	\$133,651
2	\$42,170	\$77,121	\$119,291
3	\$37,601	\$68,765	\$106,366
Total	\$127,017	\$232,291	\$359,308

- 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 three 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
- The Board of County Commissioners will consider approval of a Business Investment Grant to SCR-Tech on October 6, 2009.

Funding

State of North Carolina: One NC Fund
 Business Investment Grant Account; first payment is estimated to occur in FY2012.

Attachment 8

Budget Ordinance

20. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

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
 - Ronald Jean resigned.
- One appointment for a three year term beginning January 1, 2010
 - Andrew Pike is eligible and would like to be reappointed.

Attachment 9

Applications

B. CHARLOTTE/MECKLENBURG DEVELOPMENT CORPORATION

- Two appointments for three year terms beginning November 1, 2009
 - Stephen Magowan and Stephen Mauldin are eligible and would

like to be reappointed.

Attachment 10

Applications

C. CHARLOTTE INTERNATIONAL CABINET

- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
 - Jonathan Raymond resigned.

Attachment 11

Applications

D. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2010
 - L. Murdock Smith III resigned.

Attachment 12

Applications

E. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending September 21, 2011
 - Wanda Vernet Mobley failed to meet the attendance requirement.

Attachment 13

Applications

F. HISTORIC DISTRICT COMMISSION

- One appointment for an unexpired term for a resident of Wesley Heights beginning immediately and ending June 30, 2010
 - William Terry Sheffield resigned.

Attachment 14

Applications

G. HOUSING AUTHORITY

- Two appointments for three year terms beginning December 18, 2009
 - David Jones and Rodney Moore are eligible and would like to be reappointed.
- One appointment for a three year term for a low income housing resident beginning December 18, 2009
 - Lucille Puckett is eligible and would like to be reappointed.

Attachment 15

Applications

H. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending March 1, 2011
 - Marc Durrance resigned.

Attachment 16

Applications

I. TREE ADVISORY COMMISSION

- Two appointments for three year terms beginning December 14, 2009
 - Ann Macon-Ellis is eligible and would like to be reappointed.
 - Judith Goda is eligible, but does not wish to be reappointed.

Attachment 17

Applications

J. WASTE MANAGEMENT ADVISORY BOARD

- One recommendation for Mecklenburg Board of County Commission appointment for a three year term beginning November 4, 2009
 - Collette Alston is eligible and would like to be reappointed.

Attachment 18

Applications

21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

22. Closed Session

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

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.

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."

23. Various Bids

A. LYNX Blue Line East/West Boulevard Crossing CATS Panels Replacement

Staff Resource: David McDonald, Transit

Action

Award the low bid of \$136,775 to Delta Railroad Construction, Inc. for specialized railroad related construction services to install replacement railroad crossing panels across East/West Boulevard at its intersection with the LYNX Blue Line tracks. (The actual replacement panels were procured separately by the City.)

The informal bidding process authorized by G.S. 143-131 was used. Bids were solicited from six contractors. Delta Railroad Construction, Inc. was the only company that provided a bid.

The high traffic volume, especially heavy truck and bus traffic, at this location has accelerated the deterioration of these crossing panels. The panels will be replaced with longer, heavier duty panels that will accommodate the traffic loads. The replacement of these panels will be completed during a single rail closure to minimize cost and accelerate the completion of the work. CATS will use a bus bridge to maintain continuous LYNX Blue Line service throughout the closure and will coordinate the closure and detour of East/West Boulevard with CDOT.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the subcontracting goal setting process, therefore establishing SBE goals are not required (Appendix Section 29.1 of the SBO Policy).

