

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

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

**CITY COUNCIL MEETING
Monday, September 13, 2010**

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, September 13, 2010

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3:00 P.M. City Manager's Evaluation CH-14

5:30 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. 2010 Charlotte Neighborhood Quality of Life Report and Update

Resources: Dr. Owen J. Furuseth, University of North Carolina-Charlotte
Tom Warshauer, Neighborhood & Business Services

Time: 30 minutes

Synopsis

- The Neighborhood Quality of Life Study assesses 173 Neighborhood Statistical Areas (NSAs) within the City of Charlotte's boundaries and sphere of influence every two years.
- The study uses 20 local neighborhood-scale variables representing social, crime, physical and economic dimensions. Using statistical analyses, each NSA is classified as Stable, Transitioning or Challenged.
- The study methodology allows a citywide comparison across all NSAs. The study is longitudinal (i.e. it is carried out every two years with the same variables), allowing examination of NSA changes over time and between neighborhoods. Neighborhoods are measured against themselves and the rest of the City.
- From 2008-2010, the number of Stable NSAs decreased from 90 to 88; the number of Transitioning NSAs declined from 63 to 58; and the Challenged NSAs grew from 20 to 27.
- The decline in 2010 Quality of Life scores is linked to the impacts of the national recession and its effects on the local economy.
- Despite the overall decline in scores, the trend analysis that measures individual variable performance finds continued gains. From 2002-2010, 79 NSAs are trending up, 84 NSAs are in the no change category and 10 NSAs are trending down. Although more neighborhoods had no change (2008 had 82 NSA's no change), fewer are trending down (2008 had 13 trending down).

- A new Business Corridor Benchmarking Tool has been added to the 2010 study framework. Five Charlotte Business Revitalization Corridors are subdivided into 11 market areas. Local variables (39) are used to gauge the health of the market areas. The Tool helps staff better understand the characteristics of each business area, providing important information to businesses and entrepreneurs as they consider business locations and to business and neighborhood organizations as they plan their work. In the future, the Business Corridor Benchmarking Tool will be used to measure/track changes.
- Future plans also call for refining neighborhood boundaries and adding energy information funded through the Neighborhood Energy Challenge. Further refinement of business corridor and neighborhood quality of life data components will occur in the 2012 update.

3. Center City Farmers' Market

Resource: Michael Smith, President Charlotte Center City Partners

Time: 20 minutes

Synopsis

- Charlotte Center City Partners (CCCP) sponsors a Farmers' Market during summer months.
- Early this year, CCCP contracted with Project for Public Spaces, a non-profit agency with extensive experience in public markets, to evaluate the feasibility of a full time market in the center city.
- The presentation will provide an overview of the consultant's findings related to:
 - Potential market vendors and product availability
 - Potential demand
 - Operational viability
 - Site possibilities

4. North Corridor Urban Land Institute Panel Study

Resources: Carroll Gray, Executive Director of the Lake Norman Transportation Commission (LNTC)
Brian Jenest, Town of Davidson Commissioner and LNTC Member

Time: 20 minutes

Synopsis

- The Lake Norman Transportation Commission contracted with the Urban Land Institute (ULI) in early 2010 to conduct a study of the North Corridor that encompasses Charlotte, Huntersville, Cornelius, Davidson, and Mooresville. The ULI Panel Study of the North Corridor was conducted in January/February 2010. The City of Charlotte and the Charlotte Area Transit System each contributed \$10,000 towards the funding of the study.
- Carroll Gray and Brian Jenest will thank City Council for participating in the funding of the study and provide a summary of the study effort and its findings/ recommendations.

5. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

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

6. Prodigy Diabetes Care, LLC Recognition

Action: Mayor Foxx to recognize Ramzi Abulhaj, Prodigy Diabetes Care President and Rick Admani, Chief Operating Officer, for their receipt of the Export Achievement Certificate, presented to them on May 20, 2010 by Deputy Commerce Secretary Ro Khanna.

CONSENT

- 7. Consent agenda items 19 through 42 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

8. Public Hearing on Revisions to the Tree Ordinance



Action: Conduct a public hearing on the Environment Committee's recommendation for amending the Tree Ordinance. The proposed effective date is January 1, 2011.

Committee Chair: Edwin Peacock

Staff Resource: Tom Johnson, Engineering & Property Management

Explanation

- This work is the result of an extensive stakeholder process including a cost/benefit analysis and evaluation/approval by the Environment Committee.
- The primary purpose of the revisions is to further protect Charlotte's tree canopy while offering flexibility and options for compliance with the ordinance.
- The current ordinance includes tree save and tree planting requirements for commercial and single family developments. The proposed revisions focus primarily on commercial development. There are 22 proposed administrative and technical revisions, including two primary changes:
 - Require 15% minimum tree save for commercial development with flexible options allowed for compliance for certain types of developments (current requirement is tree save in the front setback)
 - Increase the number of trees in parking lots by decreasing tree spacing from 60 to 40 feet
- The proposed ordinance is available for review on the Engineering & Property Management Land Development Division's webpage at Charmeck.org.
- The Summary of Revisions and the presentation provided at the July 26 Council Dinner Briefing is attached.
- Also, attached is a report on Actions to Impact the Tree Canopy in response to questions at the July 26 Dinner Briefing.

Committee Action

- The Environment Committee discussed the ordinance and the proposed revisions between 2007 and 2010. Staff presented Stakeholder recommendations which the Environment Committee accepted. There were two Stakeholder non-consensus items that were addressed by the Environment Committee. Those two items were:
 - Additions to existing sites
 - Payment-in-lieu for tree save area
- The final vote on these issues took place on June 21 and 25, 2010 and were as follows:
 - Treatment of additions to existing sites as proposed by staff Howard, Carter, Peacock, and Dulin - for (vote: 4-0)
 - Payment in lieu with a cap at 90% of the average tax value of land Howard, Carter, Peacock - for, Dulin-against (vote: 3-1)
 - Motion on recommending entire Tree Ordinance to move forward to Council unanimously approved (vote: 4-0)
- Staff presented the Environment Committee's recommendations to Council at a dinner briefing on July 26, 2010.

Future Action

- Council will be asked to adopt the ordinance on September 27, 2010 with an effective date of January 1, 2011.
- At the request of the Environment Committee, staff will regularly monitor and report to City Council on the efficacy of the tree ordinance revisions.

Attachment 1

Summary of Revisions presented at the July 26 Dinner Briefing
July 26 Dinner Briefing Presentation
Actions to Impact the Tree Canopy

POLICY

9. City Manager's Report

- Update on Fire Department Reccreditation

10. Disparity Study



Actions: Approve the Economic Development Committee recommendation to:

- 1. Conduct the Disparity Study in one phase, rather than in two phases as recommended by the Mayor's Small Business Opportunity Program Task Force,**
- 2. Negotiate a contract with MGT of America, Inc. to conduct the Disparity Study, rather than conducting a procurement process, and**
- 3. Create Disparity Study Advisory Committee (recommendation to be forwarded to Council after September 9 Economic Development Committee Meeting).**

Committee Chair: James Mitchell

Staff Resources: Nancy Rosado, Neighborhood & Business Services
Cindy White, City Attorney's Office

Explanation

- On July 26, 2010, the Mayor's Small Business Opportunity Program Task Force recommended the City update its 2003 Disparity Study. The updated Disparity Study will compare the percentage of City contract dollars that go to minority and women-owned firms, on both prime and subcontracts, to the percentage of firms willing and qualified to perform those contracts that are owned by minorities and women. The study will also determine through anecdotal evidence and various statistical tools whether any disparity that is found is attributable to discrimination. If there is discrimination, the study will recommend appropriate programs to remedy the problem.
- The Task Force originally recommended conducting the Disparity Study in two phases in order to spread the budgetary impact across two years. In June, Council approved a budget that set aside \$310,000 for the study, which eliminated this concern. The primary benefit of doing the Disparity Study in one phase is that it reduces the time schedule for the study.
- Below are two options, and related considerations, for selecting a consultant to conduct the Disparity Study:
 - Option I: Conduct a standard procurement process through a request for proposals
 - o Ensures all providers have opportunity to bid
 - o Bases Council decision on competitive process
 - o Adds six months to schedule
 - Option II: Contract with MGT of America, Inc, which conducted the 2003 Disparity Study
 - o Familiar with City procedures and data
 - o Can start immediately

- Proven track record with US Court of Appeals
- Potential perception of “closed process”
- If Council selects Option II, as recommended by the Economic Development Committee, City staff will work with MGT of America, Inc. to negotiate a contract.

