

**Mayor Patrick L. McCrory**

Susan Burgess  
Nancy Carter  
Patsy Kinsey  
John W. Lassiter  
Don Lochman

**Mayor Pro Tem Patrick De'Angelo Cannon**

James E. Mitchell, Jr.  
Patrick Mumford  
Greg Phipps  
John H. Tabor, AIA  
Warren Turner

# **CITY COUNCIL MEETING**

**Monday, May 9, 2005**

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# CITY COUNCIL AGENDA

Monday, May 9, 2005

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

### **1. Hot Jobs/Cool Communities Report**

**Resources:** Tom Flynn, Economic Development Office  
John Stamas, City Committee  
Amy Aussieker, City Committee  
Wynn Madrey, City Committee

**Time:** 20 minutes

#### **Synopsis**

- The City Committee recent “Hot Jobs/Cool Communities” initiative seeks to raise awareness of changes taking place in the workforce, while continuing to position the Charlotte region as a destination.
- The specific goal is to attract and retain people in the 25-44 age demographic.
- Keeping and retaining this age group in our work force is important for Charlotte’s economic development as this age group has the technology skills businesses are seeking. This age group also has a higher degree of entrepreneurship and is more likely to start new businesses.
- The City Committee has completed study of the Charlotte region and will present a “handprint” of the region as well as their strategic recommendation.
- The City of Charlotte is one of several sponsors of the Hot Jobs/Cool Communities study.

#### **Future Action**

- The proposed Economic Development Strategic Framework includes working with the City Committee to implement their recommendations. Now that there are specific recommendations, staff will review them and include the ones appropriate for City involvement in the final Economic Development Strategic Framework.
- The Framework is due to Council in June for approval.

#### **Attachment 1**

City Committee Purpose and Membership  
Executive Summary of Report

### **2. Police False Alarm Ordinance Amendments**

**Resource:** Captain Teresa McNally, Charlotte-Mecklenburg Police

**Time:** 15 minutes

#### **Synopsis**

- Captain McNally will present a brief history of the alarm ordinance which went into effect in May 1996.

- The current ordinance requires the registration of alarms and establishes escalating fines for false alarms.
- Captain McNally's presentation will highlight the overall effectiveness of the ordinance. In addition, she will note some aspects of the ordinance that may need to be changed to promote responsible alarm ownership, reduce false alarms and help to recover the cost of police response to false alarms.

**Future Action**

CMPD requests this item be referred to the Community Safety Committee for discussion.

**3. Committee Reports by Exception**

Economic Development and Planning Committee: Self Financing Bonds

Technical Coordinating Committee: North Carolina Transportation Improvement Program

Redistricting Committee: Redistricting Plan

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

**CONSENT**

- 4. Consent agenda items 12 through 26 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

### 5. Public Hearing on the FY2006 & FY2007 Operating Budget and the FY2006-2010 Capital Investment Plan

**Action:** Receive public comment on the City Manager's recommended budget.

**Committee Chair:** Don Lochman

**Staff Resource:** Ruffin Hall, Budget and Evaluation

#### Explanation

- State law requires a public hearing be held following presentation of the Manager's recommended budget (May 2, 2005) and prior to Council adoption of the budget (June 6, 2005).
- State law also requires that a public notice be published following presentation of the Manager's recommended budget and before the scheduled public hearing. The required public notice was published in local newspapers on Thursday, May 5<sup>th</sup>.

#### FY2006 and FY2007 Budget Summary

- Total recommended budget for FY2006 is \$1.42 billion with \$880.8 million for operating expenses and \$541.5 million for capital expenditures (all funds).

#### General Fund Essential Services

The essential services operating budget for the General Fund is balanced **without a property tax increase** using a combination of additional budget reductions, service levels decreases and fee increases.

#### Service Level Decreases and Reductions

- Decreasing multi-family garbage collection from twice to once a week
- Eliminating street cleaning and debris pickup along State maintained streets
- Eliminating landscape maintenance of the I-277 loop
- Decreasing right-of-way mowing on City and State Streets
- Reducing neighborhood community education
- Other budget reductions in Key Business Units
- Service level decreases and budget reductions produce \$2.8 million in savings for FY2006.

