

**CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT  
AIRPORT ADVISORY COMMITTEE**

**Minutes from the January 5, 2012 meeting  
Piedmont Conference Room  
8:00 a.m.**

**Present**

Drew Riolo, Chair  
Morgan Edwards  
Todd Fuller  
Crystal Jackson  
Russ McMillan  
George Pretty  
Ed McMahan  
Tim Gause

**Staff Present**

T.J. Orr, Aviation Director  
Jennifer Long, Customer Relations Manager  
Lauri Golden, Customer Service Coordinator  
Erika Helm, Community Outreach Specialist  
Leila Lahbabi, Airport Attorney

**Absent**

Shawn Dorsch, Vice Chair  
Scott Culpepper  
Pamela Bennett

**1. CALL TO ORDER**

AAC Chair Drew Riolo called the meeting to order at 8:00 a.m.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF December 1, 2011 MINUTES**

The minutes were approved as written.

**4. BUSINESS AGENDA**

**1. Sound Insulation Contract**

**Action: Approve a contract with Moretti Construction, Inc. in the amount of \$65,100 for the sound insulation of seven (7) homes in the vicinity of the Airport.**

**Background:**

- In 1989, the FAA approved the original FAR Part 150 Program, a voluntary program that airports participate in to attempt to balance their operational needs and the noise impacts of airport operations on surrounding neighborhoods.
- Under the program, the Airport voluntarily purchased over 400 homes and to date has provided sound insulation to over 1,000 homes.
- Sound Insulation includes the addition of storm windows, storm doors, central air conditioning, and insulation for homes within the noise contours built prior to 1979.
- The Airport has now submitted an update to the FAR Part 150 program to FAA for review and approval. With the submittal of the program update, it is possible that homes that were eligible to be sound insulated under the existing program will no longer be eligible to participate because the new noise contours are smaller than the previous contours.
- In April 2011, the Airport sent out letters to 169 homeowners informing them that their opportunity to be in the program may end soon. As of this time, only 36 have submitted paperwork to join the program.
- Due to the voluntary nature of the program, the Airport informally bids this work in small batches as the paperwork is completed. The work for the first nine houses was awarded to

Moretti Construction in July 2011 with the bid of \$79,100. That contract was signed by the City Manager.

- Council approved a second contract on September 2011 in the amount of \$75,395 for eight houses with Moretti construction
- Council approved a third contract on November 14, 2011 in the amount of \$97,401 for nine houses with Moretti construction.
- This contract will sound insulate another nine (7) homes. Moretti Construction was the only bidder.
- The actual final number of homes that will participate in the program is unknown at this time.

#### **Contract Terms**

- This is a lump sum contract with contract duration of 120 days.

#### **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-natural means.

#### **Summary of Bids**

Moretti Construction, Inc.	\$65,100
The Bowers Group, Inc.	No Bid
Camps Construction Company	No Bid
C.A. Scism Construction	No Bid
Barrows Construction	No Bid

**Council Date:** January 9, 2012

Motion: Edwards

Second: Jackson

Vote: 8-0

## **2. Cleaning Service Contract for Airport**

**Action:** Approve a three year contract in the total amount of \$643,901 with Sunshine Cleaning Service, Inc. for cleaning of the airport parking lots, decks, terminal, and other areas.

#### **Background:**

- This contract will provide cleaning and trash removal services for the airport's parking lots, parking decks, passenger drop off and pick up areas at the terminal, delivery dock, airport overlook and terminal roadways.
- The contract shall be for a period of three consecutive years beginning February 1, 2012 with a total cost of \$643,901.
- The Invitation to Bid (ITB) was advertised on October 12, 2011 and a pre-bid meeting was held on October 19, 2011. The bids were received on November 1, 2011, however, due to an ambiguity in the bid documents, all of the bids were rejected. The project was re-advertised on November 17, 2011 and bids were received on December 1, 2011.