Committee Discussion

- The Economic Development Committee unanimously recommended approval of Items 1 and 2 (Mitchell, Cannon, Burgess, Dulin and Kinsey). The discussion focused on the need to move quickly and the expertise and experience of MGT of America, Inc. City staff believes that MGT of America, Inc. is very qualified to do the work, particularly in light of a recent US Fourth Circuit Court of Appeals opinion upholding MGT’s methodology for determining disparity. The Committee also recognized that a six month procurement process would be additional workload for staff.
- The Economic Development Committee also discussed creating a Disparity Study Advisory Committee. The Economic Development Committee directed City staff to make a recommendation to the Economic Development Committee regarding the composition and charge of such a committee at the September 9, 2010 Economic Development Committee meeting. The Economic Development Committee’s recommendation on this matter will then be forwarded to Council in the Friday, September 10 Council-Manager Memo.

Funding

FY2011 Pay As You Go Capital Account

11. Animal Ordinance Amendments



Action: Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 3, “Animals”, of the Charlotte City Code to place restrictions on tethering of dogs.

Committee Chair: Patrick Cannon

Staff Resource: Mark Balestra, Police

Explanation

- Tethering refers to the practice of securing a dog to a stationery object by means of a metal chain or coated steel cable to keep the animal restrained.
- In the past few years, there has been a national movement to either ban or restrict the tethering of dogs. Locally, that initiative is led by the Charlotte Chapter of the Coalition to Unchain Dogs.
- Animal advocates have urged bans or restrictions on tethering due to:
 - Data that indicates chained dogs are more aggressive and more likely to bite
 - Dogs dying from becoming entangled in the tether
 - Dogs seriously injured from chains becoming embedded in their necks
 - The negative impact that tethering can have on the dog’s quality of life
- A number of cities including Denver, Colorado; Austin, Texas; and Fort Worth, Texas have adopted ordinances that ban or restrict tethering.

- In North Carolina, New Hanover County, Durham and Roanoke Rapids have banned tethering. Laurinburg, Orange County and Catawba County have placed restrictions on it.

Community Safety Committee Discussion

- The tethering issue was referred to the Community Safety Committee at the request of Council member Barnes.
- The Committee discussed the issue several times and received feedback from the Coalition to Unchain Dogs.
- The Committee felt that Charlotte was not ready for a full ban on tethering but could implement some restrictions that would address some of the concerns of animal advocates. At its June 14, 2010 meeting, the Committee voted unanimously (Council members Kinsey, Dulin, and Peacock) to recommend the proposed ordinance changes to the full Council. The committee also asked that Council receive a written update on the ordinance six months after its implementation.

Ordinance Changes

- The ordinance permits tethering of dogs to a stationary object provided that:
 - The dog is four months or older
 - Only one dog is attached to a single tether
 - The tether is equipped with a swivel on both ends
 - The tether is a minimum of ten feet in length and is made of either metal chain or coated steel cable
 - The tether must be attached to a buckle type collar or harness and, under no circumstances, be attached directly to the dog's neck or used
 - In conjunction with training collars such as choke or pinch-style collars
 - The weight of the tether shall not exceed 10% of the total body weight of the dog but must be of sufficient strength to prevent breakage
 - The tether, by design and placement, shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement
 - Pulley systems, running lines, and trolley systems used in conjunction with a tether must be at least ten feet long and no more than seven feet above ground
 - No tether may be affixed to a stationary object which would allow a dog to come within five feet of any property line
- The ordinance prohibits citizens residing in townhomes, apartments, condominiums or other multi-family housing units with lot sizes insufficient to meet the tether and property line requirements from tethering dogs except for temporary exercise and relief.
- Outdoor kennels used for the primary purpose of restraining dogs must be no smaller than ten feet long by five feet wide and kept in a state of repair that prevents injury to the dog.
- Carriers, crates, or other similar devices used for training or temporary housing shall only be used indoors. This requirement does not apply to dogs whose primary purpose is hunting activities.
- Enforcement of the ordinance will be driven by calls for service and complaints.
- An extensive public education campaign will be conducted prior to implementation of the ordinance.
- The ordinance will be effective March 1, 2011.

Attachment 2

Ordinance

BUSINESS

12. Discovery Place Photovoltaic Energy Grant



Action: Authorize the City Manager to negotiate a contract with Discovery Place for up to \$126,000 to design and construct a photovoltaic system on the parking garage, design and install an educational kiosk, and potentially design and install electric vehicle charging stations within the parking deck.

Staff Resource: Rob Phocas, City Manager's Office

Explanation

- In September 2009, the North Carolina State Energy Office (SEO), part of the State's Department of Commerce, solicited renewable energy proposals for the installation of solar, wind, biomass and hydropower systems that use commercially available technologies.
- As the City was already planning to implement a pilot/demonstration solar project that included the installation of a solar array on the CMGC parking deck and an educational kiosk in the Charlotte-Mecklenburg Government Center (CMGC) lobby, City Staff submitted a grant proposal to the SEO.
- Unsure of the City's chances to win this SEO grant, City staff included a pilot/demonstration solar project with educational kiosk as one of the City's 17 projects in its U.S. Department of Energy required Energy Efficiency and Conservation Block Grant (EECBG) Energy Strategy. City Council approved the Energy Strategy in April 2010.
- On June 4, 2010, the SEO notified the City it had been selected as a grantee to implement the solar project on the CMGC Parking Deck. On June 28, 2010 Council accepted this grant.
- As a result of the SEO grant to fund the CMGC Parking Deck project, the EECBG money allocated to CMGC project became available for another use.
- City Staff has been in discussions with Discovery Place to use the EECBG money for a similar solar project on the Discovery Place parking deck and for an educational kiosk to be placed in Discovery Place. The City and Discovery Place have also been exploring the opportunity to incorporate electric vehicle charging station(s) into this project.
- The City and Discovery Place will enter into a contract for up to \$126,000, which, in addition to standard terms and conditions, will address issues such as federal monitoring and reporting requirements and deadlines.
- Discovery Place is very enthusiastic about this project as it will complement energy programs they already have in place and will present them with the opportunity to further develop an energy curriculum.
- This project will also give City Staff another opportunity to provide educational opportunities for the public, serve as a catalyst for the expanded use of renewable energy technologies, and prepare staff on how to install and monitor the technology for potential future implementations.
- DOE funding must be obligated by February 4, 2011 and all projects must be completed by July 26, 2012.

Funding

General Stimulus Fund

13. Multifamily Energy Efficiency Grant Program Distributions



- Action:**
- A. Approve distribution of up to \$120,350 from the Multifamily Energy Efficiency Retrofit Grant to the Chimneys Apartments, LLC upon the completion of upgrades proposed in the grant application,**
 - B. Approve distribution of up to \$200,000 from the Multifamily Energy Efficiency Retrofit Grant to MW Group, LLC upon completion of upgrades proposed in the grant application, and**
 - C. Approve distribution of up to \$200,000 from the Multifamily Energy Efficiency Retrofit Grant to Brookhill Village II, LLC upon completion of upgrades proposed in the grant application.**

Staff Resources: Tom Warshauer, Neighborhood & Business Services
Daria Milburn, Neighborhood & Business Services

Explanation

- On November 23, 2009, City Council authorized the submittal of the City's Energy Efficiency and Conservation Block Grant (EECBG) application to the U.S. Department of Energy in the amount of \$6,530,100.
- On April 26, 2010, City Council authorized the City Manager to accept \$6,530,100 from the U.S. Department of Energy through the EECBG program.
- The projects proposed in the City's application were developed with input from the public, community partners and staff, and included 17 energy efficiency projects.
- The Multifamily Energy Efficiency Grant Program is part of the Commercial Building Energy Efficiency Retrofit Grant program, which is one of the City's 17 energy projects.
- The Commercial Building Energy Efficiency Grant Program has two categories:
 - The Multifamily Energy Efficiency Retrofit category for apartment buildings
 - The Commercial Building Energy Efficiency Retrofit category for commercial businesses
- A total of \$1,250,000 has been allotted for the two grant programs.
- The maximum grant amount per applicant is \$99,000 for the Commercial Building Retrofit Grant and \$200,000 for the Multifamily Energy Efficiency Grant.
- Both grants are structured as reimbursement programs. A percentage of energy efficiency retrofit costs will be reimbursed through this grant.
- The purpose of the energy grant programs is to help Charlotte become a leader in energy efficiency by:
 - Providing financial assistance that enables businesses to make energy efficiency upgrades to their buildings
 - Creating interest in and demand for products and services that promote energy efficiency and conservation, ultimately resulting in new job creation

- Providing comparative data that exhibits the benefits of energy efficiency from financial, operational and environmental quality perspectives
- The first round of applications was due by June 30. Seven Multifamily applications and one Commercial Building application were received.
- A review team consisting of City and County staff, industry professionals, and nonprofits reviewed the applications and selected three Multifamily applications and one Commercial Building application for grant awards.
- Grant applications were reviewed, compared, and selected based on criteria including:
 - Potential energy savings
 - Scope of energy-efficiency proposal
 - Funding leveraged
 - Job creation
 - Number of residents affected
 - Introduction of new/emerging technologies
- Residents will benefit from these grants through lowered utility bills.
- Successful grant applicants will enter into a grant agreement with the City detailing the terms and conditions of the grant distribution.
- Grant projects will be subject to site visits and monitoring by Neighborhood & Business Services staff to ensure compliance with the grant agreements.