#### Fee Increases

- An increase in the fully allocated cost recovery rate of regulatory user fees from 60% to 80% in FY2006 and 100% in FY2007
- An increase in the business privilege license cap from \$2,000 to \$10,000

#### General Fund Service Expansion

- In addition to the essential services budget, the recommendation includes a services expansion budget funded by a property tax rate increase:



- 62 police sworn positions in FY2006 and 30 police sworn positions in FY2007
  - Additional funding of street resurfacing
  - An infill fire station in the Arboretum area
  - Six additional positions in code enforcement
  - Replacement of lost sales tax revenues from Mecklenburg County in FY2007
  - Increase in capital program (see Capital Investment Plan below)
- Significant revenues include:
    - An FY2006 property tax rate increase of 2.4¢ per \$100 of property valuation
    - An FY2007 property tax rate increase of 1.4¢ per \$100 of property valuation
    - A water/sewer rate increase of 7.7%, a \$3.39 average monthly increase
    - An increase in storm water fees of 7.5%, an average monthly variable rate increase of 34¢ for city residents

### **FY2006-2010 Capital Investment Plan**

#### Municipal Debt-Funded

- The Preliminary FY2006-2010 general government Capital Investment Plan (CIP) totals \$503.6 million. Funding highlights of the general government program include the following:
  - \$210 million for roads
  - \$16 million for South Corridor station area infrastructure
  - \$35 million for sidewalks
  - \$73.5 million for affordable housing programs
  - \$4 million for pedestrian and traffic safety
- The recommended property tax rate increase includes 1.2¢ in FY2006 and 0.6¢ in FY2007 for new debt capacity of \$250 million over the five year CIP.

#### Pay-As-You-Go-Funded

- The five year FY2006-2010 CIP includes \$163.9 million in Pay-As-You-Go and current revenues, a \$1 million or 1.4% increase over the current FY2005-2009 CIP.
- 0.2¢ is transferred to the General Fund operating budget to address the budget gap and avoid more severe budget cuts.

#### Enterprise-Funded

- Storm Water program totals \$196.1 million which includes \$104.6 million for flood control projects in neighborhood water basins.
- Charlotte Area Transit System totals \$954 million which includes \$408.0 million for the North, Northeast, and US 74 Corridors light rail development.
- Water and Sewer program totals \$580.5 million which includes \$111 million for 2007 and 2009 annexations
- Aviation totals \$519.3 million which includes \$78 million for a new third parallel runway.

Community Development Block Grant and HOME

- Decrease of \$683,000 due to changes from the federal Omnibus Act for FY2006
- Three options considered to cover loss include decreasing:
  - Construction or rehabilitation of housing units in targeted neighborhoods
  - Housing Support Services (Relocation)
  - After School Enrichment programs
- Recommendation:
  - Reduce After School Enrichment funding by 50% for FY2006
  - No funding for After School Enrichment in FY2007

**Calendar**

- Council's budget retreat for budget adjustments is scheduled for May 18, 2005
- Council's final budget retreat or "straw votes" session is scheduled for June 1, 2005 at 1:30 p.m.
- Budget adoption is scheduled for June 6, 2005 at 5:00 p.m.
- Council is required by state law to adopt a budget on or before June 30 of each year.

## POLICY

### 6. City Manager's Report

### 7. Self-Financing Bonds



**Action:** Receive a report from the Economic Development and Planning Committee on the proposed criteria for using Self Financing Bonds.

**Committee Chair:** John Lassiter

**Staff Resource:** Tom Flynn, Economic Development

#### Explanation

- In March City Council adopted a process to establish policy and criteria for the use of Self Financing Bonds that were authorized by the voter approved Amendment One in November 2004.
- This process called for staff to prepare draft criteria for the City Council and the County Commission by May 2005 and then to seek community input on these criteria in June and July.
- Final approval of the criteria is scheduled for August 2005.
- Staff proposes criteria that address the following issues:
  - Defining blighted, deteriorated, undeveloped or underdeveloped land and buildings
  - Areas appropriate for conservation or rehabilitation
  - Areas appropriate for economic development
- Staff also proposes a process for:
  - Private sector initiated projects
  - Public sector initiated projects
- The County Commission will receive a similar presentation during May 2005.

#### Committee Discussion

- The Economic Development and Planning Committee received and discussed this information. The Committee requested that City Council receive this information in public session so that the public would get a better understanding of Self Financing Bonds.

#### Next Steps

- In June and July, Economic Development staff will make community presentations to receive public input on the draft criteria. The draft criteria will be considered by Economic Development and Planning Committee and City Council in August 2005.

## 8. North Carolina Transportation Improvement Program

**Action:** Receive the recommendation of the Technical Coordinating Committee (TCC), and direct the vote of the City of Charlotte MUMPO Representative on the proposed North Carolina Transportation Improvement Program (TIP).

**Staff Resource:** Bill Finger, Transportation

### Explanation

- The NC Board of Transportation recently published a draft TIP for public review and Mecklenburg-Union Metropolitan Planning Organization (MUMPO) comment.
- The proposed TIP delays the schedule for several road projects due to shortfalls in state revenues, adjustments made due to "Lyndo's Law", and project delivery issues.
- CDOT staff presented the proposed TIP to Council at their May 2nd workshop.
- The TCC reviewed the proposed changes to the TIP at their May 5th meeting.
- This action provides the recommendation of the TCC and asks Council to direct the vote of their MUMPO Representative (Council member Mumford).
- The MUMPO Board will vote on any proposed changes to the North Carolina TIP at their May 18th meeting.
- Additional information on the TCC's recommendation will be included in the Council-Manager Memorandum on Friday, May 6, 2005.

