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Nancy Carter	Don Lochman
Andy Dulin	James Mitchell, Jr.
Anthony Foxx	Patrick Mumford
Patsy Kinsey	Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, December 12, 2005**

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# CITY COUNCIL AGENDA

Monday, December 12, 2005

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## **4:00 P.M. CLOSED SESSIONS ROOM 267**

### **1. Closed Session**

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of a claim.

### **2. Closed Session**

**Action:** Adopt a motion to hold a closed session pursuant to North Carolina General Statute 143-318.11(a)(4) for the purpose of discussing matters relating to the location or expansion of industries or other businesses.

## **5:30 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **3. Robbery Prevention Public Awareness Campaign**

**Resources:** Captain Harold Medlock, Charlotte-Mecklenburg Police  
Julie Hill, Corporate Communications

**Time:** 20 minutes

#### **Synopsis**

- The Robbery Offender Apprehension Team makes concentrated efforts to reduce robberies. The Team consists of eight officers assigned to
  - analyze robberies
  - gather intelligence
  - partner with other law enforcement agencies and community organizations/businesses and
  - serve outstanding robbery warrants
- This Team arrested more than 215 criminals with more than 600 charges. Locating and arresting the offenders committing a significant number of the crimes is a priority in reducing the incidence of crime.
- While the officers have established good working relationships with various businesses and community organizations, enlisting broader assistance from the community is the goal of the proposed six month long communication and outreach initiative.

- The initiative will include the following components:
  - Billboards featuring “Wanted” suspects (partnership with Adams Outdoor Advertising)
  - Email and poster distribution to area businesses, neighborhood associations, partner agencies
  - Community meetings
  - City’s television programming, electronic newsletter and City Page publication
  - Web site
  - Media
- Other cities already using wanted billboards, including Kansas City, Cincinnati, Memphis and Philadelphia, have reported good results. CMPD proposes supplementing the billboards with a range of community-based outreach to further the effectiveness of this tool as a way of locating and apprehending known suspects.

#### **Future Action**

Council will be asked to approve a \$50,000 allocation from assets forfeiture funds (item 21, page 21 of this agenda). \$25,000 will be used to help pay for the Department’s costs for the billboards; the other \$25,000 is for the implementation of a more comprehensive communications plan being developed by CMPD and Corporate Communications to help CMPD more effectively communicate its message to the citizens of Charlotte-Mecklenburg.

## **4. Carolina Theatre Redevelopment Proposal**

See item 11, page 9.

## **5. Seaboard Street Extension**

**Resources:** Tom Flynn, Economic Development  
Tracy Finch, Economic Development

**Time:** 15 minutes

#### **Synopsis**

- Ark Management is currently developing the North Carolina Music Factory (NCMF) along Seaboard Street in Uptown Charlotte. The NCMF is the first piece of a larger 30 acre mixed use redevelopment that includes residential, office, retail and entertainment in a village setting.
- With limited access to the site, Ark Management requested City and County participation in the extension of Seaboard Street. This extension is an essential part of making the proposed development, and other developments in the area, a success.
- The development plan includes the following three phases:

Phase I – renovation of existing 210,000 sq. ft. mill (NCMF) and 120 new residential units

Phase II – 80,000 sq. ft. entertainment, 170,000 sq. ft. office, 140,000 sq. ft. retail, 480 residential units

Phase III – 750 residential units, 200,000 sq. ft. entertainment, 50,000 sq. ft. office, 200,000 sq. ft. retail

- Ark Management and City staff determined the Seaboard St. extension could connect with Graham St. just north of I-277 and eliminate existing and future problems with railroad crossings into the area at 9th and 10th Streets. The cost of the new street would be \$2.5 to 3 million.
- Ark Management proposes to build and pay for the street extension and be reimbursed by the City and County from incremental property taxes over several years.
- County staff has indicated that the County would not participate in this project. Due to the manner in which the request is currently structured, the County has no authority to spend County funds to build roads.

#### **Future Action**

Staff requests Council refer this item to the Economic Development and Planning Committee for further study.

## **6. Committee Reports by Exception**

Transportation Committee: Transportation Action Plan

Housing and Neighborhood Development: Section 8 Program: Evaluation and Action Plan – Good Neighbor Relations Program and Rental Registration and Inspection Program



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

**CONSENT**

- 7. Consent agenda items 14 through 34 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 8. Public Hearings to Consider Proposed Annexation Agreements with Concord, Harrisburg and Midland; Approval of Agreements

- Action:**
- A. Hold a public hearing on proposed annexation agreement with Concord,**
  - B. Hold a public hearing on proposed annexation agreement with Harrisburg,**
  - C. Hold a public hearing on proposed annexation agreement with Midland, and**
  - D. Adopt ordinances approving the proposed annexation agreements and authorizing the Mayor to execute the annexation agreements.**

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

#### **Explanation**

- Charlotte, Concord and Harrisburg are parties to an annexation agreement that will expire January 1, 2006. That agreement provides that Charlotte will not annex into Cabarrus County and that Concord and Harrisburg will not annex into Mecklenburg County.
- Midland was incorporated in 2000 and has asked for an annexation agreement as well.
- State statutes require that each municipality planning to enter into an annexation agreement must first hold a public hearing. Approval of the agreement must be done by ordinance.