Grant Awards Exceeding \$100,000

Grantee A: Chimneys Apartments, LLC

Address: 1630 DeLane Avenue

Vicinity: Southwest of Intersection with Sharon Amity and Monroe Road

Grant: \$120,350

Summary: Chimneys Apartments is a 214-unit complex with 375 residents. Primary energy issues have been identified as windows, doors, and inadequate insulation. The property owner will be replacing and resealing all windows and doors with higher insulative products that are more energy efficient. In addition, insulation will be added to the unit attics. Based on the findings of the energy audit performed for the complex, these changes are expected to decrease energy use by approximately 25% for all units at the complex.

Grantee B: MW Group, LLC (Weyland Apartments)

Address: 2814 Marlowe Avenue

Vicinity: Between Freedom Drive and Wilkinson Boulevard (near Wal-Mart)

Grant: \$200,000

Summary: Weyland Apartments is a 168-unit complex with 200 residents. Most of the apartments are currently served by antiquated, low efficiency heating, ventilation and air conditioning (HVAC) units, and are in need of additional insulation. The property owner will be replacing all of the old HVAC units (108) with new Energy Star-rated units in addition to adding insulation to all buildings. While an energy audit was not performed prior to the application submittal, an audit will be performed as part of the project to determine energy savings from the proposed upgrades.

Grantee C: Brookhill Village II, LLC

Address: 409 Basin Road

Vicinity: Brookhill

Grant: \$200,000

Summary: Brookhill Village Apartments is a 416-unit complex that is currently served by kerosene heat stored in outdoor aboveground storage

tanks. The property owner will be replacing the antiquated heating systems with more efficient, Energy Star-rated heat pumps. Work performed under this grant will be the first phase of this heating system conversion.

Grant Awards Less than \$100,000

Grantee D: Forms & Supply, Inc.

Address: 6410 Orr Road

Vicinity: Just East of Intersection of N. Tryon and Old Concord Road

Grant: \$18,226

Summary: Forms & Supply is an office supply company with headquarter offices located on Orr Road. The company is proposing to upgrade lighting in its 91,000 square foot building. Based on the lighting audit performed, the proposed changes will result in 51% reduction in energy used to light the building.

Remaining Grant Program Balances

- After these grants are awarded, the Multifamily program will be left with \$79,650 and the Commercial Building program will be left with \$631,774 in funds available for new project applicants. The remaining deadline for application reviews is October 31

Funding

General Stimulus Fund

14. Builders of Hope Neighborhood Revitalization Grant



Action: Approve a grant for up to \$1,233,375 to Builders of Hope for acquisition and rehabilitation of properties in the Lincoln Heights Neighborhood.

Staff Resources: Diane Adams, Neighborhood & Business Services
Zelleka Biermann, Neighborhood & Business Services
Pamela Wideman Lopez, Neighborhood & Business Services

Explanation

- Neighborhood Revitalization Grants allow the City to rehabilitate existing homes in targeted rehabilitation neighborhoods (Druid Hills, Lakewood, Lincoln Heights, Reid Park, Thomasboro/Hoskins, Washington Heights and Wingate).
- This Neighborhood Revitalization Grant to Builders of Hope will be used to rehabilitate 16 duplexes in the Lincoln Heights neighborhood.
- The funding for the Builders of Hope Revitalization Grant is derived from the following sources:
 - \$762,375 of Community Development Block Grant Recovery (CDBG-R) funds awarded to the City of Charlotte as part of the American Reinvestment Recovery Act of 2009
 - \$96,000 of Energy Efficiency and Conservation Block Grant (EECBG) funds awarded to the City of Charlotte as part of the American Reinvestment Recovery Act of 2009
 - \$375,000 of Home Investment Partnerships (HOME) set-aside which are federal funds received by the City that must be used by certified Community Development Corporations, such as Builders of Hope
- Builders of Hope is requesting a grant in the amount of \$1,233,375 for the acquisition and rehabilitation of 16 duplexes located on LaSalle street in the Lincoln Heights neighborhood. Lincoln Heights is one of the City's

targeted revitalization neighborhoods and is designated as challenged based on the 2008 Quality of Life Study.

- Upon completion, 12 of the units will be sold at cost to families earning at or below 80% of the area median income. Four units will become rental properties and will be leased to families earning at or below 60% of the area median income. Rental units will remain affordable for a period of 15 years and home ownership units for a period of ten years.
- Builders of Hope is committed to hiring local licensed subcontractors, providing employment to area residents and directly stimulating the local economy. They plan to continue working closely with community groups, with the Lincoln Heights Neighborhood Association and addressing community and housing issues to improve the quality of life and provide safe and decent affordable housing.
- Builders of Hope is a non-profit 501(c)(3) and is a State of North Carolina and City of Charlotte Certified Community Development Organization, whose mission is to increase the availability of high-quality, safe, affordable housing for working families.
- Builders of Hope has a green mission and seeks to rescue homes from demolition by rehabilitating them for affordable housing. Their green model, Extreme Green Rehabilitation, guides the entire construction process – from construction debris management to the use of sustainable building materials, creating energy and water efficient homes that promote improved indoor air quality and lowered utility costs.

Funding

HOME Set-aside- \$375,000

American Recovery and Reinvestment Act of 2009 (CDBG-R- Stimulus Funding) - \$762,375

Department of Energy Energy Efficiency Community Block Grant (EECBG)

Residential Energy Efficiency Program- \$96,000

Attachment 3

Project Summary

15. Broadband Technology Opportunities Program Grant Acceptance



Action: A. Accept award of the Broadband Technology Opportunities Program Grant from the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$16,702,490 to construct a regional wireless Long Term Evolution network, and

B. Adopt a budget ordinance appropriating \$16,702,490 in grant funds.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- On February 22, 2010, City Council received a presentation on the Broadband Technology Opportunities Program (BTOP) Grant offered through the US Department of Commerce as part of the American Recovery and Reinvestment Act of 2009 (ARRA). The presentation described how the current strategic plan for public safety wireless services has established a regional wireless broadband network as a key

- component of its long range technology and service plan. Receipt of the ARRA Broadband Technology Opportunities Program grant funding was considered as one funding opportunity to advance this service strategy.
- On March 8, 2010, City Council adopted a resolution endorsing the application for a BTOP Grant to construct a regional wireless Long Term Evolution network. The Grant program originally included the objectives "to improve access to, and use of, broadband service by public safety agencies" and "to provide broadband access, education, awareness, training, equipment, and support to community anchor institutions (e.g., universities and colleges, libraries, medical facilities) or job-creating strategic facilities".
 - Since City Council's endorsement of the grant application, the City has been awarded a waiver from the Federal Communications Commission to gain access to the Public Safety 700 MHz frequency spectrum. Upon receiving the waiver, the City was asked by the US Department of Commerce to modify its grant applications to focus on providing broadband services to public safety agencies. This removed the requirement to provide services to community anchor institutions (e.g., universities and colleges, libraries, medical facilities) or job-creating strategic facilities. Therefore, the primary purpose of this project is to build a County-wide Broadband Network to provide communication services for public safety (police, fire and medic).
 - The grant match requirement will be met through in-kind resources of staff and facility assets. The development and operation of the broadband system will require no additional funding.

Project Benefits

- Expected benefits of the proposed broadband network include:
 - Improved public safety and improved public services communications
 - Lower cost compared to leasing services from public carriers
 - Consolidation of networks and services
 - Secure wireless network operation
 - High speed mobile data in the megabit range
 - Very high speed, low latency, non-mobile wireless data
 - Business continuity
- It is expected that a public-private partnership will provide for the operation and maintenance of the network.
- Anticipated cost of broadband network - \$21,092,443
 - In-kind match (no funds) of \$4,389,953
 - Total Grant funds \$16,702,490
 - Equipment \$15,239,900
 - Tower/Site work \$1,462,590

Next Steps

- On July 16, 2010, a Request for Proposals was issued for the development and implementation of the broadband network. The proposals are due on September 24, 2010.
- The contract award for development and implementation of the network is tentatively scheduled for the November 8 Council meeting.

Funding

American Recovery and Reinvestment Act of 2009. No commitment of City funds is required. Grant matching funds would come from in-kind facility assets (for antenna sites and network connectivity) and service from existing staff (project management, contract management, etc.).