## 9. Redistricting Plan

**Action:** Consider adoption of resolution approving Redistricting Plan G 04-25-05 as recommended by Redistricting Committee.

**Committee Chair:** Susan Burgess

**Staff Resource:** Mike Boyd, City Attorney's Office

### Explanation

- As a result of voluntary annexations approved since 2003 and the involuntary annexations that will take effect on June 30, 2005, the City Council district boundaries must be revised to include the annexations. The shift in boundaries will also affect the population of the City as a whole and the affected districts.
- Under applicable law, the populations of the districts cannot vary by more than 5% from the average district population.
- Relevant population information is as follows:
  - 651,101—Total estimated, City population, including annexation and in-fill development
  - 93,015—Average district population

- 97,666—Maximum district population
- 88,365—Minimum district population
- The Redistricting Committee (Burgess, Lassiter and Mumford attending; Cannon absent) voted 3-0 to recommend that Council adopt Redistricting Plan G 04-25-05.

**Attachment 2**

Resolution Revising Boundaries of Council Electoral Districts (Plan G04-25-05)  
& Map

Statistics for Redistricting Plan G04-25-05

Briefing Paper on Redistricting

Factors That May Be Considered in Redistricting

## BUSINESS

### 10. Nominations to Boards and Commissions

**Action:** Nominate citizens to serve as specified.

**A. Business Expansion Funding Corporation**

One, three-year appointment beginning May 1, 2005 (*Private Lending Category*). Council left the nominations open because there were no applications for the category.

- Sherry Lewis by Council member Cannon

**Attachment 3**

Applications

### 11. Appointments to Boards and Commissions

**Action:** Vote on blue paper ballots and give to the City Clerk at dinner.

**A. BizHub Board**

Two appointments beginning immediately, one for a one-year term and one for a three-year term.

- Robert Boylan by Council member Tabor
- Mitchell Lemons by Council member Lassiter
- Thomas Washington by Council member Mitchell

**Attachment 4**

Applications

**B. Housing Authority**

One appointment beginning May 17<sup>th</sup> and serving until December 2006.

- David Jones by Council member Tabor
- Ken Szymanski by Council members Carter and Mumford

**Attachment 5**

Applications

**C. Mint Museum Board of Trustees**

One appointment beginning immediately and ending July 2007.

- Dee Dixon by Council members Carter and Phipps
- Patty Tracey by Council members Tabor and Turner

**Attachment 6**

Applications

**D. Neighborhood Matching Grants Committee**

One appointment (*open category*) for a two-year term beginning April 15, 2005.

- Jessica Everett by Council members Burgess and Turner
- Larry Lawson by Council members Lassiter, Lochman and Tabor

**Attachment 7**

Applications

**E. Parole Accountability Committee**

One appointment for a three-year term beginning June 2, 2005.

- Jeri Arledge by Council members Cater, Kinsey, Phipps and Turner
- Sandra Donaghy by Council members Burgess and Tabor

**Attachment 8**

Applications

**F. Privatization/Competition Advisory Committee**

One appointment beginning immediately and ending March 2006.

- David Cordes by Council members Lassiter and Lochman
- Jeff Feemster by Council member Cannon
- David Norman by Council members Burgess, Carter and Kinsey
- Harold Smith by Council members Phipps and Tabor

**Attachment 9**

Applications

## **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

### 12. Various Bids

#### A. **Traffic Signal Fiber Optic Cable Construction Providence CDOT Road Area and Mallard Creek Church Road Area**

##### **Action**

Award the low bid of \$399,048.64 by Bryant Electric Repair & Construction Co, of Gastonia, North Carolina. This project will install fiber optic cable and conduit facilities along Providence Road (Greyson Ridge Drive to Providence Country Club Road), along Ballantyne Common Parkway (Providence Road to Woodview Circle) along McKee Road (Providence Road to Tilly Morris Road), along Mallard Creek Church Road (Mallard Creek Road to North Tryon Street), along Mallard Creek Road (Mallard Creek Church Road to Governor Hunt) and along Mallard Creek Road (Mallard Creek Church Road to Galloway Road).

##### **Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following Federal and State Requirements.

**B. Construction of the Mallard Creek Park and Ride Facility** **CATS**

**Action**

Award the low bid of \$1,244,118 by Morlando-Holden Construction Inc. of Charlotte, North Carolina. The Mallard Creek Park and Ride facility (1712 J.N. Pease Place, University Area) contains approximately 200 parking spaces, an operator comfort station, passenger shelter and lighting. Estimated completion date is September 1, 2005.