B. Refuse Rearloader Cab and Chassis

SWS

Staff Resources: Gerald Gorbey, Solid Waste Services
Charles Robinson, Business Support Services

Action

Award the low bid of \$124,430 to Southern Truck Service as a unit price contract for providing Refuse Rearloader Cab and Chassis for a term of one year and authorize the City Manager to renew the agreement for two additional one year extensions with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 requirement is eight trucks for a total of \$995,440. Subsequent requirements beyond FY2010 are subject to the approved capital outlay. Under the approved Solid Waste Services business model reorganization, these trucks are needed to reestablish City provided refuse, bulky item and yard waste collection service in the West Zone beginning July 1, 2010.

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. Sanitary Sewer Line Cleaning

CMU

Staff Resource: Doug Bean, Utilities

Action

Award the low bid unit price contract to Bio-Nomic Services, Inc. in a not to exceed amount of \$199,996 for the cleaning of approximately 113,000 linear feet of sewer lines throughout Mecklenburg County. The state issued Collection System Permit requires systematic, sanitary sewer line cleaning and the EPA Administrative Order requires a reduction in sewer overflows, which is accomplished in part by this type of cleaning. Bio-Nomic Services will be used on an on-call basis by various divisions throughout Utilities to supplement Utilities sewer line cleaning crews.

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.)

D. Thomasboro-Hoskins Neighborhood Improvements, Phase 3 Glenwood Area **EPM**

Staff Resource: Kristie Kennedy, Engineering & Property Management

Action

Award the low bid of \$2,332,758.47 by Blythe Development, Inc. The third phase of this neighborhood project includes work in the Glenwood Area, such as traffic control, erosion control, grading, drainage, curb and gutter, sidewalks, drives, wheelchair ramps, water/sanitary sewer rehabilitation, asphalt paving and repair and associated work. Phase 1 (Morgan Street area) and Phase 2 (Hoskins Road area) are complete. Phase 4 (Bradford Road area) is the fourth and final phase of the Neighborhood Improvement Project and is scheduled to begin construction in 2012. Construction completion for Phase 3 is scheduled for fourth quarter of 2011.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8.02%

Blythe Development committed 8.02% (\$187,000) of the total contract amount to the following SBE firms: MUGO Gravel & Grading Inc. and HowDel Trucking.

E. Fred D. Alexander Boulevard, Section B-2 **EPM**

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Action

Award the low bid of \$11,190,274.57 by Scurry Construction. This is the second of three sections of work to construct Fred D. Alexander Boulevard from Freedom Drive to Brookshire Boulevard. This work includes approximately 4,000 feet of four-lane median-divided roadway, sidewalk, bicycle lanes, erosion control, grading, drainage, electrical pull boxes and conduit, concrete paving and related work. This section also includes construction of two bridges over railroad lines.

Construction completion of Section B-2, from Freedom Drive to Old Mount Holly Road, is scheduled for fourth quarter of 2011. Section B-1, from Old Mount Holly Road to Valleydale Road, is currently under construction. Section C, from Valleydale Road to Brookshire Boulevard, is currently in bid phase.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 30.50%

Scurry Construction Inc. committed 30.50% (\$3,414,226) of the total contract amount to the following SBE firm: Kirkman Construction Inc.

F. Air Quality Calibration Gases, Meters and Sensors **BSS**

Staff Resource: Charles Robinson, Business Support Services

Action

Award the low bid unit price contract to Safety Resource, Inc. for providing calibration gases, meters and sensors in the estimated annual amount of \$160,000 for a term of two years and authorize the City Manager to renew the agreement for three additional one year renewal options with possible price adjustments at the time of renewal as authorized by the contract.

Engineering & Property Management, Fire and Utilities purchase calibration gases, meters and sensors that are required to monitor air quality for public safety from various vendors and pay the published rates, without discounts. Combining the volumes of all KBUs achieves cost effective pricing and reduces the administrative and overhead costs.

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).

