

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

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

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

**CITY COUNCIL MEETING**  
**Monday, September 8, 2008**

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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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24	23	Public Auctions of Surplus and Police Unclaimed Property

**CITY COUNCIL AGENDA**  
**Monday, September 8, 2008**

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

### **1. Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### **Synopsis**

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

### **2. Federal Legislative Agenda**

**Resource:** Boyd Cauble, City Manager's Office

**Time:** 45 minutes

#### **Synopsis**

- Holland & Knight, the City's federal lobbyist, will discuss recent accomplishments, the status of current earmarks, and possible objectives for the next fiscal year.
- After a 15 minute presentation, Council will be given an opportunity to ask questions and discuss local priorities for federal assistance.

### **3. NASCAR Hall of Fame Update**

**Resources:** Jim Schumacher, City Manager's Office  
Tim Newman, Charlotte Regional Visitors Authority  
Winston Kelley, Charlotte Regional Visitors Authority

**Time:** 30 minutes

#### **Synopsis**

- Construction of the Hall of Fame tower, new Convention Center ballroom and associated parking is underway and on schedule for completion by Spring 2010.
- The CRVA, as the operator of the Hall of Fame and working with the exhibit designers (Ralph Appelbaum Associates), has established a desired exhibit scope that provides for more exhibits and more interactivity than funded in the original program. The CRVA believes these expanded exhibits will result in a more engaging visitor experience and result in better attendance. CRVA staff will review the exhibit program and other preparations underway to open the facility in 2010.
- The CRVA, NASCAR, Wachovia and Bank of America along with City staff have developed a strategy to fund the expanded exhibits using existing revenues already dedicated to the facility.
- City staff will review the funding strategy and contract actions planned for the business agenda on September 22.

**Future Action**

An amendment to the NASCAR Hall of Fame Agreement, the Construction Management contract, and associated steps are planned for the September 22 business agenda.

**4. Recent Storm Response Update**

**Resource:** Chief Jon Hannan, Charlotte Fire Department

**Time:** 10 minutes

**Synopsis**

- Chief Hannan will provide an update on the public safety response to recent severe weather events.

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

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

**CONSENT**

- 6. Consent agenda items 14 through 30 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

### 7. Citizen Comment on Draft Scaleybark Transit Station Area Plan



**Action:** Receive citizen comments on the draft Scaleybark Transit Station Area Plan, Concept Plan.

**Committee Chair:** Anthony Foxx

**Staff Resource:** Alberto Gonzalez, Planning

#### Explanation

- An interdepartmental team led by Planning Department staff has been working with residents and stakeholders to develop a transit station area plan for approximately 622 acres surrounding the Scaleybark Transit Station.
- The Scaleybark Transit Station is the ninth station along the South Corridor Light Rail Transit (LRT) line, also known as the LYNX Blue line.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two joint public meetings for the Scaleybark and Woodlawn Transit Station areas were held, one on March 13 and the other on April 3, 2008. Approximately 210 citizens attended those meetings.
- Based on input received through surveys and additional discussions with citizens as well as CDOT, staff developed the attached Proposed Revisions to the Draft Document. One key revision was the addition of a possible Scaleybark Road crossing of the rail corridor, as an alternative to the proposed Freeland Lane crossing.

#### Plan Recommendations

- Land use
  - Recommendations are divided into three distinct geographies consistent with the Centers, Corridors, and Wedges Growth Framework.
  - Transit Station Area:
    - o Recommendations within the Transit Station Area promote a mix of transit supportive land uses, generally within 1/2 mile of the station. This area surrounding the station will include a mix of moderate to high intensity office, residential and neighborhood serving retail; at the same time preserving the existing single family neighborhood just west of the Scaleybark Park and Ride lot on Elmwood Lane.
  - General Corridor Area:
    - o Recommendations primarily maintain the retail, office and industrial-warehouse-distribution uses between I-77 and the South Tryon Street.
    - o Recommendations include the preservation of the existing residential character of the York/Cama neighborhood, and to ensure a good transition for new adjacent developments.
  - Wedge Neighborhood Area:
    - o Recommendations preserve the existing residential character of the Colonial Village and Collingwood neighborhoods.

- **Transportation/Streetscape Design:**
  - Recommendations include a proposed transportation network that will increase safety and connectivity for all users. The plan also provides future cross sections of streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines.
- **Infrastructure and Environment:**
  - Recommendations make street trees a feature of all streets, and reduce impervious surfaces. The plan also recommends that buildings be designed to reduce stormwater runoff and improve water quality.

#### **Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments on the plan at their May 20 meeting. Comments centered around recommended street connections for Old Pineville Road and Dewitt Lane, and their impact on existing land uses. There were also comments about the land use recommendations for the Southgate Apartments.
- The Committee toured the area on June 2.
- At their June 17 meeting, the Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

#### **Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their July 16 meeting and voted unanimously (Council members Foxx, Barnes, Burgess and Carter) to forward the plan to Council for public comment.

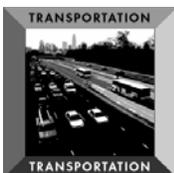
#### **Next Step**

- The Transportation Committee will consider the Plan again at its next meeting, tentatively scheduled for September 22.