**Small Business Opportunity**

Established DBE Goal: 15%

Committed DBE Goal: 9.9%

The proposed DBE firms identified are George Daniels Landscaping, C & C Masonry, Hart Construction, MT Waterproofing, K & W Enterprises, Inc., C-Line Striping, Vontone Enterprises and Black Cat & Sons Trucking. The bidder has provided "Good Faith Efforts" and emphasized their continuing efforts to meet the established goal.

**C. Resurfacing FY2005A** **EPM**

**Action**

Award the low bid of \$3,982,790.90 by Rea Contracting, LLC of Charlotte, North Carolina. This project is part of an annual program to maintain City streets. The work consists of resurfacing approximately 65 miles of city streets and includes traffic control; pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramps and pavement markings. Construction completion is scheduled for fourth quarter of 2005.

**Small Business Opportunity**

SBE Subcontract Utilization Goal: 7%

SBE Participation: 14.28%

Rea Contracting, LLC exceeded the SBE goal and committed 14.28% (\$568,794) of the total contract to the following certified SBE firms: ACS Pavement Marking, Carolina Cajun Concrete, Inc., Davis Enterprises of Charlotte, LLC and DOT Construction, Inc.

**D. Recycle Bins** **SWS**

**Action**

Award the low bid of an estimated yearly amount of \$44,000 by SCL-A1 Plastics of Brampton, Ontario, Canada to provide recycle bins. This contract has two, one-year renewal options, making it a potential three

year contract with an estimated value of \$132,000. This action also authorizes staff to exercise renewal options.

**Small Business Opportunity**

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

**13. Refund of Property Taxes**

**Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$3,436.98.**

**Attachment 10**

Resolution

List of Refunds

## CONSENT II

### 14. Kensington Drive Area Sidewalks

**Action:** Approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$216,275 for the design of Kensington Drive Area Sidewalks.

**Staff Resource:** Vivian Coleman, Transportation

#### Explanation

- Provides funding for additional sidewalks to be designed for the Plaza-Midwood Neighborhood on Kensington Drive, Nassau Boulevard and Thurmond Place

#### Neighborhood Input Resulting from the July 22, 2004 Meeting

- The purpose of the meeting was to determine if there was neighborhood support for the project to serve the long-term interests of the community.
- Approximately 450 postcards were sent announcing the neighborhood meeting. Announcements were also made by the homeowner's association in its newsletter and website.
- 51 residents came to the meeting.
- 39 comment cards were returned to the City.
- The comment cards asked the residents to state whether they supported sidewalk on each of the streets. (See attachment for additional details.)
  - 85% favored a sidewalk for Kensington Drive
  - 92% favored a sidewalk for Nassaw Boulevard
  - 92% favored a sidewalk for Thurmond Place
- Many Plaza-Midwood residents who attended the meeting reaffirmed that Kensington Drive is a primary street for people to walk from the neighborhood to and from The Plaza.
- Those in opposition stated that:
  - The sidewalk would be too close to their homes and unsafe as 'people could easily look into their windows.'
  - Vegetation would be impacted.
  - All that is really needed is curb and gutter
- Those in support stated that:
  - They were very concerned about speeding and appreciated getting sidewalks for safety of all users, including children, elderly and 'dog-walkers and strollers.'
  - Sidewalks add to the neighborhood and encourage neighborhood interaction.
  - Sidewalks would be a huge improvement for the area.
- Those in support and opposition wanted to make sure the City staff will listen to impacted residents in making design decisions and that the City needs to be flexible about the location of the sidewalks.

**Small Business Opportunity**

SBE Subcontractor Utilization Goal: 0%

SBE Participation: 1.97%

The selection process for this project took place on March 18, 2002, which preceded the implementation of the SBO Program for professional services contracts. Kimley-Horn has committed 1.97% (\$4,280) of the total contract amount with the following certified SBE firms: Torrence Reprographics and On-Target.

**Funding**

Transportation Capital Investment Plan

**Attachment 11**

Project Summary

**15. Vehicle Traffic Signal Modules**

- Action:**
- A. Approve the purchase of Light Emitting Diode (LED) Vehicle Traffic Signal Modules without competitive bidding, as authorized by the state contract purchases exception of G.S. 143-129(e)(9), and**
  - B. Approve a contract for the purchase of LED Vehicle Traffic Signal Modules to Leotek Electronics in the estimated annual amount of \$500,000 for a term of one year.**

**Staff Resource:** Lawrence McKnabb, Transportation

**State Contract Purchases Exception**

- G.S. 143-129(e)(9) provides that formal bidding requirements do not apply when the North Carolina State Division of Purchases and Contract establishes contracts on behalf of state agencies and allows local governments to participate in such contracts. The awarded vendor must be willing to extend to the local government the same or more favorable prices, terms and conditions as those established under the state contract.
- Leotek Electronics was awarded the NC State contract, #550-A.
- Leotek Electronics is willing to extend the same contract prices to the City.