#### **Proposed Annexation Agreements**

- In considering future annexations of developed property along the Mecklenburg/Cabarrus County Line, there may be circumstances under which Charlotte and the affected Cabarrus municipalities may agree that annexation boundaries should follow development patterns, rather than automatically following the County Line.
- Separate annexation agreements with each Cabarrus municipality are proposed to facilitate the ability to amend each of the agreements to consider such circumstances without involving all of the Cabarrus municipalities in each amendment.
- Under each proposed annexation agreement, a three-mile wide area within Mecklenburg County is identified that corresponds with the City's "sphere of influence" along the Mecklenburg/Cabarrus County Line. This area runs between Eastfield Road (City's "sphere" boundary with Huntersville) and Albemarle Road (City's "sphere" boundary with Mint Hill). Each Cabarrus municipality agrees not to annex any property within this area.

- In the proposed annexation agreement with Concord, a three-mile wide area within Cabarrus County is identified that corresponds with Concord’s “sphere of influence” along the Mecklenburg/Cabarrus County Line. This area runs from Concord’s “sphere” boundary with Kannapolis to Concord’s “sphere” boundary with Harrisburg. Charlotte agrees not to annex any property within this area.
- In the proposed annexation agreement with Harrisburg, a three-mile wide area within Cabarrus County is identified that corresponds with Harrisburg’s “sphere of influence” along the Mecklenburg/Cabarrus County Line. This area runs from Harrisburg’s “sphere” boundary with Concord to Harrisburg’s “sphere” boundary with Midland. Charlotte agrees not to annex any property within this area.
- In the proposed annexation agreement with Midland, a three-mile wide area within Cabarrus County is identified that corresponds with Midland’s “sphere of influence” along the Mecklenburg/Cabarrus County Line. This area runs from Midland’s “sphere” boundary with Harrisburg to the Cabarrus/Stanley County Line. Charlotte agrees not to annex any property within this area.
- The proposed agreements and approving ordinances have an effective date of January 1, 2006. The term of the proposed annexation agreements is 10 years.
- The public hearings were advertised on December 1<sup>st</sup> in The Charlotte Observer.

#### **Attachment 1**

Map

Proposed Annexation Agreements

Ordinances

## **9. Public Hearing on Resolution to Close a Portion of Tryclan Road**

**Action:**    **A. Conduct a public hearing to close a portion of Tryclan Road, and**  
                   **B. Adopt a Resolution to Close.**

**Staff Resource:**        Linda Poissant, Transportation

#### **Policy**

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

#### **Explanation**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

- The action removes land from public right-of-way status and attaches it to the adjacent property.

**Petitioner**

City of Charlotte – Kent Winslow

**Right-of-Way to be abandoned**

A portion of Tryclan Road

**Location**

- Located within the vicinity of the York Road Community Association beginning approximately 210 feet from the northern property pin of tax parcel #149-012-07 and continuing around the cul-de-sac bulb approximately 118 feet to its terminus

**Reason**

- To incorporate the cul-de-sac right-of-way into adjacent property in order to extend Dewitt Lane through to Freeland Avenue. This extension is part of the South Corridor Infrastructure Program. Dewitt Lane extension will facilitate access to and from the proposed Scaleybark Park and ride affiliated with the South Corridor Light Rail System.

**Notification**

- In accordance with City Policy, the Charlotte Department of Transportation (CDOT) sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Ailene S. Harris – No objections

Roland G. Thomas – No objections

Neighborhood/Business Associations

York Road Neighborhood Association – No objection

Clanton Park Community – No objection

Colonial Village Neighborhood Association – No objection

Sedgefield Neighborhood Association – No objection

Madison Park Neighborhood – No objection

Private Utility Companies – No objections

City Departments –

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

**Attachment 2**  
Map  
Resolution

## POLICY

### 10. City Manager's Report

### 11. Carolina Theatre Redevelopment Proposal



**Action:** Discuss and provide direction on Carolina Theatre redevelopment proposal.

**Committee Chair:** John Lassiter

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

#### Explanation

- In April and May 2005 Camden Management Partners approached the City with a proposal to redevelop the Carolina Theatre. The Carolina Theatre Preservation Society (CTPS) has been working with Camden to draw up a proposal that is acceptable to both parties and the City.
- This proposed redevelopment will include restoration of the historic theater and the construction of a residential condominium town above the theater
- On July 25, 2005 the Council voted unanimously to provide a 120 day option on the property to Camden in order to allow time to work through various issues in the proposal
- The deal will include funding from several governmental sources, dedicated only to the restoration of the theater, including City money in a proposed land sale write down and synthetic tax incremental financing (TIF) in partnership with the County, New Market Tax Credits, and Historic Tax Credits. Deferred developer's fee and potential \$2 million contribution from the CTPS are included in potential funding sources for the theater restoration.