#### **Attachment 1**

Draft Scaleybark Transit Station Area Plan  
Proposed Revisions to March 2008 Draft Document

## **8. Citizen Comment on Draft Woodlawn Transit Station Area Plan**



**Action: Receive citizen comments on the draft Woodlawn Transit Station Area Plan, Concept Plan.**

**Committee Chair:** Anthony Foxx

**Staff Resource:** Alysia Osborne, Planning

#### **Explanation**

- An interdepartmental team, led by Planning Department staff, has been working with residents and stakeholders to develop a transit station area plan for approximately 602 acres surrounding the Woodlawn Transit Station.
- The Woodlawn Transit Station is the tenth station along the South Corridor Light Rail Transit (LRT) line, also known as the LYNX Blue line.

- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two joint public meetings for the Scaleybark and Woodlawn Transit Station areas were held, one on March 13 and the other on April 3, 2008. Approximately 210 citizens attended those meetings.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to the Draft Document.

### **Plan Recommendations**

- Land use:
  - Recommendations are divided into three distinct geographies consistent with the Centers, Corridors, and Wedges Growth Framework.
  - Transit Station Area
    - o Recommendations within the Transit Station Area promote a mix of transit supportive land uses, generally within 1/2 mile of the station. The area west of the light rail line will have a strong office orientation while the area to the east will include a mix of moderate to high intensity office, residential and neighborhood serving retail.
  - General Corridor Area
    - o Recommendations primarily maintain the retail, office and industrial-warehouse-distribution uses between I-77 and South Boulevard. The plan seeks to ensure a good transition between new development in the General Corridor Area and the adjacent Collingwood and Madison Park neighborhoods.
  - Wedge Neighborhood Area
    - o Recommendations preserve the existing residential character of the Madison Park and Collingwood neighborhoods.
- Transportation/Streetscape Design:
  - Recommendations include a proposed transportation network that will increase safety and connectivity for all users. The plan also provides future cross sections of streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines.
- Infrastructure and Environment:
  - Recommendations make street trees a feature of all streets, and reduce impervious surfaces. The plan also recommends that buildings be designed to reduce stormwater runoff and improve water quality.

### **Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments on the plan at their May 20 meeting. Comments included concerns about recommended street connections and their potential impact on existing neighborhoods. There were also comments about the land use recommendations for residential properties fronting Woodlawn Road, and rezoning the Auto Bell and other properties along Inwood Drive.
- The Committee toured the area on June 2.
- At their June 17 meeting, the Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

### **Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their July 16 meeting and voted unanimously (Council members Foxx,

Barnes, Burgess and Carter) to forward the plan to Council for public comment.

**Next Step**

- The Transportation Committee will consider the Plan at its next meeting, tentatively scheduled for September 22.

**Attachment 2**

Draft Woodlawn Transit Station Area Plan  
Proposed Revisions to March 2008 Draft Document

## POLICY

### 9. City Manager's Report

- 311 Update

### 10. Bicycle Plan



**Action:** Approve the Transportation Committee recommendation to adopt the Bicycle Plan.

**Committee Chair:** Anthony Foxx

**Staff Resources:** Ken Tippet, Transportation  
Dan Gallagher, Transportation

#### Policy

In accordance with Transportation Action Plan (TAP) and the Urban Street Design Guidelines previously adopted by Council, the Bicycle Plan defines strategies for enhancing bicycle travel in Charlotte through the development of facilities and the application of education/awareness initiatives.

#### Explanation

- Bicycles are becoming a more popular choice for transportation in Charlotte. Recent escalations in fuel costs, along with a growing interest in healthier lifestyles, are encouraging more citizens to use bicycles for transportation. For the first time ever, over 8,000 bicycle boardings in one month were registered on CATS buses, continuing a trend of increasing bicycle/transit travel.
- The City's first bicycle plan was adopted in 1999. Preparing an update of the bicycle transportation plan, along with continued development of on-street and off-street bicycle facilities, are implementation actions recommended in the Transportation Action Plan. TAP Policy 2.6.8 calls for the City to update the Bicycle Plan every five years.
- The Bicycle Plan includes a level of investment consistent with the TAP to achieve more and safer bicycle travel.

#### Plan Highlights

- The Bicycle Plan establishes a vision, comprehensive policies and identifies near-term and long-term bicycle facilities to be implemented over the 25 year plan horizon to make Charlotte a more bicycle friendly community.
- The Plan calls for a citywide network of bike lanes, bike trails and signed routes that enable residents to travel by bicycle throughout all areas of the City.
- Consistent with the TAP, the plan calls for the City to include bicycle lanes on the hundreds of miles of thoroughfares and farm-to-market roads that will be widened over the 25 year period to create a seamless and connected network of bicycle facilities.
- The Plan was coordinated closely with the Mecklenburg County's greenways plans and with NCDOT.

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### **Implementation**

- The Bicycle Plan provides a framework to help the City prioritize bicycle projects, continue creating a seamless network of facilities and implement the necessary education and awareness programs to create a bicycle friendly city.
- Consistent with the City's approach today, many of the Bicycle Plan projects will be implemented in conjunction with City and NCDOT road widening projects and as part of the City's resurfacing program. This approach enables the City to improve conditions for motorists while cost effectively improving conditions for bicyclists.
- The Bicycle Plan assumes that funding for the Bicycle Program through transportation bonds will continue. In recent years the Bicycle Plan has received approximately \$500,000 per year. The Plan encourages the City to consider increasing Bicycle Program funding to levels consistent with the funding levels called for in the TAP.

