

Mayor Patrick McCrory

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

Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING
Monday, September 8, 2003

5:00 p.m.

Conference Center

Dinner Briefing
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7:00 p.m.

Meeting Chamber

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

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Mayor and Council Topics

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. **Proposed Process for Redevelopment of First Ward Park**

Resource: Tom Flynn, Economic Development Office

Time: 20 minutes

Synopsis of Presentation:

The First Ward Master Plan, adopted by City Council in 1997, recommends that the current First Ward Park at Seventh and McDowell be redeveloped into a mixed-use project of retail and housing. The Plan also recommends the elimination of the current First Ward Park and the development of a new park.

The recently concluded First Ward land transaction aligned ownership so that this plan could be implemented. The City now owns First Ward Park and the County owns the block across Ninth Street from First Ward Elementary.

Several changes have occurred since the First Ward Plan was completed, including the development of a Harris Teeter in Fourth Ward, the market for housing in Center City Charlotte, the success of First Ward Place and the Garden District, and the development of the Arena and Children's Learning Center on the fringe of First Ward.

Given these changes staff proposes a process to study the market for a mixed-use project on this site. This process includes involving First Ward residents, a market study, solicitation of private developers through a Request for Proposal (RFP) process, and private sale of the land to the developer that is most responsive to the RFP.

Since the City does not own the parcel of land adjacent to the park at the corner of Seventh and McDowell, a key consideration in selecting a developer will be the developer's ability to add land that will enhance the value of the project on the City land and provide the most comprehensive redevelopment of this area.

Future Action:

This presentation is for Council's information. No action is requested at this time. The first requested Council Action would be the approval of the Request for Proposals in early 2004.

Attachment 1

Proposed Process & Schedule for Redevelopment of First Ward Park
Map of First Ward Park

2. Hospitality and Tourism Organizational Update

Resource: Ron Kimble, City Manager's Office

Time: 20 minutes

Synopsis of Presentation:

With the recent resignation of Visit Charlotte CEO Melvin Tennant, and the desires of City Council to build in additional accountability and performance measurement in the hospitality and tourism industry, the Council on July 28th asked that a new structure be evaluated and brought back for Council's review. The preferred option by the major players in the hospitality and tourism industry is the creation of a consolidated organizational model consisting of a merger of the Coliseum Authority and the Visit Charlotte entities.

This presentation will describe the parameters of such a consolidation, covering issues such as board make-up, mission, use of an expanded Marketing Advisory Committee input group, and a new CEO position reporting to a new board. If the City Council concurs, a full implementation plan will be needed to guide both interim operations, and permanent operations after State legislative approval in the 2004 Short Session.

Future Action:

The Implementation Plan will be presented to City Council no later than November 30, 2003.

Attachment 2

Outline of Concurrence Points
Draft High Level Organizational Structure

3. **Piedmont Courts HOPE VI Application Status Report**

Resource: Stanley Watkins, Neighborhood Development
Charles Woodyard, Charlotte Housing Authority

Time: 30 minutes

Synopsis of Presentation:

Background

On February 10, 2003, City Council directed City staff to work with the Charlotte Housing Authority (CHA) to secure a HOPE VI grant for the revitalization of the Piedmont Courts Public Housing Community in the Belmont neighborhood. Council's authorization included committing up to \$1.2 million for land acquisition to support the grant, committing to remove some City operations from the City's Central Yard facility and identifying other City financial and in-kind resources to support the grant application, subject to Council's approval. There was also a decision to delay the City's use of condemnation to acquire land until after the Belmont Revitalization Plan was adopted and Council received a report on City efforts to acquire land.

City Council may recall that the key elements initially identified for a successful application were:

- Having a plan for the Belmont community
- Securing control of sufficient land for off-site replacement housing
- Providing the maximum leverage for the \$20 million federal grant

These elements will be further refined as the CHA and City work through the application process.

Presentation

Charles Woodyard from the Charlotte Housing Authority will present an update to Council regarding the status of the application to HUD, discuss a funding issue with the consultant contract with Telesis, who will serve as the planner and master developer for the redevelopment of Piedmont Court and other issues pertaining to submitting a successful application. Stanley Watkins of Neighborhood Development will provide a status report on the City's land acquisition efforts.

