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Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Monday, June 10, 2002

5:00 p.m.

Conference Center

Dinner Briefing
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7:00 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

CITY COUNCIL AGENDA

Monday, June 10, 2002

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Residential Traffic Calming Program: Speed Humps

Resource: Doreen Szymanski, Transportation

Time: 20 minutes

Synopsis of Presentation:

On October 13, 1997, Council approved the addition of speed humps to the Residential Traffic Calming Program, which also offers traffic circles, multiway stops, and turn restrictions to assist with controlling speeds and traffic volumes in neighborhoods. Since that time, the City has installed approximately 600 speed humps on nearly 170 streets.

The Residential Traffic Calming Program is popular in Charlotte, especially speed humps. If streets meet criteria for speed humps, Transportation ranks and prioritizes locations. Neighborhoods frequently wait three to four years to obtain speed humps.

This year, 105 humps will be installed on 35 different streets. The funding for the program is from Pay-As-You-Go Funds at \$250,000 annually, with \$225,000 being dedicated to speed humps. The program is not funded after FY2004.

Based on comments from the May 28, 2002 Council Meeting, the presentation will also address the design of the hump and the ramifications of the various shapes of the humps, and the opinion of the Fire Department on speed humps.

2. Convention Center/Rail Corridor Improvements

Resource: Jim Schumacher, Engineering and Property Management

Time: 20 minutes

Synopsis of Presentation:

Construction Manager at Risk

- a. The goal is to complete the Convention Center construction of the rail corridor as soon as possible, while minimizing the impact of construction on Convention Center operations.
- b. The high level of coordination between contractors and scheduled events indicates that a Construction Management firm is needed
- c. Engineering & Property Management has selected Fluor Daniel to serve as a "Construction Manager at Risk"

Ralph Whitehead and Associates (RWA) amendment

- a. WA is the lead consultant of the design team on the trolley project, and continues to be responsible for the design of Convention Center improvements.
- b. This amendment will primarily provide funds for completing the design of the Trolley improvements and construction administration for the Convention Center.

Crowder Construction Company change order

- a. Crowder Construction was awarded a \$14M contract for the improvements to the two-mile Trolley corridor (not including the Convention Center) in March 2001.
- b. In order to expedite the project, Fluor Daniel has recommended that Crowder Construction be awarded a change order for the rail bed through the Convention Center.
- c. Oversight and coordination of the rail bed work with the remainder of the Convention Center improvements will be the responsibility of the Construction Manager, Fluor Daniel.

Future Action:

Council will be asked to approve the three contracts listed above at the June 24, 2002 Business meeting.

3. **Charlotte-Mecklenburg Government Center (CMGC) Security Improvements**

Resource: Randy Robinson, Engineering and Property Management

Time: 15 minutes

Synopsis of Presentation:

Update Council on the Public Safety Committee review of CMGC Security as requested by Council at its April 8, 2002 meeting. The Public Safety Committee review concentrated on the following:

- Level/Cost of new uniform security contract
- Level of CMGC Security in comparison to National Alert Level guidelines
- Rationale of CMGC lobby bag searches
- Review of VIP parking procedures
- Review of CMGC security capital projects

Future Action:

Council will be asked to approve the Public Safety Committee recommendations and contracts for CMGC security improvements during the June 10, 2002 Business meeting.

4. **Committee Reports by Exception**

Economic Development and Planning: East Boulevard Pedscape Plan

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

CONSENT

- 5. Consent agenda items 12 through 22 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

6. Public Hearing on Voluntary Annexation of Property Located on Gum Branch Road

Action: A. Hold a public hearing for the voluntary annexation of property located on Gum Branch Road; and

B. Consider adoption of an ordinance with an effective date of June 11, 2002 to extend the corporate limits to include this property.

Staff Resources: Jonathan Wells, Planning Commission
Mike Boyd, City Attorney's Office

Policy:
City Annexation Policy and State Annexation Statutes

Explanation:
The properties in this annexation area are owned by Dan Moser Company, Inc. and by Yates and Helen Gilbert. The property contains approximately 55.06 acres and is located on the west side of Gum Branch Road, north of Mount Holly Road (NC 27). The property shares a boundary with the current City limits, and remains largely undeveloped. The applicants have submitted plans for a 130-lot single family subdivision for the western segment of the property, and has graded that portion of the property, installed underground utilities, and constructed some roadways. The eastern portion of the identified area is scheduled to be acquired by the NC Department of Transportation for a segment of the future I-485 right-of-way.

