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Michael Barnes

John W. Lassiter

Nancy Carter

Don Lochman

Andy Dulin

James Mitchell, Jr.

Anthony Foxx

Patrick Mumford

Patsy Kinsey

Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, September 11, 2006**

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# CITY COUNCIL AGENDA

Monday, September 11, 2006

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

### **1. Cankerworms**

**Resource:** Don McSween, Engineering & Property Management

**Time:** 20 minutes

#### **Synopsis**

- This presentation will briefly describe the Fall Cankerworm, past efforts to reduce Fall Cankerworms and the City's monitoring program. The focus of the presentation will be on the 2006 infestation and recommended course of action.

#### **Future Action**

No future action anticipated at this time.

### **2. Evaluation and Cost Analysis for City Regulatory Initiatives**

**Resources:** Daryl Hammock, Engineering & Property Management  
Tim Richards, Engineering & Property Management

**Time:** 15 minutes

#### **Synopsis**

- At the October 10, 2005 dinner briefing on Post Construction Controls, Council requested a cost analysis for the public and private sector including:
  - Public and private sector costs to meet each of the four Post Construction Controls Ordinance goals
  - Menu-type analysis of costs for prioritization and decision-making purposes.
- While scoping the work, stakeholders requested other major regulatory initiatives be included:
  - Environmental Chapter of the General Development Policies, and
  - Urban Street Design Guidelines
- The presentation will brief Council on the scope, cost and schedule for the analysis.

#### **Future Action**

City Council will be asked to authorize the City Manager to execute an agreement with a consultant to perform the analysis at tonight's meeting (item # 11, page # 8).

### 3. Salvation Army Kroc Center

**Staff Resource:** Tom Flynn, Economic Development Office  
Jim Schumacher, Engineering and Property Management  
Debra Campbell, Planning

**Time:** 15 minutes

#### Synopsis

- Council referred the issues of location and City investment in the proposed Kroc Center to the Housing and Neighborhood Development Committee.
- The Committee met on August 31<sup>st</sup> to discuss this issue. The Committee plans to meet again on September 7<sup>th</sup> to continue this discussion and make a recommendation to Council.
- Staff will send additional information about this item to Council in the Friday, September 8<sup>th</sup> Council-Manager Memorandum.

#### Future Action

City Council will be asked to take action on the Committee's recommendation at the September 25<sup>th</sup> Business Meeting.

### 4. Cultural Facilities Agreements

**Resources:** Ron Kimble, City Manager's Office  
Robert Hagemann, City Attorney's Office  
Tom Flynn, Economic Development Office  
Bob Bertges, Wachovia

**Time:** 30 minutes

#### Synopsis

- On Wednesday, September 6<sup>th</sup>, the Economic Development and Planning Committee will consider 17 of the 18 cultural facilities agreements. On August 16<sup>th</sup>, the Committee approved the Development Agreement between the City, Mecklenburg County, Wachovia and R.B.C. Corporation. Committee action will be sent to Council in the Council-Manager Memorandum on Friday, September 8<sup>th</sup>.
- This briefing will provide an overview of all of the agreements and the actions of the Committee.
- Council action on all 18 agreements is recommended on item # 9, page # 5 of this agenda.

### 5. Committee Reports by Exception

Transportation Committee: Monroe Bypass Connector

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

**CONSENT**

- 6. Consent agenda items 13 through 32 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. Public Hearing for General Obligation Bonds

- Action:**
- A. Hold a public hearing and adopt a bond order for \$85,200,000 of Street Bonds, \$10,000,000 of Housing Bonds and \$25,000,000 of Neighborhood Improvement Bonds, and**
  - B. Approve a resolution setting a special bond referendum for November 7, 2006, directing publication of notice regarding the special bond referendum and notifying the Mecklenburg County Board of Elections.**

**Staff Resource:** Greg Gaskins, Finance

#### **Explanation**

- On August 28, 2006 Council introduced bond orders for \$85,200,000 of Street Bonds, \$10,000,000 of Housing Bonds and \$25,000,000 Neighborhood Improvement Bonds and set September 11, 2006 as the place and time for a public hearing concerning these bonds.
- North Carolina statutes require a public hearing before the City approves bonds for a public referendum.
- Projects to be funded by these bonds were approved by Council in the City's FY 2007-11 Capital Investment Plan.
- These bond orders authorize a tax sufficient to pay annual principal and interest on the bonds and confirm that a sworn statement of the City's debt is on file with the City Clerk for public inspection. The existing tax rate is projected to be sufficient to pay debt service on these bonds when they are issued.
- The City Council must approve the resolution setting the bond referendum for November 7, 2006 on or before September 11, 2005 in order to meet the schedule for notice required by North Carolina law.
- During Council's August 28, 2006 consideration of this item, Council discussed that it may revisit the unfunded project list if additional revenues are identified.