The Federal Notice of Availability of Funds has not yet been released for the HOPE VI Grant. Staff anticipates that will occur in the next 30 days. The CHA and City are proceeding with development of an application.

The CHA Board of Commissioners has approved the selection of Telesis Corporation as the master developer for the Piedmont Courts HOPE VI Revitalization project. The contract with Telesis, which is up to \$325,000, provides for planning, engaging the public's involvement, relocation of existing residents, and development of the grant application. The CHA is experiencing a \$75,000 shortfall in its budget and seeking the City assistance in funding the Telesis contract. A profile on the firm is attached.

Because land control for off-site replacement housing is essential to the application, both the City and CHA are pursuing control of land in the Belmont community. The City is concentrating on vacant residential land and the CHA on strategic vacant or occupied parcels that would support multi-family development in the community. Both organizations are experiencing challenges in the acquisition process. The CHA proposes utilizing its condemnation authority to assist in the acquisition process for potential multi-family sites it cannot get under control in the required time frame for grant submission. Additionally, the CHA has agreed to use its condemnation authority to assist the City in its efforts to gain control of vacant residential parcels. A detailed report will be presented at the meeting.

One final issue is that the infrastructure financing decisions must be made before the application is submitted. Preliminary estimates for on-site and off-site infrastructure are between \$8 to \$11 million. The numbers will be finalized as the City and CHA work through the application development process.

Future Action:

Council will be asked to approve an amount not to exceed \$75,000 from the discretionary fund to assist the Charlotte Housing Authority in securing Telesis as the consultant to develop the Piedmont Courts HOPE VI application. Also, Council will be asked to concur with CHA's proposal for condemnation. City Council will be asked to take action on these requests on September 24, 2003.

Attachment 3

Profile on Telesis

Letter from the Charlotte Housing Authority

4. Committee Reports by Exception

Restructuring Government: Small Business Opportunity Program Revisions

Transportation: Mecklenburg-Union Metropolitan Planning Organization Memorandum of Understanding Amendments

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

CONSENT

- 5. Consent agenda items 11 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.**

POLICY

6. City Manager's Report

7. Small Business Opportunity Program Revisions



Action: Approve the Restructuring Government Committee's recommended revisions to the Small Business Opportunity (SBO) Program.

Staff Resource: Tiffany Capers, Small Business Development Program

Policy:

The Small Business Opportunity (SBO) Program policy emphasizes providing opportunities for Small Business Enterprises (SBE) to participate on City contracts.

Explanation:

City Council adopted the SBO Program in January 2003 and began implementation for construction contracts in March 2003. During the first six months of the program, the Program has progressed toward its intended purpose. SBEs have received more solicitations than minority and women business firms typically received under the former Minority and Women Business Development Program (MWBD). Contractors have attempted to comply with the Program.

In June 2003, Council directed staff to review the Program and to implement a plan of action that would

- Help prevent future non-compliance
- Help ensure consistent enforcement of the SBO Program
- Help facilitate the achievement of the Program's objective

During July 2003, Small Business Development Program staff along with staff from Engineering & Property Management and Charlotte Mecklenburg Utilities facilitated a series of feedback sessions to allow the contracting and subcontracting community to comment on and recommend revisions to the SBO Program. Using this feedback, staff drafted revisions to the Program. During August 2003, City staff facilitated three feedback sessions to give the contracting and subcontracting community an opportunity to comment on the proposed revisions. The recommended revisions specifically address a number of challenges experienced during the initial six months since Council approved the program.

Community Input:

The Restructuring Government Committee discussed the recommended revisions to the Program during two meetings: August 12, 2003 and August 25, 2003. During the August 25th meeting, staff informed Council that the Carolinas Association of General Contractors (CAGC) and the Metrolina Minority Contractors Association (MMCA) had requested an additional opportunity to review the recommended revisions and consequently, were requesting City Council to delay its decision on the staff recommendations until its September 8, 2003 City Council meeting. City Council agreed to allow the CAGC and MMCA more time to review the recommendations.

After Council's decision, Small Business Development Program staff will notify contractors and subcontractors that the revised SBO Program is available for review via the Small Business Development Program website or it can be made available by hard copy upon request.