The petitioners request this action to be allowed to 1) proceed with the subdivision platting using City roadway standards to which the roads already constructed conform, 2) to offer City services to prospective home buyers, and 3) to relieve those home buyers of the uncertainties of a future annexation.

No additional personnel or equipment is expected to be required for this annexation.

The City Clerk has certified the petition as to its sufficiency, and a resolution was adopted by Council establishing June 10, 2002 as the date for the public hearing. The notice has been published in the *Charlotte Observer*. The 60-day notice requirement has been given to the six Mecklenburg Towns and to the other municipalities with which Charlotte has annexation agreements. The petitioners have obtained a waiver of the 60-day notification requirement from the six Mecklenburg towns.

Community Input:

The purpose of the public hearing is to obtain community input on the proposed voluntary annexation.

Attachment 1

Certificate of Sufficiency
Annexation Ordinance
Map of proposed annexation area

POLICY

7. City Manager's Report

8. East Boulevard Pedscape Plan



Action: Approve the Economic Development & Planning Committee's recommendation to adopt the East Boulevard Pedscape Plan as presented with the provision that further public input be conducted on the roadway design for Section 1.

Committee Chair: Lynn Wheeler

Staff Resource: John Cock, Planning Commission

Explanation:

The draft East Boulevard Pedscape Plan is the prerequisite for implementation of the Pedestrian Overlay District (PED) zoning in the East Boulevard corridor. East Boulevard is the first of 14 identified PED areas. The other PED areas include South End, Beatties Ford Road, Central Avenue, Elizabeth Avenue, 7th Street, West Morehead, Hawthorne Lane, Providence Road, West Boulevard, Kings Drive, Old Independence, East Morehead, North Davidson.

Key recommendations in the plan include:

1. Building setbacks and streetscape requirements for new development.
2. Revised land use recommendations, which update Central District Plan recommendations.
3. Street widths and potential future cross-sections for East Boulevard.
4. Short and long-term recommendations for streetscape and pedestrian improvements to the corridor.

Committee Discussion:

On May 15, 2002, the Economic Development & Planning Committee unanimously recommended (Council members Wheeler, Graham, Lochman, Carter, and Cannon were present) adoption of the plan as presented with the provision that further review and public input be conducted as to the roadway design for Section 1 (Cleveland Avenue to Dilworth Road West).

Staff provided additional information and answered committee questions on the proposed roadway design for Section 1 and the pedestrian refuge medians in Section 3 (Charlotte Drive to Garden Terrace) in response to issues raised by citizens at the City Council public hearing on the Plan on April 22, 2002.

A representative of Dilworth United Methodist Church addressed the committee regarding the church's concern about the potential loss of on-street parking in Section 1.

A property owner addressed the committee regarding concerns about the potential impacts of proposed pedestrian refuge islands on his properties. Three citizens, including one affected property owner and two residents, spoke in favor of the refuge islands.

Committee members inquired about:

- further public input on Section 1 roadway design
staff response: further public input will be conducted on the roadway design for Section 1
- the effect of proposed pedestrian refuges on a tree on private property
staff response: pedestrian refuges would not affect the large tree in question
- the location of future sidewalk if a pedestrian refuge is installed
staff response: sidewalk would have to be moved in some instances and would be at the back of curb in limited sections. Planting strips would be installed or maintained where possible.
- loss of parking that might be caused by proposed pedestrian refuges
staff response: a few parking spaces would be affected – possibly 4-5. The parking in question is non-conforming, but could be reconfigured to minimize loss and improve circulation if a pedestrian refuge median were installed.
- the loss of street trees that would occur if pedestrian refuges were installed
staff response: approximately 7 trees could be lost, but could be replaced on private property in the near term; new trees would be required to be planted by developers as new development occurs in the long term.
- the recommendation of the Tree Commission to use planting strips instead of raised planters
staff response: planters are preferred in high-pedestrian traffic areas

Following Council adoption of the plan, the next steps are the public hearing on PED zoning on June 17, 2002 and Council decision on July 15, 2002.

Community Input:

Four public meetings were held between March and November 2001 to develop and review plan recommendations. During the plan development process, staff also met with representatives of the Dilworth Community Development Association and individual property and business owners to answer questions and receive comments on the plan. The Historic District Commission and the Tree Commission have also reviewed and provided input on the plan.

Key issues from the public input process:

- Update land use recommendations to reflect current zoning
Resolved: land use recommendations updated
- Enhance pedestrian crossings, especially in commercial section. Some property owners are concerned about impacts of proposed pedestrian refuge islands.

