

Mayor Patrick L. McCrory

Susan Burgess
Nancy Carter
Malcolm Graham
Patsy Kinsey
John W. Lassiter

Mayor Pro Tem Patrick De'Angelo Cannon

Don Lochman
James E. Mitchell, Jr.
Patrick Mumford
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, November 8, 2004

CITY COUNCIL AGENDA

Monday, November 8, 2004

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4:00-6:00 P.M. CITY MANAGER'S EVALUATION CH-14

6:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Midtown Square Redevelopment

Resources: Ron Kimble, City Manager's Office
Debra Campbell, Planning Commission
Tom Flynn, Economic Development Office

Time: 30 minutes

Synopsis

- Proposed redevelopment into a major urban mixed-use center including a Home Depot Expo, Target, 160,000 square feet of other retail, 75,000 square feet of office and 90+ residential units for sale.
- The proposed redevelopment project scored "Good" or "Excellent" on all of the criteria in the Sustainability Index
- Planning staff has generally approved the conceptual design of the urban mixed use center. A more detailed schematic plan will be submitted and reviewed by staff as part of the rezoning process.
- Redevelopment has many benefits including:
 - Redevelopment of vacant big boxes
 - Provides retail for center City and mid-City residents
 - Significant attraction along the greenway
 - Estimated annual impact of \$65 million
- Staff has negotiated the Conceptual Business terms for an Economic Development grant of \$12.3 million, paid over an estimated period of ten years.
- The Economic Development and Planning Committee voted unanimously (5-0) to recommend approval of the Conceptual Business Terms.

Future Action

This item is on tonight's City Council agenda for approval of the Conceptual Business terms, item #7, page 6.

2. Committee Reports by Exception:

- Economic Development and Planning Committee: Draft West Morehead Land Use & Pedscape Plan and Midtown Square Redevelopment
- Housing and Neighborhood Development Committee: Housing Trust Fund FY2005 Funding Allocation

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

CONSENT

- 3. Consent agenda items 14 through 45 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.**

POLICY

4. City Manager's Report

Attachment 1

City Manager's Report on City/County Response to Neighborhood Issues

5. Draft West Morehead Land Use & Pedscape Plan



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the draft West Morehead Land Use & Pedscape Plan, Concept Plan.

Committee Chair: John Lassiter

Staff Resource: Kent Main, Planning Commission

Explanation

- Area is adjacent to the Wesley Heights neighborhood and I-77.
- Originally developed as an industrial district, now only about 25% industrial.
- Plan eliminates need for individual rezonings for future urban development.
- Plan is follow-through from *West Morehead Corridor & Vision Plan* (2001).
- Beginning April 2004, three additional public meetings were held to review and refine plan.
- Notices of all public input opportunities were sent to property owners, business and neighborhood associations and previous meeting attendees.
- Plan recommends rezoning of all property and all owners have been notified.

Plan Recommendations

- Land Use:
 - Walkable mixed-use development recommended in most of the district.
 - Area south of Bryant Street: FEMA floodway, severe restrictions on new construction; recommended for park/open space use; or if not acquired by County, for mixed-use development in accordance with all regulations.
- Cross Sections and Streetscape Standards:
 - Streets categorized into three types with setback requirements for each.
 - Wide sidewalks, street tree plantings, and buildings close to the street.
- Streetscape and Pedestrian Improvements:
 - *Westside Strategy Plan* (2001) identified improvements to West Morehead Street already underway: new three-lane configuration developed by CDOT with consultation of neighborhood businesses and NCDOT.
 - Intent is to facilitate the large numbers of left turns that hamper traffic flow through the area, as well as to improve pedestrian movement.
 - This plan builds upon the CDOT streetscape design and makes additional recommendations for future capital improvements.

Review Process

- Charlotte-Mecklenburg Planning Commission: received public comments July 20, 2004. Business Association members spoke in favor. One property owner expressed concern at the possible rezoning of his property, currently in use as a nightclub, from an underlying I-2 to B-1. On October 19, 2004 the Planning Committee voted 5-0 to recommend approval of the draft plan.
- City Council's Economic Development and Planning Committee: received staff background briefing September 1, 2004; reviewed Planning Commission comments; discussed CDOT's West Morehead Street lane changes. On November 3, 2004, the Committee voted 4-1 to recommend approval of the draft plan as presented.
- The City Council public comment session was held on September 27, 2004. A representative of the West Morehead Business Association spoke in support of the plan and of the streetscape project also underway. A representative of the nightclub property owner expressed continuing concern at the possible rezoning of his property. Staff noted that possible rezonings would occur through a separate process, with schedule yet to be determined.

Attachment 2

Draft West Morehead Land Use & Pedscape Plan

6. Housing Trust Fund FY2005 Funding Allocation



Action: Approve the Housing and Neighborhood Development Committee's recommendation to allocate \$12,394,713 for FY2005 to the City's Housing Trust Fund.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- On November 26, 2001 City Council established a Housing Trust Fund (HTF) to provide financing for affordable housing in the Charlotte community.
- On April 8, 2002 City Council established the Housing Trust Fund Advisory Board. One of the Advisory Board's charges is to recommend annual funding priorities for the Housing Trust Fund to City Council.

Explanation

- The Housing Trust Fund Advisory Board met and recommended the allocation of \$12,394,713 for FY2005 City's Housing Trust Fund. The HTF Advisory Board recommendations for categories and allocations are shown on the following chart.

Category	Funds Allocated	Percent of Funds
New Multi-Family (Rental) – New construction of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 30% or less of AMI	\$6,000,000	49%
Preservation Multi-Family (Rental) – Rehabilitation of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 30% or less of AMI.	\$4,000,000	32%
Homeownership – Ownership development in the City’s target action plan neighborhoods (<i>Belmont, Lincoln Heights, Thomasboro-Hoskins, Lakewood, Grier Heights, Washington Heights, Wingate, Reid Park and Druid Hills</i>) and HOPE VI revitalization neighborhoods servicing households earning 80% or less than AMI.	\$1,394,713	11%
Special Needs Housing – Provision of housing to serve the disabled, homeless and elderly populations or HIV/AIDs populations earning 60% or less than the AMI	\$1,000,000	8%
Total	\$12,394,713	100%

- Overall, the HTF Advisory Board’s recommendation represents a balanced approach to meeting affordable housing needs, production goals, serving the most needy population and meeting the leverage factors established by City Council.
- In reaching its recommendation, the HTF Advisory Board explored alternative funding scenarios such as a rental voucher approach and deep subsidy concentrating on areas of greatest housing need.
- The \$12,394,713 allocation represents the following:
 - \$253,083 remaining in the uncommitted funds from the 2003 Housing Bonds
 - \$10 Million from the 2004 Housing Bonds
 - \$2,141,630 in proceeds from the upcoming sale of the 7th and McDowell Street property. (On June 28, 2004 City Council voted to transfer the sale proceeds to the Housing Trust Fund).
- The funding is projected to develop 900 affordable units, of which 285 will serve households earning 24% and below of the area median income.
- The funds will be allocated through a competitive Request for Proposal (RFP) process. Separate RFPs will be issued for each funding category.
- The proposal package will be available to assist developers in accessing Housing Trust funds and include the Loan/Grant Guidelines, the RFP document, and the Application for Funding.
- The Housing Trust Fund Advisory Board approved the FY2005 allocation on September 21, 2004.

Committee Discussion

- The Committee voted unanimously to approve the Advisory Board's recommendation. Council members Burgess, Mitchell, Mumford and Lochman were present. Council member Graham was absent.
- The Committee also discussed the need for updated housing market studies, the development of special needs housing (specifically homeless assistance) and alternatives to encourage developers to build affordable housing.

Funding

The FY2005 funding allocation is funded with 2004 City Housing Bond Funds (approved on the November 2004 ballot) and the sale proceeds from the 7th and McDowell Streets property.