Committee Discussion:

During the August 25th Restructuring Government Committee meeting, staff presented highlights of the recommended changes and included comments offered by CAGC and MMCA. CAGC and MMCA concurred with many of the staff's recommendation. All members of the Committee were present: Cogdell, Graham, Lochman, Spencer and White. Council member Tabor was also in attendance. The Restructuring Government Committee voted on each recommendation separately. The recommendations approved unanimously were:

- Requiring mandatory outreach
- Requiring negotiating in good faith
- Making notifying City of subcontractor/supplier opportunities optional
- Requiring Bidders to submit Good Faith Efforts documentation three business days after Bid Opening
- Eliminating Opportunity to Cure defective documentation
- Establishing a mandatory SBE orientation and grounds for de-certification
- Exempting non-competitively awarded contracts

The recommendations approved by a majority but not unanimously were:

- Requiring the City to make plans and specifications available 28 days in advance (Lochman opposed)
- Revising SBE Certification Eligibility (Lochman and Cogdell opposed)
- Balancing Good Faith Efforts opportunities (Lochman opposed)
- Allowing staff to waive compliance under specific circumstances and to amend the Program (Cogdell opposed)

Attachment 4

Revised Small Business Opportunity (SBO) Program Policy

Comments from CAGC & MMCA

SBE Application

Restructuring Government Committee August 25th Meeting Summary

8. Mecklenburg-Union Metropolitan Planning Organization - Memorandum of Understanding Amendments



Action: Approve the Transportation Committee's recommendation to direct the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) representative's vote on proposed amendments to the MUMPO Memorandum Of Understanding (MOU).

Committee Chair: Sara Spencer

Staff Resource: Jim Humphrey, CDOT
Danny Rogers, Planning

Explanation:

The 2000 Census redefined the Charlotte urbanized area to include a larger portion of Union County. The proposed amendments to the Memorandum of Understanding include:

- Adding members that have become part of the metropolitan planning area: Monroe, Wingate, Waxhaw, Wesley Chapel and Unionville
- Increasing the number of votes for the City of Charlotte
- Removing the term limit for the Technical Coordinating Committee (TCC) Chair
- Setting a minimum funding requirements for membership
- Adding a NCDOT public transit representative to the TCC

The Transportation Committee will meet on Monday September 8, 2003 at 3:30 p.m. to review the proposed amendments. A Committee report will be given during the Council dinner.

Attachment 5

Proposed Amendments to Memorandum of Understanding

9. Committee to Study City Employee Benefits

Action: Consider directing the City Manager to appoint a committee to study employee benefits.

Staff Resource: Tim Mayes, Human Resources

Explanation:

On August 25, Council directed the City Manager to place an item on the next business agenda concerning establishing a Manager appointed committee comprised primarily of Human Resources professionals to study City employee benefits.

At the August 25th Business meeting, Council voted 8-2 to place this item on the next agenda. Council members Lochman and Tabor voted against the motion.

BUSINESS

10. City Code Amendment for Street Number Signs

Action: Adopt an ordinance to amend Chapter 19 of the City Code to require street numbers to be displayed and visible on all buildings.

Staff Resource: Bart Massey, Fire

Explanation:

The update to the City Code for street number signs was prompted by the Chamber of Commerce's Transportation Committee's Navigation Numbers project. Stan Thompson, a Chamber volunteer, mounted a public education campaign promoting the importance of readable address numbers for emergency responders as well as delivery services and customers trying to read street numbers while traveling at posted speed limits.

The changes to Chapter 19 include:

- Requiring street numbers on new residences to be four inches in height and at least one-half inch in numeral width. Currently, numerals are required to be three inches in height. Existing residences will be grandfathered.
- Requiring new commercial and business buildings to have street numbers affixed that are at least four inches in height and no more than 30 inches, to ensure that they are visible from the street. The current requirement is for numerals only three inches in height. Existing commercial and business buildings will be grandfathered.
- Updating the code to identify the Mecklenburg County Director of Land Use and Environmental Services and/or his representative as the agent responsible for assigned proper street address numbers within the city, rather than the County Engineer, as that title is out of date.
- Updating the reference streets for numbering to reflect changes in the City's current street network.

This ordinance is enforced by the building inspectors and fire inspectors as part of the certificate of occupancy process. Fire inspectors are authorized to issue citations with fines of up to \$50 for noncompliance.