Resolved: Pedestrian refuge islands and other crossing enhancements recommended in plan

Status: Staff has met with property owners and modified concept plans to minimize potential impacts

- Review proposed cross-section for Section 1 (concern about proposed median and reduced on-street parking)

Resolved: Staff recommends further public input on the future roadway design for this section when funding is available for implementation

- Use trees in planting strips vs. trees in raised planting beds or grates (in commercial section, Section 3)

Resolved: Staff recommends using raised planting beds in the commercial section only due to high pedestrian traffic and maintenance issues related to grass-planting strips

- Reduce speeding automobiles in corridor

Status: This is a city-wide issue that will require education, enforcement, and engineering solutions. No solutions specific to East Boulevard have been developed in this planning process, although the provision of a planted median in Section 1 could have traffic calming effects.

Attachment 2

Executive Summary of the Draft East Boulevard Pedscape Plan

9. Charlotte-Mecklenburg Government Center (CMGC) Level of Security and Site Security Improvements



Action: A. Approve Public Safety Committee's recommendations with respect to CMGC Security Measures;

B. Approve contract with American Eastern Builders in the amount of \$160,608 for Plaza Site Security Improvements; and

C. Approve contract with D.E. Brown Construction in the amount of \$120,000 for Loading Dock Security Renovations.

Committee Chair: Patrick Cannon

Staff Resource: Randy Robinson, Engineering and Property Management

Explanation:

On April 8, 2002 Council approved a new contract for uniformed security in the CMGC and requested that the Public Safety Committee review the current level of security in the CMGC. The Committee was specifically asked to review the cost and level of the uniformed security service along with the overall plan for CMGC security.

Committee Discussion:

On April 24, 2002, and May 14, 2002, the Public Safety Committee met to discuss several security related issues and made recommendations described in the Committee Discussion. Mayor Pro Tem Cannon and Council members Cogdell, Mitchell, and Tabor were in attendance at both meetings. Council member Wheeler was absent.

A. CMGC Security Measures:

1. The Public Safety Committee asked staff to develop a local security threat assessment/matrix based on the Homeland Security Advisory System. Security levels on this matrix align our level of protection with local and national guidelines. The City is currently at the Yellow Level as described in the matrix.

Based on the current national and local alert level, the Committee reviewed and approved the current level of uniformed security for the CMGC. Staff provided cost data on local and national security guard wage rates which significantly contributed to the increase in contract cost. The Committee directed staff to try to reduce contract costs provided it did not weaken the current level of security. Staff has worked with the contractor to lower the weekly hours from 657 hours per week to 617 hours per week. The Committee unanimously recommended that staff continue implementation of the security plan.

2. Committee reviewed rationale of bag searches on the lobby level and concurred that the practice be continued during Yellow (or higher) alert levels.
3. Committee asked staff to review security in the VIP parking area as it relates to user safety and access rights. Staff communicated to all approved users (City, County, and Court staff) user guidelines and further defined access privileges.
4. Committee reviewed CMGC security capital projects and asked staff to proceed with the bid process on the projects. The two projects (submitted on this agenda), Plaza Site Improvements - American Eastern Builders and Loading Dock Bollards - DE Brown Construction, require Council approval. Actual bids received have exceeded the original estimate, however staff has negotiated with the low bidders to reduce costs by \$46,000.

5. Committee asked staff to survey both tenants and visitors to gauge the perception of security in the facility after completion of the attached security projects. Staff will complete survey three to six months after completion of projects.

B. Plaza Site Security Improvements:

The City Engineer recommends the low bid and Alternate 2, totaling \$160,608 by American Eastern Buildings, Inc. of Charlotte, North Carolina. This project provides new low walls, bollards, benches, and planters in the CMGC courtyard. This construction is designed to protect occupants and visitors at the CMGC from vehicle incidences.

C. Loading Dock Security Renovations:

The City Engineer recommends the low bid by D.E. Brown Construction, Inc. of Charlotte, North Carolina of \$120,000. This project provides a guardhouse and a fixed and retractable bollard protection system at the loading dock entrance. This will improve security from vehicle incidences at the loading dock area of the CMGC and the Mecklenburg County Criminal Courthouse.

Attachment 3

Local Security Threat Assessment

Statement regarding the entrances and bag searches

Security projects with cost estimates

May 14, 2002 Public Safety Committee summary

BUSINESS

10. Storm Water Fee Rates

Action: Approve the Storm Water fee rates, effective July 1, 2002, for the Minor Drainage System in the City of Charlotte.