#### Committee Review

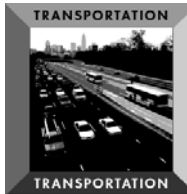
- Progress on the Carolina Theatre project was presented to both the Economic Development & Planning Committee and the County Economic Development Committee for informational purposes
- Economic Development & Planning referred further discussion of Carolina Theatre to Council in a unanimous vote on November 28, 2005 (Lassiter, Cannon, Carter, Lochman and Tabor).

#### Staff Follow Up

- City staff met with Camden, CTPS, and ARK Management on December 6, 2005 to discuss adjustments to the proposed development agreement. Information from this meeting will be included in the December 9, 2005 Council Manager Memo

**Attachment 3**

November 28, 2005 presentation to Economic Development & Planning Committee

**12. Transportation Action Plan**

**Action:** Approve the Transportation Committee recommendation to accept the Transportation Action Plan (TAP) Policy Document for discussion at the City Council retreat in February 2006 and to approve the TAP public input process.

**Committee Chair:** Patrick Mumford

**Staff Resources:** Norm Steinman, Transportation  
Dan Gallagher, Transportation

**Explanation**

- The FY2006 & FY2007 Focus Area Plan calls for the City to develop a draft Transportation Action Plan for public review by January 2006.
- The Transportation Committee has been working with staff since the 2004 Council retreat to develop a draft of the City's first 25 year comprehensive transportation plan known as the Transportation Action Plan (TAP).
- The purpose of the TAP is to provide citizens, elected officials and staff with a single document that includes the City's goals, policies and implementation strategies to achieve the City's transportation goals.
- The five goals of the TAP are consistent with the five Focus Area Initiatives. The five TAP goals are:
  - Goal 1 – Continue implementation of the Centers and Corridors strategy
  - Goal 2 – Prioritize, design, construct and maintain convenient and efficient transportation facilities to improve safety and neighborhood livability, promote transportation choices and meet land use objectives
  - Goal 3 – Collaborate with local and regional partners on land use, transportation and air quality to enhance environmental quality and promote long-term regional sustainability
  - Goal 4 – Communicate land use and transportation objectives and services to key stakeholders
  - Goal 5 – Seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services
- On November 28, 2005, the Transportation Committee voted to accept the Transportation Action Plan Policy Document to be considered for discussion at the February 2006 City Council retreat.
- In addition, the Transportation Committee approved the proposed public involvement process which will include a series of four public workshops that will occur in February-March 2006.
- It is anticipated that City Council will consider the TAP for adoption in May 2006.

**Attachment 4**  
TAP

### 13. Sale of the Charlotte Coliseum Property

**Action:** Adopt a resolution approving the sale of the Charlotte Coliseum Property to Comstock Partners, LC, for \$20,000,000.

*Note: the next phase of the upset bid process ends at 9:00 a.m. on Monday, December 12, 2005. Should the City receive additional qualified bids, this item will be removed from the agenda and the upset bidding process will continue.*

**Staff Resources:** Curt Walton, City Manager's Office  
Kent Winslow, Real Estate

#### **Explanation**

- Proceeds from the sale of the Charlotte Coliseum and its approximate 154 acres were approved by City Council in 2003 to be part of the financing of the new arena.
- The City's contract with the Charlotte Bobcats allows the property to be sold "no earlier than the later of sixty (60) days after substantial completion of the arena or thirty (30) days after the team begins playing home games in the arena." Therefore, the property may be sold after December 20, 2005.
- By North Carolina state statute, the property must be sold by competitive bid. The first upset bid period began on November 4, 2005 and ended at 5:00 pm on November 14, 2005.
- The bidding began at a price of \$17,820,000, with that bid being offered by Comstock Partners, LC, a Virginia real estate development company. The bid included no contingencies.
- On November 14, 2005, Pope & Land submitted a qualified bid of \$19,000,000, which is greater than the minimum 5% bid threshold required by state law. The bid also included no contingencies.
- On November 28, 2005, Comstock Partners submitted a bid of \$20,000,000, an amount which was also greater than the minimum 5% bid threshold required by state law. The bid includes no contingencies.
- Comstock has requested closing occur by year end or early January at the latest. To do so requires Council action on December 12, 2005.
- However, should another qualified bid be received prior to 9:00 a.m. on December 12, 2005 this item will be removed from the agenda and the bidding process will continue.

#### **Background**

- The arena financing included up to \$50 million of proceeds from the sale of City assets, with the sale of the Coliseum property being the largest piece.
- The proceeds from the following properties were specifically dedicated to the financing of the new arena: the Coliseum property, the old convention center,



the old bus garage, property on Cedar Street subsequently sold to Johnson and Wales, and the federal courthouse. Council has since entered into an agreement to sell the federal courthouse property to Queens University of Charlotte following the construction of the new federal courthouse on E. Trade Street.