#### **Funding**

Municipal Debt Service Fund

#### **Attachment 1**

Resolution

Bond Order

List of Projects

Referendum Schedule

## POLICY

### 8. City Manager's Report

### 9. Cultural Facilities Agreements

- Action:**
1. Approve the Economic Development and Planning Committee recommendation to: (a) approve the following agreements; (b) authorize the City Manager and Mayor to execute the agreements as presented with technical corrections and minor modifications consistent with the spirit and intent of the transaction:
    - A. City/County/Wachovia Development Agreement
    - B. City/County Interlocal Agreement (approved by adoption of resolution).
    - C. Development agreements:
      1. City/Wachovia/Afro-American Cultural Center Development Agreement
      2. City/Wachovia/Bechtler Art Museum Development Agreement
      3. City/Wachovia/Mint Museums Development Agreement
      4. City/ Wachovia/N.C. Blumenthal Performing Arts Center Development Agreement for new Performing Arts Theater
    - D. Revised Lease Agreements (Existing Facilities):
      1. Mint Museums – Randolph Road
      2. N.C. Blumenthal Performing Arts Center
      3. Afro-American Cultural Center
      4. Discovery Place
    - E. New Facility Lease Agreements
      1. Afro-American Cultural Center
      2. Bechtler Art Museum
      3. Mint Museums
      4. New Performing Arts Theater
    - F. City/Bechtler Foundation Art Agreement
    - G. City/ASC/Foundation for the Arts and Sciences Memorandum of Understanding
    - H. City/County/Towns Interlocal Rental Car Tax Agreement (approved by adoption of resolution).
  2. Authorize the City Manager to negotiate and execute an agreement among Bank of America, the Mint Museum, and the City pursuant to which Bank of America will provide the City with at least \$8.2M of grant funding for the cultural arts project.

**Committee Chair:** John Lassiter

**Resources:** Ron Kimble, City Manager's Office  
Robert Hagemann, City Attorney's Office  
Tom Flynn, Economic Development Office  
Bob Bertges, Wachovia

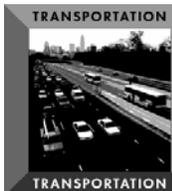
**Policy**

Charlotte will be the most prosperous and livable city for all citizens through quality economic development.

**Explanation**

- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities and a Memorandum of Understanding for the Development of the South Tryon Street Cultural Facilities. The cultural facilities include a new Afro-American Cultural Center, the Bechtler Art Museum, a new Mint Museum, a new Performing Arts Theater, and the renovation of Discovery Place.
- In July the General Assembly gave Mecklenburg County the authority to levy up to a 5% increase in the car rental tax.
- At its meeting on August 16<sup>th</sup>, the Economic Development and Planning Committee recommended approval of the Development Agreement between the City, Mecklenburg County, Wachovia and R.B.C. Corporation.
- On Tuesday, September 5<sup>th</sup>, at the Council Workshop, Council received the agreements book, Questions & Answers from August 28<sup>th</sup> Council meeting and a copy of the financial framework.
- On Wednesday, September 6<sup>th</sup>, the Committee will consider the additional agreements listed above. Committee action will be sent to Council in the Council/Manager memo on Friday, September 8<sup>th</sup>.
- The Mecklenburg County Board of Commissioners will consider action on the two Interlocal Agreements and the City/County/Wachovia Development Agreement at their meeting on September 19<sup>th</sup>.

## 10. Monroe Bypass and Connector



**Action:** Approve the Transportation Committee recommendation to direct the vote of the City of Charlotte Mecklenburg Union Metropolitan Planning Organization (MUMPO) Representative related to the Monroe Bypass and Connector projects.

**Committee Chair:** Patrick Mumford

**Staff Resource:** Tim Gibbs, Transportation

**Explanation**

- A decision on the alignment for the Monroe Bypass was delayed until the September 20<sup>th</sup> MUMPO meeting to allow NCDOT staff time to respond to citizen and MUMPO member concerns.
- The NCDOT is expected to recommend a process for completion of environmental studies and selection of an alignment at the September 7<sup>th</sup> Technical Coordinating Committee (TCC) meeting. The TCC is expected to vote on that recommendation on that date.
- City staff will forward information on the TCC discussion and a recommendation on how to direct City Council's MUMPO representative's vote as part of the September 8<sup>th</sup> Council-Manager memorandum.
- The Transportation Committee will meet on September 11<sup>th</sup>.
- Council member Mumford is the City Council's representative on the MUMPO.