Staff Resource: Steve Sands, Engineering and Property Management

Explanation:

In accordance with the interlocal agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee. The County Commission will take action on the fee at their meeting on June 18, 2002 and the interlocal agreement requires Council approval prior to County Commission action.

The proposed fee change for FY2003 is illustrated below:

	FY2002 Monthly Fee	FY2003 Monthly Fee
Detached homes with less than 2,000 sf impervious area	\$2.50	\$2.63
Detached homes with 2,000 sf or more impervious area	\$3.67	\$3.87
Other residential or non-residential development per acre of impervious area	\$61.18	\$64.51

The current long-range plan for the storm water program includes annual increases in the City's storm water fee in order to pay debt service on bonds which finance the ongoing response to new and backlogged citizen requests for service.

Storm Water Services plans to complete over 100 large, neighborhood-sized capital improvement projects requiring substantial system upgrades over the next 15 years. In addition, a significant backlog of yard flooding and channel erosion problems (up to 6000 service requests) will be addressed over the next 10 years. The long-term plan includes an enhanced water quality protection and improvement program, as well as coordination with transit planning, schools, and parks.

The long-term programmatic and financial plan, as presented in FY2002, included 5 years of 7.5% fee increases (FY2002 – FY2006). Due to economic circumstances, however, Storm Water Services is requesting only a 5.5% fee increase for FY2003 as a one-year exception to that long-range plan.

Although this change increases our reliance on bond funding to support the capital program, this one-year exception to the series of 7.5% fee increases still enables Storm Water Services to meet its long-term financial and programmatic goals as follows:

- Meet debt service requirements for revenue bonds sold to address the backlog of citizen requests in a timely manner.
- Have adequate pay-as-you-go funding in the capital program.
- Limit and reduce debt service costs in the long term.

The Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC), which is charged with reviewing and commenting on the Storm Water budget annually prior to presentation to Council, has recommended approval of the proposed 5-Year Storm Water program, FY2003 Storm Water budget, and the 5.5% fee increase. They have endorsed the 5.5% fee increase only as a one-time exception to the previously endorsed plan which included 7.5% fee increases through FY2006.

In accordance with the interlocal agreement on storm water services, Council and the Board of County Commissioners conducted a joint public hearing on changes to the City's portion of the storm water fee on May 21, 2002.

Attachment 4

Letter to City Manager from Charlotte-Mecklenburg Storm Water Advisory Committee

11. Nominations to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

Two, three-year appointments beginning August 2002. Frank Gilreath, open category, and Joel Randolph, representing the west side of Charlotte, are both eligible and would like to be reappointed.

Attachment 5

Applications

B. BUSINESS ADVISORY COMMITTEE

One position beginning immediately and serving until April 2004. Mike Spinelli failed to fulfill Council's attendance requirements.

Attachment 6

Applications

C. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORPORATION

One appointment beginning immediately and ending June 2003. Doug Bell has resigned.

One appointment beginning immediately and ending June 2004 to represent an industry, non-public user. Shannon Reichley has resigned.

Attachment 7

Applications

D. HISTORIC LANDMARKS COMMITTEE

Two appointments beginning July 2002. Amy Gray and Scott Hirsch are eligible and would like to be considered for reappointment.

Attachment 8

Applications

E. PRIVATIZATION-COMPETITION ADVISORY COMMITTEE

One appointment beginning immediately and ending March 2003. Stephen Hayes did not fulfill Council's attendance requirements.

Attachment 9

Applications

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 and are low bid.

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

Contracts awarded to Minority and Women Business Development (MWBD) certified companies are noted. The MWBD abbreviations are as follows:

ABE – Asian American

BBE-African American

HBE – Hispanic

NBE-Native American

WBE – Non-Minority Women

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

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

12. Various Bids

A. Rocky River Road at Grier Road Intersection Improvement

E&PM

Recommendation:

The City Engineer recommends the low bid of \$243,756.45 by Granite Contracting, LLC of Concord, North Carolina. This project will improve the existing intersection by realigning Rocky River Road perpendicular to Grier Road and installing a new traffic signal. Additional improvements include sidewalks at the construction intersection and along the Reedy Creek Park frontage.

This project is included in the 2010 Transportation Plan and has been expedited due to development of the new Fire Station #34 being constructed adjacent to the intersection.

B. Water Main Construction-16-Inch Water Main along Beatties Ford Road from Sao Paula Drive to North of Sample Road CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$248,423.65 by Foster Utilities, Inc. of Pineville, North Carolina. This project consists of water pipe, fire hydrants and various erosion controls to be performed within the rights-of-way of Beatties Ford Road, Sample Road, and easements acquired from individually owned properties with varying temporary construction easements throughout the City of Charlotte and Mecklenburg County.