- Proceeds from the sale of other properties were subsequently dedicated to the arena financing model until the \$50 million was reached. Following is an accounting of those sales:

<b>Property</b>	<b>Proceeds<sup>1</sup></b>
Charlotte Coliseum property to Comstock Partners	\$19,340,000
Old Convention Center to Pacific Avenue, LLC (Ghazi)	\$14,000,000
Old Bus Garage to Ninth Street Investors, LLC (Levine)	\$8,083,500
Coliseum Ground Leases to J. P. Morgan and Associates	\$3,236,170
Arena Out-Parcel 3 – currently being marketed	\$2,100,000 <sup>2</sup>
Arena Out-Parcel 2 to Preferred Parking	\$1,652,640
Children’s Theatre to Morehead Properties, Inc.	\$1,116,750
Cedar and Fourth Street to Johnson and Wales	\$1,000,000
Federal Payment for delay in Federal Courthouse Land Swap	\$989,477 <sup>3</sup>
Billy Graham/Westmont Remnant to Billy Graham Assoc.	\$399,500
<b>Total</b>	<b>\$51,918,037</b>

<sup>1</sup> “Proceeds” represent a net of commissions and closing costs, when applicable;

<sup>2</sup> Council has set the price for Arena Out-Parcel 3 at \$2.1 million with an anticipated sale date in 2006. Marketing for the property has not begun because the value was based on the arena being complete and priority was placed on marketing and selling the coliseum property;

<sup>3</sup> The City’s agreement with the federal General Services Administration (GSA) included a land swap in 2003. In order to delay the land swap until 2004, the GSA requested \$1 million earnest money from Congress. Congress appropriated approximately \$10,500 less than requested.

- Once Arena Out-Parcel 3 is sold, Council may decide how to allocate the surplus, which currently stands at \$1,918,037. Since these properties were originally purchased from a mix of revenue sources (primarily Hotel/Motel taxes and General Obligation Bonds), Council may allocate this surplus to either a general capital project or to a tourist-related capital facility.
- Arena Out-Parcel 1 is also available and is outside of the arena financing model. Parcel 1 was purchased for approximately \$7 million in the arena transaction and may be sold after December 31, 2007, due to deed restrictions. Those proceeds would be restricted to a tourist-related capital facility since Parcel 1 was purchased with hotel/motel taxes. Council previously reserved \$2 million of the proceeds for the Whitewater Park.
- The estimated value of the proposed Coliseum development at build-out is \$300 million, which would generate annual property taxes of approximately \$3.75 million.

**Information on Comstock and its Development Plan**

- Comstock is a real estate development company headquartered in Reston, Virginia.
- Comstock has developed several large-scale mixed use developments, primarily in the mid-atlantic states, and is currently developing two of the largest mixed-use, transit-oriented projects in the Washington D.C. metropolitan area.
- Comstock's tentative plans for the Coliseum site are for a pedestrian-oriented mixture of residential and retail uses with a small amount of office.
- The residential component includes both attached and detached residential units, with a total number of units of between 1,800 and 2,000.
- The amount of retail would be between 200,000 and 300,000 square feet of services, specialty retail and restaurants.
- The office component would be between 60,000 and 120,000 square feet.
- The current zoning plan allows 1,200 residential units, 85,000 square feet of retail and 1.6 million square feet of office space. A re-zoning of the property will be necessary to allow Comstock to do what it proposes; however, the sale of the property is not contingent on the re-zoning and it will be Comstock, not the City, that will pursue the re-zoning after closing.

**Attachment 5**

Resolution

## **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. Brown-Grier Road at Gallant Lane

**EPM**

##### **Action**

Award the low bid of \$175,604.10 by Carolina Cajun Concrete Inc. of Matthews, North Carolina. This project is an NCDOT Small Urban Fund Project and includes \$100K in NCDOT contributing funds. The project will add a traffic lane to Brown-Grier Road to facilitate left turns onto Gallant Lane in Southwest Charlotte. Construction completion is scheduled for third quarter of 2006.

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

Established SBE Goal: 4%

Committed SBE Goal: 8.10%

Carolina Cajun Concrete exceeded the SBO goal and committed \$14,221 to the following certified SBE firms: Affordable Fence & Tree, Ground Effects, Inc. and Mudrunners, Inc. The SBO Program Manager waived non-compliance for Mandatory Outreach pursuant to SBO Policy Section 8.4.

**B. Dispatch Console Workstations Fire****Action**

Award a low bid unit price contract to Viking Acoustical Corporation of Lakeville, MN in the amount of \$104,720 for the purchase and installation of 10 dispatch console workstations for the Charlotte Fire 911 Communication Department for the term of one year and authorize the City Manager to renew the contract for two additional one-year terms.