## BUSINESS

### 11. Evaluation and Cost Analysis for City Regulatory Initiatives

- Action:**
- A. Adopt a budget ordinance appropriating \$350,000 from Storm Water Fund Balance, and**
  - B. Authorize the City Manager to negotiate an agreement with Land Design, Inc. in an amount not to exceed \$350,000 to identify implementation issues, and the public and private sector costs associated with emerging City environmental regulatory initiatives.**

**Staff Resource:** Daryl Hammock, Engineering & Property Management

#### Background

- The City is currently proposing three major regulatory initiatives
  - Environmental Chapter (Phase 2) of the General Development Policies;
  - Urban Street Design Guidelines; and
  - Post-Construction Controls Ordinance.
- At the October 10, 2005 dinner briefing on Post Construction Controls, Council requested a cost analysis for the public and private sector including:
  - Public and private sector costs to meet each of the four Post Construction Controls Ordinance goals
  - Menu-type analysis of costs for prioritization and decision-making purposes
- While scoping the work, the Chamber of Commerce Land Use Committee requested other major regulatory initiatives be included:
  - Environmental Chapter of the General Development Policies, and
  - Urban Street Design Guidelines

#### Explanation

- The analysis will:
  - Test the implementation of the ordinances to identify the benefits and potential pitfalls associated with these new policies prior to being adopted
  - Move various projects through a mock design process to meet proposed ordinances and policies
  - Comprehensively evaluate the potential public and private sector costs associated with implementing these initiatives
  - Provide site-specific analysis for developing up to five sites using varying water quality controls, as proposed in the draft Post Construction Controls Ordinance, representing increasing regulatory requirements as well as the General Development Policies and the Urban Street Design Guidelines
- To meet all the requests from Council and stakeholders, the cost would exceed \$650,000 and take more than 12 months to prepare. Staff negotiated a reduced scope, schedule and cost (\$350,000) to provide a beneficial product by December 2006.

- Land Design, Inc. was the only firm to submit a proposal. Staff believes Land Design, Inc. is highly qualified for the project based on their expertise in land development and water quality.

**Small Business Opportunity**

Established SBE Goal: 2 %

Committed SBE Goal: 2%

Land Design committed 2.00% (\$7,000) of the total contract amount to the following SBE Firm: Sharpe Images.

**Funding**

Storm Water Fund Balance

**Attachment 2**

Budget Ordinance

**12. Closed Session**

**Action: Adopt a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) to consider the competence, performance, character, fitness, compensation and other conditions of employment of the City Manager.**

## **MAYOR AND COUNCIL TOPICS**

**At the end of the formal agenda, Council members may share information and raise topics for discussion.**

## 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.

## CONSENT I

### 13. Various Bids

#### A. Airport Daily Parking Lot Reconstruction

**Aviation**

**Staff Resource:** Jerry Orr

**Action**

Award the low bid of \$438,451 by On Site Development of Charlotte, North Carolina for reconstruction of a portion of the Daily Surface Lot.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.52%

OnSite Development committed 7.52% (\$32,950) to the following firms: B&B Concrete and Charlotte Trucking.

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**B. Harlee Avenue On-Ramp to Josh Birmingham Parkway Aviation**

**Resource:** Jerry Orr

**Action**

Award the low bid of \$697,146.50 with Blythe Development of Charlotte, North Carolina for the construction of an on-ramp to Josh Birmingham Parkway. The on-ramp will provide a safer, quicker route from Wilkinson Boulevard and Harlee Avenue to the Airport.

**Small Business Opportunity**

Established SBE Goal: 7 %

Committed SBE Goal: 7.38%

Blythe Development committed 7.38% (\$51,463) to the following firms: Bullington Construction, Ground Effects, Martin Landscaping, Sepi Engineering and Hazel Holmes Trucking.

**C. Airport E Concourse Phase IV Paving and Utilities Aviation**

**Staff Resource:** Jerry Orr

**Action**

Award the low bid of \$6,988,469.50 with Rea Contracting, LLC of Charlotte, North Carolina for paving and utilities work on the E Concourse ramp.

**Disadvantaged Business Enterprise**

Established DBE Goal: 5%

Committed DBE Goal: 5.72%

Rea committed 5.72% (\$399,835) to the following firms: Driggers Electric & Control, Eaton Construction Company, Southeast Group, Chambers Express Trucking and Superior Seeding.

**D. Bascom Street & Weddington Avenue Sidewalks EPM**

**Staff Resource:** Alan Morrison

**Action**

Award the low bid of \$123,898.50 by Econ International Corp. of Charlotte, North Carolina. This project will construct concrete sidewalk along the north side of Bascom Street from Ranier Avenue to Weddington Avenue and along the west side of Weddington Avenue from Bascom Street to Wyanoke Avenue in southeast Charlotte. The project was identified for construction under the ongoing City sidewalk improvement program. Construction completion is scheduled for second quarter of 2007.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 8.47%

Econ International exceeded the SBE established goal and committed 8.47% (\$10,500) to the following SBE firm: Streeter Trucking. Econ International is a certified small business enterprise.