**Recommendation**

- Staff recommends Leotek Electronics as the most cost effective, greatest value and overall best solution for LED Vehicle Traffic Signal Modules.
- LED stands for Light Emitting Diode, which are the colored bulbs of a traffic signal.
- LED's are more cost effective than incandescent lamps. The LED's last longer than incandescent and are guaranteed for five years. Incandescent, on the other hand, are only guaranteed for the first 18 months.
- CDOT crews will not have to replace burnouts as often. Fewer trips for the crew saves on fuel, labor, and equipment costs.
- LED's are more visible in daytime and nighttime.

- The Leotek LED's fit the existing traffic signals.
- Leotek LED's has been used since September 2004 with only one malfunctioning lamp.
- CDOT has used other brands in the past that did not function well and were sent back several times for repair.
- The City is reimbursed from the State for all LED's that are used on State intersections.

#### **Small Business Opportunity**

This is a purchase from an existing NC State Contract that is exempt from the SBO Program per Section 2.21 of the Program Policy.

#### **Funding**

Transportation Operating Budget

## **16. Billy Graham/Wilkinson Interchange Improvement Project**

**Action:** Approve amendment #2 with Kimley-Horn and Associates, Inc. in the amount of \$165,539 to provide engineering services for the Billy Graham/Wilkinson Interchange.

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

#### **Amendment #2 with Kimley-Horn**

- This project is part of the West Side Strategy Plan for future economic development within that corridor. It was approved as part of the 1998 Transportation Bond referendum.
- Provides for storm drainage design and analysis, FEMA flood permit applications and bid phase services for Phase 2 of the Billy Graham/Wilkinson Interchange Improvement Project
- Provides construction phase services and oversight for the installation of a 144 inch storm pipe to be tunneled under Wilkinson Boulevard

#### **Contract History**

- Council approved an agreement with Kimley-Horn in the amount of \$214,549 for planning services on November 23, 1998.
- Council approved contract 00-509 with Kimley-Horn on April 24, 2000 in the amount of \$289,672 for the design of roadway improvements along Billy Graham Parkway/Wilkinson Boulevard.
- Council approved Amendment #1 on October 22, 2001, in the amount of \$266,008 for design services for storm drainage at Wilkinson Boulevard.

#### **Small Business Opportunity**

This project was initially awarded in 1998. The work will be performed by the prime contractor. Performance by the prime and original subcontractor for this amendment complies with Section 10.3 of the SBO Program.

**Funding**

Transportation Capital Investment Plan

**17. Municipal Agreement for Installation of Two New Traffic Signals at NC 16 (Brookshire Boulevard) and I-485 Ramps**

**Action:** Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of two traffic signals at NC 16 (Brookshire Boulevard) and the new I-485 Ramps.

**Staff Resource:** Liz Babson, Transportation

**Explanation**

- This Municipal Agreement is for the design and installation of two new traffic signals at NC 16 (Brookshire Boulevard and I-485 Eastbound Ramp and at NC 16 (Brookshire Boulevard and I-485 Westbound Ramp).
- The project also includes the installation of fiber optic communications cable along NC 16 (Brookshire Boulevard) from I-485 ramps to Mt. Holly-Huntersville Road.
- The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT.
- NCDOT will reimburse the City for actual costs not to exceed \$430,500.
- The format and cost sharing philosophy is consistent with past municipal agreements.

**Funding**

Transportation Capital Investment Plan

**Attachment 12**

Resolution

**18. Repairs to Fire Pumper**

**Action:** Approve payment of \$201,195 to Smeal Fire Apparatus for repairs to Fire Engine 23, which was damaged in an wreck in July 2004.

**Staff Resource:** Jon Hannan, Fire  
Scott Denham, Finance

**Explanation**

- Fire Engine 23 sustained extensive damage in a one-vehicle wreck, caused by an operator error that occurred on July 28, 2004.

- The damage to the truck was less than 70 percent of its worth; the truck was only ten months old. The new contract price on a pumper is \$340,044; the repair costs were 59% of replacement. Risk Management did not consider it a total loss.
- Damage was extensive enough, however, to require sending it back to the original manufacturer to rebuild it. Since the work was rebuilding, this was considered sole source and was not bid out.
- Council approval is required because the amount exceeds the City Manager's signature authority (\$100,000).