Attachment 3

FY2005 HTF Allocation Analysis and Recommendation
Housing Trust Fund Status Report
Housing Trust Fund Advisory Board

7. Midtown Square Redevelopment



Action: Approve Economic Development & Planning Committee's recommendation to approve the Conceptual Business Terms of an Economic Development Grant Agreement for the redevelopment of Midtown Square and authorize the City Manager to prepare an Economic Development Grant Agreement for final Council approval.

Committee Chair: John Lassiter

Staff Resources: Tom Flynn, Economic Development
Debra Campbell, Planning Commission

Policy

Create public/private partnerships necessary to support project development in targeted areas that pass Sustainability Index review.

Explanation

- The Economic Development & Planning Committee recommends the City Council authorize the City Manager to prepare an Economic Development Grant Agreement based on the following conceptual business terms.
 - Grant for an estimated ten-year period, the total amount of which will not exceed the net present value of \$12,328,000.
 - Payments in any one-year will not exceed 90% of the incremental property taxes collected from the project in that fiscal year.
 - City and County share of this payment is based on the pro-rata share of the property tax rates for the fiscal year in which the payment is made.
 - Grant payment is made after the taxes are collected.

- Target will contribute \$6 million towards the parking deck on the north side of Independence (Phase I).
 - City and County will participate in excess profits above an agreed upon sale price if the retail portion of Phase II is sold during the grant period.
 - Grant payments end if City and County participate in excess profits from the sale of the retail portion of Phase II
 - In calculating the profits from the sale, any profits on the condominium portion of the project, in excess of 15% will be added into the calculation.
 - A “reopener” clause that provides for a recalculation of the grant payments if the retail portion of Phase II is refinanced at any time during the grant period, excluding the refinancing of the construction loan to a permanent loan. The grant payment cannot increase as a result of this recalculation.
 - Any outstanding design issues would be resolved to the mutual satisfaction of all parties prior to approval of the Grant Agreement.
 - If the Home Depot Expo store closes, Home Depot will use its best efforts to re-lease the store. If the store remains vacant after 12 months, the Developer will become the non-exclusive agent to re-lease the store. Home Depot will make up any shortfall in the property tax collections due to the store being closed.
 - At the end of each year the developer shall provide the City and County an accounting of the projects actual returns to the developer. Should this return exceed 12% then the City and County shall participate in returns from the project. (The return, measured from project stabilization, will be calculated by the projects Net Operating Income (NOI) before debt service divided by the projects total cost and will be cumulative.) The participation payment to the City and County will equal 25% of the NOI above the 12% return. (The City and County will share this payment based on the ratio of City and County payments made at the time the participation payment is made.)
 - The Developer shall adopt the Bovis Lead Lease Services Historically Underutilized Business Policies, modifying them to reflect the City SBE and County MWBE programs. The Developer shall establish goals for SBE and MWBE participation in construction and operation of the project prior to approval of the final Grant Agreement (see attachment).
 - The project will include 10% of its units that are affordable to families earning 80% of the median income in Charlotte. (Median income for a family of four in Charlotte is \$64,100).
- Staff reviewed the proposed project in terms of the Sustainability Index and the project received an overall “Good” rating.
 - The Mecklenburg County Commission will consider this agreement on November 16, 2004. If City Council approves, staff will have the final agreement for City Council approval in early January 2005.
 - The Economic Development and Planning Committee voted unanimously (5-0) to recommend approval of the Conceptual Business Terms.

Attachment 4
Sustainability Index Analysis
Summary of ERA Report

BUSINESS

8. New Arena Food and Beverage Service

Action: Execute the new Food and Beverage Agreement for the new Arena, which amends the new Arena Agreement, Arena Operating Agreement and other related documents to incorporate the recommended arrangement with Compass.

Resources: Mike Crum, Charlotte Regional Visitors Authority
Cindy White, City Attorney's Office
Curt Walton, City Manager's Office

Explanation

- The Charlotte Regional Visitors Authority (CRVA) has a contract with the Bobcats under which the CRVA will provide food and beverage (F&B) service to the new arena.
- CRVA has negotiated to retain the Compass Group as F&B provider.
- Under the proposed agreement, Compass will:
 - replace the CRVA as F&B provider and operate under the same operational requirements as would CRVA
 - pay \$16.8 million in new arena debt service, currently an obligation of the CRVA
 - pay revenue commissions acceptable to the Charlotte Bobcats
 - provide the CRVA upside participation in F&B profits
- Benefits of the proposed agreement to the CRVA and the City:
 - significantly reduces risk on debt service payments
 - profit sharing for CRVA if sales exceed a revenue benchmark of \$13 million
- Relative to the use of charitable groups, a concern raised earlier by Council, in new arena concessions:
 - Both existing and proposed agreements are silent on the issue
 - Labor cost will likely drive F&B provider to use charitable groups
 - Mix of volunteer and hourly labor cannot be determined at this time
- Proposed agreement has a 25-year term with Compass having a five-year renewal option.
- If Bobcats terminate Compass, Bobcats have right to provide F&B service or secure replacement F&B service provider.
- The proposed agreement allocates use of up to \$350,000 from the Guaranteed Maximum Price (GMP) contingency to add additional points of sale for food and beverages in the upper concourse. This is an expense supported by City staff, the Authority and the Charlotte Bobcats. All agree that additional points of sale in the upper concourse are needed and is a wise investment in the building.
- The proposed agreement specifies that Compass will establish local vendor and employee diversity programs acceptable to the CRVA, the

Team and the City Manager, with employee diversity plans particularly emphasizing employees at the management level.

Attachment 5

Proposed Agreement

9. General Dynamics Business Investment Grant

Action: Approve the City share of a Business Investment Grant to General Dynamics Corporation for a total estimated amount of \$598,920 over eight years. (Total City/County grant for the eight-year period estimated at \$1,677,974.)

Staff Resource: Tom Flynn, Economic Development Office

Explanation

- On August 25, 2003 Council authorized the City Manager to draft a proposed City/County Business Investment Grant with General Dynamics.
- General Dynamics Armament and Technical Products, Inc (GDATP) is relocating its division headquarters and light manufacturing operations to Charlotte.
- This will create 405 jobs with an investment of \$23.0 million at its headquarter location at 2118 Water Ridge Parkway in Four LakePointe Plaza and its manufacturing facility at 4205 Westinghouse Commons Drive in Westlake Business Park.
- GDATP, Inc. employs 2,400 people in 10 locations in the United States and had sales of \$2.9 billion in 2002.
- GDATP is a business unit of General Dynamics.
- Staff recommends a City/County Business Investment Grant to General Dynamics for the following reasons.
 - The investment grant will create 405 new jobs in Charlotte that will pay an average salary of \$70,000, which is nearly double Charlotte’s average annual salary of \$36,608.
 - The estimated maximum grant amount of \$1.7 million will result in the private sector investment of \$23.0 million. This is a leverage of \$13.50 private sector investment for each \$1 of public sector investment.
 - Advantage Carolina identified headquarters and manufacturing as business clusters that Charlotte should seek to grow over the next decade.
 - General Dynamics’ relocation is projected to have an estimated direct economic impact of \$68.6 million per year on Charlotte’s economy and generate total new taxes (including sales tax, auto property tax and residential property tax) of \$560,000 per year to the City and \$897,000 per year to the County.
 - General Dynamics’ investment of \$23.0 million will generate \$2.2 million in property taxes over the eight years of the grant.

- The City-County Business Investment Grant is part of a package that includes a Job Development Investment Grant from the State of North Carolina.
- If approved, the following schedule is an estimate of the Investment Grant payments to General Dynamics Corporation.

Year	City	County	Total
1	\$91,770	\$165,339	\$257,109
2	\$86,940	\$156,637	\$243,577
3	\$82,110	\$147,935	\$230,045
4	\$77,280	\$139,233	\$216,513
5	\$72,450	\$130,531	\$202,981
6	\$67,620	\$121,829	\$189,449
7	\$62,790	\$113,126	\$175,916
8	\$57,960	\$104,424	\$162,384
Total	\$598,920	\$1,079,054	\$1,677,974

- The general terms and conditions of this grant include:
 - Grant payments cease if employment falls below 80%.
 - Portion of the grant must be repaid if company removes this investment from Charlotte within five years of the final grant payment.
 - Actual grant payments are based on the value of investment as appraised by the Mecklenburg County Tax Office.
 - Property taxes must be paid before a grant payment is made.