### **History**

- Toole Design Group was the consultant for the Bicycle Plan development. The total contract amount was \$98,076.48, with one half the contracted amount to be reimbursed by the North Carolina Department of Transportation.
- The plan was developed from August 2007 through June 2008 under the guidance of a 21 member stakeholder committee. Public input was received through public participation workshops and meetings, an internet survey and public access to an online draft of the plan. Additional comments were gathered through regular appearances before the Bicycle Advisory Committee. The Bicycle Advisory Committee strongly endorsed the plan at their meeting in July 2008.

### **Committee Discussion**

- The Transportation Committee reviewed the plan and gave it their unanimous endorsement at their meeting of July 16, 2008. Committee members present were: Foxx, Barnes, Burgess and Carter.
- Committee members discussed several issues related to:
  - Conformity with other plans
  - Design
  - Funding
  - Implementation
- The attachment includes responses to the Committee's questions.

### **Attachment 3**

Bicycle Transportation Plan

Bicycle Plan Highlights

Bicycle Advisory Committee Recommendation for the Bicycle Plan

Responses to Questions by Members of Council's Transportation Committee

## BUSINESS

### 11. Small Business Enterprise Loan Fund Modification

**Action: Authorize the City Manager to execute a Modification Agreement with Self Help Ventures Fund (Fund Administrator) to modify the Small Business Enterprise Loan Fund as requested and approved by the Fund Investors.**

**Staff Resources:** Gail Whitcomb, Economic Development  
Alicia Jolla, Economic Development

#### Explanation

- The Small Business Enterprise (SBE) Loan Fund Operating Committee, comprised of Fund Investors and a Council appointed stakeholder, requests that the operating structure of the SBE Loan Fund (the Fund) be modified to address issues surrounding decreased program utilization including:
  - Recent Small Business Administration (SBA) interpretation that the Investor Funds allocated on any given loan is collateral and must be liquidated in the event of loan default
  - Overall changes in market conditions
- As one of 12 Fund Investors and as the Fund Sponsor, the City is being asked to approve the modification.
- The proposed modification will address the above issues and allow the Fund to provide more loans to small businesses in the Charlotte region that would otherwise not have access to capital, thereby continuing to meet the Fund's original mission.
- The City made a one-time investment in the Fund in 2003 in the amount of \$500,000. No new investment is being requested from the City.
- The Fund Investors (see attachment) have approved the proposed modification.
- The fund is administered by Self Help, a non-profit community development lender.
- This loan fund modification is not related to the Small Business Opportunity (SBO) Program review that was referred to the Restructuring Government Committee.

#### Modification Request

- The original operating structure limited the Investor Funds allocated to any individual loan to an average of 25%. Some loans could have more than 25% allocated, some less. No individual loan would have 100% of Investor Funds allocated to it.
- The modification will allow the Investor Funds to serve as an 85% loan guaranty rather than to be used to actually fund 25% of the loan.
- Self Help will fully fund 100% of each loan with the Investor Funds held in reserve to serve as an 85% loan guaranty (also known as a loan loss reserve). This structure enables Self Help to make a deeper credit reach and to provide greater access to capital to small businesses that otherwise would not have such access to capital.
- Self Help will leverage the Investor Funds a minimum of 4:1, a commitment of \$7,661,440.
- Self Help will continue to administer the Fund, absorbing all administrative costs and having dollars at risk on every loan.

- The modification represents an administrative change that will allow the Fund to continue to meet its original mission to assist small businesses in the region that are considered just below bankable by conventional lenders with accessing capital that would otherwise not be available.
- The modification:
  - Allows Self Help to better leverage the Investor Funds
  - Allows the Fund to further extend the credit reach beyond that available through conventional lenders to serve small businesses
  - Addresses overall changes in market conditions including the recent SBA ruling
  - Continues to meet the original mission and intent of the Fund

### **Background**

- The SBE Loan Fund was approved by City Council in 2003.
- The Fund is a partnership between the City and 11 private corporations and foundations (the Fund Investors, see attachment) and Self Help.
- The purpose of the Fund is to assist small businesses in the Charlotte region with gaining access to capital that is otherwise unavailable in the conventional lending market.
- The Fund was capitalized at \$9,900,000
  - \$7,920,000 from Self Help
  - \$500,000 from the City
  - \$1,480,000 from the other Fund Investors
- The Fund is overseen by an Operating Committee comprised of the Fund Investors.
- The Operating Committee includes one City staff member and one Council appointee.

### **Program Accomplishments**

- Since inception of the Fund, 72 loans have been made for a total of \$3,914,639. These represent businesses that would otherwise not have been provided the capital to grow and prosper and to enhance our community. Further program details include:
  - Minority Borrowers: 43 loans for a total of \$2,161,960
  - Female Borrowers: 36 loans for a total of \$1,897,975
  - Start-Up Companies: 46 loans for a total of \$2,382,375
  - Paid Off Loans: 19 loans for a total of \$877,204
- Of the original \$1,980,000 Investor Funds including the City's \$500,000, \$1,915,360 remain representing a loss due to loan defaults of 3.26%.
- Fund Investors continue to be committed to the Fund and its mission evidenced by on-going participation in the Operating Committee.
- A new community bank (Park Sterling Bank) joined the Fund Investors in 2007.