Attachment 4
Budget Ordinance

16. Conference Sponsorship Requests

- Action:**
- A. Consider requests for City sponsorship of the following upcoming Charlotte conferences:**
- 1. \$10,000 to support the September 2011 International Economic Development Council (IEDC) annual conference, and**
 - 2. \$20,000 to support the April 2012 Urban Land Institute (ULI) Spring Meeting and Real Estate Summit.**
- B. Adopt a budget ordinance appropriating \$30,000 from City Council's Discretionary Fund.**

Staff Resource: Jim Schumacher, City Manager's Office

International Economic Development Council Conference

- The International Economic Development Council, the professional association for economic developers, will hold their annual conference in Charlotte in September 2011. The conference is expected to bring more than 1,400 economic developers, consultants and real estate professionals from around the world to Charlotte resulting in an estimated economic impact of \$1.4 million.
- This conference will showcase Charlotte's economic development programs and projects to a wide range of professionals including an estimated 40 national site selection consultants.
- Brett Carter with Duke Energy is the Honorary Co-Chair of the Organizing Committee and has requested that the City sponsor this conference at the \$10,000 level. This level sponsorship includes the following benefits:
 - Complimentary conference passes
 - City logo on all conference materials
 - City promotional opportunities in conference edition of Economic Development Journal
- The Host Committee has made the same \$10,000 request to Mecklenburg County and is also requesting sponsorships at the \$5,000 level from surrounding counties.
- The following communities have committed: Alexander County, Catawba County, Chesterfield County SC, Gaston County, City of Statesville, Lancaster County SC, Lincoln County, Rowan County, Stanly County, and Union County.
- The Charlotte Regional Visitors Authority has committed to sponsor at the \$7,500 level.
- The Organizing Committee has currently raised \$182,000 of its final goal of \$300,000.

Urban Land Institute National Meeting

- The Urban Land Institute (ULI) has more than 38,000 members worldwide and provides leadership in the responsible use of land and in creating sustainable communities

- ULI will hold its national Spring Meeting and Real Estate Summit in Charlotte in April 2012. The conference is expected to bring more than 4,000 professionals in land development and related fields to Charlotte with an estimated economic impact of \$3.5 million.
- This conference will showcase Charlotte's many innovative land development projects and investment opportunities to developers and investors.
- The Charlotte Regional Visitors Authority will consider a request to sponsor this conference at the \$15,000 level.
- The Host Committee has requested that the City sponsor this conference at the \$20,000 level. This level sponsorship includes the following benefits:
 - Complimentary conference passes
 - City logo on conference materials
 - City promotional opportunities in conference edition of Urban Land magazine

Funding

If Council approves these two requests, staff recommends the funds come from FY2011 Council Contingency. The current balance is \$153,750.

Attachment 5

Letter from Brett Carter, Duke Energy, requesting sponsorship for IEDC Conference

Letter from Charles Teal, ULI District Council President, requesting sponsorship of ULI Conference

Budget Ordinance

17. Mayor and Council Topics

Council members may share information and raise topics for discussion.

18. 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

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

19. FY2011 Street Main Extensions, Contracts 1 and 2

Action: Award two low bid contracts for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program, to the following companies:

- **Dellinger, Inc., \$1,205,226.03**
- **Davis Grading, Inc., \$1,477,826.55**

Staff Resource: Barry Gullet, Utilities

Explanation

- The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.
- These are unit price contracts, based on estimated quantities for items needed for this type of work.
- Contracts will be used when requests for water and sewer services are received from customers, for water main replacements, and limited annexation work.

- Dellinger's contract will provide funding for approximately 14-16 water main and gravity sewer projects.
- Davis Grading's contract will provide funding for approximately 14-16 water main, gravity sewer and low pressure sewer projects.

Small Business Opportunity

Dellinger, Inc.

Established SBE Goal: 5%

Committed SBE Goal: 5.43%

Dellinger met the established SBE goal, and committed 5.43% of the total contract amount (\$65,400) to the following SBE firms: Boyle Engineering (soils testing services), Cover All Paving (concrete work), Union Paving (asphalt work), and Ms. Sybil's Seeding (seeding and mulching).

Small Business Opportunity

Davis Grading, Inc.

Established SBE Goal: 5%

Committed SBE Goal: 5.0%

Davis Grading, Inc. met the established SBE goal, and committed 5.0% of the total contract amount (\$73,900) to the following SBE firms: Union Paving Contractors (paving services), Boyle Consulting Engineers (soils testing services), and Dallas 1 Construction (water and sewer line installation).

Funding

Utilities Capital Investment Plan

20. Irwin Creek Wastewater Treatment Plant, Overhead Electrical Distribution Line Construction

Action: Award the low bid contract of \$223,360 to Williams Electric Co., for the construction of an overhead electrical distribution line at the Irwin Creek Wastewater Treatment Plant.

Staff Resource: Barry Gullet, Utilities

Explanation

- The Irwin Creek Wastewater Treatment Plant (WWTP) is scheduled for a capital upgrade project later this year to improve reliability and add nutrient removal processes. The improvements will involve extensive excavation in areas of the plant where major underground electrical lines are located. These electrical lines are part of the internal plant electrical system and therefore, owned by the City.
- These lines are proposed to be permanently relocated on the plant site and constructed as overhead lines.
- This contract provides for the construction of those overhead electrical distribution lines prior to the Irwin Creek WWTP Improvements Project beginning.

Small Business Opportunity

No SBE goal was set for this contract due to limited subcontracting opportunities for working with high-voltage overhead electrical distribution lines (Part C: Section 2.4 of the SBO Policy).

Funding

Utilities Capital Investment Plan

21. Water and Sewer Repair Services

- Action:**
- A. Award the low bid, one year contract of \$2,054,103 to Propst Construction Co. for water and sewer repair services, and**
 - B. Authorize the City Manager to renew the contract for three additional one-year terms, with unit price adjustments as stated in the contract document.**

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

- This contract provides for additional resources to repair existing fire hydrants, valves, service lines, meters and associated appurtenances along existing roadways in Mecklenburg County.
- The contract covers work that Utility crews are not equipped to handle, don't have the capacity to handle in a timely manner, or the total value of the work is greater than \$125,000. NC General Statute 143-135 places a dollar limit of \$125,000 on the amount of construction or repair work that can be performed by City forces on a given project.
- Contract period is one-year with options to renew for three additional one-year terms, with unit price adjustments as authorized by the contract at the time of renewal only.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

22. Paw Creek Force Main Replacement

- Action:**
- A. Award the low bid contract of \$6,431,874.23 by BRS, Inc. for construction of the Paw Creek Force Main, and**
 - B. Award a contract to Hazen and Sawyer, in the amount of \$208,050 for construction-phase services for the Paw Creek Force Main project.**

Staff Resource: Barry Gullet, Utilities**Construction Contract**

- The existing pressure pipeline from the Paw Creek Wastewater Liftstation needs to be replaced due to the need for increased capacity for wet weather flows and excessive corrosion in some sections.
- A significant portion of the line runs through Charlotte Douglas International Airport property.

- This project replaces a section of the existing 24-inch force main with a new relocated 36-inch pipe line where the line is in conflict with the proposed airport intermodal facility. A section was also replaced and relocated for the construction of the new runway in 2008.
- The remainder of the pipeline will be replaced in the future in conjunction with a new relief sewer currently being designed along Taggart Creek to the Irwin Wastewater Plant.
- Construction is scheduled for completion July 2011.

Professional Services Contract

- On September 22, 2008, Council awarded the design contract for this project to Hazen and Sawyer in the amount of \$1,552,673.
- This agreement will provide for inspection, construction administration, and survey services during the construction phase of this project.
- Hazen and Sawyer was selected using the Council approved qualifications-based selection process.

Small Business OpportunityBRS, Inc.

Established SBE Goal: 6%

Committed SBE Goal: 2.45%

BRS, Inc. failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They have committed 2.45% (\$157,245) of the total contract amount to the following SBE firms: Express Logistics Services (hauling services), Perry's Law & Landscaping Services (erosion control services), A-1 Precision Fence Co. (for fence installation), and B&B Concrete (concrete driveways, sidewalks and curb & gutter).

Hazen and Sawyer

For service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). On this contract, Hazen and Sawyer committed 12.02% (\$25,000) of the total contract amount to Hinde Engineering for construction staking services.

Funding

Utilities Capital Investment Plan

23. 2009 Annexation, Hood Road North and South Areas

<p>Action:</p>	<p>A. Award low bid contracts for construction of four 2009 annexation areas to the following contractors:</p> <ul style="list-style-type: none"> • Northern Outfall: Buckeye Construction Co. \$2,224,798.84 • Southern Outfall: Davis Grading, Inc. \$1,717,494.90 • South, Phase A: RH Price, Inc. \$2,164,483.86 • South, Phase B: Davis Grading, Inc. \$1,277,342.83 <p>B. Award contract to Stantec Consulting Ltd., in the amount of \$446,525, for construction-phase services for the Hood Road South 2009 annexation area.</p>
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Staff Resource: Barry Gullet, Utilities

Construction Contracts

- NC state law requires that newly annexed areas be provided access to City water and sewer services through construction of public right-of-way gravity sewer and water mains within two-years following annexation.
- These contracts provide for construction of water and sewer mains required in the Hood Road annexation area.
- Construction must be completed by June 30, 2011.
- Additional contracts required for the 2009 Annexation will be forthcoming to City Council in the next few months for the construction of water lines on Harrisburg Road, the purchase of the private water systems in the Hood Road Annexation area, and the upgrade of acquired wastewater liftstations.