**Small Business Opportunity**

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

**C. FY06 Water and Sanitary Sewer Service Installations CMU****Action**

Award the low bid of \$1,508,342.75 to B.R.S., Inc., Richfield, North Carolina for domestic water and/or sanitary sewer installations in Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 7 %

Committed SBE Goal: 0 %

B.R.S., Inc. failed to meet the established goal, but exceeded the mandatory outreach and good faith effort points.

**D. Medium Voltage Motor Starters and Switchgear Lineup CMU****Action**

Award a low bid contract to Benshaw, Inc. of Glenshaw, Pennsylvania in the amount of \$164,669 for the purchase of medium voltage motor starters and switchgear lineup for the Catawba River Pump Station.

**Small Business Opportunity**

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

**15. Resolution of Intent to Abandon Street and Set Public Hearing for an Alleyway Located off of N. Torrence Street**

**Action:** A. Adopt the Resolution of Intent to abandon an alleyway located off of N. Torrence Street, and  
B. Set a public hearing for January 9, 2006.

**Attachment 6**  
Map

**16. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Cameron Avenue Running off of Kenmore Avenue**

**Action:** A. Adopt the Resolution of Intent to abandon a portion of Cameron Avenue running off of Kenmore Avenue, and  
B. Set a public hearing for January 9, 2006.

**Attachment 7**  
Map

**17. Refund of Property Taxes**

**Action:** Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,930.74.

**Attachment 8**  
Resolution  
List of property tax refunds

## 18. In Rem Remedy

**For In Rem Remedy #A-C, 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

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. 316 Todd Road (Neighborhood Statistical Area 17- Todd Park Neighborhood)

**Field Observation:**

- B. 5920 Torrence Street (Neighborhood Statistical Area 42 – Rockwell/Hemphill Heights Neighborhood)
- C. 2405 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)

**Public Safety**

**A. 316 Todd Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 316 Todd Road (Neighborhood Statistical Area 17-Todd Park Neighborhood).**

**Attachment 9**

**Field Observation**

**B. 5920 Torrence Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5920 Torrence Street (Neighborhood Statistical Area 42- Rockwell / Hemphill Heights Neighborhood).**

**Attachment 10**

**C. 2405 Dundeen Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2405 Dundeen Street (Neighborhood Statistical Area 23-Washington Heights Neighborhood).**

**Attachment 11**



## CONSENT II

### 19. Vehicle Washing and Related Services

- Action:**
- A. Approve two contracts for vehicle washing and related services for a three-year initial term with two, one-year extension options with a total annual not-to exceed amount of \$110,000. The service suppliers are Autobell Carwash, Inc. and Diamond Finish Car Wash/Havoline Lube, and**
  - B. Authorize the City Manager to approve the two, one year extension options.**

**Staff Resources:** John Trunk, Business Support Services  
Richard Danielsen, Charlotte-Mecklenburg Police

#### **Explanation**

- The City previously maintained contracts with multiple car wash companies for use by all City departments.
- These contracts have expired with no additional extensions. A Request for Proposals process was initiated to select vendor(s) to provide these services.
- Four proposals were received, but only two vendors offered the full service wash and associated services required, Autobell Car Wash, Inc. and Diamond Finish Car Wash/Havoline Fast Lube, which also were the two vendors offering the lowest pricing.
- Funding will be provided by each department on an as-needed basis.
- 95% of this contract is for police vehicles.

#### **Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for these contracts because subcontracting is not anticipated. However, one of the two recommended companies, Diamond Finish Car Wash/Havoline Fast Lube, is a certified SBE vendor.

#### **Funding**

Various KBU Operating Budgets

### 20. Grant for Bilingual Domestic Violence Counselor

- Action:** **Adopt an ordinance, appropriating \$81,440 from United Family Services, for a bilingual domestic violence counselor for Police.**

**Staff Resource:** Major Kevin Wittman, Charlotte-Mecklenburg Police

**Explanation**

- United Family Services received a grant from the Department of Justice to improve legal services for Latino domestic violence victims.
- United Family Services awarded CMPD \$81, 440 for salary, benefits, and related training for a bilingual Domestic Violence Crisis Counselor.
- The counselor will assist Latino domestic violence victims with filing police reports, negotiating the court system and its related paperwork, creating safety plans, and community education.
- The grant is for a two-year period.