G. Street De-icing Salt **CDOT**

Staff Resources: Charles Jones, Transportation
Karen Ruppe, Business Support Services

Action

Award the low bid unit price contract to The Detroit Salt Co., LLC for providing approximately 20,000 tons of street deicing salt in the estimated amount of \$812,500 for the term of three years and authorize the City Manager to renew up to two additional one year terms with possible price adjustments annually as authorized by the contract.

The City re-bid street deicing salt due to escalating prices and by doing this realized a savings of \$37 per ton, which will save the City approximately \$370,000. Department of Transportation, Street Maintenance estimates using 10,000 tons over a three year period dependent upon winter weather conditions.

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).

H. Utility Locate Services**EPM**

Staff Resource: Steve Canter, Engineering & Property Management

Action

Award low bid of \$54,000 with On Target Utility Locate Services, Inc. This contract will provide on-call horizontal and vertical (surface and subsurface) utility locating services for Storm Water projects. Authorize the City Manager to approve up to three, one year renewals with price adjustments stipulated in the contract.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy). However, the recommended prime contractor is a SBE.

24. 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 \$1,703.46, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$1,126.50.**

Staff Resource: Henry Simmons, Finance

Attachment 19

List of property tax and business license refunds
Resolutions

25. Resolution of Intent to Abandon a Residual Portion of Matheson Avenue and a 10 foot Alleyway between Wesley Avenue and Matheson Avenue

- Action:**
- A. Adopt the Resolution of Intent to abandon a residual portion of Matheson Avenue and a 10 foot alleyway between Wesley Avenue and Matheson Avenue, and**
 - B. Set a public hearing for November 23, 2009.**

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 20

Map
Resolution

26. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 9200 Dixie River Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- B. 3612 Tuckasegee Road (Neighborhood Statistical Area 185 – Enderly Park Neighborhood)

Complaint:

- C. 211 Bradford Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Field Observation:

- D. 1609-1 & 2 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- E. 9829 Garrison Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- F. 2925 Maxwell Ariel Lane (Neighborhood Statistical Area 59 – Grier Heights Neighborhood)
- G. 7608-2 Shadow Lawn Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)

Public Safety:

A. 9200 Dixie River Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9200 Dixie River Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).

Attachment 21

B. 3612 Tuckaseegee Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3612 Tuckaseegee Road (Neighborhood Statistical Area 185 – Enderly Park Neighborhood).

Attachment 22

Complaint:

C. 211 Bradford Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 211 Bradford Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 23

Field Observation:

D. 1609-1 & 2 Beatties Ford Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1609-1 & 2 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 24

E. 9829 Garrison Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9829 Garrison Road (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).

Attachment 25

F. 2925 Maxwell Ariel Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2925 Maxwell Ariel Lane (Neighborhood Statistical Area 59 – Grier Heights Neighborhood).

Attachment 26

G. 7608-2 Shadow Lawn Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7608-2 Shadow Lawn Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 27

CONSENT II

27. Water and Sewer Revenue Bonds

Action: Adopt a resolution to make findings required by the Local Government Commission and authorize the Finance Director to make application to the Local Government Commission for the issuance of Water and Sewer 2009B Revenue 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.
- This is the first of two actions to allow for the issuance of revenue bonds in an amount not to exceed \$400,000,000 in order to replace the current short-term financing program, Commercial Paper, with permanent financing and finance water and sewer projects for the next approximately 18 months.
- This action allows for the application to the Local Government Commission (LGC) and seeks approval from the LGC for their issuance.

Funding

Water and Sewer Debt Service Fund

Attachment 28

Resolution

28. Utility Billing System Software Maintenance

Action: A. Authorize the annual renewal payment of \$395,265 for software maintenance and support to Ventyx for the Ventyx Customer Suite/Service Suite Utility Billing System, and

B. Authorize the City Manager to approve two additional annual renewal payments with price adjustments stipulated in the contract.