Hood Road South Area Professional Services

- On March 9, 2009, Council awarded the design contract to Stantec Consulting Ltd. for the Hood Road South area.
- This agreement will provide for construction administration, public communications, and survey services for the two construction contracts being awarded in this action for Hood Road South (Phases A and B). The contract for the construction administration for the Hood Road North (Northern and Southern outfall) was awarded by City Council on July 26, 2010 to Kimley-Horn Engineers, the design engineer for those areas.
- Stantec was selected using the Council approved qualifications-based selection process.

Small Business Opportunity, Northern Outfall

Buckeye Construction Co.

Established SBE Goal: 6%

Committed SBE Goal: 9.90%

Buckeye Construction exceeded the established SBE goal, and committed 9.90% (\$220,326.08) of the total contract amount to the following SBE firms: D's Trucking (hauling services), Jaamco (CCTV inspection), Martin Landscaping (seeding & mulching), Badger Concrete (miscellaneous concrete work), Union Paving Contractors (asphalt), and Mid-Atlantic Environmental (silt fencing).

Small Business Opportunity, Southern OutfallDavis Grading, Inc.

Established SBE Goal: 6%

Committed SBE Goal: 6.00%

Davis Grading met the established SBE goal, and committed 6.00% (\$103,058) of the total contract amount to the following SBE firms: Jaamco (CCTV inspection), Union Paving Contractors (asphalt), and Dallas 1 Construction, (water and sewer line installation).

Small Business Opportunity, Phase ARH Price, Inc.

Established SBE Goal: 6%

Committed SBE Goal: 6.81%

RH Price exceeded the established SBE goal, and committed 6.81% (\$147,400) of the total contract amount to the following SBE firms: Jaamco (CCTV inspection), Union Paving Contractors (asphalt), Carolina Wetland Services, Inc. (wetlands delineation), C&D Utilities (pipeline installation), and On Time Construction (concrete curb and gutter).

Small Business Opportunity, Phase BDavis Grading, Inc.

Established SBE Goal: 6%

Committed SBE Goal: 6.00%

Davis Grading met the established SBE goal, and committed 6.00% (\$76,648) of the total contract amount to the following SBE firms: Jaamco (CCTV inspection), Union Paving Contractors (asphalt), and Dallas 1 Construction, (water and sewer line installation).

Small Business Opportunity, Professional ServicesStantec Consulting Ltd.

For service-based contracts, the City negotiates the SBE goals during the negotiation phase of the contract (Part C: Section 2.2 of the SBO Policy). On this contract Stantec committed 0.81% (\$3,600) to the following SBE firm: Avioimage (aerial surveying).

Funding

Utilities Capital Investment Plan

24. Ultra Low-Sulfur Diesel and Unleaded Gasoline

- | |
|---|
| <p>Action:</p> <p>A. Approve the purchase of ultra low sulfur diesel and unleaded gasoline, as authorized by the State contract exemption of G.S. 143-129(e)(9), and</p> <p>B. Award a unit price contract to provide ultra low sulfur diesel and unleaded gasoline for a term of one year to Mansfield Oil per State contract #405, in the not-to-exceed amount of \$300,000.</p> |
|---|

Staff Resource: Barry Gullet, Utilities

State Contract Exemption

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

more favorable prices, terms, and conditions as established in the State contract.

Explanation

- The State's contracts for fuel products are awarded by region/county to insure better pricing and availability. Mansfield Oil has the current State contract for unleaded gasoline and diesel fuel for Mecklenburg County.
- The effective date of the contract is October 1, 2008 through October 1, 2011.
- Mansfield Oil's unleaded gasoline complies with the low vapor pressure program, which is regulated by the Environmental Protection Agency here in Mecklenburg County during the summer months to reduce emissions.
- Because of Utilities' proximity to the railways, Mansfield Oil has agreed to provide Utilities with a lower price per gallon than the State's contract price.
- In FY2010, Utilities purchased 16,514 gallons of gasoline and 35,216 gallons of diesel fuel from Mansfield Oil.
- The per gallon price on the state contract with Mansfield Oil is based on the Oil Price Information Service, which is consistent with the Citywide gasoline contract with Fuelman.
- These fuels will be used by various Utilities divisions for electric generators, forklifts, off-road equipment, etc. and will be purchased in bulk quantities.
- In the upcoming year, Business Support Services plans to evaluate the Citywide need for bulk fuel to determine if a Citywide contract would be feasible to accommodate the various fuel requirements and to ensure the best price available.

Small Business Opportunity

Contracts entered into under a State contract are considered exempt contracts (Appendix Section 23.2 of the SBO Policy).

Funding

Utilities Operating Budget

25. GangNet Grant

- Action:**
- A. Accept a grant from the Governor's Crime Commission, in the amount of \$303,912.12, for the GangNet system, and**
 - B. Adopt an ordinance appropriating \$303,912.12 in funds from the Governor's Crime Commission.**

Staff Resource: Glen Neimeyer, Police

Explanation

- GangNet is the computer application used statewide to track gang members, their associates, and their crimes.
- Police serves as the GangNet administrator for the western part of North Carolina.
- This grant funds GangNet administration for one year from July 1, 2010 to June 30, 2011.
- The grant provides salaries for three contract employees who provide the technical support to keep the GangNet application in operation, train

- officers throughout the western part of the state, and provide analytical and clerical support to the law enforcement agencies using the system.
- Funds also cover staff travel, purchase of laptops and air cards which allow staff to service and maintain the GangNet application while out of the office, and the printing of new GangNet student manuals to accommodate a new version of the GangNet software that will be implemented during this grant cycle.

Funding

Governor's Crime Commission Grant

Attachment 6

Budget Ordinance

26. Emergency 911 System Support and Service

Action: **A. Approve a six-month contract with Plant CML for the purchase of Emergency 911 System Support and Service in an amount estimated to be \$84,286.50, and**

B. Authorize the City Manager to approve up to two, six-month contract renewals.

Staff Resource: Katrina Graue, Police

Explanation

- Police, Fire and Medic are planning to replace their current Emergency 911 systems with a new E-911 system that will be standardized for all three agencies. The procurement process to select a vendor and install the new system is underway. This request is to provide maintenance support for the current Police system until the new system is installed.
- Police currently uses a VESTA telecommunications system at Police Headquarters and the Training Academy for all incoming 911 emergency communications.
- The system was purchased from Plant Equipment, Inc. now known as Plant CML, the authorized dealer of VESTA communication equipment. The system must be supported by the same company in order to maintain all warranties and the level of service required.
- This agreement will provide around the clock technical support of the VESTA system applications for call processing and information management to ensure receipt of all emergency calls and a timely response to public safety issues.
- Staff anticipates that the procurement process will be completed and the new system installed within six months; however, authorizing the City Manager to sign additional contract extensions will ensure support for Police's 911 system, should unanticipated delays occur, at the same estimated price.

Small Business Opportunity

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

Funding

911 Surcharge

27. Citywide Customer Satisfaction Survey Services

- Action:**
- A. Approve contracts for Citywide Customer Satisfaction Survey Services for an initial term of three years with a combined estimated annual expenditure of \$140,000 for the two following Service Providers:**
- MarketWise
 - The Jackson Group, and
- B. Authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract, and contingent upon satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City conducts customer service surveys throughout the fiscal year to measure citizen perceptions, awareness, satisfaction and effectiveness of City communications and services in many different areas.
- Estimated savings resulting from this consolidation effort range from \$30,000 to \$36,000 over the initial three-year term.
- Several City Key Business Units, including Police, CharMeck 311, CDOT, Corporate Communications, Human Resources, and Charlotte Area Transit use professional survey services to assist with survey methodology, design, and administration as well as data collection, reporting, and survey analysis.
 - Police conducts an annual citizen survey which measures perceptions of safety and crime levels for Charlotte-Mecklenburg overall and neighborhoods specifically.
 - In addition to CharMeck 311's Quality Assurance team's review of calls and monthly citizen surveys, CharMeck 311 contracts for bi-annual surveys conducted with actual callers to CharMeck 311 to obtain feedback about the recent citizen service experience.
 - CDOT conducts an annual citizen survey which is used to benchmark existing community awareness of the City's transportation plans, priorities and growth strategies.
- The City issued a Request for Proposals for these services and received eight proposals in response to the solicitation issued on July 7, 2010.
- After a thorough evaluation, the Project Team consisting of staff from Business Support Services, Police, CDOT, CharMeck 311, and Corporate Communications, recommends awarding to MarketWise and the Jackson Group as the Service Providers that best meet the established requirements.