### **Funding**

Fire Operating Budget and Self Insurance Fund

## **19. Police & Fire Training Academy Generator**

**Action: Authorize the City Manager to negotiate a contract with Industrial Electric Company in an amount not to exceed \$1,150,000 for the Police and Fire Training Academy (PFTA) Generator Replacement Project.**

**Staff Resource:** Sue Rutledge, Engineering & Property Management

### **PFTA Generator Replacement**

- The current Emergency Operations Center (EOC) is located on Statesville Road in a building rented by Mecklenburg County.
- The 2004 Homeland Security Exercise Evaluation Report stated that the current EOC facility is substandard and that changes to the facility or relocation was necessary.
- A new site for the EOC has been located in the PFTA at Shopton Road.
- The existing emergency generator at the PFTA does not have the capacity to provide the power level necessary to operate the EOC.
- This project will install two fixed diesel powered generators and associated fuel storage tank with an uninterruptible power source.

### **Contract with Industrial Electric Company (Industrial)**

- This project is funded by the State Homeland Security Grant Program.
- Industrial's bid is the lowest of three bids received.
- Industrial's bid is \$126,000 (11%) over the grant amount of \$1,150,000.
- The City and the engineer are reviewing the plans, specifications and alternates to keep the project in line with the grant amount.

### **Small Business Opportunity**

Established SBE Goal: 0 %

Committed SBE Goal: 0%

This contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program policy.



**Funding**

State Homeland Security Grant

**20. Radio Equipment Purchase**

- Action:**
- A. Approve the purchase of Motorola radio equipment without competitive bidding as authorized by the sole source exception of G.S. 143-129(f), and**
  - B. Approve the one time purchase of radio equipment from Motorola, Inc. of Charlotte, North Carolina for a total cost of \$203,515.94 on behalf of local government agencies. The purchase will be funded by an Urban Areas Security Initiative Grant.**

**Staff Resources:** Hal Wishon, Emergency Management**Explanation**

- Charlotte received a Urban Area Security Initiative Grant on April 21, 2004 and City Council approved the grant implementation on May 24, 2004.
- Subsequently, the disposition of such grant funds to local government agencies was approved by City Council April 11, 2005.
- Comparable 800MHz Motorola equipment is currently in place for Charlotte-Mecklenburg.
- This purchase will provide compatible radio equipment within the multi-county area. Thus, the goal of interoperability will be achieved.
- The purchase of radio equipment for Stanly County, NC will be \$45,539, for Iredell County will be \$57,993, and York County, SC for \$99,983.94 amounting to a total of \$203,515.94.
- Motorola, Inc. is recommended as the most cost effective, greatest value and overall best solution for all the radio equipment requirements.

**Small Business Opportunity**

This contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program policy.

**Funding**

Urban Security Initiative Grant

**21. Amendment #2, Vest Water Treatment Plant System Improvements**

- Action:** Approve Amendment #2 with Black and Veatch International, in the amount of \$155,000 for Vest Water Treatment Plant System improvements.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

**Explanation**

- Original contract approved by City Council on April 14, 2003, in the amount of \$245,000 for professional engineering services related to chemical system improvements at Vest Water Treatment Plant.
- Amendment #1 approved by KBE in March, 2004 for \$49,500, funded foundation design changes due to results of geotechnical investigation.
- Amendment #2 funds the following:
  - increased construction administration and inspection services
  - additional subsurface exploration and testing
  - design and inspection services for roof replacement and ventilation
  - revisions to the risk management program

**Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

All additional work involved in the Amendment will be performed by the current contractor and their subcontractors. Therefore, this Amendment complies with Section 10.3 of the SBO Program.

**Funding**

Water and Sewer Capital Investment Plan

## 22. **Revision to Amendment #4 to the Sewer Agreement with the Water and Sewer Association of Cabarrus County**

**Action:** Approve a Revision to Amendment #4 to the Water and Sewer Authority of Cabarrus County (WSACC) Regional Wastewater Treatment Agreement for wastewater treatment service to the Reedy and McKee Creek basins within Mecklenburg County.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

**Explanation**

- Amendment #4 to the WSACC agreement was approved by City Council on December 9, 2002. Amendment #4 provides for the terms and conditions for the construction of sewer lines and wastewater treatment capacity needed to serve the McKee and Reedy Creek basins.
- Following the approval of Amendment #4, but prior to the actual document execution, environmental permitting concerns arose. Due to these concerns and the length of time projected to address them, the amendment execution was suspended.
- The proposed revision provides for more flexibility in the construction schedule and restructures the payment schedule to address both temporary and permanent suspension of the project.

- The original agreement was approved by Council in December 1995 and provided for wastewater treatment services to serve northeastern Mecklenburg County. Amendments 1, 2, and 3 were for additional trunk sewer lines to be installed under the term and conditions of the original agreement in the northeastern portion of the county.
- The revised Amendment was adopted by WSACC in March 2005.