**E. Mobile Command Communications Center & Fire  
Field Command Post**

**Staff Resource:** Jeff Dulin

**Action**

Award the low bid of \$115,955 by Farber Specialty Vehicles of Reynoldsburg, Ohio for Mobile Command Communications Center and the low bid of \$398,000 by Van-mor Enterprise, Inc. of Ocala, Florida for Field Command Post. Both of the Mobile Command units are one time purchases funded by a homeland security grant. The City of Charlotte is the lead agency for such purchases. The Communications Center is a mobile backup for existing dispatch functions during an emergency. This unit will be based in Huntersville to serve the Northern Towns Dispatch Center and provide a Mobile Communications Center in the event the Northern Towns Dispatch Center goes down. The Field Command Post serves as a unit for long term incidents that require coordination between multiple agencies. This unit will be available for special events as well as emergency scenes that require coordination of multiple agencies.

**Small Business Opportunity**

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

**F. FY07 Contract 3, Water and Sewer Street Utilities  
Main Extensions Construction**

**Action**

Award the low bid of \$1,785,120.70 to Davis Grading of Shelby, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 3 %

Committed SBE Goal: 3 %

Davis Grading committed 3% (\$53,560) to the following SBE firms: Capstone Civil Group, MTC Consultants and Dallas 1 Construction.

**14. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of McNinch Street**

**Action:** A. Adopt the Resolution of Intent to abandon a portion of McNinch Street, and  
B. Set a public hearing for October 9, 2006.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 3**

Map  
Resolution

**15. Resolution of Intent to Abandon Street and Set Public Hearing for two Portions of Dunbar Street**

**Action:** A. Adopt the Resolution of Intent to abandon two portions of Dunbar Street, and  
B. Set a public hearing for October 9, 2006.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 4**

Map  
Resolution

**16. Refund of Property Taxes and Business Privilege Licenses**

**Action:** Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$55,492.39.

**Staff Resource:** Lee Madden, Finance

**Attachment 5**

Resolution  
List of property tax and privilege business license refunds

## CONSENT II

### 17. C Project Economic Development Agreement

**Action:** Approve the Development Agreement with Crescent Resources to reimburse Crescent in an amount not to exceed \$175,000.

**Staff Resource:** Tim Richards, Engineering & Property Management

#### Explanation

- The C Project is a mixed-use development project located on South Boulevard between Rensselaer Avenue and Bland Street.
- The Storm Water Services Economic Development Policy assists certain development projects by
  - Accelerating City funded work to take advantage of the development schedule
  - Providing downstream improvements to accommodate the increased flows from the development
- The policy states that work within City right-of-way and outside the project limits should be paid 100%, up to \$175,000, by the City.
- The C Project:
  - Meets the policy and allows development opportunities while addressing storm water infrastructure needs.
  - Will negatively impact the existing inadequately sized storm drainage system located outside the project limits.
- Studies show the drainage system should be replaced in the same location with an enlarged system.
- Improvements within South Boulevard will be completed prior to re-paving being performed by others.
- Estimated design and construction costs will not exceed \$175,000. The City's share will be 100% of these costs.

#### Small Business Opportunity

Pursuant to section 2.21 of the Program Policy regarding contracts that are entered into without a competitive process this contract is exempt from the Small Business Opportunity Program.

#### Funding

Storm Water Capital Investment Plan

## 18. Metropolitan Medical Response System Grant

- Action:**
- A. Accept a grant of \$232,200 from the Department of Homeland Security's Metropolitan Medical Response Program, and**
  - B. Adopt a budget ordinance appropriating these funds to support the Advanced Local Emergency Response Team (ALERT).**

**Staff Resources:** Luther Fincher, Jr., Fire  
Jeff Dulin, Fire

### Explanation

- The Department of Homeland Security has awarded this grant to support ALERT, the multi-agency team established to respond to large-scale incidents.
- The funds will be used to purchase equipment and supplies for mass casualty incidents.

### Attachment 6

Budget Ordinance

## 19. Urban Area Security Initiative Grant

- Action:**
- A. Accept a grant of \$7,176,000 from the Department of Homeland Urban Area Security Initiative Grant Program, and**
  - B. Adopt a budget ordinance appropriating these funds for use in implementing a strategic plan to increase security in the ten-county region including and surrounding Mecklenburg.**

**Staff Resources:** Luther Fincher, Jr., Fire  
Jeff Dulin, Fire

### Explanation

- This is the first year that Urban Area Security Initiative grants have been competitively awarded. The Department of Homeland Security considers Charlotte as one of the top 35 cities in the nation at risk for a terrorist attack.
- Charlotte's grant received 63 percent more funding in the FY06 competitive process than it did with the FY05 allocations. Charlotte ranks in the top quarter of eligible applicants for plans on how to apply funds to areas of concern.
- Funds will be used to implement programs to enhance homeland security through training and equipping first responders in the ten-county region. Besides Mecklenburg, the counties in North Carolina include Cabarrus, Iredell, Lincoln, Stanly, Catawba, Union, and Gaston and in South Carolina York and Lancaster.