Contract Terms

- Pricing is based on a structured milestone pricing schedule with a not-to-exceed model for all phases of the survey process. Pricing includes all costs including, but not limited to, the design, delivery, and presentations associated with each survey.

Small Business Opportunity

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

Funding

Various Key Business Unit Operating Budgets

28. Federal Aviation Administration Grant Acceptance

Action: **A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$5,246,089 for Airport projects related to the new runway, and**

B. Adopt a budget ordinance appropriating \$5,246,089 in FAA grant funds and transferring \$3,670,000 of 2007 Series B General Airport Revenue Bonds to the Debt Service Fund.

Staff Resource: Jerry Orr, Aviation**Explanation**

- Each year the Airport qualifies for Federal Aviation Administration (FAA) entitlement funds based on passenger enplanements under the Airport Improvement Program. On March 8, 2010, City Council accepted a grant that included 75% of the FY2010 entitlement funds. The remaining 25% of the entitlement funds were authorized recently by Congress, and the FAA has offered the City a grant agreement in the amount of \$5,246,089.
- This grant will be used to fund a portion of the costs associated with the Grading and Drainage, Utilities Relocation and Taxiway 'V' elements of the new runway.
- On August 16, 2007, the City issued \$47,570,000 in variable rate General Airport Revenue Bonds (Series B).
 - A portion of the proceeds from these bonds fund the grading and drainage for the new runway.
 - It is the intent of the City to redeem up to \$13,078,473 of these bonds upon receipt of FAA grants.
 - The budget ordinance transfers \$3,670,000 in appropriated bond funds, replaced by the receipt of this grant, to the Debt Service Fund to redeem a portion of the federal share of the outstanding debt.

Funding

Federal Aviation Administration Grant Funds

Attachment 7Resolution
Budget Ordinance**29. Airport Fire Station Access Road**

Action: **Award the low bid contract of \$1,257,500 to Clary Hood Inc. for construction of a new fire station access road.**

Staff Resource: Jerry Orr, Aviation**Explanation**

- On July 27, 2009, City Council approved a contract with Edison Foard, Inc. to construct the new Airport Fire Station.

- During Airport Fire Station construction, the vehicles accessed the station site by way of a temporary road that ran through the area that will ultimately be in the intermodal facility storage yard.
- This contract will construct a new road from the station to the relocated West Boulevard along the eastern edge of the intermodal yard. The project will be completed in early 2011.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 10%

Clary Hood committed 10% (\$129,255) of their base bid amount to four certified DBE companies: All Points Trucking, Inc. (stone and hauling), Evergreen Landscaping, LLC (erosion control), Bear & Co. Signs & Lighting, Inc. (signs and traffic control) and Martin Landscaping Co., Inc. (seeding/mulching/matting).

Funding

Aviation Capital Investment Plan

30. Airport Fire Truck Acquisition

Action: A. Approve the acquisition of a remanufactured airport fire truck from Company Two in the amount of \$350,000, and

B. Adopt a budget ordinance in the amount of \$350,000 from the Airport Discretionary Fund to be replaced with future grant proceeds, future General Airport Revenue Bond proceeds, and/or Passenger Facility Charge revenues.

Staff Resources: Jerry Orr, Aviation
Shane Nantz, Fire

Explanation

- The Airport is required by Federal Aviation Regulations to provide Aircraft Rescue and Fire Fighting (ARFF) equipment on the airfield for aircraft operations.
- The amount of ARFF equipment required is determined by an index based on the size of aircraft operating at the airport. The Charlotte Airport is an Index D airport.
- Index D requires the Airport to have three ARFF vehicles with a combined water capacity of at least 4,000 gallons and 500 pounds of extinguishing agent. In an emergency, the first vehicle must arrive at the scene within three minutes and the other two vehicles within four minutes.
- The six ARFF vehicles currently on the Airport include equipment owned by the Airport and other equipment owned by the North Carolina National Guard.
- The opening of the new runway on the west side of the airfield requires an additional fire station that must have a complement of three ARFF vehicles in order to comply with the response time requirements in the FAR regulations.
- This action will acquire a remanufactured 1993 E-1 Titan fire truck with a water tank capacity of 3,000 gallons. It will supplement the existing ARFF equipment, serving as a back-up vehicle while maintenance is performed

on other trucks, as well as provide additional fire fighting capacity in the event of an emergency.

- Company Two specializes in remanufacturing fire equipment. This truck has been remanufactured from the chassis up and is in excellent condition at one-third the cost of a new truck and is available now. As a general rule, airport fire equipment gets very limited use because it stays on the airfield.
- The cost of this truck was negotiated by the Charlotte Fire Department on behalf of the Airport based on the condition of the vehicle. The truck was inspected and tested by the Fire Department prior to negotiating the price.

Disadvantaged Business Opportunity

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

Aviation Capital Investment Plan

Attachment 8

Budget Ordinance

31. Aircraft Deicing Operator

- Action:**
- A. Approve a three-year contract with Contego Systems, LLC to operate a consolidated aircraft deicing facility at the Airport,**
 - B. Approve payment to US Airways, Inc. in the amount of \$484,355 for the acquisition of their remaining glycol fluid on site,**
 - C. Approve payment to Piedmont Airlines, Inc. in the amount of \$178,350 for the acquisition of their remaining glycol fluid on site,**
 - D. Approve a contract with Aviata Systems, Inc., as authorized by the Sole Source Exemption under NCGS 143-129(e)(6) in the amount of \$130,000 for the acquisition of IceGuard computer monitoring equipment on 20 deicing trucks, and**
 - E. Adopt a budget ordinance appropriating \$130,000 from the Passenger Facility Charge Fund for the acquisition of the IceGuard System.**

Staff Resource: Jerry Orr, Aviation

Sole Source Exemption

- G.S. 143-129 (e) (6) (ii) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source of supply
 - Standardization or compatibility is the overriding consideration

- Aviat Systems' software and components are proprietary and only available from one source.

Explanation

- Winter storms require the removal of ice and snow from aircraft prior to takeoff. The process is called deicing, which is accomplished by spraying a mixture of warm water and glycol on the aircraft.
- Currently, each airline is responsible for deicing their own aircraft. There are a number of deicing locations on the airfield that the airlines use for this operation.
- The Environmental Protection Agency (EPA) has been studying the aircraft deicing process on a national level and has issued a notice of proposed rulemaking that will require the collection of a percentage of glycol run off.
- The impending glycol collection requirement by the EPA prompted the Airport and the airlines to review the deicing operation to determine how the collection would be accomplished.
- The end result was that the Airport would construct a consolidated deicing facility using Runway 5/23 that includes a drain collection system to capture the excess glycol for recycling.
- The airlines and Aviation staff also decided that the Airport should perform the deicing operation using a third-party operator that specializes in this type of operation.
- In April 2009, the Airport advertised a Request for Proposals to select a qualified operator.
- A selection committee of airline representatives reviewed the proposals and conducted interviews with a number of firms. Contego Systems, LLC was selected as the preferred vendor based on the company's relevant experience, the management personnel's experience and pricing.
- The airlines will pay a use charge that will reimburse the Airport for all costs incurred.
- Actions B&C will purchase the remaining 107,500 gallons of glycol fluid from US Airways and US Airways Express, which will be used by Contego before acquiring future shipments of fluid for the upcoming winter season.
- Action D will fund the acquisition and installation of 20 IceGuard glycol monitoring systems in the deicing trucks that will be used this coming season. The units track the gallons of glycol sprayed per aircraft for performance analysis and billing.

Contract Terms

- This contract will provide the labor and glycol fluid required for the deicing operation.
- The contract term will be three years.
- The terms for the Aviat Systems contract include delivery and installation of the systems within 49 days.

Small Business Opportunity

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

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

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

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

Funding

Aviation Operating Budget

Attachment 9

Budget Ordinance

32. Airport Retail Concession

Action: Approve a five-year agreement with The Paradies Shops, LLC ("Paradies") to provide retail concessions in the passenger terminal at the Airport for \$9.9 million in rent plus 50% of its profits.

Staff Resource: Jerry Orr, Aviation

Explanation

- On June 8, 2009, Council approved a five-year extension of the food and beverage portion of the Airport's master concession agreement with HMS Host. The retail portion was terminated but continued on a month-to-month basis until a new retail concession agreement could be implemented.
- In a Request for Proposals (RFP) dated December 28, 2009, the Airport solicited proposals from firms qualified to and interested in operating non-exclusive merchandise concessions in the passenger terminal building.
- The Airport currently has 34 retail stores comprising 33,124 square feet. In response to the RFP, the Airport received 158 different proposals from 22 different proposers. Three of those proposers, the largest in the industry, proposed on all 34 venues.
- The Selection Committee analyzed the proposals, interviewed the three companies who proposed on everything, and discussed the goals of the program and the ways in which the proposers sought to meet those goals.
- The Selection Committee concluded that it was in the best interest of the City to award the contract to one concessionaire in order to enhance operational efficiency, maintain consistent appearance and service, and maximize flexibility as the Airport continues to expand.
- The Selection Committee then unanimously recommended that Paradies be awarded the retail concession.
- Paradies will bring a variety of exciting new concepts and national brands to the Airport and will help the Airport to meet its DOT required Disadvantaged Business Enterprise (DBE) goal.
- One of every four dollars in sales will be generated by a DBE contractor.