Funding

Business Investment Grant Account, first payment would be made in FY2006.

10. McGrann Paper Corporation Business Investment Grant

Action: Approve the City share of a Business Investment Grant to McGrann Paper Corporation for a total estimated amount of \$24,412 over five years. (Total City/County grant for the five-year period estimated at \$68,395.)

Staff Resource: Tom Flynn, Economic Development Office

Explanation

- McGrann Paper Corporation is a converter, distributor and merchant for a vast array of paper products ranging from standard newsprint and hi-brite groundwood to coated paper and offsets.
- McGrann currently is headquartered in Watertown, New York. McGrann is relocating its corporate headquarters and adding a new warehousing/converting facility inside the Arrowood-Westinghouse development zone at 2101 Westinghouse Boulevard.

- McGrann's total investment in new equipment and upfit of their building at the new location will be \$1.55 million dollars and adds 40 new employees to Charlotte. The average wage for the employees will be \$947 per week (\$49,259 per year).
- Staff recommends a City/County Business Investment Grant to McGrann Paper for the following reasons.
 - McGrann meets all of the requirements of the Business Investment Grant program.
 - The investment grant will include 40 new jobs.
 - McGrann is estimated to have a direct economic impact of \$6 million per year on Charlotte's economy and generate additional taxes of \$52,000 per year to the City and \$84,500 per year to the County.
 - McGrann will be locating its offices inside the Arrowood-Westinghouse development zone.
 - This grant will meet the local match requirement for the One NC Fund of \$40,000.
 - The local business investment grant will help offset incentives offered by York County, SC and Charleston, SC.
 - The Business Advisory Committee unanimously supported an investment grant for McGrann Paper Corporation.
- If approved, the following schedule is an estimate of the Investment Grant payments to McGrann Paper Corporation.

Year	City	County	Total
1	\$5,533	\$9,969	\$15,502
2	\$5,208	\$9,383	\$14,591
3	\$4,882	\$8,796	\$13,678
4	\$4,557	\$8,210	\$12,767
5	\$4,231	\$7,623	\$11,854
Total	\$24,411	\$43,981	\$68,392

- The general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within 5 years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.

Funding

Business Investment Grant Account, first payment would be made in FY2006.

11. United Agenda for Children Town Hall Meeting

Action: Approve a budget ordinance providing up to \$30,000 from the Council's Discretionary Account for the United Agenda for Children Town Hall Meeting to be held on December 11, 2004.

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- At the October 11, 2004 Council meeting Council member John Tabor requested that an action be included on this Council meeting agenda regarding City support for the United Agenda for Children Town Hall meeting. A copy of the request received via email is attached.
- The primary goal of this initiative is to implement a united action plan to ensure all children of Mecklenburg County are healthy, safe, and well-educated.
- The requested support would be used for printing and publishing for the event scheduled for December 11, 2004. A copy of the event's fact sheet is attached.
- The request was proposed as an "in-kind" support, but additional funding is required for printing services. Printing services are provided to the City by the private sector and each City business unit pays for their own printing needs.
- Mecklenburg County and Charlotte-Mecklenburg Schools have each contributed \$100,000.
- The initiative's budget is \$986,000, including the Town Hall event and the subsequent community report. To date, \$650,000 has been raised.
- The entire initiative is projected to span three years, with a desired outcome of "a comprehensive roadmap for success."
- The funding is requested by several groups supporting the United Agenda project. The project's co-chairs are Jim Woodward, Barb Pellin, and Shirley Fulton. A list of over 40 supporting organizations is attached.

Funding

Council's Discretionary account balance is \$100,000, the amount approved for this fiscal year. If Council approves this action, the remaining balance will be \$70,000.

Attachment 6

Email
Fact Sheet
List of supporting Organizations
Budget Ordinance

12. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

- A. CHARLOTTE REGIONAL VISITORS AUTHORITY**
One unexpired term beginning immediately and ending June 2007.
Applicant must represent the general travel industry.

Wayne Shusko has resigned.

Attachment 7
Applications

13. Appointments to Boards and Commissions

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

- A. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORP.**
One appointment for the general public category beginning immediately and serving until June 2007.
- Paulette Feltus by Council members Burgess and Carter
 - Cheryl Leamon by Council members Mumford and Tabor

Attachment 8
Applications

- B. DOMESTIC VIOLENCE ADVISORY BOARD**
One appointment for three years beginning September 2004.
- Damon Freeman by Council member Mitchell
 - Rosemary Hall by Council member Cannon
 - Rona Karacaova by Council members Burgess, Lassiter, Tabor

Attachment 9
Applications

- C. HOUSING APPEALS BOARD**
One appointment to represent the housing industry beginning January 2005 and serving for three years.
- Walter Alexander by Council members Burgess, Cannon, Mitchell
 - Ronald Staley, Jr. by Council member Carter

Attachment 10
Applications

- D. PRIVATIZATION COMPETITION ADVISORY COMMITTEE**
One appointment beginning immediately and serving until March 2005 and the next full two year term.
- Tim Fitzgerald by Council member Cannon
 - William Foster, Jr. by Council member Carter
 - David Morgan by Council member Mitchell
 - Christopher Squier by Council member Mumford

Attachment 11

Applications

E. TREE ADVISORY COMMITTEE

Two appointments for three years beginning December 2004.

- Jimmy Cortez, Jr. by Council member Cannon
- David Czerr by Council member Tabor
- Carol Page by Council member Mumford
- James Wilson by Council members Cannon and Tabor

Attachment 12

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

14. Various Bids

A. Fire Station #1 Heating, Ventilation, and Air Conditioning Upgrade EPM

Action

Award the low bid of \$167,685 by Superior Mechanical Systems, Inc., of Charlotte, North Carolina. This project upgrades the heating, ventilation and air conditioning systems in the fire station located at 221 North Myers Street. This fire station houses all the electrical equipment and operations for Fire's 911 emergency system.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 9%

Superior Mechanical committed 9% (\$15,395) to the following certified SBEs: Reliable Insulation, Inc. and E. Moore & Son Electric.

B. Charleston/Monroe Drainage Improvements EPM**Action**

Award the low bid of \$1,799,142.98 by United Construction Company of Charlotte, North Carolina. This project will address street and house flooding in the area bounded by Independence Boulevard to the north, North Sharon Amity Road to the west, Glendora Drive to the east, and Castleton Road to the south. This project was initiated based on the severity of drainage problems, citizen service requests and through Charlotte Storm Water Services internal capital project ranking procedures. Construction completion is first quarter 2006.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 2%

United Construction complied with the mandatory outreach criteria and met the good faith efforts. United contacted 36 SBE firms and received 10 responses. They have committed 2% (\$45,000) of the total contract amount to the following certified SBE firms: Chippewa Trucking, Hazel Holmes Trucking, and Ricco's Complete Property Maintenance.

C. Storm Water Maintenance FY2005-A EPM**Action**

Award the low bid of \$1,022,330 by L-J, Inc., of Columbia, South Carolina. This contract is part of an on-going program to provide maintenance repairs to existing storm drainage systems and construction of new drainage systems within the City limits where none exist. Storm Water Services Division uses on-call construction services contracts to provide timely response to maintenance problems. Individual projects are identified and prioritized based on severity of potential public/private property flooding. The City may renew this contract up to three times.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 12%

L-J, Incorporated has committed 12% (\$126,225) of the total contract amount to the following certified SBE: On Time Construction, Inc.