**Funding**

U. S. Department of Justice Violence Against Women Office; CMPD is a sub grantee of United Family Services

**Attachment 12**

Budget Ordinance

## 21. Assets Forfeiture Appropriation for Police Communications Plan

**Action: Adopt an ordinance, appropriating \$50,000 in assets forfeiture funds, for CMPD's communications plan.**

**Staff Resource:** Chief Darrel Stephens, Charlotte-Mecklenburg Police

**Explanation**

- CMPD is developing a comprehensive communications plan to provide the citizens of Charlotte with more information on Police Department activities, community policing, and ways for citizens to assist CMPD in building a safe community
- One component of the plan is a robbery prevention public education campaign
- Other components include development of a media guide and training for police employees in more effective communications
- Cost for development and implementation of this plan will come from assets forfeiture funds

**Funding**

Assets Forfeiture funds

**Attachment 13**

Budget Ordinance

## 22. Cliffwood/Wilmore Storm Drainage Improvement

**Action:** Approve change order #2 for \$166,887.45 with Ferebee Corporation.

**Staff Resource:** Jennifer Glotfelty, Engineering & Property Management

### Change Order #2 with Ferebee Corporation

- Cliffwood/Wilmore is a neighborhood storm drainage infrastructure project that extends from South Tryon Street near Worthington, west to Wilmore Drive.
- The change order includes:
  - Renegotiation of various items due to a one year delay in obtaining the NCDOT encroachment agreement to cross South Tryon Street
  - Adds additional infrastructure improvements; including but not limited to drainage, sidewalks and walls to better connect to new development in the neighborhood
  - Overruns in trench rock and select backfill not covered in the original contract or Change Order #1
- This change order is within the original budgeted amount for this project

### Contract History

- Council awarded the original contract on July 28, 2003 for \$2,039,395.40
- Council awarded change order #1 on May 5, 2004 for \$199,970
- Total contract amount to date, including change order #2, is \$2,406,252.85

### Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, Ferebee Corporation, and their existing subcontractors. Ferebee has committed \$10,239.27 of the change order amount to the following certified SBE firms: On Time Construction, Inc., ACS Pavement Marking, and Hazel Holmes Trucking, Inc. This change order complies with Section 10.3 of the SBO Program.

### Funding

Storm Water Capital Investment Plan

## 23. FY2004 Sewer Rehabilitation Contract, Renewal #2

**Action:** Approve renewal option #2 for \$2,810,232.15 with Atlantic Coast Contractors for sanitary sewer infrastructure rehabilitation.

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

### Project Explanation

- Renewal enables Utilities to continue rehabilitation of sanitary sewer infrastructure primarily in the following areas:

- McAlpine Creek basin
- Long Creek basin
- Paw Creek basin
- Work involves identification, evaluation, and repair of manhole and sewer main defects to reduce amount of water entering wastewater collection system.
- The original contract provided for up to three renewals. This renewal is the first of three.

### **History**

- Original contract awarded by Council 12/8/03 in the amount of \$2,497,036.50.
- Renewal #1 approved by Council on 2/28/05 in the amount of \$2,690,806.21.

### **Small Business Opportunity**

Established SBE Goal: 2%

Committed SBE Goal: 2%

Atlantic Coast Contractors met the goal established for this project by committing \$56,205.00 to the following SBE firms:

D. E. Walker Construction

Stinson Trucking

### **Funding**

Sewer Capital Investment Plan

## **24. Phase I, Long Creek Pump Station, Amendment #3**

**Action: Approve amendment #3, in the amount of \$521,605, to the Brown and Caldwell professional services contract for upgrades to the Long Creek Pump Station.**

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

### **Explanation**

- This amendment provides funding for
  - Additional geotechnical and inspection services
  - Modeling and upsizing of the Long Creek Outfall pipeline
  - Development of telemetry system to operate the Paw Creek Pump Station in coordination with the Long Creek equalization system
  - Additional construction administration services due to construction time extensions
- This amendment is within the project budget.

### **History**

- Original contract, awarded June 14, 1999 for \$2,587,629 provided for design and construction administration of Long Creek Pump Station and Catawba River Pump Station and outfall.

- Amendment #1 approved August 28, 2000 for \$274,740 provided for additional design services.
- Amendment #2 approved May 24, 2004 for \$1,362,782 provided for
  - capacity evaluation for long-term growth needs;
  - realignment of various portions of Catawba River outfall to facilitate 2003 annexation areas
  - addition of a 24-inch force main for Long Creek Pump Station

#### **Small Business Opportunity**

Additional services represent no new subcontracting opportunities. Work will be performed by Brown and Caldwell and their existing team of subcontractors. This amendment complies with Section 10.3 of the SBO Program.

#### **Funding**

Sewer Capital Investment Plan

## **25. Synagro-WWT, Inc. Contract Extension**

**Action: Approve a three and a half year extension to the amendment to the contract with Synagro-WWT, Inc. for disposal of solids produced at the wastewater treatment plants at \$27.20 per wet ton.**

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

#### **Explanation**

- This action will allow for a three and a half year extension of the amendment, from January 1, 2006 to July 1, 2009, which coincides with the end of the contract.
- The price per wet ton for disposal will remain the same for the remaining three and a half year term.
- Non-conforming solids require additional storage time and treatment by the contractor before they can be landfilled.
- Solids (also called Biosolids) are generated as a component of the biological process of wastewater treatment and must be continuously disposed of as prescribed by federal regulations. Disposal options range from disposal in a sanitary landfill, to use as fertilizer depending on the treatment methods used in generating and processing the solids at the treatment plant.