### **Attachment 4**

Fund Investors

Letter from Self Help and the Operating Committee requesting Modification

## **12. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

### 13. Closed Session

**Action:** Adopt a motion to go into closed session pursuant to:

- A. NCGS 143-318.11(a)(4) to discuss matters relating to the location of industries or businesses in the City of Charlotte, including potential economic development incentives that may be offered in negotiations; and**
- B. NCGS 143-318.11(a)(5) to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.**

Staff Resource: Mac McCarley, City Attorney's Office

## Introduction to CONSENT

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

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

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

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

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

### Contractors and Consultants

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

## CONSENT I

### 14. Various Bids

#### A. Traffic Signal Controller Cabinets CDOT

**Staff Resource:** Charles Abel, Transportation  
Aubrey Miller, Business Support Services

#### **Action**

Award the low bid unit price contract to Naztec, Inc. to provide various sizes of traffic signal controller cabinets for a term of one year and authorize the City Manager to renew the agreement for two additional one year terms with possible price adjustments as authorized by the contract. In the first year, 100 cabinets will be purchased with an estimated expenditure of \$760,380. This contract will provide the controller cabinets that are required for housing the traffic signal controllers

operated and maintained by the Charlotte Department of Transportation. A traffic signal controller cabinet is located at every intersection that has a traffic signal.

**Small Business Opportunity**

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

**B. Crestview Drive and Pecan Avenue Sidewalk Improvements EPM**

**Staff Resource:** Sonji Mosley, Engineering & Property Management

**Action**

Award the low bid of \$174,621.42 by Carolina Cajun Concrete Inc. This project will provide sidewalks, curb and gutter, and planting strips along Crestview Drive from French Drive to Mattoon Street and along Pecan Avenue from the 1900 block of Bay Street to the 2000 block of Bay Street. Construction completion is scheduled for first quarter of 2009.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 1.80%

Carolina Cajun Concrete Inc., a SBE, failed to meet the SBE goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 1.8% (\$3,100) of the total contract amount to the following SBE firms: Bana Corporation (\$2,600) and Muddrunners Inc. (\$500).

**C. E-Concourse Jetway Electrical Wiring Airport**

**Staff Resource:** Jerry Orr, Airport

**Action**

Award the low bid of \$111,855 by Diversitec, Inc. This contract will provide electrical power to 21 gates on the E-concourse to support preconditioned air units for the airplanes.

Preconditioned air units are powered through a building's electrical system to provide hot or cold air to the aircraft while parked at the gate. Heating or cooling can also be done by a small jet engine on the aircraft; however, with the escalating cost of jet fuel it is less costly for the airlines to use the building's power system and it also reduces emissions.

**Small Business Opportunity**

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

**D. Search and Rescue Dive Suits****Fire**

**Staff Resources:** Rich Granger, Fire  
Mehl Renner, Business Support Services

**Action**

Award a one time purchase to Whites Manufacturing, Ltd. for providing 84 Search and Rescue Catalyst 360 Red Dry Dive Suits at a price of \$1,229 each for a total of \$103,236. The Charlotte Fire Department requires the standardization of these specialized dive suits for search and rescue operations. The City received a 2007 Urban Area Security Initiative Grant to fund this purchase. Eighty-four certified divers perform six to 12 dives, operational and training, per year. Operational examples include swiftwater/flood related rescue, search and extrication of drowning victims, search for sunken vehicles, evidence recovery for Police and special aid requests from state and federal agencies.

**Small Business Opportunity**

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

**15. Refund of Property and Business Privilege License Taxes**

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$3,117.93, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$3,812.07.**

**Staff Resource:** Chip Harris, Finance

**Attachment 5**

Resolution

List of property tax and business license refunds

**16. Resolution of Intent to Abandon Two Alleyways  
Located Off of East 8<sup>th</sup> Street**

**Action:** A. Adopt the Resolution of Intent to abandon two alleyways  
located off of East 8<sup>th</sup> Street, and  
  
B. Set a public hearing for October 27, 2008.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 6**

Map  
Resolution

**17. Resolution of Intent to Abandon a Portion of Old  
Nations Ford Road**

**Action:** A. Adopt a Resolution of Intent to abandon a portion of Old  
Nations Ford Road, and  
  
B. Set a public hearing for October 27, 2008.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 7**

Map  
Resolution

## CONSENT II

### 18. Morningside Village Mitigation Project

**Action: Approve an Agreement of Purchase and Sale of mitigation rights with Morningside Village, LLC in an amount not-to-exceed \$235,600.**

**Staff Resource:** Jarrod Karl, Engineering & Property Management

#### **Stream Restoration**

- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition.
- The Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Sediment from eroding stream banks is one of the largest sources of stream impairment in Mecklenburg County, and the City's National Pollutant Discharge Elimination System permit requires that streams be protected from storm water impacts.
- Stream restoration projects generate mitigation credits that can be used to offset stream and wetland impacts on public projects.
- In 2004 the City Council approved establishing a Stream and Wetland Mitigation Bank (Bank) to hold mitigation credits that can be used later by City and County public projects.
- Mitigation credits are currently sold by the Bank to individual projects at the statewide market rate (currently \$245 per linear foot), which allows the Storm Water Program to recoup approximately 60% of the cost associated with restoring streams.