Staff Resource: Chip Harris, Finance

Explanation

- The Ventyx Customer Suite system (formerly Advantage/Banner) is used to bill and collect approximately \$300 million annually for Water, Sewer, and Storm Water related services. The Ventyx Service Suite is integrated with Customer Suite to manage service orders associated with Utility billing.
- The existing Ventyx software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance. This support service is essential to help ensure the uninterrupted operation of the Utility Billing and Management System.

- The annual support agreement with Ventyx has been revised to synchronize the renewal term for both the Customer Suite and Service Suite applications and also provide for two subsequent annual renewals.
- The payment amount last year was \$391,200.
- Contract payments are only adjusted via the Consumer Price Index (CPI). In most years, the CPI is a positive number. Last period, the CPI was negative. Based on this adjustment, the current renewal amount would be \$385,410. However, in order to synchronize all renewals, this amount increases by \$9,855 to \$395,265 to cover 14 months of support for one of the components.
- The period for the current renewal is November 1, 2009 through October 31, 2010.

Funding

Utilities and Storm Water Operating Budgets

29. Billy Graham Parkway Pavement Replacement

Action: Approve an agreement with NCDOT, in an amount not-to-exceed \$250,000, for pavement replacement on Billy Graham Parkway.

Staff Resource: Doug Bean, Utilities

Explanation

- In June 2007 Utilities' contractor was mining a long tunnel under Josh Birmingham and Billy Graham Parkways for the installation of the 66 inch Southwest Water Transmission Main.
- During construction of the tunnel under Billy Graham Parkway, the tunnel collapsed because of a change in the type of rock through which the tunnel was being mined.
- As a result of the tunnel collapse, NCDOT gave Utilities permission to open cut Billy Graham Parkway to install the water main.
- In order to repair the road as quickly as possible, the open cut area was restored with asphalt. The original agreement specified the asphalt would be replaced with concrete at a later date.
- NCDOT now wants to replace this asphalt pavement with concrete using existing NCDOT interstate repair contracts.
- The City will reimburse NCDOT for this pavement replacement up to \$250,000.
- Time is of the essence because the paving season ends in November.

Funding

Utilities Capital Investment Plan

30. DNA Grant

Action: **A. Accept a grant from the Office of Justice Programs, in the amount of \$351,398, for DNA analysis in the Police Crime Lab, and**

B. Adopt an ordinance appropriating \$351,398 in funds from the U.S. Department of Justice.

Staff Resources: Ruth Story, Police
 Matthew Mathis, Police

Explanation

- Police has received a grant from the U.S. Department of Justice's Office of Justice Programs under its Forensic DNA Backlog Reduction Program.
- The program provides support to crime labs in reducing their backlogs of unanalyzed DNA evidence.
- The grant is for \$351,398 and requires no matching funds from the City.
- \$135,015 will continue funding two positions which have been funded under this grant program since 2007.
- \$135,912 will fund equipment and supplies including a 3130 genetic analyzer and UV boxes.
- \$78,000 will be used to outsource the analysis of DNA evidence in some property cases to allow our DNA personnel to concentrate on violent crime and the most serious property crimes.
- \$2,471 will fund annual training for DNA analysts.

Funding

U.S. Department of Justice

Attachment 29

Budget Ordinance

31. Gang of One Evaluation Contract

Action: **Approve a contract with the University of North Carolina at Charlotte, in the amount of \$100,000, for an assessment of Gang of One initiatives.**

Staff Resources: Vicki Foster, Police
 Fran Cook, Police

Explanation

- Gang of One was started in February 2004 as CMPD's gang prevention and intervention initiative for youth.
- Since 2004 Gang of One has developed a variety of programs that serve students at the elementary, middle, and high school levels. Approximately \$1.9 million in federal funds has been spent on Charlotte's Gang of One program. The City match totals \$68,978.
- Given the amount of money spent on Gang of One and the high profile nature of its programs, Police recommends an outside evaluation of some of the Gang of One initiatives to identify their strengths and weaknesses and look at ways to make the programs the most valuable resource possible for the community.