The ordinance will be effective October 1, 2003. The City will partner with the Chamber of Commerce for the public information campaign to make citizens aware of the new size requirement for street numbers.

In February 2003 the zoning ordinance was amended so that street numbers are not included in the calculation for the sign's permitted size. This update will also bring the City code into agreement with the North Carolina fire code.

Attachment 6

Ordinance Amending Chapter 19

Letters of Support

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 Program's (SBO) 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 contractors and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

11. Various Bids

A. Street Sweepers

SWS

Recommendation:

The Solid Waste Services Director recommends the lowest unit price bid of \$130,698 by Public Works Equipment Company, Monroe, North Carolina for Item A. – Vacuum Street Sweeper, and the lowest unit price bid of \$112,520, again by Public Works Equipment Company, Monroe, North Carolina for Item B. – Regenerative Air Street Sweeper be accepted. The total estimated expenditure for four sweepers, two of each type, under this contract is \$486,436. The contract is for one year with an option to renew for two additional one-year periods.

Small business Opportunity:

Established SBE Goal: 0%

SBE Committed Goal: 0%

The Small Business Program Manager waived the SBE goal for this project. In order to establish a goal for the project, there must be SBE firms certified in the City's Vendor Management System to perform the subcontracting opportunities identified for the project. There were no SBE firms certified to perform this project.

B. Water Meters

CMU

Recommendation:

The Key Business Executive for the Charlotte Mecklenburg Utility Department recommends award of contracts to the lowest responsive bidders for Water Meters to the suppliers listed below, on a unit cost basis for a contract period of one year, with the option to renew for two additional one-year periods.

Hughes Supply, Inc., Charlotte, NC	\$112,490.00
National Waterworks, Charlotte, NC	36,677.50

Small Business Opportunity:

The SBO Program Manager waives SBE utilization goals for this contract. This bid did not provide any opportunity for SBE subcontractor utilization.

C. McDowell Creek Wastewater Treatment Plant Standby/Peaking Generator Facility

CMU

Recommendation: The Key Business Executive for the Charlotte-Mecklenburg Utilities recommends the low bid of \$1,837,865 by Hickory Construction Company, Incorporated of Hickory, North Carolina. This project was approved in the FY 2001-2005 Capital Investment Plan to provide for back-up power systems at the McDowell Creek Wastewater Treatment. The project consists of construction of a generator facility including site clearing, site grading, foundations, construction of a new building, fuel distribution system, installation of two, diesel generators, installation of owner furnished medium voltage switchgear, and miscellaneous items required for the plant's existing electric system.

Small Business Opportunity:

Established SBE Goal: 4%

Committed SBE Goal: 4.34%

Hickory Construction Company has committed 4.34% (\$79,825) of the total contract amount to a certified SBE firm.

**D. Third Street and Baldwin Avenue Intersection EPM
Improvement Project**

Recommendation:

The City Engineer recommends the low bid of \$518,688.24 by Sealand Contractors Corporation of Charlotte, North Carolina. This project adds a left-turn lane at Third Street and Baldwin Avenue. The anticipated completion date is March 2004.

Small Business Opportunity:

Established SBE Goal: 3 %

Committed SBE Goal: 19 %

Sealand Contractors Corporation committed 19% (\$97,236) of the total amount to certified SBE firms.

**E. North Tryon Street Widening & Business Corridor EPM
Improvements**

Recommendation:

The City Engineer recommends the low bid of \$1,546,882.79 by Sealand Contractors Corporation of Charlotte, North Carolina. This project will add a third north bound lane on Tryon Street from Craighead Road to Sugar Creek Road. It includes new sidewalks, planting strips, curbs and installation of a 16-inch water line. The anticipated completion date is March 2004.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 3%

Sealand Contractors Corporation committed 3% (\$50,000) of the total amount to a certified SBE firm.

CONSENT II

12. Barrington Oaks Apartments – Bond Issuance Resolution



Action: Approve resolution authorizing Mecklenburg County to exercise its power within the City of Charlotte to issue Multi-Family Housing Revenue Bonds to finance a portion of the redevelopment of Barrington Oaks Apartments.