#### **Agreement for Purchase and Sale Explanation**

- Morningside Village, LLC ("Seller") is constructing a mixed use residential and commercial development adjacent to a degraded stream between Iris Drive and Morningside Drive.
- The Seller would like to restore the stream channel adjacent to the development to improve safety and aesthetics of the corridor.
- The project will generate mitigation credits that can be used to offset stream impacts elsewhere in Charlotte, and the City (Buyer) will purchase these credits from the Seller.
- The Purchase and Sale agreement sets up procedures and protocols for project construction as well as the sale and purchase of mitigation rights and credits.
- The Seller will be responsible for all aspects of project design and construction, and the City will assume responsibility for maintenance and monitoring of the project after construction.
- Credits will be purchased from the Seller at a rate equivalent to the statewide market rate (currently \$245 per linear foot), minus the estimated and actual costs incurred by the City.
- This public/private partnership benefits the Seller by improving safety and aesthetics while contributing to the City's water quality goals and achieving a cost savings of approximately 40%.

#### **Funding**

Storm Water Capital Investment Plan

## 19. York Road Landfill Monitoring

**Action:** Approve a contract amendment with Hart & Hickman, P.C., for \$200,000 for environmental engineering services for landfill gas venting systems and groundwater testing at the former York Road Landfill.

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

### Explanation

- The City operated the former York Road Landfill between 1968 and 1986.
- Upon closure of landfill operations, the property was converted into the Renaissance Park and Golf Course.
- In 1992 Park operations were turned over to Mecklenburg County, with the City retaining ongoing responsibility to manage environmental issues associated with the former landfill.

### Amendment with Hart & Hickman

- In 2006 City Council approved a contract with Hart & Hickman to provide environmental engineering services at the City's former York Road Landfill. This amendment will provide two additional years of services. Specifically, work will include:
  - Ongoing groundwater monitoring and reporting to the state Environmental Protection Agency
  - Ongoing monitoring and maintenance of several landfill gas control systems
  - Site studies to mitigate landfill gas migration
  - Renaissance Park ball field inspections for landfill related activities
- The original contract amount was \$379,931. This amendment will bring the total contract amount to \$579,931.
- No additional amendments are anticipated. Towards the conclusion of this contract, a new Request for Qualifications process will be conducted.

### Small Business Opportunity

Established SBE Goal: 4.2%

Committed SBE Goal: 4.2%

The City negotiated a SBE goal with Hart & Hickman, PC after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Hart & Hickman committed 4.2% (\$8,400) of the total contract amount to the following SBE firm: Harvest Environmental Services, Inc. (\$8,400).

### Funding

Environment Capital Investment Plan

## 20. Antenna Lease with T-Mobile at 232 Heathway Drive

- Action:**
- A. Adopt a resolution authorizing a five year base term lease with four, five year renewal options for the placement of communications antennas on the City owned radio tower located at 232 Heathway Drive, for \$1,500 per month, with T-Mobile, and**
  - B. Authorize the City Manager to execute the Lease Agreement and renewal options with T-Mobile.**

**Staff Resources:** Lynnea Pulver, Engineering & Property Management  
Eric Johnson, Engineering & Property Management

### **Policy**

In October 1993 the City Council adopted a Policy Statement for Asset Management stating that the City will maximize its return from its current and future assets. Space and capacity exists on City towers for the City to benefit by leasing space to private firms.

### **Explanation**

- T-Mobile has requested space on the City's tower and a 15' x 20' area of ground space for the placement of wireless communications equipment at 232 Heathway Drive, which is in the vicinity of North Tryon Street and Old Concord Road.
- The City's Radio Shop has reviewed T-Mobile's request and determined that space is available and that this lease will not interfere with the current or future needs of the City at this location.
- Terms of the Agreement are:
  - Base rent of \$1,500 per month with total first year revenue of \$18,000
  - Five year term with four, five year options to renew
  - Annual 3% increase in monthly rent, effective July 1, 2010 (increases to coincide with the City's fiscal year)
  - Lease effective 30 days after Council approval

### **Attachment 8**

Aerial photo of property  
Resolution

## 21. Plant Mix Asphalt Contract

- Action:**
- A. Approve the purchase of Bituminous Plant Mixed Asphalt without competitive bidding, as authorized by the previously bid or “piggybacking” exemption of G.S. 143-129(g),**
  - B. Approve contracts for the provision of asphalt under NCDOT pricing structure with Ferebee Asphalt Corporation, Blythe Construction, Inc., Blythe Development, and REA Contracting with an estimated expenditure for FY2009 street projects of \$5.7 million, and**
  - C. Authorize the City Manager to extend the contract for one year with possible price adjustments as authorized by the contract.**

**Staff Resources:** Jeff Black, Transportation  
Mehl Renner, Business Support Services

### **Piggybacking Exception**

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency without a separate bidding procedure.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the NC statutes.