#### **History**

- Council approved the original ten year contract on May 24, 1999 for disposal of water and wastewater solids via land application.
- In December 2004 Council approved an amendment to include the price per wet ton of \$27.20 for non-conforming solids disposal in a sanitary landfill. The term of the amendment was one year.

#### **Funding**

Sewer Capital Investment Plan

## 26. EPA Grant for Utilities

**Action:** A. Accept an Environmental Protection Agency (EPA) grant in the amount of \$674,300, and  
B. Adopt a budget ordinance appropriating the \$674,300.

**Staff Resource:** Doug Bean, Utilities

### Explanation

- The grant will be used for the McAlpine Creek WWMF Primary Treatment Improvements and Effluent Filter Rehabilitation Project.
- The grant does not require a match of local funds.

### Funding

Federal Grant

### Attachment 14

Budget Ordinance

## 27. Wireless Communications Design Contract

**Action:** Award a professional services contract to DB Consulting of Huntersville, North Carolina in the amount of \$140,272 for design of wireless communications infrastructure for various parts of the Airport Terminal.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- This contract will provide the design of cabling and equipment needed to support an expansion of the wireless communications environment in the terminal for use by airport tenants and passengers.
- DB Consulting was selected based on their extensive knowledge of this project and previous terminal communications projects.

### Small Business Opportunity

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

### Funding

Airport Operating Budget

## 28. Emergency Management-Fixed Nuclear Facility Funding

**Action:** Adopt a budget ordinance appropriating \$47,500 in funding from Duke Energy Corporation for support of the Fixed Nuclear Facility (FNF) response program.

**Staff Resource:** Wayne Broome, Fire

### Explanation

- Under an agreement with the State of North Carolina, utility companies operating nuclear power facilities, within or contiguous to North Carolina counties, provide an annual contribution to the State and respective counties to maintain an emergency planning program for radiological response.
- The amount of \$47,500 from Duke Energy represents funding for specialized equipment and planning in support of operations for the McGuire and Catawba Nuclear Stations.

### Funding

Duke Energy

### Attachment 15

Budget Ordinance

## 29. EpiCenter Reimbursement Agreement Amendment

**Action:** Approve amendment #1 to the reimbursement agreement with Epicenter Associates that:

1. Transfers the responsibility for designing and building the retaining wall along the transit corridor from the CATS to EpiCenter Associates, and
2. Reimburses EpiCenter Associates \$500,000 for designing and building this retaining wall.

**Staff Resource:** Tom Flynn, Economic development  
John Muth, CATS

### Explanation

- In November 2004 City Council approved a reimbursement agreement with Epicenter Associates to provide \$3.2 million in assistance in the construction of public infrastructure associated with this project. (The EpiCenter is a \$100 million redevelopment of the Old Convention Center site that includes 250,000 square feet of retail and approximately 400 residential units).
- The reimbursement agreement requires CATS to design and build a retaining wall along the transit corridor adjacent to the EpiCenter development.

- To simplify the construction process and maintain the EpiCenter's construction schedule, staff recommends transferring this responsibility to EpiCenter Associates and reimbursing Epicenter Associates for this work.
- Funds for this reimbursement will come from the transit capital program budget.
- The Amendment provides for a performance bond payable to the City that the City can use to get this work done should EpiCenter's contractor fail to perform.

### **Funding**

Transit Capital Investment Plan

## **30. South Corridor Light Rail Project-Design Services During Construction**

**Action:** Authorize the CATS CEO to negotiate and execute a contract with Odell Associates Inc. in an amount not to exceed \$750,000 to provide a portion of the Design Services during construction of the South Corridor Light Rail Project (SCLRP).

**Staff Resource:** Ron Tober, Charlotte Area Transit System (CATS)

### **Explanation**

- This contract will provide authorization for Odell Associates, Inc. to perform design and engineering services as required during the construction period for SCLRP. This service is typical of all large construction projects and is required for the design, engineering and buildout of field conditions not previously anticipated. This is a critical step toward the completion of the South Corridor project and is necessary to avoid construction delays.
- This additional work will be paid for from the project contingency.
- Odell Associates, Inc. was selected for the following reasons:
  - Prior work history with SCLRP – Odell Associates Inc. has done the original design work for the Light Rail Vehicle Maintenance Facility and Operations Control Center. The architectural and design documents produced by Odell Associates over the past two years are now being used by the construction contractor for the actual construction of this facility, equipment installation and track layout.
  - Continuity of work
  - A formal bid process would likely result in higher costs and significant delay

### **Funding**

Transit Capital Investment Plan



### 31. Municipal Agreements for Relocation of Utility Lines

- Action:** A. Adopt resolutions to authorize the Key Business Executive for Transportation to execute municipal agreements with the North Carolina Department of Transportation (NCDOT) for
1. the design and building of an upgrade of a municipally-owned sewer line along I-85 from South of the US29/NC49 connector to the Speedway/Concord Mills Boulevard,
  2. water and sewer line work along I-485 from Brown Grier Road Extension to just north of Highway 74,
  3. water and sewer construction along I-77 from I-85 to north of I-485,
  4. water and sewer construction along the I-485 Charlotte Outer Loop from north of I-85 to NC27, and
- B. Adopt a budget ordinance appropriating \$4,498,082.34.