C. Water and Sewer Main Construction-FY02 Contract K-Street Main Extensions CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$891,666.99 by Castor Plumbing Company, Inc. of Cornelius, North Carolina. The award is being made on a unit price basis for a period of one year with three one-year renewal options. This project consists of sanitary sewer line, water pipe, manholes, and various erosion controls to be performed within rights-of-way of the North Carolina Department of Transportation and/or Charlotte Department of Transportation and other rights-of-way acquired from individually owned properties with varying temporary construction easements throughout the City of Charlotte and Mecklenburg County.

MWBD: Castor will subcontract \$50,000 to Barron Maintenance, a certified BBE and \$4,000 to Sybil Seeding, a certified WBE.

D. Sanitary Sewer And Water Main Construction- Back Creek Church Road 2001 Annexation Area Phase 2 CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,252,486.64 by Sanders Constructors, Inc. of Belmont, North Carolina. This project consists of sewer pipe, water main pipe, manholes, fire hydrants, and various erosion controls to serve Newell-Hickory Grove Road, District Drive, Grier Road, Getalong Road West, Getalong Road East, Lost Boy Court, Middle Acres Drive, Back Creek Church Road and Orr Road. The construction will be within varying permanent and temporary construction easements, crossing twelve (12) individually owned properties.

MWBD: Sanders will subcontract \$48,200 to three WBE firms. \$20,000 to Wayland, Inc., \$10,000 to Froehling & Robertson, and \$18,200 to Foster Clearing & Chipping.

13. Refund of Property Taxes

Action: Approve adoption of a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$357.54.

Attachment 10

Resolution

List of Refunds

CONSENT II

14. Federal and State Transit Assistance Grants

- Action:**
- A. Adopt a resolution authorizing the City Manager to submit grant applications and execute funding with the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) for FY2002 and FY2003 transit assistance;**
 - B. Adopt a resolution authorizing the CATS CEO to submit grant applications and execute funding agreements with the North Carolina Department of Transportation (NCDOT) for FY2002 and FY2003 transit assistance; and**
 - C. Adopt a budget ordinance appropriating \$ 25,268,302.**

Staff Resource: Dee Pereira, Charlotte Area Transit System

Explanation:

The City's Transit Program receives several types of Federal and State grant revenues, that fund a portion of the Charlotte Area Transit System's (CATS) approved capital budget program. The City estimates Federal and State grant participation levels and advances funding from the Transit Fund fund balance to cover estimated grant revenues. Upon receipt of the grant revenues, funds advanced to the program revert back to the Transit Fund fund balance.

Council is requested to approve:

A. Action A estimates new FY2002 Federal allocations for CATS capital programs at \$7,555,640. Appropriations are estimated to be received for the following grants:

- Congestion Mitigation Air Quality (CMAQ) totaling \$4,055,640 through the Federal Transit Administration (FTA). CMAQ funds will be utilized to purchase buses.
- Borders and Corridors (B&C) program through the Federal Highway Administration (FHWA) totaling \$3,500,000. B&C funds will be utilized to acquire rights-of-way along I-77.

Council is also requested to authorize application for the Federal Transit Administration (FTA) Job Access and Reverse Commute (JARC) grant in the amount of \$500,000. JARC funds will be used to add neighborhood circulators in the Beatties Ford and Eastland Mall areas.

- B. Action B authorizes the CATS Chief Executive Officer to submit applications for FY2002 and FY2003 NCDOT grants and to execute contracts to receive funding.

Grant applications to NCDOT total \$1,573,332 and include:

- \$506,955 for buses,
- \$437,500 for rights-of-way acquisition, and
- \$628,877 for transit technology equipment including partial funding for: Digital Video Cameras, Automatic Vehicle Locators, Trapeze Software Upgrade, and Hastus Scheduling Software Upgrade.

Council is also requested to authorize grant applications to NCDOT for:

- an increased revenue estimate (above that included in the FY2003 recommended budget) for the FY2003 Rideshare Program in the amount of \$102,686, and
- a State Apprentice grant totaling \$28,890 for work and learning opportunities for students attending North Carolina colleges and universities.

- C. The budget ordinance appropriates \$25,268,302, including \$7,555,640 in Federal Grants, \$1,573,332 in State Grants and \$16,139,330 in Local funds. In order to implement the projects, amounts equal to the Federal and State grants will be advanced from the Transit Fund fund balance until receipt of the grants.