- The contract with the University of North Carolina at Charlotte will evaluate the effectiveness of four of Gang of One's key initiatives.
- Those initiatives are:
 - Dangers Involved in Gangs
 - No Easy Walk
 - Racing 2 Inspire, Educate, and Stimulate
 - Truancy/Safe Neighborhoods
- The assessment will include the development of a longitudinal model that will allow program participants to be tracked over time, allowing CMPD to determine whether the program participants become involved in gang activity after their involvement in these programs.
- The contract is for a period of one year and is funded through the FY2008 Congressional Earmark for Gang of One.

Small Business Opportunity

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

Funding

FY2008 Congressional Earmark

32. McKee Creek Sanitary Sewer Interceptor Engineering Services Contract Amendment

Action: Approve engineering services contract amendment #2 with Woolpert North Carolina, PLLC for \$305,600 for the McKee Creek Sanitary Sewer Interceptor Project.

Staff Resource: Doug Bean, Utilities

Explanation

- Woolpert North Carolina PLLC was selected in a competitive selection process to perform planning, surveying, design and permitting services related to the Reedy and McKee Interceptor project.
- Utilities entered in to an engineering design contract with Woolpert North Carolina, PLLC on April 23, 2007 in the amount of \$1,323,500, to complete final design of the Reedy Creek and McKee Creek sanitary sewer interceptors.
- Amendment #1 assigned Woolpert, Inc.'s contract to Woolpert North Carolina, PLLC, due to a corporate name change. There was no change to cost.
- During the design of the project, changes occurred that resulted in additional work that was beyond the original scope of the contract:
 - New private utility lines were installed within the planned alignment for the sewer line. This resulted in the need for additional surveying and design for the sewer on a revised alignment.
 - In addition, new North Carolina survey rules call for revisions to many of the original easement maps, prior to easement acquisition.
 - Permitting of the construction within the floodplain has required further stream and floodplain modeling work than originally contemplated.
- Utilities' staff negotiated contract amendment #2 totaling \$305,600 for the additional surveying, design and permitting necessary to complete this work.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

33. Developer Construction Agreement for Ballantyne Commons Parkway and Ballantyne Corporate Place

Action: Authorize the Transportation Key Business Executive to enter into a Construction Agreement with Bissell Companies, Inc., for public roadway improvements on Ballantyne Commons Parkway and Ballantyne Corporate Place.

Staff Resource: Liz Babson, Transportation

Explanation

- Bissell Companies, Inc. is requesting permission from the City to construct intersection improvements at its expense in order to reduce congestion and improve traffic operations in the office park.
- The proposed improvement project includes the addition of a left turn lane from eastbound Ballantyne Commons Parkway to northbound Ballantyne Corporate Place. Improvements will also include pedestrian enhancements at the intersection and marked bicycle lanes on Ballantyne Corporate Place within the project limits.
- Bissell Companies, Inc. has agreed to construct the improvements and be responsible for all associated costs, including utility and construction easements and dedication of right-of-way, as necessary. They will also post a construction bond for the improvements. The estimated project cost to complete this work is \$700,000.
- The City will participate in the project costs by providing plan review, construction quality control inspection, installation of traffic signal modifications, and administrative coordination. This estimated cost will not exceed \$49,000.
- The road improvements will be designed and constructed consistent with all City standards and requirements.

Funding

Transportation Capital Investment Plan

34. Freedom Drive at Stewart Creek Parkway Intersection Improvements

Action: Approve change order #1 to the contract with Sealand Contractors in the amount of \$219,782.32.