D. Rutledge/Kingscross Capital Improvement Project EPM**Action**

Award the low bid of \$ 3,833,788.32 by Sealand Contractors of Charlotte, North Carolina. This project will address street and house flooding problems in the residential neighborhoods between Providence Road and Randolph Road from South Sharon Amity Road to McMullen Creek. This project was initiated based on the severity of drainage problems, citizen service requests, and through Charlotte Storm Water Services internal

capital project ranking procedures. Construction completion is second quarter 2006.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5%

Sealand Contractors committed 5% (\$191,818.19) of the total contract amount to the following certified SBEs: On Time Construction and H & H Hauling.

E. 16 Inch Water Main To Serve Lancaster Highway and Johnston Road CMU

Action

Award the low bid of \$826,995.75 to R. H. Price Inc. of Charlotte, North Carolina. This project provides access to City water services via water mains.

Small Business Opportunity

Established SBE Goal: 3.00%

Committed SBE Goal: 0.782%

R. H. Price Inc. complied with the Good Faith Efforts and committed \$6,468 to the following SBE firms: Pave Carolina, On-time Construction, and Reliable Woodworks.

F. Airport Solid Waste Collection and Disposal Services Aviation Contract

Action

Award the low bid, three year service contract of \$400,000 to Waste Management of Carolinas, Inc. of Gastonia, North Carolina. This contract provides solid waste collection and removal services for the Airport. This is a three-year contract with two, one-year extensions available at the Airport's sole discretion for the same unit prices.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The Small Business Development office waived the SBE goal for this project. This contract does not present any subcontracting opportunities. A single contractor was selected for this work to ensure consistency.

15. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Badger Court and a 25-foot Alleyway off of Badger Court

- | |
|--|
| <p>Action: A. Adopt the Resolution of Intent to abandon a portion of Badger Court and a 25-foot alleyway off of Badger Court, and</p> <p> B. Set a public hearing for December 13, 2004.</p> |
|--|

Attachment 13
Map
Resolution

16. In Rem Remedy

For In Rem Remedy #A-L, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety:

- A. 2317 Catalina Avenue (Neighborhood Statistical Area 36 – Tryon Hills Neighborhood)
- B. 1555 & 1559 S. Mint Street (Neighborhood Statistical Area 15 – Wilmore Neighborhood)
- C. 2408 Sanders Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)

Field Observation:

- D. 4915 Laborde Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- E. 9622-1 Moores Chapel Road (Neighborhood Statistical Area 110 – Wildwood Neighborhood)
- F. 9622-2 Moores Chapel Road (Neighborhood Statistical Area 110 – Wildwood Neighborhood)
- G. 1605/07 Seigle Avenue (Neighborhood Statistical Area 51 - Belmont Neighborhood)
- H. 819 E. 19th Street (Neighborhood Statistical Area 51 - Belmont Neighborhood)
- I. 723 E. 17th Street (Neighborhood Statistical Area 51 - Belmont Neighborhood)
- J. 9340 Smith Drive (Neighborhood Statistical Area 110 - Wildwood Neighborhood)
- K. 128 S. Gardner Avenue (Neighborhood Statistical Area 25 - Smallwood Neighborhood)

Public Safety:

A. 2317 Catalina Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2317 Catalina Avenue (Neighborhood Statistical Area 36 – Tryon Hills Neighborhood).

Attachment 14

B. 1555 & 1559 S. Mint Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1555 & 1559 S. Mint Street (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

Attachment 15

C. 2408 Sanders Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2408 Sanders Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 16

Field Observation:

D. 4915 Laborde Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4915 Laborde Avenue (Neighborhood Statistical Area 126 - Henderson Circle Neighborhood).

Attachment 17

E. 9622-1 Moores Chapel Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9622-1 Moores Chapel Road (Neighborhood Statistical Area 110 - Wildwood Neighborhood).

Attachment 18

F. 9622-2 Moores Chapel Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9622-2 Moores Chapel Road (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 19

G. 1605/07 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1605/07 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 20

H. 819 E. 19th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 819 E. 19th Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 21

I. 723 E. 17th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 723 E. 17th Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 22

J. 9340 Smith Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9340 Smith Drive (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 23

K. 128 S. Gardner Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 128 S. Gardner Avenue (Neighborhood Statistical Area 25 - Smallwood Neighborhood).

Attachment 24

17. Refund of Property Taxes and Business Privilege Licenses

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$62,673.52, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$16,508.25.**

Attachment 25
Resolutions

CONSENT II

18. Special Obligation Bonds for Federal Courthouse

- Action:**
- A. Adopt a Bond Order authorizing the issuance of up to \$11,500,000 in taxable variable rate special obligation bonds, and**
 - B. Approve a resolution authorizing the approval, execution and delivery of various documents in connection with the sale of taxable variable rate special obligation revenue bonds, series 2004.**

Staff Resource: Greg Gaskins, Finance

Explanation

- On October 11, 2004, Council approved a resolution authorizing staff to take the necessary action to complete the bond sale. This action was the first of two required to initiate the bond sale.
- This second action approves the bond order and bond resolution which are legal documents that Council is required to approve before the City can sell bonds.
- To complete the land swap for the property at 501 E. Trade Street for the Charles F. Jonas Federal Courthouse at 401 W. Trade Street, the City must refinance the debt on the property in order to pass clear title to the federal government by December 15, 2004. This financing is the first to use Special Obligation Bonds for the City of Charlotte.
- \$10.8 million is the cost of the refinancing; \$11.5 million includes the entire cost of the borrowing.

Funding

Municipal Debt Service Fund

Attachment 26

Bond Order

Resolution

19. General Obligation Bond Refunding

- Action:**
- A. Approve a resolution making certain statements of fact concerning the proposed bond issue,**
 - B. Introduce a bond order up to \$48 million of General Obligation Refunding Bonds, and**
 - C. Approve a resolution setting the public hearing, for November 22nd on the bond order and direct publication of notice of the public hearing and the filing of a debt schedule.**

Staff Resource: Greg Gaskins, Finance

Explanation

- This action states certain facts related to the refunding, introduces a bond order for the refunding, sets a public hearing and directs the City Clerk to post notice of the public hearing.
- In 1995 the City issued \$70.8 million in General Obligation Bonds.
- Current market conditions allow substantial savings from the refunding of approximately \$48 million in outstanding bonds.
- Estimated net present value of the savings is up to \$3.7 million.
- 19% of the savings will be realized in the Municipal Debt Service Fund and 81% in the Water/Sewer Debt Service Fund.
- Notice of the public hearing will be published on November 15, 2004 and the hearing will be on November 22, 2004.

Funding

Municipal Debt Service Fund

Attachment 27

Resolution

20. Sterling Elementary School Parking Deck Lease and Easement Agreements

- Action:**
- A. Approve acquisition of leasehold interest and related easements in land at the Sterling Elementary School owned by the Charlotte-Mecklenburg Board of Education for the purpose of constructing a parking deck to serve the I-485 Station of the South Corridor Light Rail Project and a roof top play area to serve the Sterling Elementary School, and**
 - B. Authorize the City Manager or a designee to negotiate and execute a long-term lease and related easement agreements with the Charlotte-Mecklenburg Board of Education for the acquisition of land at the Sterling Elementary School for the above purposes.**

Staff Resources: John Muth, Charlotte Area Transit System
Lawana McAllister, Legal

Explanation

- The Sterling Elementary School site has been identified by CATS as the preferred site for the location of a parking deck to serve the I-485 Station for the South Corridor Light Rail Project. The location was selected during the preparation of the Environmental Impact Statement as staff identified the need for a major park and ride facility near Interstate 485.