### **Explanation**

- Street Maintenance crews use asphalt for street repairs such as pothole repairs, base failures repairs and skin patches.
- The North Carolina Department of Transportation (NCDOT) state contract was recently competitively solicited for asphalt using an acceptable procurement process similar to that used by the City.
- The state contract offers the City flexibility to procure asphalt from numerous qualified vendors with asphalt plants in close proximity to the street projects, thus decreasing the response time and the delivery costs.
- Through use of the state contract, the City is able to take advantage of favorable terms and conditions that ensure provision of asphalt in a timely manner, the same or better pricing than the City is able to contract for, and greater administrative ease in managing all asphalt contracts.
- The volume and pricing methodology of the state contracts and access to multiple vendor sources helps counteract the negative impact of current market volatility in asphalt.

### **Small Business Opportunity**

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

### **Funding**

Street Maintenance – Powell Bill Fund

## 22. Brakes and Related Components

**Action:**

**A. Award unit price contracts for brakes and related components for all City and County vehicles and other rolling stock equipment in the combined estimated annual amount of \$650,000 for a term of one year to the following six vendors:**

1. Auto Supply Company, Inc.
2. Atlantic Coast Trailer Sales, Inc.
3. Carolina Rim and Wheel Company
4. Performance Friction Corporation
5. Parts Depot, Inc.
6. Young Ford, Inc.

**B. Authorize the City Manager to renew the contracts up to four additional one year terms with possible price adjustments as authorized by the contract.**

**Staff Resources:** Karen King, Business Support Services  
Billy Belcher, Business Support Services

### Explanation

- The City executes contracts with multiple vendors to provide all required brands of brakes and components because no single vendor can provide all of the needed components.
- This approach helps eliminate vehicle downtime and increase supply availability by providing primary and alternate sources for brakes and related components during routine and emergency situations.
- An Invitation to Bid was issued and included specifications for 77 brakes and related components for the City and County fleet.
- Eight bids were received with six deemed responsive, responsible and eligible for contract award.
- The City will continue to base individual purchasing decisions on brakes and components that best match a vehicle's operating conditions, as well as product purchase price and availability.

### Small Business Opportunity

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

### Funding

Business Support Services Operating Budget

## 23. Automotive Filter Products

**Action:**    **A. Award unit price contracts for automotive filter products for all City and County vehicles and other rolling stock equipment in the combined estimated annual amount of \$350,000 for a term of one year to the following seven vendors:**

1. Auto Supply Company, Inc.
2. Campbell-Brown, Inc.
3. Carolina Rim and Wheel Company
4. Cummins Atlantic, LLC.
5. Parts Depot, Inc.
6. Stone Truck Parts, LLC.
7. Young Ford, Inc.

**B. Authorize the City Manager to renew the contracts up to four additional one year terms with possible price adjustments as authorized by the contract.**

**Staff Resources:**    Karen King, Business Support Services  
                                  Billy Belcher, Business Support Services

### Explanation

- The City executes contracts with multiple vendors to provide all required brands of automotive filter products because no single vendor can provide all the needed products.
- This approach helps eliminate vehicle downtime and increase supply availability by providing primary and alternate sources for automotive filter products during routine and emergency situations.
- An Invitation to Bid was issued and included specifications for 99 automotive filter products for the City and County fleet.
- Seven responsive, responsible bids were received and determined eligible for contract award.
- The City will continue to base individual purchasing decisions on automotive filter products that best match a vehicle's operating conditions, as well as product purchase price and availability.

### Small Business Opportunity

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

### Funding

Business Support Services Operating Budget

## 24. Public Auction of Surplus and Police Unclaimed Property

**Action:**   **A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and**

**B. Authorize said items for sale by public auctions on September 20, September 27 and October 22, 2008.**

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

### Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for three public auctions as follows:
  - On September 20, 2008 at 10:00 a.m. to dispose of City owned property declared as surplus (see exhibit A).
  - On September 27, 2008 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required).
  - On October 22, 2008 at 10:00 a.m. to dispose of surplus computers declared as surplus (see exhibit B).
- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- The City's contract auction services company, Rogers Realty & Auction Company Inc., will conduct each auction.
- Rogers Realty & Auction Company will be compensated through auction proceeds with all work performed at the previously contracted commission rates shown below:
  - Rolling stock equipment – 8.5% of the total gross sale price
  - Police unclaimed property – 15.00% of the total gross sale price
  - Miscellaneous items – 12.00% of the total gross sale price
- A live auction will primarily be used for the fall auctions. The return on rolling stock assets, police unclaimed assets, and computer and miscellaneous assets is traditionally higher when disposed of at live, onsite auctions versus electronic auctions.
- The auction service contract approved by Council on August 25, 2008 is not effective until January 1, 2009.

### Attachment 9

Exhibit A and B, list of property to be declared as surplus  
Resolution

## 25. Steele Creek Pump Station Replacement

**Action:** Approve the award of \$2,723,225 to Brown and Caldwell for Professional Services to design the Steele Creek pump station replacement and a force main.

**Staff Resource:** Doug Bean, Utilities

### Explanation

- This contract provides for the design of a replacement pump station for the existing undersized Steele Creek Pump Station that was originally built in 1982.
- The existing station is located off of Choate Circle near Carowinds Boulevard at the South Carolina state line.
- This pump station provides sewer service for the entire southwest area of Mecklenburg County.
- The design will also include a force main of over 35,000 feet to the McAlpine Waste Water Treatment Plant.
- Brown and Caldwell was selected using the Council approved qualifications based selection process

### Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, Brown & Caldwell committed 2.47% (\$67,160) of the total contract amount to 4 SBE firms: CITI. LLC, On Target Utility Locate Services, Inc., Habitat Assessment & Restoration Program (HARP), and Carolina Lift Stations, LLC.