#### **Small Business Opportunity**

Established SBE Goal: 20%

Committed SBE Goal: 20%

Sunshine Cleaning Services met the established SBE goal, and committed 20% (\$ 128,780.20) of the total bid amount to the following SBE firm(s): GDC Supplies (supplies)

**Summary of Bids**

Sunshine Cleaning Systems, Inc.	\$643,901.00
Incredible Maintenance, Inc.	\$711,000.00
Pro Solutions LLC.	\$865,000.00
Capital Cleaning Inc.	\$1,184,325.00

**Council Date:** January 9, 2012

Edwards: Is the subcontractor a local firm?

Orr: Yes, it is GDC Supplies.

Motion: Pretty

Second: McMahan

Vote: 8-0

**3. Airport Parking and Ground Transportation Services**

**Action:** Approve a month-to-month contract extension with EJ Services, Inc., d/b/a Balance Staffing Services for temporary personnel services for no longer than 5 months.

**Background:**

- After a competitive process, Council approved a contract in January, 2005, with EJ Services, Inc. (Balance Staffing) to provide various temporary personnel services as required to operate the Airport's parking lots.
- In January 2010, Council approved a month-to-month extension not to exceed 24 months as the Airport reviewed, purchased, and installed a new parking revenue control system.
- Installation of the new parking revenue control system is currently underway and will be completed by June 2012.
- This month-to-month contract extension for no longer than 5 months will allow the Airport to complete the installation of the system without the additional cost of bidding and training a new provider for a short period of time.
- The total airport parking revenue in FY 2011 was \$37 million. The annual cost of this contract in the amount of \$2,760,000 represents less than 2% of the annual revenue.

**Contract Terms**

- Balance Staffing will provide personnel on a man hour basis as required by the Airport.
- The extension is month to month ending on June 30, 2012.
- Hourly rates are set by the Airport and vary from \$9.57 to \$22.22.
- Balance provides the employees:
  - Earned wages
  - Holiday
  - Vacation Pay
  - Limited health benefits

**Small Business Opportunity**

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

**Council Date:** January 23, 2012

Motion: Pretty  
 Second: Gause  
 Vote: 8-0

#### **4. Airport Entrance Road Bridge – Duke Energy Distribution Line**

**Action: Approve an agreement with Duke Energy in an amount not to exceed \$305,815.06 for the relocation of existing power distribution line in conflict with the Airport Entrance Road Bridge project.**

**Background:**

- Duke Energy owns and maintains the power lines, which feed power to the terminal building. These lines currently run down Little Rock Road and cross over the Norfolk Southern mainline and continue on to the terminal.
- Ultimately these power lines will be placed in conduits on the new bridge under construction for the Airport Entrance Road.
- This agreement will authorize Duke Energy to temporarily relocate a distribution line that is currently where the new bridge is to be built in preparation for the Airport Entrance Road relocation project. Including installation of temporary line to maintain service during relocation.
- The cost of the relocation totaling \$305,815.06 is a onetime fee.

**Disadvantage 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. Because this work must be performed by the utility company, it is not suitable for DBE participation.

**Council Date:** January 23, 2012

Edwards: Is this part of the State's system?

Orr: This will not be part of the State's system. Right now, Josh Birmingham Parkway and Little Rock Road are State roads. As soon as we build this, the State will give up this entrance road and Little Rock. So the State road will come around and cross our new bridge and out to Wilkinson Blvd. Wilkinson will remain a State road, and the State maintenance will end right there at Wilkinson.

Edwards: Who is going to maintain the bridge?

Orr: We will.

Motion: Edwards  
 Second: Jackson  
 Abstain: Pretty and Gause  
 Vote: 6-0

## **5. Waste Hauling Contract**

**Action:** Approve a three (3) year contract to the lowest responsive bidder for the hauling of waste from the Terminal to the Airport Recycling Center.

**Background:**

- This will be a (3) three year contract for the hauling of waste to the Airport Recycling Center (ARC) and the residual waste of the ARC to the landfill.
- The ARC will sort the waste into different grades of recyclables for sale. This will reduce the waste going to the landfill by approximately 70%.
- This will include the rental of the equipment, hauling fees and tip fees at the landfill.
- The Invitation to Bid (ITB) was advertised on December 6, 2011 and bids were received on January 10, 2012.