Funding:

Federal and State grants
CATS Capital Program

Attachment 11

Listing of funding sources
Resolutions
Ordinance

15. Bus Procurement Project

Action: Approve the exercise of an option to an existing contract with the Gillig Corporation to purchase up to 51 high floor 40-foot suburban buses, 2 low floor 40-foot buses and 3 low floor 30-foot buses in FY2003 for an amount not to exceed \$18,300,000.

Staff Resource: Keith Parker, Charlotte Area Transit System

Policy:

This action is consistent with the 2025 Transit/Land Use Plan and Countywide Transit Services Study for the continued development and expansion of the transit system in the county and region-wide.

Explanation:

On March 25, 2002, Council approved a competitively procured five-year contract with the Gillig Corporation that provides Charlotte Area Transit System (CATS) with the option to purchase three (3) different types of buses over the next five years. The high floor 40-foot suburban buses are designed with amenities, such as upholstered seating and reading lights, to provide comfortable service on the express routes where customers ride for longer periods of time. The low floor 40-foot buses are designed to provide quick and easy access for the high volume ridership on local routes. The low floor 30-foot buses are smaller vehicles designed to provide service for the hubs at the Beatties Ford, Eastland and Arrowood locations.

The buses purchased under this “Year 2 Option” will be utilized to expand local and express services as well as replace buses that have reached the end of their useful lives. Forty-seven (47) high floor 40-foot suburban buses are replacement buses. Four (4) high floor 40-foot suburban buses, two (2) low floor 40-foot buses and three (3) low floor 30-foot buses are for expanding local services. The number of buses that will be purchased each year is in compliance with CATS approved 5-Year Capital Program.

Due to funding constraints, the contract was structured in a manner that will allow CATS to order buses as funds become available. In FY2003 CATS plans to purchase 51 high floor 40-foot suburban buses, 2 low floor 40-foot buses, and 3 low floor 30-foot buses by exercising an option to the existing contract for an amount not to exceed \$18,300,000. Capital funds appropriated for FY2003 will be available to exercise this option.

DBE Compliance:

Gillig Corporation is in compliance with the Federal Transit Administration’s (FTA) regulation requiring DBE certifications from Transit Vehicle Manufacturers as a condition of being authorized to bid on transit procurements funded by FTA.

Community Input:

Metropolitan Transit Commission and Transit Services Advisory Committee

Funding:

The total amount of \$18.3 million is funded through \$10,600,000 in Certificates of Participation and \$7,700,000 in cash.

The Certificates of Participation are 10 years in duration and are debt serviced from Federal (80%) and State (10%) grants, and the City's match (10%) from the ½¢ transit sales tax.

The remaining \$7.7 million in cash is from two Federal and State transit grants and also includes the local matches. The proportional funding breakdown for case is 80% Federal, 10% State and 10% local match from the ½¢ transit sales tax.

16. EZ Rider and Uni-Park Rider Bus Service

Action: Approve an amendment to an existing contract with Carolina Transportation, Inc. in the amount of \$321,866.37 to extend the agreement for the provision of the EZ Rider and Uni-Park Rider service through September 29, 2002, with an option to extend the agreement for up to three additional months for a total amount not to exceed \$643,732.74.

Staff Resource: Keith Parker, Charlotte Area Transit System

Policy:

A goal of Charlotte's Five-Year Transportation Plan is to provide transportation services to the greater Charlotte Area and provide access to Charlotte economic centers where employment is concentrated.

Explanation:

Charlotte Area Transit System (CATS) contracts out with a private operator to run its EZ Rider and Uni-Park Rider services which are neighborhood circulator routes serving primarily Community within a City (CWAC) neighborhoods and the University area with smaller shuttle buses. The services carry about 10,900 passengers per month.

This contract amendment will extend the existing agreement that was executed in 1997 and expires on June 30, 2002, for three (3) months to allow Carolina Transportation, Inc. to continue operating the EZ Rider and Uni-Park Rider service until CATS completes a competitive procurement for this service. The amendment also contains an option that will allow CATS to extend the services for an additional three (3) months on a monthly basis if needed.

CATS will issue a request for proposals for the services in June. The selected contractor will not be identified prior to the expiration of this agreement on June 30, 2002. Therefore, this amendment extends the period of performance three months through September 29, 2002. This amendment will require an increase in funds for the contract with Carolina Transportation, Inc. in an amount not to exceed \$321,866.37 for the 3 months and in an amount not to exceed \$643,732.74 if the additional 3 option months are exercised. Carolina

Transportation, Inc. will operate seven (7) EZ Rider and one (1) Uni-Park Rider routes.