- Staff initially investigated the purchase of the former Arnold Palmer Cadillac location, but the estimated acquisition and relocation costs for that parcel exceeded \$5 million. Once the estimated acquisition cost was known, staff began to evaluate more cost effective locations.
- Staff engaged residents of the Sterling neighborhood who suggested the preferred site.
- The parking deck will have an initial capacity of 1,200 spaces expandable to 1,500 spaces.
- The school property presents a unique opportunity to maximize the use of undesirable terrain (such as a ravine) located between the back of the Sterling Elementary School and the rail corridor. This terrain renders the land unusable for most types of development.
- However, constructing a parking deck on the property yields several benefits including:
 - Constructing a grass playfield on the roof of the parking deck that will be at grade level with the back of the remaining school property and serve as a play area for the school
 - Concealing a majority of the parking facility
 - Preserving the more desirable, developable land between South Boulevard and the rail corridor.
- On September 10, 2002 Charlotte-Mecklenburg Board of Education is approved the concept of locating a light rail transportation station at Sterling Elementary School. If City Council approves this item, it will go back to CMS for approval of the lease and related easements. CMS is expected to take action at its December meeting.
- The key terms of the lease are as follows:
 - 50 year term
 - \$10 annual rental fee
 - City will construct parking deck and play area including playground equipment
 - City will own the parking deck
 - City responsible for maintenance of parking deck
 - CMS responsible for maintenance of roof top play area
 - City will have a right of first refusal behind Mecklenburg County
- In addition, the project will require easements for temporary construction access, pedestrian and vehicular access, location of a substation and such other purposes as may be necessary.

Funding

Transit Capital Fund

Attachment 28

Rendering of Parking Deck

South Corridor map showing station locations

21. CATS Market Research Services Contract

- Action:**
- A. Approve a contract for Market Research Services with KPC Research in the amount of \$91,474 for year one, renewable annually for five years not to exceed \$373,015, with the scope of work to include conducting surveys of existing and potential customers regarding their opinion and satisfaction with CATS services, and**
 - B. Authorize the City Manager or designee to execute the contract and renewals over a five-year period.**

Staff Resource: Olaf Kinard, Charlotte Area Transit System

Explanation

- CATS' market research program obtains information using onboard and telephone surveys of perceptions, attitudes, beliefs, expectations, and needs of current transit customers and non-customers in relation to their commutes. The information identifies what service elements are most important to CATS' customers and non-riders and how CATS is performing on these service elements.
- Recommendations are developed from the research and used to:
 - Develop programs to enhance customer service
 - Design services to attract new customers
 - Develop business initiatives for CATS' Strategic Operating Plan
 - Determine the allocation of resources
- Prior results of similar research have resulted in strategies including:
 - Focus on Seniors programs
 - Enhance safety to attract new riders
 - Install new bus stop signs, schedule information at bus stops and bus shelters
 - Increase frequency of service on weekends
 - Develop programs to increase ridership, up 38.4% since FY1998

Selection Process

- A Request for Proposals was issued in August 2004 and responses were received in September 2004 from KPC Research and the Small Business Group.
- An Evaluation Team with representatives from CATS Operations, Development and Marketing reviewed the proposals according to established criteria as found in the Request for Proposals. Criteria for review included:
 - Approach and methodology to implementing the marketing research program
 - Account management; creative, production and media placement capabilities and/or history and experience with government accounts
 - Active client list
 - Agency resources

- The Evaluation Team recommends KPC Research be awarded the contract due to their experience in providing Marketing Research Services, their resources and their research staff.

Small Business Opportunity

Established SBE Goal: 5.0%

Committed SBE Goal: 5.0%

SBE indicated in proposal: Personnel Unlimited

Funding

Transit Operating Fund

22. South Corridor Light Rail Project Contract Amendment with STV Inc.

Action: B. Adopt a budget ordinance appropriating \$1,600,000 for the second year of the STV, Inc. contract, and

B. Authorize the City Manager to amend the current agreement with STV Inc. to change the payment terms of the contract.

Staff Resource: John Muth, Charlotte Area Transit System

Explanation

- The Charlotte City Council approved a contract with STV Inc. on June 23, 2003 for an amount not to exceed \$5,000,000 over five years and established the first year amount at \$1,000,000.
- STV's work on behalf of CATS and the South Corridor Light Rail project is most active during the final design and construction start-up phases of the project and will be reduced significantly in the later years of the contract term.
- The services STV provides under this contract include: construction feasibility reviews of design plans, change order and claim analysts, field verifications, quality audits of design, construction, systems integration and testing and disputes resolution and partnering.
- Council is requested to approve amendment of the annual fee structure, for \$1,600,000 in year two. The total value of the contract will remain at \$5,000,000 over the five-year period.

Funding

Transit Capital Fund

Attachment 29

Budget Ordinance

23. University Square Senior Apartments–Bond Issuance Resolution

Action: Approve resolution authorizing Mecklenburg County to exercise its power within the City to issue Multi-family Housing Revenue Bonds to finance the development of the University Square Senior Apartments.

Staff Resource: Stanley Wilson, Neighborhood Development

Policy

- The City's FY2005 Consolidated Action Plan approved on May 10, 2004 identifies the need for affordable, safe and decent housing for low and moderate-income families.

Explanation

- N.C.G.S. § 157-39.1(a) provides that a county may not undertake any housing project within the boundaries of any city unless a resolution shall have been adopted by the governing body of such city declaring that there is a need for the county to exercise its power within such city.
- On October 19, 2004 the Mecklenburg County Board of Commissioners approved authorization to issue up to \$4,700,000 in multi-family housing revenue bonds for the construction of University Square.
- Mecklenburg County is requesting that the City of Charlotte approve a resolution authorizing the County to issue multi-family housing revenue bonds for the development of the University Square Senior Apartments.
- University Square Senior Apartments is a 90-unit residential development to be built at the intersection of Hedgelawn Drive and University City Blvd (NC Highway 49). Eighty-one units will serve $\leq 60\%$ of average median income (AMI) and nine units will serve $\leq 30\%$.
- May 24, 2004 City Council approved a \$1,600,000 loan for the development of University Square as part of the FY2004 Housing Trust Fund Request for Proposals. The loan was subject to North Carolina Housing Finance Agency approval.
- On June 28, 2004 Centrum-University Square, Limited Partnership (ownership entity) received approval from the North Carolina Housing Finance Agency for tax-exempt bond financing.

Attachment 30

Project Summary

Resolution

Mecklenburg County Resolution

24. 2004 Lead-Based Paint Hazard Reduction Program Grant

Action: Adopt a budget ordinance appropriating \$3,000,000 for a Lead Hazard Reduction Program Grant.

Staff Resource: Diane Adams, Neighborhood Development

Explanation

- The City of Charlotte received notification in October 2004 from the U.S. Department of Housing and Urban Development (HUD) that it had been awarded a \$3 million Lead Hazard Reduction Program Grant. The grant funds are to be expended over a period of 36 months.
- Under the grant, the City will undertake a lead-based paint hazard control program to reduce lead hazards in 350 units of low-income housing (owner occupants earning 80% and less of the AMI; and half the rental occupants earning below 50% and half of the rental occupants earning below 80% of the AMI).
- The program services are available to income eligible households in the City Within A City boundary, but the focus area is the 32 neighborhoods, which make up the City's Enterprise Community.
- Grant activities will include: lead testing and abatement, blood screening of children under the age of six at the residences we serve, training of low-income residents to work with abatement contractors, and conducting community education and outreach citywide.
- It is anticipated that approximately \$2.75 million will be outsourced to private contractors for services including lead testing, risk assessment, lead-hazard reduction activities and contractor training.
- The grant guidelines require a minimum non-federal match equivalent to 10% of the grant; or \$300,000. The City is proposing \$346,512 cash match and \$45,802 in in-kind salaries and administrative costs. This funding comes from the Innovative Housing Fund.

History

- Since October 29, 1996, the City of Charlotte has been awarded \$11,000,000 in HUD Lead Based Paint Hazard Control Grants. The City has provided non-federal matching funds equivalent to 10% of the grants.
- To date, the City has tested 1,395 units, reduced lead hazards in over 970 housing units and has been rated as a top-performing program by HUD.

Funding

U.S. Department of Housing and Urban Development

Attachment 31

Budget Ordinance
Letter from HUD
Program Budget
Map of Target Area

25. 2004 Urgent Repair Program Grant

Action: Adopt a budget ordinance appropriating an Urgent Repair Program Grant in the amount of \$75,000.