**Contract Terms**

- This is a (3) three year contract

**Small Business Opportunity**

Established SBE Goal:

Committed SBE Goal:

**Summary of Bids**

Bids to be received January 10, 2012

**Council Date:** January 23, 2012

Motion: McMahan

Second: Edwards

Vote: 8-0

## **6. Airport Landscape Maintenance Service Contracts**

- Action:**
- A. Award a three year contract to the lowest responsive bidder for Zone 1 Landscape Maintenance, and
  - B. Award a three year contract to the lowest responsive bidder for Zone 2 Landscape Maintenance, and
  - C. Award a three year contract to the lowest responsive bidder for Zone 3 Landscape Maintenance, and
  - D. Award a three year contract to the lowest responsive bidder for Zone 4 Landscape Maintenance, and
  - E. Award a three year contract to the lowest responsive bidder for Zone 5 Landscape Maintenance, and
  - F. Award a three year contract to the lowest responsive bidder for Zone 6 Landscape Maintenance, and
  - G. Award a three year contract to the lowest responsive bidder for Zone 7 Landscape Maintenance, and

## **H. Award a three year contract to the lowest responsive bidder for Zone 8 Landscape Maintenance.**

### **Background:**

- In 1998, the Aviation Department began contracting for the landscaping maintenance work outside of the perimeter security fence on a lump sum basis.
- In order to have better control and management of the landscaping maintenance, the Aviation Department is dividing the airport into eight (8) zones of similar and adjacent work areas. Each zone will have unit pricing along with itemized areas of work.
- Bids will be received on January 10, 2012.

### **Contract Terms**

- The contracts will be bid on a unit-price basis with estimated quantities and frequencies of work.
- Each zone is a separate contract with a three (3) year term.

### **Summary of Bids**

Bids to be received January 10, 2012

### **Small Business Opportunity**

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

**Council Date:** January 23, 2012

Orr: I think we should defer this to the next meeting. For some time now we have been contracting our landscaping maintenance outside of the fence to a private contractor. What we are trying to do now is break that contract up into a number of smaller contracts. The thought being that with the smaller contract, the small business would have an opportunity to bid on that as a prime, and there are a lot of small landscaping businesses around the area.

Edwards: Are there any areas in the airport where they will have to use special equipment?

Orr: No special equipment is required. We don't care what it gets mowed with; it's a performance type contract. We will ask them to tell us how much they'll charge us to mow a specific area, with certain specifications, and we'll tell them when to mow it.

Edwards: What I am concerned about is if you notice going down many highways, they have high slopes. For the highways, they decided they wanted to use an outside contractor, because it was designed to give the farmers something to do. But they later decided that they needed special equipment to do slopes and things like that. So if you have anything like that, are you going to divide it into a separate area?

Orr: We would do that, but we don't have any special areas. Most landscapers have commercial tractors that are capable of doing that.

Fuller: The zones themselves, how are they going to be laid out? Will there be confusion on areas that may overlap?

Orr: The zones are contiguous; they are fairly well designed, so there is really no opportunity for that.

Riolo: Is the driving factor on this cost or is it to let more small businesses be involved?

Orr: We think we can accomplish both.

## 7. Property Transaction

**Action:** Approve the following property acquisition.

**Project:** Airport Master Plan Land Acquisition

**Owner(s):** Angela L Corti

**Property Address:** 8010 Tuckaseegee Road

**Property to be acquired:** 1.42 acres

**Improvements:** single family residence

**Purchase Price:** \$111,000.00

**Remarks:** The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

**Zoned:** R3 Use: single family residence

**Tax Value:** \$157,500

**Tax Code:** 055-381-31

**Council Date:** January 23, 2012

Motion: Pretty

Second: McMillan

Vote: 8-0

Fuller: I notice the property value is set higher than the purchase price. That type of thing seemed to be a north/south Charlotte problem but I guess it's a west Charlotte problem too. The tax value is set well above the market value.

Orr: This is an excellent example because this is truly an arm's length transactions. It's voluntary on our part and it's voluntary on their part.

Edwards: That's kind of the situation in the real estate market right now.

## 5. STATUS REPORTS

### 1. Noise

Orr: Leila Lahbabi, Airport Attorney, is going to talk to you about noise.