Contract Terms

- The term is five years from the date of beneficial occupancy of the last retail store or two years from the contract effective date, whichever is earlier.
- Paradies will pay rent to the City at the rate of \$63.14 per square foot for approximately \$1.9 million annually, or \$9.9 million over the life of the lease.
- Paradies will also pay 50% of profits, whether earned by it or its subtenants, to the City. Paradies estimates the profit share payable to the City will be approximately \$6.5 million to \$7.9 million annually.

Disadvantaged Business Opportunity

Established DBE Goal: 20.6%

Committed DBE Goal: 26%

33. Traffic Signal Communications Equipment

- Action:**
- A. Approve a contract with Hatteras Networks, Inc. for traffic signal communications equipment for an initial term of three years in the estimated annual amount of \$310,189, and**
 - B. Authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Abel, Transportation**Explanation**

- As part of the Charlotte Department of Transportation's (CDOT) Intelligent Transportation System (ITS) program, fiber optic cable is being installed to provide a high speed, high capacity communications infrastructure.
- This equipment will enable CDOT to expand this high speed, high capacity infrastructure onto its existing copper traffic signal communication lines.
- This expansion will allow better coordination between traffic signals and quicker response time to citizen complaints and changing traffic patterns.

Selection Process

- The City received two proposals.
- The Evaluation Team comprised of staff from Business Support Services-Procurement Services, Business Support Services-Information Technology, and the Charlotte Department of Transportation evaluated the proposals based on the following criteria:
 - Background and experience of the company
 - Operational qualifications such as equipment and personnel
 - Overall approach
 - Cost effectiveness
 - Value
 - Willingness and ability to comply with the RFP and contract terms and conditions
- Hatteras Networks, Inc. best met the selection criteria.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan

34. CATS Bus Maintenance Facilities Perimeter Security

Action: Approve a contract with SimplexGrinnell for the installation of Perimeter Security and Access Controls for CATS South Tryon and North Davidson bus facilities in an amount not to exceed \$353,700.

Staff Resource: Bryan Leaird, Transit

Explanation

- The Department of Homeland Security (DHS) awarded a grant to the City for improved perimeter security and access control devices at CATS' bus maintenance facilities located at South Tryon and North Davidson Streets.
- The grant covers 100% of the project's cost and therefore no local matching funds are required.
- The maintenance facilities include bus storage lots, fueling stations, wash bays, maintenance bays, and administration offices.
 - The facilities are fenced; however, the vehicle entrances do not have automated gates or access controls to prevent unauthorized access.
 - The automated gates and access control devices will complete the perimeter security and provide a visible, full barrier to unauthorized access and potential threats.
 - The access control system will further enhance security by logging the activity of all authorized vehicles.
- The enhancements will also limit pedestrian traffic to the facilities.
 - Building entrances will be limited to "authorized persons only".
 - All other areas will require access cards that will be monitored by the access control system.
- On May 28, 2010, a Request for Proposals was publically advertised. An evaluation committee comprised of CATS' staff selected SimplexGrinnell as the most qualified and lowest cost firm from among the three proposals received.

DHS Small, Minority, Women-owned or Disadvantaged Business Requirement

SimplexGrinnell committed 9.0% (\$35,016.30) of the total contract amount to the following historically underutilized business certified firm: Watson Electric Company, Inc. (electrical work).

Funding

Transit Capital Fund

35. Robinhood/Dooley and Various Storm Drainage Improvement Projects

Action: Approve contract amendment #1 with Kimley-Horn and Associates, Inc. in the amount of \$640,000 for various storm drainage improvement projects.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- The original contract provided funding for a combination of planning/design services, including hydraulic studies on various individual storm drainage improvement projects. The first service assigned to Kimley-Horn and Associates, Inc. (Kimley-Horn) was the planning phase of the Robinhood/Dooley Storm Drainage Improvement Project (SDIP), which was anticipated to address flooding.
- The project area is roughly east of W.T. Harris Boulevard, north and south of Albemarle Road, south of Woodbridge Road, north of Old Lawyers Road and southwest of Robinhood Circle and Dooley Road.
- During planning phase activities, the project team recognized additional project area needs, above and beyond the original flooding issues, to include two water quality projects within the Robinhood/Dooley SDIP area. The two additional projects are:
 - Robinhood Stream Restoration Project – The Robinhood Stream Restoration Project is being completed in conjunction with the Robinhood/Dooley SDIP. This portion of the project proposes stream restoration on 3,600 feet of an unnamed tributary to McAlpine Creek that begins at Albemarle Road and flows to the confluence with the main stem of McAlpine Creek just below Robinhood Circle. Mitigation credits will be generated from this work.
 - Lake Point Water Quality Pond Project - The Lake Point Pond Project will enhance water quality to downstream waters by replacing the spillway and repairing/stabilizing the embankment. The pond is located on the corner of Albemarle Road and Lake Forest Road, which is in the middle of the Robinhood/Dooley SDIP.
- Adding this additional work to the original consultant, who had already provided valuable planning services, will result in completion of planning and design activities more cost effectively, resulting in reduced total project costs.
- Contract amendment #1 will provide funding for the design and construction phase services of all three project components (flood control, stream restoration and water quality pond improvements).
- Council approved the original contract with Kimley-Horn on January 10, 2005 for \$500,000. This amendment will bring the total contract amount to \$1,140,000 and funds are available within the project budget.
- The contract may be amended in the future based on consultant performance.

Background

- Stream restoration converts an eroded, degraded stream to a stable, ecologically sustainable condition.
- Stream and wetland restoration provides compensatory mitigation credit to offset stream or wetland impacts for municipal projects including airport expansions, transportation improvements and neighborhood improvement projects.

- Compensatory mitigation credit is awarded by federal agencies incrementally over a five-year period following completion of each restoration project.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, Kimley-Horn and Associates, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

36. Jefferson Phase 3 Storm Drainage Improvements

Action: Approve change order #1 in the amount of \$233,474 to Ferebee Corporation for the Jefferson Phase 3 Storm Drainage Improvements.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- This project includes the replacement of culverts and underground pipe systems, stream stabilization and construction of curb and gutter to address street/house flooding and stream erosion within the project area bounded by Providence Road, Jefferson Drive, Sardis Road and Sardis Road North.
- The predominant reasons for the change order fall into the following areas:
 - Additional select backfill was needed because excessive unsuitable subsurface materials were encountered during construction
 - Additional sanitary sewer and water utility items were needed to address subsurface conflicts, incidental valves and fittings and deteriorated infrastructure not apparent during planning and design
 - Asphalt resurfacing items were necessary to extend the estimated resurfacing limits to accommodate for existing deteriorated asphalt pavement
 - After construction began, a pre-existing street drainage issue was identified. The change order adds the street drainage repairs, which can be efficiently added now to avoid future construction disruption to the neighborhood.
- The original contract amount of \$1,511,221.14 was awarded by City Council on January 26, 2009. The total contract amount to date, including this change order, is \$1,744,695.14 and is available within the project budget.
- This change order will allow funding for the completion of all work and closing of the construction contract.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy). Ferebee Corporation committed 6.09% (\$14,216) of this change order to the following SBE firm: On Time Construction (masonry).

Funding

Storm Water Capital Investment Plan

37. Rapid Response Environmental Services

Action: **A. Approve contracts for rapid response environmental services with:**

- 1. Harvest Environmental Services, Inc. in the amount of \$90,000,**
- 2. Haz-Mat Environmental Services, LLC. in the amount of \$90,000, and**

B. Authorize the City Manager to approve up to two, one-year renewals each for items 1 and 2 for an amount not to exceed \$90,000 each.

Staff Resource: David Wolfe, Engineering & Property Management**Explanation**

- The two contracts will provide rapid response when environmental contamination is discovered during construction of City projects. Services may include but not be limited to the following:
 - Excavation of contaminated soils
 - Excavation and proper disposal of abandoned underground storage tanks
 - Vacuum/pumping services for removal of solid and liquid hazardous and non-hazardous materials from oil/water separators, storm water catch basins, sumps, drains, streams, ponds and other structures
- Engineering & Property Management selected these firms through a Request for Proposal process.

Small Business OpportunityHaz-Mat Environmental Services, LLC

Established SBE Goal: 3.00%

Committed SBE Goal: 13.90%

Haz-Mat Environmental Services, LLC committed 13.90% (\$12,510) of the following contract to the following SBE's: Concord Industrial Star (storage tank removal and soil disposal) and Jaamco (storm water pipeline cleaning).