Staff Resource: Diane Adams, Neighborhood Development

Explanation

- In May 2004, the City of Charlotte was notified by the North Carolina Housing Finance Agency that it had been awarded a \$75,000 Urgent Repair Program Grant.
- The grant funds will be used to rehabilitate 25 units of low and very low-income housing in the City's targeted action plan neighborhoods. Households earning 50% or less of the AMI (\$32,050 for a family of four) are eligible.
- The grant funds will address emergency home repairs, provide accessibility modifications for elderly homeowners and other necessary repairs to prevent displacement.
- Under the grant terms, the City will provide a match of \$50,000, which is budgeted through local Innovative Housing Funds.
- The Urgent Repair Grant will be used in conjunction with the City's current rehabilitation programs.

History

- In FY2003, the City of Charlotte was awarded a \$75,000 Urgent Repair grant by the North Carolina Housing Finance Agency. Since award of the grant, 28 housing units were repaired.
- The North Carolina Housing Finance Agency issues grant applications on an annual basis.

Funding

N.C. Housing Finance Agency - N.C. Housing Trust Fund

Attachment 32

Budget Ordinance

Letter from North Carolina Housing Finance Agency

Map of Target Area (indicated as census block groups)

26. Solid Waste Services Residential Solid Waste Collection Service Contracts Unit Price Increases

Action: Authorize the City Manager to execute:

- A. A .88% unit price increase to Solid Waste Services, North Quadrant Residential Solid Waste Collection Services Contract. The unit price increase is six cents, for a total monthly unit price of \$6.69, effective July 1, 2004, and
- B. A 1.73% unit price increase to Solid Waste Services, South Quadrant Residential Solid Waste Collection Services Contract. The unit price increase is fifteen cents, for a total monthly unit price of \$8.49, effective July 1, 2004.

Staff Resource: Greg McDowell, Internal Audit

Explanation

- The City currently contracts with Solid Waste Services to provide residential solid waste collection services in the North and South Collection Quadrants. (The City also contracts with Solid Waste Services for the East Quadrant; however that contract is on a calendar year schedule. In addition, the City contracts with a private firm to provide collection services for the West Quadrant.)
- The contracts provide that each year, 90 days prior to the contract anniversary date, the Contractor may request that the unit prices be increased up to a ceiling of 75 percent of any increase during the preceding 12 months in the United States Department of Labor, Bureau of Statistics, Washington, D.C. Consumer Price Index (CPI).
- The following table summarizes the impact on each of the contracts:

Collection Quadrant	Beginning Contract Date	% Of Increase	Additional Cents to Unit Cost	New Unit Cost	Additional Cost per Year
North	7/1/00	.88%	.06	\$6.69	\$42,597
South	7/1/01	1.73%	.15	\$8.49	\$69,413

- For each requested action, Solid Waste Services submitted a letter documenting increases in compensation, employee insurance, fuel and borrowed equipment. Internal Audit reviewed the documentation and found that it substantiates the requested increases.

Funding

Solid Waste Services FY05 Operating Budget

Attachment 33

Letter from Solid Waste Services requesting increases

27. Central Avenue at Eastland Mall Engineering Services

Action: Approve an agreement with Kimley-Horn and Associates, Inc. for \$462,434 for engineering services for the Central Avenue at Eastland Mall Project.

Staff Resource: David Meachum, Engineering & Property Management

Agreement with Kimley-Horn and Associates, Inc.

- Provides funds for planning and design services for streetscape improvements along Central Avenue as recommended in the Eastland Mall Area Plan (approved by City Council in June 2003).
- Project limits are along Central Avenue between Sharon Amity and Albemarle Roads.

- The improvements will meet the safety needs of pedestrians, bicyclists and motor vehicles by providing a median for pedestrian refuge, sidewalks, bike lanes and landscaping.
- Project design will be coordinated with CATS in design of the Eastland Community Transit Center. The Center will be a point of bringing neighborhood circulator buses together and changing routes.
- The total project cost is estimated to be \$4,000,000. Funding for the work is included in savings that remain after completion of the projects in the Eastside Strategy Plan (\$3,000,000) and from the Eastland Mall Capital Project (\$1,000,000).

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 1%

The selection process of this project took place before the implementation of the SBO Program for professional services. Kimley-Horn has committed 1% (\$4,770) of the total contract amount with the following certified SBEs: Carolina Traffic Services and Torrence Reprographics

Funding

Economic Development Capital Investment Plan

28. Highland Avenue Bridge Replacement

- Action:**
- A. Approve a budget ordinance appropriating \$2,000,000 to the Bridge Replacement Program, and**
 - B. Award the construction contract for Highland Avenue Bridge Replacement to Dane Construction, Inc. of Charlotte, North Carolina for \$1,670,114.08.**

Staff Resource: David Meachum, Engineering & Property Management

A. Appropriation of funds to the Bridge Replacement Program

- Voters approved the 2004 November Transportation Bond Referendum which included \$6 million in funds for the City's Bridge Replacement Program.
- The Bridge Replacement Program is the funding source for all bridge repair and replacement.

B. Award Construction Contract Low Bid with Dane Construction, Inc.

- Provides funds to replace a deteriorated timber bridge on Highland Avenue over the Norfolk Southern Railway.
- This project includes removal and replacement of the existing bridge, grading, concrete curb & gutter, drainage improvements, sidewalk and asphalt pavement.
- Project is part of the Federal Municipal Bridge Replacement Program administered through the North Carolina Department of Transportation.

- Federal Highway Administration will reimburse 80% of the construction cost with the City funding the remaining 20% cost.

History

- The bridge was closed on May 3rd for safety reasons.
- The bridge will reopen to traffic in the third quarter of 2005 following construction completion.

Disadvantaged Business Enterprise

Established DBE Goal: 8%

Committed DBE Goal: 10.8%

Funding

Transportation Capital Investment Plan

Attachment 34

Budget Ordinance

29. Andover Storm Drainage Improvement Project Engineering Services Phase III-Amendment #1

Action: Approve Amendment #1 with The Isaacs Group, P.C., for \$575,325 for engineering services for the Andover Storm Drainage Improvement Project.

Staff Resource: Tim Richards, Engineering & Property Management

Amendment #1 with The Isaacs Group, P.C.

- Provides funding for planning and design engineering services for Phase III of the Andover Storm Drainage Improvement Project. The Isaacs Group will evaluate and design the following improvements:
 - Culverts beneath Chelmsford Road, Tyng Way, Cheltenham Road, Randolph Road, and Andover Road
 - Pipe systems along Coventry Road, Ferncliff Road, and Andover Road
 - Stabilization for sections of channels in the vicinity of Coventry Road, Chelmsford Road, and Cheltenham Road
 - Modifications to the Stonebridge Pond to improve water quality benefits

Contract History

- City Council approved the original contract for \$754,577 on July 22, 2002 to provide planning and design engineering services for Phase II of the Andover Project.
- Andover Phase I was constructed in 2002. Andover Phase II is currently in construction.
- Total contract amount including this amendment is \$1,329,902.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

This amendment complies with Section 10.3 of the SBO Program. The consultant will perform the additional work.

Funding

Storm Water Capital Investment Plan

30. DNA Equipment Grant

Action: Adopt a budget ordinance appropriating \$57,776 in grant funding from the U.S. Department of Justice, for the purchase of DNA lab equipment.

Staff Resource: Jane Burton, CMPD Crime Lab

Explanation

- CMPD Crime Lab has received a grant from the U.S. Department of Justice's National Institute of Justice
- Grant will be used to purchase an instrument that will allow analysts to quantify the amount of DNA present in a given sample with great accuracy.
- Allows analyst to determine the optimum amount of DNA to amplify or copy for profiling
- Current procedure is labor intensive and only provides an estimate of the DNA present; samples often have to be rerun.
- DNA analysts will have more time, allowing them to work on more cases
- No City match is required

Funding

U.S. Department of Justice

Attachment 35

Budget Ordinance

31. Interoperable Communications Equipment Grant

Action: A. Adopt a resolution amending the FY2005-2009 Capital Investment Plan to add the emergency radio interoperability capital project, and

B. Adopt a budget ordinance appropriating \$7,988,240 for a grant to fund emergency radio interoperability for the Piedmont Regional Interoperability Consortium.