Lahbabi: As you may already know, we are anticipating receiving lawsuits anytime now, either this week or next. Council for plaintiffs has notified us. We expect 50 lawsuits from people both north and south of the new runway. Again, we don't know and haven't had in depth conversations, but we would believe these would be inverse condemnation actions for people who believe they have been impacted improperly by aircraft noise. Until we see who these plaintiffs are and map them out based on their location, we won't be sure who has experienced anything different because of the new runway, or if any of these folks are impacted only by the RNAV procedures, or both. We are not really sure yet because we don't know who is suing or who will be suing. Once filed, the City's position is that we don't discuss pending litigation. But in an area like this, there are plenty of people who won't be parties to the lawsuit and will still want to talk to us about aircraft noise. So that's not to say we are not going to discuss noise with the community. We have to do that, we want to be responsive to the community, and we know that you want to be responsive to people as well. But what we would ask is

that you be mindful of any confusion with your listener. So whether it's a plaintiff to a lawsuit, and we don't know who they are yet, or a community member or the media, we want them to understand when you are speaking as an individual member of the board versus what the official City position is on something. So just make sure you are mindful when and if you have any conversations about noise topics that the listener understands that. Now whether or not they understand that and they make that clear, you could be a witness in a lawsuit. That means that you'd be subject to a deposition. That's not necessarily something to worry about, but I did want to make you aware that conversations you have could lead to that. Some of you have been through those before and you just need to be aware of what you said and to whom and to the extent you have somebody else with you or have some clear record of the conversation that could also be helpful. I just want to make you aware that these are issues that could come up in litigation. Just make sure the listener understands the difference between you speaking and the City's official response, and also be mindful of the deposition possibilities.

Fuller: The people filing lawsuits, do they understand that RNAV is the FAA?

Lahbabi: It is still too soon to say who the plaintiffs are. Jerry do you have an opinion?

Orr: Typically when a public agency gets sued, they get sued for everything. So I cannot imagine it not being at least peripherally involved.

Fuller: So it's too soon to say if some of those people will sue the FAA?

Orr: Well you can't sue the federal government.

Lahbabi: But you can sue us.

Edwards: So you don't know what other parties may be inclusive in the suit, or if this is something that is going to be restricted to the airport?

Lahbabi: We believe this will be a State court action brought against us. We believe that because there is law that establishes that as a cause of action. In the late 70s, early 80s, when the last runway was built, the same thing happened. There is North Carolina law that talks about that and we are an appropriate party even though they're not our airplanes. Now with that being said, it will be interesting to see if the law is going to grow and change as circumstances have changed and changes in aircraft noise have changed, and the FAA procedures have changed, if that's impacted in this suit. So there could be changes in the law, but based on what the law is today, that is what we anticipate, which are State lawsuits against the airport.

Edwards: State lawsuits against us, but we don't have any idea at this point what inclusive parties may be a part of this?

Lahbabi: It will just be us, but that's for the court to decide.

McMahan: Is it just one law firm?

Lahbabi: Yes, the attorney who notified us indicated that he anticipated filing on behalf of around 50 plaintiffs. I think there have been some other attorneys that have been peripherally discussing things with people, but we have not heard anything from them. There may be some legal argument of statute of limitations, but we would have expected the cases to be filed before the end of the year and it's a little past that obviously, but because of the timing, anything we get, we would expect to get soon.



Edwards: What about case law? Is there precedent for this type of lawsuit going forward that you are aware of?

Lahbabi: There is precedent for this kind of case going forward, but again, that was in very different fact circumstances. It was also many years ago and I think the facts were different. The other piece of this that's interesting is that I don't know how the court would look at the fact that all these folks, we believe, are outside the noise contours, or we would have been able to go through noise mitigation purchase or insulation through the noise program. So I am not sure how the court today will look at where they are through noise levels. There is case law, there is precedent, but that was 25 years ago, so we will see how this proceeds now.

Edwards: I don't see how there can be a single defender under circumstances like this. I don't see how they can sue us, the airport, and not include any other parties. That is just an un-legal opinion.

Lahbabi: We will keep you updated and I think Jerry just wanted to make sure that you knew about this as soon as possible. I imagine that you'll see it in the paper after it actually is filed. But we don't know when they will be filed.