**Attachment 7**  
Budget Ordinance

## 20. University Patrol Division Office Lease

**Action:**   **A. Approve a 10 year lease agreement with Atapco UEP, Inc., not to exceed \$1,870, 088, for offices for the Police Department's University Division, and**

**B. Adopt a budget ordinance appropriating \$72,734 in assets forfeiture funds for technology costs for the University Division.**

**Staff Resource:**       Greg Crystal, Charlotte-Mecklenburg Police

### **Explanation**

- CMPD is redistricting to equalize workload and span of control among its patrol divisions.
- Redistricting plan includes creation of a 13<sup>th</sup> patrol division in the University area.
- Offices for the University Division will be located in an office park at 8401 University Executive Park Drive, which is centrally located within the division boundaries and provides four different access points from major roadways and adjacent streets.
- There will be up to 11,000 square feet of office space with five parking spaces for every 1,000 square feet of rentable space.
- Space includes a conference room that can be used for community meetings.
- Rent is \$15.25 per square foot with an initial monthly rent of \$13,979.17.
- Atapco is providing free rent for the first seven months.
- Common area maintenance fees and insurance are included in the rent.
- Rent increases 3.5% per year over the ten year life of the lease.
- Lease rate is below that of other comparable properties in the area which average \$19 per square foot and above.
- The University Division will move into the new office by the first week of January 2007.
- Assets forfeiture funds will be used to cover technology costs of \$72,734 including computers, printers, software licensing, etc.
- Council received a briefing on the redistricting plan at the September 5, 2006 Workshop.

### **Funding**

Atapco is providing the space rent free until July 1, 2007.  
Assets Forfeiture Funds will be used to purchase technology.

**Attachment 8**  
Budget Ordinance

## 21. Governor's Highway Safety Program Grant Application

- Action:**    **A. Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$10,000 in grant funds from the Governor's Highway Safety Program (GHSP) for traffic related expenses, and**
- B. Adopt a budget ordinance anticipating the grant of \$10,000.**

**Staff Resource:**      Captain David Haggist, Charlotte-Mecklenburg Police

### Explanation

- Captain David Haggist of CMPD's HITS Unit serves as a regional coordinator for the Governor's Highway Safety Program (GHSP) to coordinate efforts for statewide traffic initiatives such as "Click it or Ticket" and "Booze it and Lose It".
- This is the second year Captain Haggist has served in this capacity.
- The GHSP makes grant funds available to cover Captain Haggist's attendance at traffic related conferences and to fund traffic related equipment for CMPD.
- The equipment to be purchased includes:
  - High intensity blue lights to be used on unmarked cars during traffic stops
  - Window tint meters to detect violations of the window tint law
  - Camera equipment for traffic accident investigations

### Funding

\$10,000 from the GHSP; no matching funds required

### Attachment 9

Resolution

Budget Ordinance

## 22. Airport Consulting Services Contract

- Action:**    **Approve a contract with Newton & Associates, Inc. of Charlotte, North Carolina for an amount not to exceed \$350,000 for consulting services in connection with the Master Plan update and other program management.**

**Staff Resource:**      Jerry Orr, Aviation

### Explanation

- This contract is for consulting services for the following items:
  - Updating the Airport's Master Plan
  - Coordinating with federal agencies for the financing and approval of Master Plan projects
  - Planning, negotiating and financing the relocation of the rental car facilities to a consolidated rental car facility

- Continuing development of the Airport-operated General Aviation Facilities and Fixed Base Operator
- Continuing planning for an Airport-based multi-modal transportation network
- Preparing amendments to approved and new passenger facility charges applications
- Newton & Associates, Inc. is a local firm that specializes in providing professional assistance to many airports in planning, financing and implementing airport expansion.
- Newton & Associates will charge on a time and materials basis at agreed upon rates.

### **Disadvantaged Business Enterprise**

Established DBE Goal: 0%

Committed DBE Goal: 100%

The DBE program is not a subcontracting program and does not require a DBE participation goal on each contract. The City may meet its annual DBE utilization goal through a mix of contract goals and DBE-neutral means. Newton & Associates is a certified DBE, and its participation will be counted toward the City's utilization goal.

### **Funding**

Airport Capital Investment Plan

## **23. Airport Corporate Hangar Facilities Design**

- Action:**
- A. Adopt a budget ordinance appropriating \$300,000 from the Airport Fund Balance,**
  - B. Award a contract in the amount of \$118,500 with Overcash - Demmitt of Charlotte, North Carolina for hangar design, and**
  - C. Approve a contract in the amount of \$117,100 with Pease Associates of Charlotte, North Carolina for hangar design.**

**Staff Resource:** Jerry Orr, Aviation

### **Explanation**

- Additional corporate aviation facilities are needed due to the growth of the airport's corporate aviation business.
- In October 2001, City Council awarded a contract with Pease Associates to design a 26,500 square foot hangar in the Airport's fixed base operator (FBO) area.
- In December 2004, City Council awarded a contract to Pease Associates to design a second similar 23,650 square foot hangar.