Staff Resources: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Policy:

The City's FY2004 Consolidated Plan identifies a need for affordable, safe and decent housing for low-income families. The Plan was approved by City Council on June 23, 2003 and reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of low and moderate-income housing, and support family self-sufficiency initiatives.

Explanation:

Mecklenburg County requests the City of Charlotte approve a resolution authorizing the County to issue multi-family housing revenue bonds for the redevelopment of Barrington Oaks Apartments. The 102 multi-family residential units are located at 7123-E Barrington Oaks Drive on approximately 10 acres. The units will serve households earning less than or equal to 60% of the area median income (\$38,460 for a family of 4).

On July 8, 2003, the Mecklenburg Board of County Commission approved authorization to issue up to \$5,000,000 in multi-family housing revenue bonds to acquire and rehabilitate Barrington Oaks Apartments. However, the North Carolina General Statutes provide that a county may not undertake any housing project within the boundaries of any city unless a resolution is adopted by the governing body of the city declaring that there is a need for the county to exercise its power within such city.

On May 12, 2003, City Council approved a letter of support as part of the Housing Trust Fund Multi-Family Rental Housing Request for Proposal process. Barrington Oaks, LLC (ownership entity) received approval in August 2003 from the North Carolina Housing Finance Agency for tax-exempt bond financing for Barrington Oaks Apartments. Mecklenburg County agreed to issue the Multi-Family Revenue Bonds for the project.

Attachment 7

Project Summary
Mecklenburg County Resolution
City of Charlotte Resolution

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

Action: Authorize the City Manager to execute:

- A. A 1.58% unit price increase to Solid Waste Services, North Quadrant Residential Solid Waste Collection Services Contract. The unit price increase is ten cents, for a total monthly unit price of \$6.63, effective July 1, 2003, and**
- B. A 1.58% unit price increase to Solid Waste Services, South Quadrant Residential Solid Waste Collection Services Contract. The unit price increase is thirteen cents, for a total monthly unit price of \$8.34, effective July 1, 2003.**

Staff Resource: Harry Graham, 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 recently contracted 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 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	75% CPI	Additional Cents to Unit Cost	New Unit Cost	Additional Cost per Year
North	7/1/00	1.58%	.10	\$6.63	\$68,807
South	7/1/01	1.58%	.13	\$8.34	\$58,428

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

Funding:

Solid Waste Services Operating Budget

Attachment 8

Letters from Solid Waste Services

14. Federal Aviation Administration Grant

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Airport Improvement Program grant in the amount of \$15,179,267 for the construction of Wallace Neel Road – Phase I and the expansion of Ramp E,**
 - B. Adopt a budget ordinance appropriating \$15,179,267 in FAA grant funds and \$5,059,756 from the Airport Discretionary Fund Balance to cover the local share for the grant projects, which will be replaced by future bond funds, and**
 - C. Adopt a resolution allowing the Aviation Director to accept any Federal Aviation Administration (FAA) Airport Improvement Program grants that may become available before the end of the federal fiscal year on September 30, 2003.**

Staff Resource: Jerry Orr, Aviation

Explanation:

Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements. The Airport’s FY2002 entitlement funds (\$15,179,267) will be used to reimburse the Airport for 75% of the costs associated with the construction of Wallace Neel Road – Phase I and the expansion of Ramp E.

Under the federal legislation for the Airport Improvement Program, the FAA allocates a certain amount of grant money for discretionary projects for high priority airfield projects. The FAA has advised the Airport that additional funds may be available before the end of the federal fiscal year.

This resolution will authorize the Aviation Director to accept this grant and any other grants if offered by the FAA on behalf of the City.

This action will also appropriate the grant funds and the local share for the following projects:

Project	Grant Amount	Local Share	Total Project Cost
Wallace Neel Road-Phase I	\$7,466,327	\$2,488,776	\$9,955,103
Ramp E Expansion	\$7,712,940	\$2,570,980	\$10,283,920

The Airport Advisory Committee recommends this action.

Funding:

FAA Grant Funds and Airport Discretionary Fund Balance

Attachment 9

Budget Ordinance

Resolutions

15. Airport Public Information Display Maintenance Contract

Action: Approve a contract with Signature Technologies, Inc. in the amount of \$270,000 for maintenance of the airport's public information display systems.