Staff Resource: Bryan Tarlton, Engineering & Property Management

Explanation

- This project provides a new signalized intersection at Freedom Drive and the new Stewart Creek Parkway. It also modifies the intersection of Freedom Drive and Thrift Road. The work includes traffic control, erosion control, grading, drainage, curb and gutter, wheelchair ramps, sidewalk, asphalt paving and paving markings.
- Change order #1 will fund final contract payments and additional quantities of materials needed for sidewalks, curb and gutter, storm drainage, planting mix and asphalt paving. This change order also provides for extra work due to relatively large quantities of existing soil material found to be unsuitable. These unsuitable materials were removed and replaced with stabilization fabric and suitable materials. These items were required to complete the project but were not anticipated at the time of bidding due to the consultant's inaccurate estimates or field-required additional work.
- Prices for the additional work were derived from existing contract prices. Extra work prices were negotiated and are in line with bid prices.
- Council approved the original construction contract on March 23, 2009 for the amount of \$573,968.09.
- Construction contract total, including this change order, is \$793,750.41. The total contract amount is still under the engineer's construction estimate of \$1,052,000.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current contractor and their existing subcontractors. This amendment complies with Part D: Section 6 of the SBO Policy.

Funding

Transportation Capital Investment Plan

35. FY2010 Sign and Private Structure Relocations

Action:

A. Approve contracts for the relocation of signs and other private structures with:

- 1. Graphical Creations, Inc. in the amount of \$95,000,**
- 2. Streamline, LLC in the amount of \$95,000, and**

B. Authorize the City Manager to approve up to two, one year renewals for each contract for up to \$95,000 each per 12 month extension.

Staff Resource: Theresa Watley, Engineering & Property Management

Explanation

- These contracts will relocate existing privately owned facilities (i.e., business signs, decorative lights, flagpoles) in preparation for capital infrastructure improvements.
- The firms were selected using the Council-approved selection process.
- Due to the volume of work two firms were selected.
- These contracts will have a term of one year each and allow up to two, one year renewals, at the City's option as stipulated in the contract, as incentive to the contractors for productivity and quality work.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan

36. Communication Tower Lease with T-Mobile

Action: Adopt a resolution approving a lease agreement with T-Mobile South LLC for antenna and ground space at 5315 Sharon Road (PID 209-073-02).

Staff Resources: Lynnea Pulver, Engineering & Property Management
Jeff Reid, Engineering & Property Management

Explanation

- The City of Charlotte owns a parcel of land and communications tower at 5315 Sharon Road, Charlotte.
- T-Mobile South LLC would like to lease approximately 300 square feet of ground space and space on this tower for the placement of telecommunications equipment.
- The City's Radio Shop has reviewed T-Mobile's request and determined that space is available and will not interfere with the current or future City needs at this location.
- Terms of the agreement are as follows:

- Base rent of \$1,500 per month with first year gross revenue of \$18,000
- Five year term with four, five year options to renew, commencing on March 1, 2009.
- Annual 3% increase in monthly rent, effective July 1, 2010 (increases to coincide with City's fiscal year)
- Telecommunications leases are a revenue stream for the City. The addition of this lease will bring the City's tower revenue for FY2010 to approximately \$710,000.

Attachment 30

Resolution

37. Fire Administration Facility Land Purchase

Action: Approve the purchase of five acres for a Fire Administration facility located at 500 Dalton Avenue and 1222 Statesville Avenue (PID #07902103 and 07902102) for \$3.3 million from First Industrial B & L, LLC.

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

Explanation

- Charlotte Fire Department (CFD) divisions are now housed in three separate uptown locations. CFD plans to develop a Fire Administration Campus to consolidate operations in one location. The Capital Investment Plan contains \$10 million for this project.
- Fire Administration and Emergency Management leases office space at 228 E. 9th Street. Fire Prevention and the Fire Investigation Task Force offices are located on City-owned properties at 441 Beaumont Avenue and 1215 South Boulevard, respectively.
- After construction of the new Administration facility, the Beaumont Avenue property and the South Boulevard property would be sold with revenues used to offset the cost of the new facility.
- Cost savings will be realized by elimination of the lease at 228 E. 9th Street, as well as consolidation of personnel functions within one centralized location. The current annual lease is \$243,268.
- The Fire Administration Campus project is currently funded for the land and other due diligence functions. An architectural firm will be hired in the near future to design and estimate the cost of campus construction. Project completion will require two to three years.