- The Pease design contract includes a third 26,650 square foot hangar with a 3,000 square foot, two-story office addition on the north side of the FBO ramp.
- The Overcash-Demmitt design contract adds a 33,600 square foot, 4-bay hangar on land adjoining the FBO ramp.
- The design fees are based on utilization and modification of existing plans and specifications.

#### **Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 3% and 3.27%, respectively

Overcash-Demmitt committed 3% (\$3,555) of the total contract amount to the following SBE firm: Richa Graphics.

Pease Associates committed 3.27% (\$3,834) of the total contract amount to the following SBE firm: I Supply.

#### **Funding**

Airport Fund Balance

#### **Attachment 10**

Budget Ordinance

## **24. Document Conversion Professional Services Contract Renewal**

- Action:**
- A. Approve renewal of a professional services contract with OttieCAD, Inc., in the amount of \$275,000, and**
  - B. Authorize the City Manager to approve two additional one-year renewal terms.**

**Staff Resource:** Barry Shearin, Charlotte-Mecklenburg Utilities

#### **Explanation**

- Contract provides for the following services:
  - Electronically link each completed construction drawing to a comprehensive map of the water and wastewater systems
  - Train and supervise Utilities staff on new in-house document management process
  - Oversee all records management activities for the Utilities Engineering Division
  - Provide quality control for survey data acquisition for the Utilities' mapping system
  - Advise on best-practices to incorporate survey and drafting data into Utility business processes
- Original contract awarded by Council April 11, 2005 in the amount of \$212,600.

- Benefits of work completed during the initial period are:
  - Reduced response time for system maps requests to 1/10 of what it was two years ago.
  - Reduced time for updating system maps with information from developers and other City departments from 60 days to 10 days.

#### **Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract renewal because subcontracting is not anticipated.

#### **Funding**

Water and Sewer Capital Investment Plan

## **25. Change Order #1 for the Consolidated Influent Pumping Facilities Project at the McAlpine Creek Wastewater Management Facility**

**Action: Approve Change Order # 1 with Crowder Construction in the amount of \$981,145. The change order provides for modifications to the McAlpine Creek Wastewater Management Facility-Consolidated Influent Pumping Facilities Project.**

**Staff Resource:** Barry Shearin, Charlotte-Mecklenburg Utilities

#### **Explanation**

- This action approves a change order to the construction contract for the consolidated influent pumping facility project.
- Two factors are driving the consolidated influent pumping facility project:
  - Increase in dry weather and peak wet weather flows affecting this facility
  - Need for significant upgrades and rehabilitations to existing North and South Plant Influent Pumping Stations
- Factors driving this change order include:
  - Since October 2004, there have been multiple large projects ongoing at the McAlpine Creek Wastewater Management Facility (WWMF). In an effort to meet the regulatory deadline associated with the Phosphorus Reduction Project and to ensure continual compliance with the McAlpine Creek WWMF discharge permit, several significant work elements were moved from the Phosphorus Reduction Project to the Consolidated Influent Pumping Facility Project.
  - As part of the project work, severe corrosion damage was discovered in several critical pipe systems.
  - Land clearing, paving and security fencing are also included in this change order.
- Original contract awarded by Council on July 24, 2004.
- The change order cost will be covered by the project contingency of \$1,285,691 leaving a contingency balance of \$304,546.

- The original contract was for \$31,382,720. This change order does not change the dollar value of the contract.

#### **Small Business Opportunity**

All additional work involved in this change order will be performed by the contractor and their existing subcontractors. Crowder Construction Co. committed 7.64% (\$75,000) of this change order to the following SBE firm: Gupton Land Clearing. This change order complies with Section 10.3 of the SBO Program.

#### **Funding**

Sewer Capital Investment Plan

## **26. Traffic Signal Communications Cable Design for W.T. Harris Boulevard/North Lake Phase II**

**Action:** Approve a contract with CBW Communications Engineers for the design and construction administration of fiber optic communication cable and traffic signal interconnections for a total amount of \$162,000.

**Staff Resource:** Debbie Self, Transportation

#### **Explanation**

- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.
- CBW Communications Engineers will provide design, construction administration and inspection services for fiber optic cabling and traffic signal interconnections.
- The W.T. Harris/North Lake Phase II project will include a portion of W.T. Harris Boulevard from I-77 east to Mallard Creek Road, a portion of Old Statesville Road (NC 115) from W.T. Harris Boulevard to Reames Road and a portion of Sugar Creek Road from W.T. Harris Boulevard to David Cox Road.
- Private Developer contributions and the North Carolina Department of Transportation (NCDOT) will reimburse the City the entire cost of this contract when work has been completed.

#### **Small Business Opportunity**

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the consultant is made following Federal and State Requirements. NCDOT did not establish goals for participation by minority and women owned businesses because of the specialized nature of the work.