Staff Resource: Jerry Orr, Aviation

Explanation:

In January 1996, Council approved a contract with ComNet Software Specialists, Inc. in the amount of \$805,937 to install public information display devices in the airport terminal building. The devices display flight, baggage and gate information.

In July 1998, Council approved a contract with ComNet Software Specialists, Inc. in the amount of \$471,982 to install ramp information display devices for use by workers servicing airplanes.

This contract will provide proprietary parts and maintenance for both systems for three years at a cost of \$7,000 per month. The systems consist of approximately 500 devices.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Established SBE Goal: 0%

Signature Technologies, Inc. is the sole source provider for maintenance of this proprietary system. This maintenance contract did not provide an opportunity for subcontract utilization.

Funding:

Airport Operating Budget

16. Photo Radar Cameras Grant

Action: A. Adopt a resolution authorizing the Police Department to apply for a grant from the N.C. Governor's Highway Safety Program for photo radar cameras, and

B. Adopt a budget ordinance appropriating \$109,800: \$54,900 from Governor's Highway Safety Program and \$54,900 from police assets forfeiture funds to cover project costs.

Staff Resource: Captain David Haggist, CMPD

Explanation:

The Police Department is applying for a grant from the Governor's Highway Safety Program to cover the costs of photo radar cameras and the signage for those streets where the cameras will be located.

The State Legislature approved Charlotte's use of the photo radar cameras for a three-year trial period. The Police Department will acquire three photo radar units that will be rotated among 14 corridors where speeding is a significant problem. The signage will alert motorists to the potential presence of the photo radar cameras.

The grant application is for \$54,900 in state funding with an equal amount of money to be matched through an appropriation of assets forfeiture funds.

The Governor's Highway Safety Program requires that the governing body adopt a resolution authorizing the grant application and that the matching funds be appropriated prior to the approval of the application.

The anticipated implementation date for the new program is January 2004.

Funding:

\$54,900 from the Highway Safety Program and \$54,900 from assets forfeiture funds

Attachment 10

Budget Ordinance

17. Spanish Immersion Training Grant

Action: Adopt a budget ordinance appropriating \$15,000 in grant funds from the Foundation for the Carolinas and \$15,250 in matching funds from police assets forfeiture for Spanish immersion training for police officers.

Staff Resource: Sergeant Diego Anselmo, CMPD

Explanation:

The Police Department has received a \$15,000 grant from the Foundation for the Carolinas to fund Spanish immersion training for nine police officers and one Assistant District Attorney. The participants will attend four weeks of classes at the Encuentros School of Spanish in Cuernavaca, Mexico. This school was selected because it is located in the region where the majority of the Hispanics living in the Charlotte area have come from.

The training will consist of classroom instruction and professional interaction with Mexican counterparts of the participants to enhance their language skills and understanding of the Hispanic culture. Participants will be housed in the homes of Mexican families to complete their total immersion in the language and culture.

The officers participating in the program will be from both patrol districts and investigative units. The officers will share their skills with their fellow officers through recruit and in-service training and will be involved in departmental outreach initiatives within the Hispanic community. The department's International Relations Unit hopes that this initial effort will evolve into an exchange program with the Mexican government and police.

The grant will fund travel, per diem, and tuition for the ten employees as well as stipends for the families that will house the employees.

Funding:

\$15,000 from the Foundation for the Carolinas; \$15,250 from police assets forfeiture funds

Attachment 11

Budget Ordinance

18. Fire Station #37 Architectural and Construction Services

Action: Approve an agreement for \$209,185 with ADW Architects, P.A. for architectural design and construction administration services for Fire Station 37.

Staff Resource: David Garner, Engineering & Property Management

Explanation:

This agreement with ADW Architects, P.A. will provide architectural services to perform the planning, design and construction administration for Fire Station 37 on Harrisburg Road. Fire Station 37 will serve the future annexation of the eastern Mecklenburg County area. Completion of this project is to be in spring 2005, with annexation expected to occur in July 2005. Fire protection must be provided at the time of annexation.

ADW Architects, P.A. was chosen to provide the services through a qualification based selection process.

Small Business Opportunity:

The selection process for this project took place before the implementation of the SBO program for professional services.