### Funding

Utilities Capital Investment Plan

## 26. Airport Maintenance Facility Renovations Design Contract

**Action:** Approve a contract with C Design in the amount of \$170,500 for design services for terminal restroom renovations and office renovation in the Airport's Maintenance Facility.

**Staff Resource:** Jerry Orr, Airport

### Explanation

- In November 2006 City Council approved a contract with C Design to redesign restrooms in four of the Concourses and the ticketing level of the Terminal.
- With that work now completed, the restrooms on the baggage level are in need of renovation prior to more extensive expansions of the Terminal. Much of the previous work done by C Design will be applicable to this renovation work.
- In February 2005, the City Manager approved a contract with C Design to design a renovation package to permit the Airport's Maintenance divisions to occupy a vacant big box on the corner of Wilkinson Boulevard and Harlee Avenue.

- The Airport is planning to consolidate all of the administrative functions in the Maintenance Facility. The first part of the project is to design a detailed plan for the entire 35,000 square feet of office and support space.
- Following completion of the detailed plan for the entire space in the Maintenance Facility, C Design will provide construction documents for the initial 4,500 square feet of renovations as well as permit, procurement, and construction phase services.

#### **Small Business Program**

Pursuant to Part C: Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated., however, C-Design is a SBE company performing 100% of the work themselves.

#### **Funding**

Airport Capital Investment Plan

## **27. Airport E-Concourse Office Upfit**

**Action: Approve change order #3 with Edison Foard in the amount of \$579,772 for construction services for airline office upfit space.**

**Staff Resource:** Jerry Orr, Airport

#### **Explanation**

- In August 2006 City Council awarded a contract totaling \$9,038,000 to Edison Foard, Inc. for construction of a six gate expansion to the commuter concourse and second level office area.
- Council approved change order #1 for \$1,175,433 in May 2007, which added an additional 120 foot expansion of the six gate building currently under construction. This change order provided architectural and engineering services and pre-purchase of steel at existing prices to fast track the construction of this addition.
- In June 2007 Council approved change order #2 totaling \$2,852,862 for a 120 foot expansion of the six gate building currently under construction. The additional area will allow up to 1,000 square feet of food and beverage space.
- Change order #3 will provide for the construction upfit of the second level office space to include mechanical, electrical, plumbing, and general construction services. This space will be leased to Piedmont Airlines, PSA Airlines, and US Airways. The rent collected will pay the debt service for this space.
- The new contract total including change orders #1, #2 and #3 is \$13,646,067.
- Funds are available from the project budget for this change order. Funding comes from proceeds of the 2004 General Airport Revenue Bonds.

#### **Small Business Program**

Established SBE Goal: 0%

Committed SBE Goal: 20.7%

All additional work involved in this change order will be performed by the current contractor, Edison Foard, inc. and their existing sub contractors.

Edison Foard committed \$117,000 to Superior Mechanical Systems and \$3,237.20 to The Blind Man.

**Funding**

Airport Capital Investment Plan

## 28. FAA Memorandum of Agreement

**Action:**

- A. Authorize the Aviation Director to execute a Memorandum of Agreement (MOA) with the Federal Aviation Administration (FAA) to reimburse the Airport 100% of the cost for the design and installation of a portion of the Runway Status Lights system on the airfield, and**
- B. Adopt a budget ordinance of \$700,500 to appropriate the FAA funds from the agreement.**

**Staff Resource:** Jerry Orr, Airport

**Explanation**

- The FAA has developed a safety initiative to help reduce the possibility of an aircraft or vehicle entering an active runway without permission from air traffic control.
- In July 2008 the FAA announced that Charlotte was identified as one of 22 airports to participate in this program.
- This MOA provides funding for the Airport to design and install portions of the system over the next three years which assists the FAA in deploying the Runway Status Light system at the Airport.
- As stipulated in the MOA, the costs incurred by the Airport will be reimbursed 100% by the FAA. The FAA will install the remaining parts of the system at their own cost.
- Funding for this contract comes from FAA funds as stipulated by the MOA.

**Attachment 10**

Budget Ordinance

## 29. Property Transactions

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

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

### Acquisitions

- A. Project:** Airport Master Plan Land  
**Owner(s):** Pradip Patel and Rati Patel  
**Property Address:** 7424 Wilkinson Boulevard  
**Property to be acquired:** 2.11 acres  
**Improvements:** Fire damaged building  
**Purchase Price:** \$500,000  
**Remarks:** The purchase price was determined by two independent appraisers and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement  
**Zoned: B2 Use:** Fire damaged building only  
**Tax Value:** \$50,300  
**Tax Code:** 055-371-14
- B. Project:** Albemarle Rd Water Main (Wilgrove - Mint Hill to Parkton Road), Parcel # 6  
**Owner(s):** Hassan Hashemloo and Wife, Barbara Hashemloo  
**Property Address:** 10430 Albemarle Road  
**Property to be acquired:** 6,636 sq. ft. (.152 ac.) in Sanitary Sewer Easement, plus 3,509 sq. ft. (.081 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$16,475  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 137-076-02  
**Total Parcel Tax Value:** \$524,900
- C. Project:** Albemarle Rd Water Main (Wilgrove - Mint Hill to Parkton Road), Parcel # 9  
**Owner(s):** Amir Farahany And Wife, Afsaneh Farahany And Hassan Hashemloo And Wife, Barbara Hashemloo  
**Property Address:** 10960 Pine Grove Avenue