Harvest Environmental Services, Inc

Established SBE Goal: 3.00%

Committed SBE Goal: 28.64%

Harvest Environmental Services, Inc committed 28.64% (\$25,776) of the following contract to the following SBE firm: Jaamco (pumping services and video inspections). Harvest is also a certified SBE.

Funding

Environment Capital Investment Plan

38. Homeland Security Related Planning and Training Services

Action: Approve a contract with Blue Ridge Emergency Preparedness Group, LLC for Homeland Security related planning, training, and exercise services for the term of two years in the amount of \$255,020.

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2009 Homeland Security Grant Program required that a portion of the funds received under the Urban Areas Security Initiative Grant be spent on planning, training and exercise activities.
- In the past, Fire provided most of the coordination, development and implementation of Homeland Security related planning, training and exercise services by contracting with multiple vendors and managing many projects in-house. Participating in a competitive bid process resulting in a contract with a single service provider ensures that Fire has secured the best available resources at a reasonable and competitive cost.
- After reviewing the needs for Charlotte-Mecklenburg and the UASI, staff determined the following focus areas should be addressed:
 - Planning: Updating of the Regional Tactical Interoperable Communications Plan, creation of a Regional Commodity and Logistics Plan, and creation of a Regional Health/Medical Services Plan
 - Training: Delivery of Incident Command System Courses (ICS 300 & 400, Plans Section Chief, Operations Section Chief, Logistics Section, Incident Commander), E-Team System Training, and Video Teleconference System Training
 - Exercises: Regional Radio System Exercise, Regional E-Team Exercise, and Regional Mass Casualty Exercise

Vendor Selection

- The City received nine proposals in response to a request for Proposals.
- The evaluation team, comprised of staff from Business Support Services Procurement Services Division and the Charlotte Fire Department, considered Blue Ridge Emergency Preparedness Group, LLC to be the Service Provider best meeting the established requirements.
- The contract shall have a term of two years.
- The total contract is at a fixed rate for services in the amount of \$255,020.

Small Business Opportunity

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

Funding

2009 Urban Areas Security Initiative Grant

39. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$12,130.99.

Staff Resource: Susan Walker, Finance

Attachment 10

Resolution

List of property tax and business license refunds

40. Resolution of Intent to Abandon Emery Street, a Portion of N. Church Street, and an Alleyway off Ashby Street

Action: A. Adopt the resolution of intent to abandon Emery Street, a portion of N. Church Street, and an alleyway off Ashby Street, and
B. Set a public hearing for October 11, 2010.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 11

Map

Resolution

41. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 4427 A & B Monroe Road (Neighborhood Statistical Area 57 – Echo Hills Neighborhood)
- B. 6500 Park South Drive (Neighborhood Statistical Area 194 – Quail Hollow Neighborhood)

Field Observation:

- C. 1135 N. Alexander Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood)
- D. 2153 Highland Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- E. 200 Mill Road (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- F. 3310 Parkway Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
- G. 3008 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- H. 705 Tennyson Drive (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

Public Safety:

A. 4427 A & B Monroe Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4427 A & B Monroe Road (Neighborhood Statistical Area 57 – Echo Hills Neighborhood).

Attachment 12

B. 6500 Park South Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6500 Park South Drive (Neighborhood Statistical Area 194 – Quail Hollow Neighborhood).

Attachment 13

Field Observation:

C. 1135 N. Alexander Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1135 N. Alexander Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood).

Attachment 14

D. 2153 Highland Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2153 Highland Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 15

E. 200 Mill Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 200 Mill Road (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 16

F. 3310 Parkway Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3310 Parkway Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

Attachment 17

G. 3008 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3008 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 18

H. 705 Tennyson Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 705 Tennyson Drive (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 19

PROPERTY ITEMS

42. Property Transactions

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

NOTE: The City has negotiated in good faith to acquire the properties set forth below. For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates. In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review. In most cases, City staff and the property owner(s) have been unable to reach agreement on a purchase price. In other cases, condemnation is necessary to ensure a clear title to the property.

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

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

Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** 2009 Annexation (Hucks Road) Sewer Improvements for Spring Park Qualifying Area, Parcel # 3
Owner(s): James U. Davis
Property Address: 5532 Hucks Road
Property to be acquired: 7,583.28 sq. ft. (.174 ac.) in Sanitary Sewer Easement, plus 9,387.85 sq. ft. (.216 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$14,600
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 027-161-02
Total Parcel Tax Value: \$297,600
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
- B. Project:** Briar Creek Relief Sewer Phase 2, Parcel # 11
Owner(s): Eastover Odyssey, LLC
Property Address: 2630 East 7th Street
Property to be acquired: 16,505 sq. ft. (.379 ac.) in Sanitary Sewer Easement, plus 11,122 sq. ft. (.255 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$155,000
Zoned: O-2(CD)

Use: Commercial
Tax Code: 127-121-74
Total Parcel Tax Value: \$6,920,700
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

- C. Project:** Conway / Briabend Storm Water Improvements, Parcel # 2, # 3, and # 24
Owner(s): Conway Associates, L.P.
Property Address: Conway Avenue
Property to be acquired: 17,445 sq. ft. (.400a ac.) in Storm Drainage Easement, plus 2,913 sq. ft. (.067 ac.) in Sidewalk and Utility Easement, plus 2,80 sq. ft. (.062 ac.) in Conservation Easement, plus 7,765 sq. ft. (.178 ac.) in Easement to be Abandoned, plus 14,228 sq. ft. (.327 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$56,600
Zoned: TOD
Use: Multi Family
Tax Code: 149-061-01, 149-094-13 and 149-115-61
Total Parcel Tax Value: \$8,127,100
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.

Condemnations

- D. Project:** Rea Road Widening / Improvements, Parcel # 98, # 99, and # 100
Owner(s): Amherst Green Townhome Association, Inc. And Any Other Parties Of Interest
Property Address: Greenfield Commons Drive and 5331 Rea Road
Property to be acquired: Total Combined Area of 5,303 sq. ft. (.122 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Shrubs
Zoned: R-8MF
Use: Town House Common Area
Tax Code: 211-253-53, 211-253-54, and 211-253-93
Total Parcel Tax Value: \$0 (Town House Common Area)
Appraised Value: \$6,675
Property Owner's Counteroffer: N/A
Reason for Condemnation: Staff has been working with representatives of the Amherst Green Townhome Association. The Association's covenants require 80% of homeowners to sign in agreement with the sale of real property. The Association agrees to a condemnation based on the appraised value to avoid the burden of acquiring the homeowner signatures and to ensure clear title for the City.
- E. Project:** Rea Road Widening / Improvements, Parcel # 107
Owner(s): James C. Dutton, Jr. And Wife, Elizabeth J. Dutton and Any Other Parties of Interest
Property Address: 5235 Shadow Pond Lane

Property to be acquired: Total Combined Area of 7,664 sq. ft. (.176 ac.) of Fee Simple, plus Temporary Construction Easement

Improvements: None

Landscaping: Trees and Shrubs

Zoned: R-3

Use: Single Family Residential

Tax Code: 211-532-07

Total Parcel Tax Value: \$314,500

Appraised Value: \$41,675

Property Owner's Counteroffer: N/A

Reason for Condemnation: The improvement of Rea Road involves changes in the elevation of the roadway in order to reduce the up and down grades. The elevations on a portion of this property will also change and mature landscaping along Rea Road and on the property must be removed. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish the correct value.

- F. Project:** Rea Road Widening / Improvements, Parcel # 116
Owner(s): Jeffery L. Walker and Wife, Emily Blanchard Walker and Any Other Parties of Interest

Property Address: 4400 Carmel Estates Road

Property to be acquired: Total Combined Area of 7,403 sq. ft. (.170 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Road Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$80,425

Zoned: R-3

Use: Single Family Residential

Tax Code: 211-235-08

Total Parcel Tax Value: \$349,800

Appraised Value: \$80,425

Property Owner's Counteroffer: N/A

Reason for Condemnation: The improvement of Rea Road involves changes in the elevation of the roadway in order to reduce the up and down grades. The elevations on a portion of this property will also change for a temporary road and permanent slopes. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish the correct value.

- G. Project:** Rea Road Widening / Improvements, Parcel # 117
Owner(s): Angus W. Mercer and Wife, Joyce M. Mercer and Any Other Parties of Interest
Property Address: 4500 Carmel Estates Road

Property to be acquired: Total Combined Area of 40,863 sq. ft. (.938 ac.) of Fee Simple, plus Storm Drainage Easement, plus Slope Easement, plus Temporary Road Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential

Tax Code: 211-235-07

Total Parcel Tax Value: \$956,500

Appraised Value: \$67,600

Property Owner's Counteroffer: N/A

Reason for Condemnation: The improvement of Rea Road involves changes in the elevation of the roadway in order to reduce the up and down grades. The elevations on a portion of this property will also change for a temporary road and permanent slopes. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish the correct value.