Staff Resource: Paul Paskoff, Charlotte-Mecklenburg Police

Explanation

- CMPD received a grant from the U.S. Department of Justice Office of Community Policing Services.
- Grant is to develop a regional integrated communications network to connect first responders.
- Communications network will include Mecklenburg, Anson, Cabarrus, Catawba, Gaston, Iredell, Lincoln, Stanley, Union, Lancaster, and York Counties.
- Local agencies in network will be CMPD, Fire Department, MEDIC, and the Mecklenburg County Sheriff's Office.
- Grant funds will be used for radio network equipment and consultants to design the system.
- Match is available from City funds designated in the FY2005-2009 Capital Investment Plan for capital upgrade of the radio system.
- The City is providing the match in order to own equipment that will be installed on its towers and take the lead in designing the best system to meet its needs.

Funding

U.S. Department of Justice (\$5,991,180)

City of Charlotte Certificates of Participation (\$1,997,060)

Attachment 36

Resolution

Budget Ordinance

32. **Scaleybark Station 30 and 12-Inch Water Main Construction**

- Action:**
- A. Adopt a budget ordinance appropriating \$600,000 from Utility Revenue Bonds , and**
 - B. Approve the low bid of \$653,472.75 by Propst Construction Company, Inc. of Concord, North Carolina for construction of 30 and 12-inch water mains at Scaleybark Station.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Budget Ordinance

- At the time of the 2005 Capital Improvement approval, the scope and cost of needed infrastructure improvements for the South Corridor project were not known.

Contract

- This system improvement was identified as a 2006 Priority Water Project associated with the South Corridor Infrastructure Program and the Light Rail Transit project.

- Delay of this project in a timely manner will create a conflict with the CATS Roadbed and Bridges construction.

Small Business Opportunity

Established SBE Goal: 5.00 %

Committed SBE Goal: 5.20%

Propst Construction Company, Inc. has committed 5.20% (\$33,950) of the total contract amount to the following SBE firms: Pave Carolina, On Time Construction, Reliable Woodworks, and Miller Plumbing Contractor, Inc.

Funding

Water Capital Investment Plan

Attachment 37

Budget Ordinance

33. North Mecklenburg Rocky River Outfall Professional Services Contract, Amendment #1

Action: Approve Amendment #1 for \$200,000 to the contract with McKim & Creed for additional engineering services for the North Mecklenburg Rocky River Outfall Project.

Staff Resource: Doug Bean, Utilities

Explanation

- Original contract provided surveying, record drawings and operational observation during construction of sewer main. The sewer main provides sewer service to the west prong of Rocky River Basin, south and east of the towns of Davidson and Cornelius.
- Amendment #1 provides for additional engineering services for the upgrading of an existing wastewater lift station and forcemain in CMU's northeast Davidson sewer service area.
- The original contract was awarded on November 20, 2002 in the amount of \$316,600. This action increases the total contract amount to \$516,000.

Small Business Opportunity

The original contract predated the SBOP. No new subconsultants or opportunities have been added to the contract.

Funding

Sewer Capital Investment Plan

34. Sewer Pipe Cleaning Service Contract Renewal

Action: Approve renewal #3 of Sewer Pipe Cleaning Contract with Bio-Nomic Services Inc., in the not to exceed amount of \$650,500.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- The original contract awarded October 22, 2001, allowed up to three options for renewal.
- This renewal increases the contract amount from \$1,951,500 to \$2,602,000, providing large diameter sewer line cleaning services throughout the Utilities wastewater collection system.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 0%

Bio-Nomic Services, Inc. has met the requirements of the SBO Program by exceeding the minimum number of Good Faith Effort Points and exceeding the required mandatory outreach for this renewal.

Funding

Sewer Capital Investment Plan

35. Irwin Creek Relief Sewer–Contract 2

Action: A. Adopt a budget ordinance appropriating \$5,000,000 from water/sewer revenue bonds, and

B. Award the low bid of \$21,347,376.75 by Rockdale Pipeline, Inc., Conyers, Georgia.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Budget Ordinance

- Bids exceeded the project budget due to the current price escalation of steel and concrete and the unusual, high-risk elements of this project (extensive tunneling and work on environmentally contaminated sites).

Contract

- This project provides a relief sewer from West Boulevard to West Fifth Street along Irwin and Stewart Creeks, which parallels the I-77 corridor.
- The project provides for additional sanitary sewer line capacity for development, such as Gateway Village, Johnson and Wales University and other businesses along the I-77 corridor near uptown.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 1.488 %

Rockdale Pipeline, Inc. has met the good faith efforts on this project. Rockdale has committed \$317,650.00 to the following three SBE firms: Ms. Sybils Seeding, D's Trucking Service, and State Construction Company of the Carolinas LLC

Funding

Sewer Capital Investment Plan

Attachment 38

Budget Ordinance

36. Municipal Agreement Between NCDOT and Charlotte-Mecklenburg Utilities

Action: Approve a Municipal Agreement between NC Department of Transportation and Charlotte-Mecklenburg Utilities for highway construction improvements.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Municipal agreement provides permission from NCDOT for a left-turn lane to be added onto southbound Highway 16 at the entrance to Charlotte-Mecklenburg Utilities, Administrative Building. Total cost of the left-turn lane is \$115,000.
- Charlotte-Mecklenburg Utilities has plans prepared for the project and will pay the cost of the turn-lane.
- Turn-lane to be included in the NCDOT resurfacing project, currently underway. Benefits of incorporating the turn-lane into current resurfacing project are:
 - Minimized impact to the traveling public by having a seamless project
 - Increased safety to both Charlotte-Mecklenburg customers and employees making left turn into facility from southbound Highway 16

Funding

Water Capital Investment Plan

Attachment 39

Municipal Agreement

37. Aviation Telecommunications Antenna Site Lease

Action: Approve a five-year lease with Cellco Partnership D/B/A Verizon Wireless for a telecommunications antenna on the Airport's rotating beacon and related facility site.

Staff Resource: Jerry Orr, Aviation

Explanation

- In December 1999 the Airport constructed a new Airport Rotating Beacon.
- In addition to its primary function, the new beacon tower was also designed to accommodate up to four telecommunication antennae systems.
- The proposed lease with Cellco Partnership will be under the same terms and conditions as previous leases. The term is five years and Cellco will pay \$3,000 per month.

38. Federal Aviation Administration Leases

Action: Approve a lease with the Federal Aviation Administration (FAA) for navigational aids.

Staff Resource: Jerry Orr, Aviation

Explanation

- The FAA is currently upgrading its existing Advanced Surface Detection Equipment radar system.
- In January 2004 Council approved the lease of land for ten additional antenna structures that provide real-time graphical data on aircraft and vehicles moving on the airfield.
- This action will lease the FAA land for an additional antenna structure.
- The lease will be renewable annually through 2023.

39. North Carolina Department of Transportation Aviation Grants

Action: A. Adopt a resolution accepting two North Carolina Department of Transportation (NCDOT) grants in the amount of \$300,000 for FY2003 and \$500,000 for FY2004, and

B. Adopt a budget ordinance to appropriate funds received from the North Carolina Department of Transportation (NCDOT) grant in the amount of \$800,000.

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the NCDOT Division of Aviation allocates funds for the state's Aid to Airports grant program to the state's airports.
- Charlotte's allotment from this fund is \$300,000 for FY 2003 and \$500,000 for FY 2004.
- These funds will help fund the construction of additional Ramp E space and extension of Taxiway F.

Funding

NC Department of Transportation Grant

Attachment 40

Budget Ordinance

40. Airport Terminal Upfit

Action: Award a contract to Hendrick Construction, Inc. of Charlotte in the amount of \$374,453 for upfit of space in the Airport Terminal.