- Property to be acquired:** 13,353 sq. ft. (.307 ac.) in Sanitary Sewer Easement, plus 10,705 sq. ft. (.246 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$27,225  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-G  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 137-075-02  
**Total Parcel Tax Value:** \$2,169,500
- D. Project:** Albemarle Road 8901 - 8" Sanitary Sewer, Parcel # 1  
**Owner(s):** Benny R. Norwood a/k/a Ben And Wife, Carol S. Norwood  
**Property Address:** 8807 Albemarle Road  
**Property to be acquired:** 8,646 sq. ft. (.198 ac.) in Sanitary Sewer Easement, plus 3,328 sq. ft. (.076 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$75,600  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-1(CD)  
**Use:** Commercial  
**Tax Code:** 109-102-04  
**Total Parcel Tax Value:** \$890,700
- E. Project:** Freedom Drive Widening, Parcel # 374  
**Owner(s):** Heirs Of Osborne  
**Property Address:** 815 Bradford Drive  
**Property to be acquired:** 7,927.95 sq. ft. (.182 ac.) in Fee Simple (Total Acquisition)  
**Improvements:** House  
**Landscaping:** None  
**Purchase Price:** \$80,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-22MF  
**Use:** Multi Family  
**Tax Code:** 063-041-15  
**Total Parcel Tax Value:** \$49,000
- F. Project:** Freedom Drive Widening, Parcel # 375  
**Owner(s):** Gwen Kaminsky Riesenber, F/K/A Gwen H. Kaminsky, and Husband, Randy Fred Riesenber  
**Property Address:** 3740 Freedom Drive  
**Property to be acquired:** 12,283.97 sq. ft. (.282 ac.) in Fee Simple (Total Acquisition)  
**Improvements:** House  
**Landscaping:** None

- Purchase Price:** \$105,600  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-22MF  
**Use:** Single Family Residential  
**Tax Code:** 063-041-01  
**Total Parcel Tax Value:** \$76,100
- G. Project:** Freedom Drive Widening, Parcel # 381  
**Owner(s):** Charles D. Spielman  
**Property Address:** 1223 Edgewood Road  
**Property to be acquired:** 8,276.43 sq. ft. (.190 ac.) in Fee Simple (Total Acquisition)  
**Improvements:** House  
**Landscaping:** None  
**Purchase Price:** \$105,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 059-013-01  
**Total Parcel Tax Value:** \$93,600
- H. Project:** Southwest Water Transmission Main - Phase C, Parcel # 20  
**Owner(s):** James C. Thomas And Wife, Susan R. Thomas  
**Property Address:** 11518 Steele Creek Road  
**Property to be acquired:** 7,354 sq. ft. (.169 ac.) in Utility Easement, plus 2,354 sq. ft. (.054 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$12,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 199-141-09  
**Total Parcel Tax Value:** \$368,500
- I. Project:** West Water Main - Phase 2, Parcel # 8  
**Owner(s):** Mecklenburg County  
**Property Address:** 2661 Barringer Drive  
**Property to be acquired:** 29,732 sq. ft. (.683 ac.) in Utility Easement, plus 29,720 sq. ft. (.682 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$25,000  
**Remarks:** Compensation was established as a result of damages and does not include the cost of land.  
**Zoned:** I-1  
**Use:** Golf Course Class 3 - Municipal  
**Tax Code:** 145-031-02

**Total Parcel Tax Value:** \$0

## Condemnations

- J. Project:** Seigle Streetscape, Parcel # 76  
**Owner(s):** Clarence Sinclair, Jr. And Wife, Kate Sinclair  
 And Any Other Parties Of Interest  
**Property Address:** 1412 Seigle Avenue  
**Property to be acquired:** Total Combined Area of  
 1,008 sq. ft. (.023 ac.) of Sidewalk and Utility  
 Easement, plus Utility Easement, plus Temporary  
 Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,700  
**Remarks:** Compensation was established by an  
 independent, certified appraisal and an appraisal review.  
 City staff has yet to reach a negotiated settlement with  
 the property owner.  
**Zoned:** R-5  
**Use:** Single Family Residential  
**Tax Code:** 081-131-09  
**Total Parcel Tax Value:** \$63,000
- K. Project:** South Boulevard Left Turn Lane, Parcel # 7  
**Owner(s):** Krodell, LLC And Any Other Parties Of  
 Interest  
**Property Address:** 1311 Hill Road  
**Property to be acquired:** Total Combined Area of  
 32,490 sq. ft. (.746 ac.) of Fee Simple, plus Sidewalk  
 and Utility Easement, plus Slope Easement, plus Guy  
 Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$175,725  
**Remarks:** Compensation was established by an  
 independent, certified appraisal and an appraisal review.  
 City staff has yet to reach a negotiated settlement with  
 the property owner.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 173-202-16  
**Total Parcel Tax Value:** \$9,488,300

## 30. Meeting Minutes

**Action:** Approve the titles, motions and votes reflected in the Clerk's  
 record as the minutes of:  
 - July 28, 2008