Funding:

Government Facilities Capital Investment Plan

19. Watershed Ranking

Action: Approve an agreement for \$250,000 with AMEC Earth & Environmental, Inc. of North Carolina for research and development of a comprehensive and proactive ranking process for storm water projects.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation:

The current method for ranking drainage infrastructure projects places the highest priority on citizen requests of flooded structures and roads. While this system is reactive to infrastructure needs identified through requests, it does not provide priorities that include an engineering analysis of needs and comprehensive watershed planning. The initial policies adopted by the City Council in 1992 establishing the Storm Water Program anticipated a period of "request driven" priorities that would transition into a prioritization of

infrastructure investment based on a more comprehensive plan for each watershed. The comprehensive plans would consider citizen needs, watershed planning, water quality requirements and coordination with other City infrastructure investments.

The contract includes several phases of work, including, but not limited to:

- Reviewing the strengths and weaknesses of the current ranking process
- Contacting other communities and reviewing their processes for ranking
- Developing a watershed master planning/ranking process for both large neighborhood scale capital projects and undersized culverts that result in street flooding
- Identifying and developing technology tools
- Conducting a pilot test of the current pond ranking system

Upon completion of these tasks, this contract may be amended to perform the ranking in some or all areas of the City.

AMEC was chosen to provide the services through a qualification based selection process.

Small Business Opportunity:

The selection process for this project took place before the implementation of the SBO Program for professional services.

Funding:

Storm Water Capital Investment Plan

20. Storm Water Maintenance FY 2000 - G

Action: Approve Renewal #3 for \$969,955 with Blythe Development Company for continued construction of FY2000 - G Storm Water Maintenance Package.

Staff Resource: Bill Pruitt, Engineering & Property Management

Explanation:

This renewal will enable Storm Water Services to continue regular maintenance activities under this contract, recognizing good contractor performance and good existing unit prices. Where the contractor's work has been of good quality, renewals are recommended to extend the contracts.

The contract document provides for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This is the third and final renewal for this contract. The total contract amount is \$3,879,820.

Small Business Opportunity:

Established SBE Goal: 6%

Committed SBE Goal: 6%

Blythe Development Company committed 6% (\$58,197) of the total amount to a certified SBE firm.

Funding:

Storm Water Capital Investment Plan

21. Sanitary Sewer Contract, Clear Creek Elementary School – Charlotte-Mecklenburg Schools

Action: Approve a contract with the Charlotte Mecklenburg Schools for design and construction of a sanitary sewer trunk to serve Clear Creek Elementary School.

Staff Resource: Doug Bean, Utilities

Explanation:

The Charlotte Mecklenburg Schools request a non-reimbursable contract for the design and construction of a sanitary sewer main. Since this project is not approved in the Capital Investment Plan, the applicant, the Charlotte-Mecklenburg Schools, will fund the project and will not receive any form of reimbursement from the City. The trunk will extend approximately 1825 linear feet, from the end of Utilities' Clear Creek sewer project to Cabarrus Road. The estimated cost of this project is \$136,875. The applicant has deposited 100% (\$136,875) of the estimated project cost with the City.

22. Municipal Agreement to Maintain Traffic Signals

Action: A. Approve a resolution to authorize the Key Business Executive for Transportation to execute Municipal Agreements between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for annual maintenance of traffic signals and computerized signal systems, and

B. Adopt a budget ordinance estimating state grant funding and providing an appropriation totaling \$265,000, and

C. Amend the table of organization of the Transportation Key Business to add five positions for traffic signal maintenance.

Staff Resource: Bill Dillard, Transportation

Explanation:

To improve the consistency and quality of traffic signal maintenance, NCDOT is implementing a new traffic signal maintenance program statewide. Through Municipal Maintenance Agreements, the state will reimburse the City for the implementation of this new maintenance and signal timing program for traffic signals on state system streets within the City. Approximately 63% of signals within the City are on the State system.

The first agreement, Schedule C, acknowledges that the City will be responsible for the operation and all maintenance of state system signals within the City, both hardware and software. Schedule C details the level of maintenance that must be provided by the City, as well as detailed reimbursement rates to be provided by NCDOT. This agreement is renewable annually, for up to five years. The estimated reimbursement from the state for Schedule C is up to \$188,000 for the remainder of FY2004 and up to \$596,000 in FY2005.