Property Description

- The five acre property is comprised of two adjacent parcels. Both parcels are located off of Dalton Avenue between North Graham Street and Statesville Avenue, just outside of the Central Business District.
- The larger parcel, 500 Dalton Avenue was formerly the Sealtest Ice Cream office and manufacturing plant. The smaller parcel, 1222 Statesville Avenue, is immediately north of the Sealtest parcel and is currently used as a truck repair facility.
- The structures on both properties have been evaluated for reuse in the campus plan. The office building on the larger parcel was initially deemed usable for Fire Department needs. However, engineering and geotechnical

studies showed it is not financially feasible to salvage the building, therefore it will be deconstructed and a new structure built in its place. The building on the northern, smaller parcel is sound and may be kept as part of the campus.

- According to the City's MAI appraiser, the acquisition price for the two properties (which are both owned by the same entity) is below fair market value.

Site Criteria

- City staff has been searching for a suitable site for about one year. An acceptable second choice has not been found. The following criteria was used in determining appropriate property for the administrative offices:
 - Close to the Uptown area, but not within the Loop
 - Good roadway access (this parcel fronts on three streets)
 - Approximately five acres of contiguous land
 - Ability to create an economic stimulus in a neighborhood needing assistance (this is in the Lockwood Community)
 - Easy access to the Charlotte-Mecklenburg Government Center
 - A location that is easily accessible by the public
 - A permanent landmark building that represents the home of the Charlotte Fire Department

Funding

Government Facilities Capital Investment Plan

Attachment 31

Aerial map

38. Property Transactions

Action: Approve the following property transaction(s) (A-H) and adopt the condemnation resolution(s) (I-K).

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

Acquisitions

- A. Project:** Freedom Drive Widening, Parcel # 295
Owner(s): Richard G. Armstrong and Wife, Yulieta Armstrong
Property Address: 4800 Freedom Drive
Property to be acquired: 151 sq. ft. (.003 ac.) in Fee Simple, plus 1,034 sq. ft. (.024 ac.) in Sidewalk and Utility Easement, plus 16 sq. ft. in Utility Easement, plus 4,673 sq. ft. (.107 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Tree
Purchase Price: \$18,402
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-061-04
Total Parcel Tax Value: \$129,500

- B. Project:** Freedom Drive Widening, Parcel # 316
Owner(s): George P. Glover, Jr.
Property Address: 4338 Freedom Drive
Property to be acquired: 1,500 sq. ft. (.034 ac.) in Fee Simple, plus 1,555 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement, plus 9,163 sq. ft. (.210 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Landscaping
Purchase Price: \$17,625
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-043-01
Total Parcel Tax Value: \$80,600
- C. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 5, 6 and 7
Owner(s): Terry Sitaras and Nick Sitaras
Property Address: 4327,4305 and 4327 Statesville Road
Property to be acquired: 2,565 sq. ft. (.059 ac.) in Fee Simple, plus 216 sq. ft. (.005 ac.) in Storm Drainage Easement, plus 40 sq. ft. (.001 ac.) in Utility Easement, plus 12 sq. ft. in Combined Utility Easement and Storm Drainage Easement, plus 3,120 sq. ft. (.072 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 041-071-29, 041-071-24 and 041-071-23
Total Parcel Tax Value: \$125,800
- D. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 28
Owner(s): John A. Robinson
Property Address: 4801 Statesville Road
Property to be acquired: 1,011 sq. ft. (.023 ac.) in Fee Simple, plus 33 sq. ft. (.001 ac.) in Utility Easement, plus 1,168 sq. ft. (.027 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$15,025
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-151-07
Total Parcel Tax Value: \$84,900