**Funding**

Municipal Reimbursement Agreement with NCDOT and Private Developer Contributions

## 27. Public Auctions for Disposal of Equipment and Police Unclaimed Property and Other Miscellaneous Goods

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

**B. Authorize said items for sale by public auctions on September 23<sup>rd</sup>, September 30<sup>th</sup> and October 25<sup>th</sup>, 2006.**

**Staff Resource:**        Susan Johnson, Business Support Services

**Explanation**

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for three public auctions as follows:
  - On September 23, 2006 at 10:00 a.m. to dispose of designated City owned property declared as surplus (see attachment).
  - On September 30, 2006 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required).
  - On October 25, 2006 at 10:00 a.m. to dispose of designated City owned property declared as surplus (see attachment).
- All three auctions are premise-based auctions to be conducted at the City-County surplus facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- Staff evaluated the GovDeal.com capacity for these three auctions. However, revenue forecasts are higher for the premise-based auction format due to the types and quantities of goods offered for sale.
- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
  - Rolling stock equipment - 8.50% of the total gross sale price
  - Police Unclaimed Property - 15% of the total gross sale price
  - Miscellaneous items - 12% of the total gross sale price.

**Attachment 11**

Lists of property to be declared as surplus  
Resolution

## 28. Single Vent Explosive Transport Trailer Donation

- Action:**
- A. Adopt a resolution declaring PDY 099, a single vent explosive container and trailer, as surplus, and**
  - B. Approve donation of the equipment to the City of North Wilkesboro, North Carolina.**

### Explanation

- Pursuant to North Carolina G.S. 160A-274 approval is requested for donation of a single vent explosive container and trailer to the City of North Wilkesboro, North Carolina.
  - This equipment has been replaced by newer technology and is no longer needed by the Charlotte-Mecklenburg Police Department.
  - The equipment was purchased in 1976 and has minimal value because of its age and technology advancement.
  - The City of North Wilkesboro's Police department is in the process of initiating their bomb squad and needs this equipment.

### Attachment 12 Resolution

## 29. Time Warner Cable Agreement

- Action:** **Approve an agreement with Time Warner Cable, Inc. and Time Warner Entertainment – Advance/Newhouse Partnership.**

**Staff Resources:** Mac McCarley, City Attorney's Office  
Bob Hagemann, City Attorney's Office

### Explanation

- Time Warner Cable, Inc. is a principal in Time Warner Entertainment-Advance/Newhouse Partnership (TWEAN), the legal entity that provides cable television service in the City of Charlotte.
- Several issues have arisen between the City and TWEAN. These include:
  - how to treat the June 28, 2006 expiration of one of two cable television franchises held by TWEAN (TWEAN is the successor to two separate companies that were issued a franchise by the City)
  - the results of a City audit of TWEAN's franchise fee payments
  - TWEAN's institutional network (I-Net) obligation to the City, obligations that are largely derivative of TWEAN's obligation to Mecklenburg County (TWEAN and the County are currently in litigation over this matter)
- In light of recent state legislation that will effectively take the City out of the cable television franchising business, and based on a desire to establish a

mutually beneficial business relationship going forward, the proposed agreement would resolve these matters as follows:

- acknowledge that TWEAN may continue to provide cable television service throughout the City under the terms of the unexpired franchise, and does not have to renew or extend the expired franchise
- franchise fees paid prior to June 30, 2006 are in full satisfaction of TWEAN's franchise fee obligation
- if, at the conclusion of their lawsuit, TWEAN makes a monetary or non-monetary payment to the County, TWEAN will provide the City an equivalent remedy (less the County's litigation expenses) as follows:
  - o 5% discount in the City's purchase of telecommunication services until money saved equals the monetary payment to the County
  - o the same or substantially equivalent non-monetary compensation (*e.g.*, dark fiber, discounted services) as is provided to the County
- for a period of ten years, TWEAN will offer the City the following:
  - o telecommunications services at rates at least five percent below TWEAN's lowest available rate within the Charlotte Service Area
  - o consulting services at cost
  - o work with vendors to extend TWEAN pricing to the City
  - o enter into a mutually acceptable joint trench agreement

**Attachment 13**  
Agreement

### 30. South Corridor Light Rail Project Additional Compensation in Legal Settlement

- Action:**
- A. Approve additional compensation amount of \$553,120 in settlement of a condemnation case captioned City of Charlotte v. Reitzel, et al, 04-CVS-13361, Mecklenburg County Superior Court, and**
  - B. Adopt a budget ordinance appropriating \$553,120 to the South Corridor Right of Way.**

**Staff Resources:** Mac McCarley, City Attorney's Office  
Diane Johnson, Engineering & Property Management

**Explanation**

- The parties have agreed to settle this eminent domain case for a total of \$1,063,300 subject to City Council approval. The City Attorney and City Manager support approval based on the likelihood that a jury would award a greater amount if the case is tried in court.
- As is the usual procedure when the condemnation action was filed, the City deposited \$510,180 as the fair market value of the property (\$570,700) less the costs of environmental cleanup on the property (\$60,520).