The second agreement, Schedule D, will reimburse the City for operation and maintenance of computerized traffic signal systems that control the operations of traffic signals (signal timing) on state system streets within the City. This agreement is also renewable annually, for up to five years. The estimated reimbursement from the state for Schedule D is \$77,000 for the remainder of FY2004 and \$154,000 in FY2005.

To meet the maintenance work requirements, CDOT will need additional resources:

- 4 positions for two traffic signal crews
- 2 new bucket trucks
- 1 Traffic Electronics Technician position
- 1 utility vehicle
- Signal equipment and materials

The program costs necessary for the remainder of FY2004 total \$265,000.

City-maintained signals will also be maintained at the same level as the state signals. A City funding increase of \$150,000 annually will be required beginning in FY2005 to cover increased costs for maintenance materials and equipment for City-owned signals. Maintenance of all signals within the City at the same level will ensure accountability and consistent levels of customer service.

Funding:

North Carolina Department of Transportation

Attachment 12

Resolution

Budget Ordinance

23. Municipal Agreement for Congestion Mitigation Project Along NC 16 - Brookshire Boulevard

Action: A. Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to implement Congestion Mitigation Project along NC 16 - Brookshire Boulevard, and

B. Adopt a budget ordinance estimating and appropriating \$1,979,438 in state funding.

Staff Resource: Bill Dillard, Transportation

Explanation:

NCDOT has agreed to fund a Congestion Mitigation project along Brookshire Boulevard. This project was approved and funded as part of an effort to improve homeland security. Brookshire Boulevard is part of the evacuation route for McGuire Nuclear Station and a major alternate route for a portion of I-85. The proposed project includes:

- Design and installation of fiber optic communications system
- Coordination of all traffic signals on Brookshire Boulevard from I-85 to the County Line.
- Design and installation of traffic management cameras along Brookshire Boulevard from I-85 to the County Line.

The Municipal Agreement between the NCDOT and Charlotte DOT provides for the City to fund the NC 16 – Brookshire Boulevard Congestion Mitigation project for \$2,329,438 with NCDOT reimbursing the City up to \$1,979,438 of the estimated cost upon completion.

Funding:

The budget ordinance will appropriate the \$1,979,438 state share. The City grant match of \$350,000 will come from previously appropriated State Roads participation funds in the Transportation Capital Investment Plan.

Attachment 13

Resolution

Budget Ordinance

24. Resolution Amending Charlotte Firefighters' Retirement System Act

Action: Approve a resolution amending language in the Charlotte Firefighters' Retirement System (CFRS) Act to comply with Internal Revenue Code requirements.

Staff Resource: Greg Gaskins, Finance

Explanation:

The Board of Trustees of the CFRS requested a new Determination Letter from the Internal Revenue Service to ensure the continued tax-qualified status of the retirement system. The IRS has issued the new determination letter with the requirement to amend Section 9 of the Act. The Board of Trustees of the CFRS approved these amendments at a duly notice meeting on July 24, 2003.

The City Council has authority to approve this amendment under Section 39 of the CFRS Act.

Attachment 14

Resolution

25. Property Transactions

Action: Approve the following property acquisitions (A-B).

For property transaction A, 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/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement."

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

- A. Project:** South Corridor Light Rail Transit Project, Parcel # 224
Property Owner(s): Robert Ted Yarbrough and Robert James Yarbrough
Property Address: 5905 Old Pineville Road
Property to be acquired: 29,181 sq. ft (0.670 ac.) of Fee Simple
Improvements: None
Purchase Price: \$153,425
Zoned: 1-2
Use: Industrial
Tax ID: 169-092-10
Total Parcel Tax Value: \$82,100
- B. Project:** NC Highway 27/Mount Holly-Huntersville Road Intersection, Parcel # 5,
Owner(s): Textile Cleaner and Track Service, Incorporated
Property Address: 10908 Mount Holly Road
Property to be acquired: 3,951 sq.ft. (.091 ac.) of Fee Simple plus 10,618 sq.ft. (.244 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$18,225
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-1 (CD) and B-2
Use: Industrial
Tax Code: 031-375-04
Total Parcel Tax Value: \$561,300

26. Meeting Minutes

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

- **July 28, 2003 Business Meeting**