Edwards: My suggestion is not to talk to anyone regarding this. The media will twist it one way, the lawyer will twist in another way, whichever way you twist it you lose.

Orr: I will be glad to answer any additional questions you may have.

## **2. Holiday Travel Recap**

Long: The holidays at the airport went well. The local overall traffic was slightly down based on passengers screened.

Riolo: It seems like to me the traffic was more dispersed this time.

Orr: I think it was because Christmas was on a Sunday, which gives you more choices to leave versus when you come back.

Long: The parking operation also went well. There were no hiccups in our parking operation. We filled all of our long term lots and then opened long term 4, which currently serves as our over flow lot. And as we did at Thanksgiving, we also created an overflow cell phone lot for parkers, using what we call the Turner Lot, which is located on Rental Car Road. It's essentially across the street from the cell phone lot. We also supported Operation Exodus again this year, which is the annual movement of troops from Fort Jackson. It's part of their holiday leave. About 2,000 soldiers came through the terminal with the first bus arriving at 3:30 in the morning. We work closely with the USO to provide them with comfortable places to relax while they are waiting for their flight, as well as provide refreshments and entertainment. We also work with the TSA to get them through the security checkpoint quickly, as well as the airlines for setting up special check in. This year was the first year it occurred on a Saturday. It usually occurs during the week on Thursday. We also wanted to point out to this committee our holiday decorations. You probably have seen some of it as you came in today. It's starting to come down now. We put the decorations up just after Thanksgiving and they stay up through the New Year. Our decorations are themed Santa Air & Cargo, which features a red biplane with Santa flying it. Santa himself also comes out every year, so all the kids and their parents of course love that. And we have our traditional poinsettias trees on display as well.

## **3. Business Center Closes**

Long: The Airport's Business Center, which opened approximately six years ago, is closing to make way for a new food and beverage concept called Beaudevin, an HMS Host concept. HMS Host is our food and beverage concessionaire. Beaudevin is French for fine wine and is a tapas and wine concept. The

menu features an assortment of cold plates like humus, cheese and fruits, salmon, shrimp cocktail and much more. They are also going to have a pretty extensive wine list with a lot of wines from North Carolina. HMS Host projects that Beaudevin will generate \$3 million in annual gross sales. Although we are losing the Business Center, we will still keep limited types of business related services through TravelEx, which you heard about in your last meeting with Paradies. They are our foreign currency provider. They are also going to provide things like fax/copy services, calling cards and stamps, which were things that we used to get through the Business Center. I have the menu of Beaudevin to share with you if anyone is interested. There is another location at the Miami Airport which does really well. They are scheduled to open late spring.

Orr: The projected performance is a little over \$3 million a year. And remember that we made money by selling the sponsorship of the Business Center to Bank of America, which we lose with the center's closure. But by having an exclusive provider of ATMs, the advertising value of that exceeds what we were getting for the Business Center.

Edwards: What's the status on the bank transition?

Long: It's in the process now. All their machines should be in place by middle of next week.

#### **4. Social Media**

Helm: We started our Facebook and Twitter pages on December 20, and we are very excited about this new journey. Launching these social media platforms allows us the chance to promote our services and tell our story. It also gives information to passengers in a speedy manner. Our goal is to post and to tweet at least three times a day. We are unique in terms of Facebook because we follow City Policy, therefore we don't allow comments to be seen. We do intend to take social media a step further with YouTube. You can view our Twitter and Facebook page by going to our website's homepage at [cltairport.com](http://cltairport.com).

#### **5. Director's Report**

- US Airways is adding service to Des Moines and Omaha, effective March 25.
- Copies of *Connections*, the Airport's newsletter to the masses, was provided to each member.
- Copies of *Airport Update*, the Airport's newsletter to Aviation Department employees, was provided to each member.

**Meeting adjourned at 8:40 a.m.**



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T. J. Orr, Aviation Director

Distribution:

Mayor & City Council

Curt Walton, City Manager

Stephanie Kelly, City Clerk

Jeanne Peek, City Boards and Commissions Clerk

Ronnie Bryant, President/CEO, Charlotte Regional Partnership

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