- Subsequently, the City had the appraisal updated to the date of taking, which was the date the condemnation action was filed. The updated appraisal was for \$596,150.
- Meanwhile, the property owner's appraisal totaled \$1,600,000, which differed from the City's appraisal. The difference between the appraisals is due to the appraisers' differing opinions on the property's highest and best use.
- There is a significant risk that a jury would award a higher amount based on the County assessed property tax value (\$981,800). Although the assessed tax value is based on a mass appraisal process that uses a neighborhood formula, and is not an individual study of each property based on comparable sales data, this evidence would likely be admissible in court.
- The proposed settlement amount (\$1,063,300) is based upon the assessed tax value plus interest. The settlement avoids additional expenses including appraisal fees and expert witnesses' fees.
- The total settlement amount also requires Federal Transportation Administration concurrence which was verbally received on August 29, 2006.

#### **Budget Ordinance**

- The budget ordinance appropriates \$553,120 to South Corridor Right of Way.

#### **Funding**

Transit Capital Investment Plan

#### **Attachment 14**

Budget Ordinance

## **31. Property Transactions**

**Action: Approve the following property acquisitions (A-B) and adopt the condemnation resolutions (C-H).**

For property transactions A & B, the purchase price was determined by an independent appraiser 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 for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

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

#### **Acquisitions:**

- A. Project: FAR Part 150 Land Acquisition  
Owner(s): Henry Stuckey & Shane Hall**

**Property Address:** 8650 Todd Road  
**Property to be acquired:** 6.94 acres  
**Improvements:** vacant residential land  
**Purchase Price:** \$278,000  
**Zoned:** R3  
**Use:** vacant land  
**Tax Value:** \$53,300  
**Tax Code:** 055-531-01

- B. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** Carroll O Jenkins  
**Property Address:** \* Shopton Road  
**Property to be acquired:** 11.8 acres  
**Improvements:** single family residence  
**Purchase Price:** \$457,000  
**Zoned:** R3  
**Use:** vacant single family residence  
**Tax Value:** \$140,100  
**Tax Code:** 141-071-23

## Condemnations

- C. Project:** Briar Creek Relief Sewer Phase I, Parcel # 25  
**Owner(s):** Southpark Senior Living, LLC And Any Other Parties Of Interest  
**Property Address:** 2101 Runnymede Lane  
**Property to be acquired:** Total Combined Area of 53,191 sq. ft. (1.221 ac.) of Sanitary Sewer Easement, plus To Be Abandoned, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$56,725  
**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:** Institutional  
**Use:** Home For The Aged  
**Tax Code:** 175-102-30  
**Total Parcel Tax Value:** \$5,974,800
- D. Project:** Hubbard Road Sidewalk Project, Parcel # 17  
**Owner(s):** Hubbard Road Development, Inc. And Any Other Parties Of Interest  
**Property Address:** Hubbard Road  
**Property to be acquired:** Total Combined Area of 7,863 sq. ft. (.180 ac.) of Fee Simple, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$5,850

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-3

**Use:** Vacant Lot

**Tax Code:** 043-162-11

**Total Parcel Tax Value:** \$31,400

- E. Project:** Hubbard Road Sidewalk Project, Parcel # 21.1  
**Owner(s):** Hubbard Road Development, Inc. And Any Other Parties Of Interest  
**Property Address:** Hubbard Road  
**Property to be acquired:** Total Combined Area of 9,195 sq. ft. (.211 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,300  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Vacant Lot  
**Tax Code:** 027-011-03  
**Total Parcel Tax Value:** \$3,000
- F. Project:** Hubbard Road Sidewalk Project, Parcel # 23  
**Owner(s):** Hubbard Road Development, Inc. And Any Other Parties Of Interest  
**Property Address:** Hubbard Road  
**Property to be acquired:** Total Combined Area of 13,344 sq. ft. (.306 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$9,625  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Vacant Lot  
**Tax Code:** 043-162-01  
**Total Parcel Tax Value:** \$40,800
- G. Project:** Hubbard Road Sidewalk Project, Parcel # 25  
**Owner(s):** Virginia K. Wallace And Any Other Parties Of Interest  
**Property Address:** Hubbard Road

**Property to be acquired:** Total Combined Area of 5,330 sq. ft. (.122 ac.) of Fee Simple, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$4,425

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 043-162-03

**Total Parcel Tax Value:** \$160,800

- H. Project:** Rozzelles Ferry Road Streetscape, Parcel # 22  
**Owner(s):** Apex Homes, Inc. And Any Other Parties Of Interest  
**Property Address:** 2902 Rozzelles Ferry Road  
**Property to be acquired:** Total Combined Area of 526 sq. ft. (.012 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$300  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 069-041-19  
**Total Parcel Tax Value:** \$15,000

## 32. Meeting Minutes

<p><b>Action:</b> Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> <li>- July 24, 2006 Business Meeting</li> </ul>
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