## 23. Airport Fixed Base Operator Budget Ordinance

**Action:** Adopt a budget ordinance appropriating \$1,018,228 from the Airport Excluded Centers Fund Balance to the Operating Fund, to fund increased fuel sales by Wilson Air Center-Charlotte LLC, the Airport's fixed base operator.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- On October 11, 2004 Council approved a management contract with Wilson Air Center–North Carolina, LLC (Wilson) to operate the Fixed Base Operator (FBO) facility at the Airport.
- Wilson is paid an annual fee of \$250,000 plus an incentive fee of 5% for surplus revenues.
- On December 13, 2004 Council approved the appropriation of \$8,803,000 to fund the initial start-up and operational cost of Wilson, for the period February 1, 2005 to June 30, 2005.
- To date, Wilson has generated substantially higher fuel sales than its original projections and the cost of fuel has increased approximately 19% since Wilson commenced operations.
- The additional fuel purchased will be resold by Wilson to aircraft operators. Fuel is sold for the Airport's cost plus a mark-up for handling.
- This budget ordinance will provide funding for the increased cost of operating the FBO.

### Funding

Airport Fund Balance and repaid through fuel sales

### Attachment 13

Budget Ordinance

## 24. Conveyance of Easements Adjacent to Old Convention Center

**Action:** Adopt a resolution authorizing the conveyance of permanent easements over, under and across City property adjacent to the Old Convention Center Site to Pacific Avenue, LLC including a portion within the rail corridor.

**Staff Resource:** Tom Flynn, Economic Development  
Lawana McAllister, City Attorney's Office

### **Explanation**

- Pacific Avenue, LLC recently purchased the real property commonly known as the Old Convention Center site and intends to develop the property with a multi-use complex called the EpiCenter that will include retail, office and residential.
- The City owns the property located southeast of and adjacent to the Old Convention Center site, a portion of which is part of the rail corridor.
- On November 22, 2004, City Council approved a Reimbursement Agreement between Pacific Avenue, LLC's predecessor, Spectrum Properties, and the City that includes a provision that the City would grant air rights, subterranean and access easements in a portion of the City property adjacent to the Old Convention Center site.
- The improvements in the easement area will include an access road, walkways, utilities, parking, and support structures.
- The Reimbursement Agreement further provides for a permanent pedestrian easement to the City across the Old Convention Center site in order to provide access and to assure connectivity from the light rail platform to College Street. These rights have been granted to the City.
- Pacific Avenue, LLC requires an easement area of +/- 7,320 square feet, approximately 1,904 square feet of which are within the rail corridor. Any proposed use within the easement area is subject to approval by the appropriate governmental authorities.

### **Attachment 14** Resolution

## **25. Property Transactions**

**Action: Approve the following property acquisitions (A-D) and adopt the condemnation resolutions (E-M).**

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

### **Acquisitions**

- A. Project:** North Tryon Street Sidewalk Project, Parcel # 2  
**Owner(s):** Wachovia Bank & Trust Company  
**Property Address:** 8800 JM Keynes Drive  
**Property to be acquired:** 922 sq. ft. (.021 ac.) in Sidewalk and Utility Easement, plus 3,284 sq. ft. (.075 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$19,500

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** B-1S(CD)

**Use:** Commercial

**Tax Code:** 047-271-04

**Total Parcel Tax Value:** \$1,218,500

- B. Project:** Sardis Road Tank to NC 51 - 36" Water Main, Parcel # 3  
**Owner(s):** Matthew A. Marino And Wife, Staci E. Marino  
**Property Address:** 105 Pineville-Matthews Road  
**Property to be acquired:** 3,132 sq. ft. (.072 ac.) in Utility Easement, plus 1,458 sq. ft. (.033 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Shrubs  
**Purchase Price:** \$12,659  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-20MF  
**Use:** Rural Homesite  
**Tax Code:** 227-027-47  
**Total Parcel Tax Value:** \$234,500
- C. Project:** South Corridor Infrastructure Project: Arrowood Signature Package - Roadway Improvements, Parcel # 91  
**Owner(s):** Robert Talley And Wife, Anna Marie Talley  
**Property Address:** 7101 South Boulevard  
**Property to be acquired:** 1,135.46 sq. ft. (.026 ac.) in Sidewalk and Utility Easement, plus 6,966 sq. ft. (.160 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$26,950  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 173-163-13  
**Total Parcel Tax Value:** \$311,100
- D. Project:** Statesville Avenue Streetscape, Parcel # 28  
**Owner(s):** Double Oaks Associates  
**Property Address:** 2401 Statesville Avenue  
**Property to be acquired:** 4,406 sq. ft. (.101 ac.) in Sidewalk and Utility Easement, plus 50 sq. ft. (.001 ac.) in Utility Easement, plus 40,979 sq. ft. (.941 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$120,000