Staff Resource: Jerry Orr, Aviation**Explanation**

- This contract will upfit a total of 4,400 square feet of interior office space.
- In 2001 the terminal building was expanded by 22,000 square feet and Concourse D was expanded by 250,000 square feet.
- Some of the new space is not finished for use.
- 2,600 square feet of space will be upfitted on the terminal's lower level outside of the security checkpoint to house Airport Law Enforcement and security badging operations, providing access to the public.
- 1,800 square feet will be finished as office space and leased to Mesa Airlines, who operates 80 daily departures at Charlotte.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.3%

Hendrick Construction Co. Inc., the low bidder, exceeded the SBO goal and good faith efforts. They committed 5.3% of the total contract to the following certified SBE firms: The Kirby Group and Anointed Flooring.

Funding

Aviation Capital Investment Plan

41. Airport International Arrivals Facility Addition

Action: Award a contract to Edison Foard, Inc. of Charlotte, North Carolina in the amount of \$296,806 for structural work for an additional baggage claim device in the International Arrivals Facility.

Staff Resource: Jerry Orr, Aviation**Explanation**

- The airport opened its International Arrivals area expansion in 2002. The airport has seen a significant increase in international arrivals since the construction of the expansion.

- This contract will provide structural work needed for the installation of a fourth baggage claim device in the International Arrivals Area.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 4.2%

Edison Foard, Inc., the low bidder, did not meet the SBO goal but did meet the good faith efforts set forth in this project. They committed 4.2% of the total contract to the following certified SBE firm: Superior Mechanical.

Funding

Aviation Capital Investment Plan

42. Declaration of Withdrawal for a 10-foot Alleyway Running off of East Ninth Street Between Clarice Avenue and Ridgeway Avenue

Action: Adopt a resolution stating that a 10-foot alleyway running off of East Ninth Street between Clarice Avenue and Ridgeway Avenue is not part of the adopted street plan (thoroughfare plan).

Staff Resource: Roger Buell, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 136-9, states that a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan.
- This unused and unopened alleyway is not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution.
- Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

Petitioner

Richard A. Cohen and Aldra L. Greene

Right-of-Way to be withdrawn

A 10-foot alleyway running off of East Ninth Street between Clarice Avenue and Ridgeway Avenue

Location

Beginning from East Ninth Street continuing approximately 236 feet southwestwardly to its terminus at another 10-foot alleyway

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed overall development plan. The petitioner, as part of the overall development plan will incorporate the adjacent properties and the withdrawn alleyway.

Attachment 41

Resolution

Map

43. Sale of City Owned Property at Rear of 3346 Spencer Street

Action: **A. Declare 1.36 acres of landlocked City owned property located at the rear of 3346 Spencer Street (tax code 091-091-04) surplus, and**

B. Authorize the sale of the property to Mr. Dorne Pentes in the amount of \$16,000 subject to the upset bid process.

Staff Resource: Kent Winslow, Engineering & Property Management

Explanation

- The City owns 1.36 acres of vacant property landlocked at the rear of 3346 Spencer St. (there is a 20-ft deeded access easement). The property is zoned R-5. A staff appraiser establishes the market value at \$9,000.
- An offer to purchase the property has been received for development of housing in the amount of \$16,000.
- Staff recommends authorizing declaring of the property as surplus and subject to the upset bid process, sale of the property for the amount of a minimum price of \$16,000.

Attachment 42

Tax map identifying property

44. Property Transactions

Action: Approve the following property acquisitions (A-E) and adopt the condemnation resolutions (F-I).

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 Plan Acquisition
Owner(s): Ruth P Byrd
Property Address: 5106 Wilkinson Blvd.
Property to be acquired: .785 acres
Improvements: House and garage
Purchase Price: \$205,000
Zoned: B2
Use: Commercial & residential
Tax Value: \$171,400
Tax Code: 061-235-01
- B. Project:** FAR Part 150 Plan Acquisition
Owner(s): John M & Jessie Long and Paul Edward & Cheryl Long
Property Address: * Garrison Road
Property to be acquired: 35.09 acres
Improvements: Vacant land
Purchase Price: \$1,352,500.00
Zoned: R3
Use: Vacant land
Tax Value: \$333,400
Tax Code: 141-261-68
- C. Project:** NC49/US29 Interchange Reconstruction, Parcel # 64
Owner(s): U V Partners
Property Address: 7716 N. Tryon Street
Property to be acquired: 1,824 sq. ft. (.042 ac.) in Fee Simple, plus 485 sq. ft. (.011 ac.) in Storm Drainage Easement, plus 3,619 sq. ft. (.083 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: None
Purchase Price: \$47,400
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Auto Sales And Service
Tax Code: 049-241-03
Total Parcel Tax Value: \$1,286,200

- D. Project:** Huntersville Park & Ride Lot #2, Parcel # 1
Owner(s): Gary W. Bailey And Wife, Cathy H. Bailey
Property Address: 17126 Northcross Drive
Property to be acquired: 206,169 sq. ft. (4.733 ac.) in Fee Simple
Improvements: This site will accommodate a parking lot with buffering and landscaping per code requirements.
Landscaping: None
Purchase Price: \$828,275
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and appraisal review. This parcel has been reviewed under the National Environmental Policy Act (NEPA).
Zoned: NR
Use: Vacant
Tax Code: 005-052-02
Total Parcel Tax Value: \$284,700
- E. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 15
Owner(s): Rosemary W. Helms And Any Other Parties Of Interest
Property Address: 16200 Davidson-Concord Road
Property to be acquired: Total Combined Area of 27,083 sq. ft. (.622 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: Mature Trees
Purchase Price: \$11,650
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: RPA
Use: Single Family Residential-Rural Acreage
Tax Code: 007-461-01
Total Parcel Tax Value: \$237,680

Condemnations

- F. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 1
Owner(s): The Nancy Gray Family Limited Partnership And Any Other Parties Of Interest
Property Address: 14652 June Washam Road
Property to be acquired: Total Combined Area of 33,659 sq. ft. (.773 ac.) of Water Main Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,250
Remarks: This acquisition is required for the above 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: RPA
Use: Single Family Residential
Tax Code: 007-182-02
Total Parcel Tax Value: \$232,300
- G. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 2
Owner(s): Nell Jenkins And Any Other Parties Of Interest
Property Address: 17440 Davidson-Concord Road
Property to be acquired: Total Combined Area of 19,641 sq. ft. (.451 ac.) of Water Main Easement
Improvements: None
Landscaping: Trees and Shrubs
Purchase Price: \$9,300
Remarks: This acquisition is required for the above 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: RPA
Use: Vacant Land
Tax Code: 007-182-03
Total Parcel Tax Value: \$271,150
- H. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 7
Owner(s): Allain C. Andry, IV And Wife, Mary C. Andry And Any Other Parties Of Interest
Property Address: 16912 Davidson-Concord Road
Property to be acquired: Total Combined Area of 14,732 sq. ft. (.338 ac.) of Water Main Easement
Improvements: None
Landscaping: Trees and Shrubs

Purchase Price: \$15,375

Remarks: This acquisition is required for the above 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: RPA

Use: Single Family Residential – Rural Acreage

Tax Code: 007-191-04

Total Parcel Tax Value: \$416,900

I. Project: NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 8 & 9

Owner(s): Lawson F. Jenkins, III And Wife, Martha C. Jenkins And Any Other Parties Of Interest

Property Address: 16824 Davidson-Concord Road

Property to be acquired: Total Combined Area of 14,557 sq. ft. (.334 ac.) of Water Main Easement

Improvements: None

Landscaping: None

Purchase Price: \$10,075

Remarks: This acquisition is required for the above 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: RPA

Use: Single Family Residential - Rural Acreage

Tax Code: 007-441-01 / 007-441-03

Total Parcel Tax Value: \$278,500 / \$80,800

45. Meeting Minutes

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

- September 27, 2004 Business Meeting
- October 4, 2004 Workshop
- October 11, 2004 Business Meeting