Background:

The EZ Rider and Uni-Park Rider service has been operated by Carolina Transportation, Inc. since 1997.

Funding:

CATS FY2003 Operating Budget

17. Developer Contribution for Roadway Improvements

Action: Adopt a budget ordinance appropriating \$175,000 in private developer funds for road improvements.

Staff Resource: Bill Dillard, Transportation

Explanation:

The North Carolina General Assembly recently authorized the City to enter into road improvement contracts with private parties for public intersection / roadway improvements up to a maximum of \$175,000. These improvements can occur in the City's extraterritorial jurisdiction.

Crosland, Inc. has contributed \$125,000 to be used to install traffic signal mast arms at the intersection of Rea Road and Ardrey Kell Road.

Granite Development has contributed \$50,000 to be used to construct eastbound and westbound left-turn lanes and make traffic signal revisions on Mt. Holly-Huntersville Road at Brookshire Boulevard.

Transportation staff has reviewed the requested road improvements and recommends approval. The road improvements coincide with the Thoroughfare Plan. These funds will be appropriated to the capital program.

Attachment 12

Ordinance

18. Inspection of Qualifying Bridges 2002

Action: Approve the agreement for \$222,143 with HDR Engineering, Inc. of the Carolinas (HDR) for engineering services for the Inspection of Qualifying Bridges 2002.

Staff Resource: Gus Jordi, Transportation

Explanation:

The Federal Highway Administration mandates that bridges/culverts be inspected every two years. Bridges that are greater than 20 feet in length qualify for federal reimbursement through the North Carolina Department of Transportation (NCDOT).

Council approved a municipal agreement on February 25, 2002, with NCDOT to share the cost of the mandated inspections for bridges that qualify for matching funds. Under the municipal agreement, the City will be reimbursed \$177,714 (80%) for the cost of these inspections.

This agreement provides for inspection services for 145 bridges and culverts maintained by the City, and for over-street walkways within City maintained streets.

Funding:

Capital Investment Plan

19. Environmental Engineering

Action: Approve three contracts for various environmental engineering services in the amount of \$200,000 each to Hart & Hickman, S&ME, and Titan Atlantic.

Staff Resource:

David Meachum, Engineering and Property Management

Explanation:

These firms will perform various environmental studies in connection with property acquisition for capital projects and restoration of City property to meet State and Federal EPA regulations. Services may include:

- Ongoing site assessment/remediation at City-owned properties under the State EPA's Leaking Underground Storage Tank program. (ie. Fire Station's #9, #12, #16, and #26, Law Enforcement Center Surface Parking Lot);
- Police and Fire Training Academy: Design of a site remediation strategy that will allow for redevelopment of the former fire pits area. This site is regulated by the state EPA's Division of Waste Management – Hazardous Waste Section.
- Phase I and Phase II site assessments for City property acquisitions and right-of-way purchases;
- Asbestos surveys of buildings in preparation for demolition or renovation and support of the City's Asbestos Program;
- Design of fuel tank systems at new Fire Stations,
- Preparation of Transportation Air Quality permits.

Funding:

Capital Investment Plan

20. Water and Sewer Main Construction Street Main Extensions Renewal

Action: Approve Renewal #1 for \$837,890.70 with R. H. Price, Incorporated for continued construction of FY2002 Contract C water and sewer street main extensions.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue construction throughout the City of Charlotte and Mecklenburg County for applicants who have requested water and sewer main street main extensions. The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount for FY2002 Contract C from \$837,890.70 to \$1,675,781.40.

Funding:

Water and Sewer Capital Investment Plan

21. Property Transactions

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

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

Acquisitions:

- A. Project:** Freedom Drive (NC27) Widening, Parcel #502
Owner(s): Sarah L. Summerlin
Property Address: 6331 Freedom Drive
Property to be acquired: 34,107 sq.ft. (0.783 ac.) of Fee Simple
Improvements: All – Total Take - Including Buildings
Purchase Price: \$116,000
Remarks: This acquisition is required for the Freedom Drive (NC27) Widening project. Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: R-3, CC SPA
Use: Single Family Residential
Tax Code: 059-231-12
Total Parcel Tax Value: \$66,430

Condemnations:

- B. Project:** Freedom Drive (NC27) Widening, Parcel #400
Owner(s): Joseph G. Marion and Wife, Mildred Y. Marion and Any Other Parties of Interest
Property Address: 3801 Freedom Drive
Property to be acquired: 6,185 sq.ft. (0.142 ac.) of Fee Simple
Improvements: Total Take – Buildings, Landscaping
Purchase Price: \$48,700
Remarks: This acquisition is required for the Freedom Drive (NC27) Widening project. Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-012-16
Total Parcel Tax Value: \$32,230
- C. Project:** Central Avenue Streetscape, Parcel #54
Owner(s): Fletcher G. Keith and Wife, Peggy M. Keith and Any Other Parties of Interest
Property Address: 5123 Central Avenue
Property to be acquired: 2,062 sq.ft. (0.047 ac.) of Fee Simple plus Temporary Construction Easement
Improvements: None
Purchase Price: \$22,000
Remarks: This acquisition is required for the Central Avenue Streetscape project. 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-1
Use: Jiffy Lube
Tax Code: 101-212-08
Total Parcel Tax Value: \$335,560
- D. Project:** Central Avenue Streetscape, Parcel #56
Owner(s): Margaret Keever Walden and Any Other Parties of Interest
Property Address: 5124 Central Avenue
Property to be acquired: 3,886 sq.ft. (0.089 ac.) of Fee Simple, Permanent and Temporary Construction Easements
Improvements: Landscaping
Purchase Price: \$44,205
Remarks: This acquisition is required for the Central Avenue Streetscape project. 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-1

Use: Commercial/Gas Station

Tax Code: 131-051-02

Total Parcel Tax Value: \$1,116,500

- E. Project:** Brookshire Boulevard Widening, Parcel #4
Owner(s): Siroos Amiri, Parvin Amiri, Hassan Radmanesh, Lenrae Weaver, Ali Bahmanyar, Laura Bahmanyar and Nastaran Robinson and Any Other Parties of Interest
Property Address: 3800 Brookshire Boulevard
Property to be acquired: 2,133 sq.ft. (0.049 ac.) of Fee Simple, Right-of-Way plus Permanent Utility Easement and Temporary Construction Easement
Improvements: None
Purchase Price: \$7,000
Remarks: This acquisition is required for the Brookshire Boulevard Widening project. 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-1
Use: Restaurant
Tax Code: 039-012-16
Total Parcel Tax Value: \$410,710
- F. Project:** Brookshire Boulevard Widening, Parcel #10
Owner(s): Nash Properties, LLC and Any Other Parties of Interest
Property Address: 3930 Brookshire Boulevard
Property to be acquired: 1,910 sq.ft. (0.044 ac.) of Fee Simple, Right-of-Way plus Permanent Drainage Easement and Temporary Construction Easement
Improvements: Sign, Sign Pole and Parking Barrier Posts
Purchase Price: \$15,800
Remarks: This acquisition is required for the Brookshire Boulevard Widening project. 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-1
Use: Restaurant/Commercial
Tax Code: 039-012-14
Total Parcel Tax Value: \$471,010
- G. Project:** Brookshire Boulevard Widening, Parcel #12
Owner(s): Shreeji Properties, Inc. c/o Chad Patel and Any Other Parties of Interest

Property Address: Brookshire Boulevard
Property to be acquired: 4,305 sq.ft. (0.099 ac.) of Fee Simple, Right-of-Way and Temporary Construction Easement
Improvements: Sign, Sign Lights and Pavement
Purchase Price: \$20,900

Remarks: This acquisition is required for the Brookshire Boulevard Widening project. Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: B-2CD

Use: Shop Strip/Commercial

Tax Code: 039-015-08

Total Parcel Tax Value: \$617,320

- H. Project:** Brookshire Boulevard Widening, Parcel #16
Owner(s): Bharti Patel and Ashokkumar Patel and Any Other Parties of Interest
Property Address: Brookshire Boulevard
Property to be acquired: 3,467 sq.ft. (0.080 ac.) of Fee Simple, Right-of-Way plus Permanent Drainage Easement and Temporary Construction Easement
Improvements: None
Purchase Price: \$9,375
Remarks: This acquisition is required for the Brookshire Boulevard Widening project. 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-1
Use: Single Family Residential/Vacant
Tax Code: 039-012-24
Total Parcel Tax Value: \$383,260

22. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- **January 14, 2002**
 - (a) **Closed Session (untitled lawsuit)**
 - (b) **Closed Session (United Construction lawsuit)**
- **May 13, 2002 Budget Presentation**
- **May 13, 2002 Business Meeting**
- **May 20, 2002 Joint Breakfast with Mecklenburg Delegation**
- **May 20, 2002 Zoning Meeting**
- **May 21, 2002 Budget Retreat**
- **May 21, 2002 Joint Storm Water Hearing**