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-22MF

**Use:** Multi Family

**Tax Code:** 075-113-01

**Total Parcel Tax Value:** \$834,200

### Condemnations

- E. Project:** Ashley Park Neighborhood Improvements - Columbus Circle Capital Improvement Project, Parcel # 353  
**Owner(s):** Carlos J. Mendoza And Any Other Parties Of Interest  
**Property Address:** 1937 Garibaldi Avenue  
**Property to be acquired:** Total Combined Area of 2,155 sq. ft. (.049 ac.) of Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$75  
**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-4  
**Use:** Single Family Residential  
**Tax Code:** 067-072-25  
**Total Parcel Tax Value:** \$61,900
- F. Project:** City View Heights / Phase 2 - Neighborhood Improvement Project, Parcel # 37  
**Owner(s):** Jane Ellen Cook And Any Other Parties Of Interest  
**Property Address:** 7330 Wallace Lane  
**Property to be acquired:** Total Combined Area of 2,200 sq. ft. (.051 ac.) of Existing Right-of-Way, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$125  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 165-113-25  
**Total Parcel Tax Value:** \$94,800
- G. Project:** City View Heights / Phase 2 - Neighborhood Improvement Project, Parcel # 40  
**Owner(s):** Bobby Lee Toliver, Jr. And Wife, Sheryl Lynn Toliver And Any Other Parties Of Interest

**Property Address:** 7226 Dorn Circle  
**Property to be acquired:** Total Combined Area of 783 sq. ft.  
(.018 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$175  
**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-4  
**Use:** Single Family Residential  
**Tax Code:** 165-113-24  
**Total Parcel Tax Value:** \$79,300

**H. Project:** City View Heights / Phase 2 - Neighborhood  
Improvement Project, Parcel # 58  
**Owner(s):** Darrell Kent Ewing And Any Other Parties Of Interest  
**Property Address:** 7614 East Lane Drive  
**Property to be acquired:** Total Combined Area of 1,361 sq. ft.  
(.031 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$175  
**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-4  
**Use:** Single Family Residential  
**Tax Code:** 165-122-03  
**Total Parcel Tax Value:** \$82,200

**I. Project:** City View Heights / Phase 2 - Neighborhood  
Improvement Project, Parcel # 65  
**Owner(s):** Binaco Investments, Inc. And Any Other Parties Of  
Interest  
**Property Address:** East Lane Drive  
**Property to be acquired:** Total Combined Area of 2,493 sq. ft.  
(.057 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$225  
**Remarks:** Compensation was established by an independent,  
certified appraisal and appraisal review. City staff has yet to reach  
a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 165-081-17  
**Total Parcel Tax Value:** \$26,000

- J. Project:** City View Heights / Phase 2 - Neighborhood Improvement Project, Parcel # 69  
**Owner(s):** Ting Ting Lee, Trustee of Kuo-Yang Lee Trust Fund And Any Other Parties Of Interest  
**Property Address:** East Lane Drive  
**Property to be acquired:** Total Combined Area of 1,604 sq. ft. (.037 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$175  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 165-121-13  
**Total Parcel Tax Value:** \$18,000
- K. Project:** Independence Boulevard @ Lanier Plaza (Traffic Signal), Parcel # 1  
**Owner(s):** LPZ Limited Partnership And Any Other Parties Of Interest  
**Property Address:** 4410 East Independence Boulevard  
**Property to be acquired:** Total Combined Area of 150 sq. ft. (.003 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$700  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 161-036-34  
**Total Parcel Tax Value:** \$2,015,400
- L. Project:** Nations Ford Road - Phase II Water Main System Improvements, Parcel # 10  
**Owner(s):** Okwara Properties, LLC And Any Other Parties Of Interest  
**Property Address:** 9040 Nations Ford Road  
**Property to be acquired:** Total Combined Area of 3,795 sq. ft. (.087 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,075  
**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-1

**Use:** Commercial

**Tax Code:** 203-189-08

**Total Parcel Tax Value:** \$766,600

- M. Project:** South Corridor Infrastructure Project: Scaleybark Sidewalk Packages, Parcel # 435  
**Owner(s):** Robert B. McLean And Any Other Parties Of Interest  
**Property Address:** 3522 Conway Avenue  
**Property to be acquired:** Total Combined Area of 1,093 sq. ft. (.025 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$525  
**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-1  
**Use:** Single Family Residential  
**Tax Code:** 149-051-05  
**Total Parcel Tax Value:** \$133,400

## 26. Meeting Minutes

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

- April 11, 2005-Business Meeting
- April 18, 2005-Zoning Meeting