- E. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 71
Owner(s): Bill Pistolis a/k/a Bill G. Pistolis and Wife, Vickie C. Pistolis and Lambros C. Nakos and Helen L. Nakos a/k/a Helen D. Nakos
Property Address: 5330 Statesville Road
Property to be acquired: 3,312 sq. ft. (.076 ac.) in Fee Simple, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 6,020 sq. ft. (.138 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$26,544
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 045-312-01
Total Parcel Tax Value: \$447,900
- F. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 9
Owner(s): Trustees of Stephen L. Jenkins Living Trust and Any Other Parties of Interest
Property Address: 7630 University City Boulevard
Property to be acquired: 1,535 sq. ft. (.040 ac.) in Storm Drainage Easement, plus 3,003 sq. ft. (.070 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,960
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. **Zoned:** B-2(CD)
Use: Commercial
Tax Code: 049-242-13
Total Parcel Tax Value: \$626,000
- G. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 53 and 54
Owner(s): Trustees of Stephen L. Jenkins Living Trust and Any Other Parties of Interest
Property Address: 210 and 240 W. Rocky River Road
Property to be acquired: 524 sq. ft. (.010 ac.) in Storm Drainage Easement, plus 2,603 sq. ft. (.060 ac.) in Utility Easement, plus 5,588 sq. ft. (.130 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,820
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. **Zoned:** B-2(CD)
Use: Commercial
Tax Code: 049-181-07 and 049-181-09
Total Parcel Tax Value: \$203,100

- H. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 55 and 56
Owner(s): Trustees of Stephen L. Jenkins Living Trust and Any Other Parties of Interest
Property Address: 201 W. Rocky River Road and 7500 University City Boulevard
Property to be acquired: 17,106 sq. ft. (.390 ac.) in Fee Simple, plus 12,521 sq. ft. (.290 ac.) in Existing Right-of-Way, plus 5,599 sq. ft. (.130 ac.) in Storm Drainage Easement, plus 3,605 sq. ft. (.080 ac.) in Utility Easement, plus 12,669 sq. ft. (.290 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$123,780
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. **Zoned:** B-2
Use: Commercial
Tax Code: 049-231-06 and 049-231-01
Total Parcel Tax Value: \$617,700

Condemnations

- I. Project:** Freedom Drive Widening, Parcel # 446
Owner(s): Christ Resurrection Church, Inc. and Any Other Parties of Interest
Property Address: 4527 Freedom Drive
Property to be acquired: Total Combined Area of 73,037 sq. ft. (1.677 ac.) of Fee Simple, plus Existing Right-of-Way, plus Sidewalk and Utility Easement, plus Utility Easement, plus Slope Easement, plus Temporary Construction Easement
Improvements: Parking lot
Landscaping: None
Purchase Price: \$144,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Church
Tax Code: 059-061-04
Total Parcel Tax Value: \$589,100
- J. Project:** Tuckaseegee Road Sidewalk- Heather Glen Lane at Brown Avenue, Parcel # 16
Owner(s): Vincent K. Morris and Any Other Parties of Interest
Property Address: 4933 Tuckaseegee Road
Property to be acquired: Total Combined Area of 2,987 sq. ft. (.069 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$800
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential - Rural Acreage

Tax Code: 061-171-93
Total Parcel Tax Value: \$15,000

- K. Project:** US 29/ NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 48
Owner(s): Douglas Development Co. and Any Other Parties Of Interest
Property Address: 7232 W. Rocky River Road
Property to be acquired: Total Combined Area of 9,000 sq. ft. (.207 ac.) of Utility Easement, plus Existing Utility Easement to Retain
Improvements: None
Landscaping: None
Purchase Price: \$22,000
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: B-2(CD)
Use: Commercial
Tax Code: 049-181-03
Total Parcel Tax Value: \$1,063,700

39. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk’s record as the minutes of:
- September 8, 2009