**Staff Resource:** Doug Bean, Utilities

#### Explanation

- These municipal agreements are for full reimbursement to the state for the design and building of upgrades to City owned water and sewer lines.
- The City will reimburse NCDOT for actual costs not to exceed \$4,498,082.34.
- The format and cost sharing philosophy are consistent with past municipal agreements.

#### Funding

Water and Sewer Capital Investment Plan

#### Attachment 16

Resolutions

Budget Ordinance

### 32. Airport Master Plan Condemnation Settlement

- Action:** Approve the additional amount of \$165,000 for the final settlement amount of \$840,000 of the condemnation case captioned, "City of Charlotte v. Hudson."

**Staff Resource:** Jerry Orr, Aviation

#### Explanation

- This 11.65-acre tract is located between I-485 and Dixie Road, south of Dixie River Road,

- In October 2003, Council authorized condemnation per the Airport's Master Plan. The property will be used in the development of the third parallel runway.
- At the time of condemnation, the City placed \$675,000 on deposit with the Clerk of Court.
- Settlement for the total amount of \$840,000 (\$675,000 + \$165,000) is recommended based on the City's updated appraisals, the landowners' appraisals and other evidence expected to be produced at trial.

### **Funding**

Airport Capital Investment Plan

## **33. Property Transactions**

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

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.

For property transactions C, F-G, 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:** FAR Part 150 Land Acquisition  
**Owner(s):** NW Properties, INC  
**Property Address:** Denver Avenue  
**Property to be acquired:** 1.656 acres  
**Improvements:** vacant land  
**Purchase Price:** \$51,350  
**Zoned:** I1  
**Use:** vacant land  
**Tax Value:** \$20,400  
**Tax Code:** 061-081-40 and 061-081-50
- B. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** Robert Stuart Hutchison  
**Property Address:** 9100 Walkers Ferry Road

**Property to be acquired:** .84 acres  
**Improvements:** Single Family Residence  
**Purchase Price:** \$142,000  
**Zoned:** R3  
**Use:** single family residence  
**Tax Value:** \$25,300  
**Tax Code:** 113-361-17

- C. Project:** South Corridor Light Rail, Parcel # 366  
**Owner(s):** Steve K. Flaughner And Wife, Barbara L. Flaughner  
**Property Address:** 3407 South Boulevard  
**Property to be acquired:** 1,468 sq. ft. (.034 ac.) in Permanent Access Easement, plus 85 sq. ft. (.002 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$15,100  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 149-053-12  
**Total Parcel Tax Value:** \$159,600

#### Condemnations

- D. Project:** South Corridor Infrastructure Project: Archdale Package, Parcel # 30  
**Owner(s):** Carriage House Condominiums And Any Other Parties Of Interest  
**Property Address:** 1228 Archdale Drive  
**Property to be acquired:** Total Combined Area of 18,987 sq. ft. (.436 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$23,075  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-22MF  
**Use:** Condominium  
**Tax Code:** 169-16C-99  
**Total Parcel Tax Value:** \$0 (Approximately \$60,000 per condo unit)
- E. Project:** South Corridor Infrastructure Project: Archdale Package, Parcel # 64  
**Owner(s):** Carriage House Condominiums And Any Other Parties Of Interest

**Property Address:** 1228 Archdale Drive  
**Property to be acquired:** Total Combined Area of 19,159 sq. ft. (.440 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$37,825  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-22MF  
**Use:** Condominium  
**Tax Code:** 169-20C-99  
**Total Parcel Tax Value:** \$0 (Approximately \$60,000 per condo unit)

- F. Project:** South Corridor Light Rail, Parcel # 155  
**Owner(s):** John G. Blackmon And Wife, Irene H. Blackmon And Any Other Parties Of Interest  
**Property Address:** England Street And South Boulevard  
**Property to be acquired:** Total Combined Area of 176,202 sq. ft. (4.045 ac.) of Fee Simple, plus Storm Drainage Easement, plus Slope Easement, plus Railroad Right-Of-Way, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$174,750  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-D  
**Use:** Single Family Residential  
**Tax Code:** 205-173-02  
**Total Parcel Tax Value:** \$2,114,000
- G. Project:** South Corridor Light Rail, Parcel # 159  
**Owner(s):** John G. Blackmon And Wife, Irene H. Blackmon And Any Other Parties Of Interest  
**Property Address:** 818 East Arrowood Road  
**Property to be acquired:** Total Combined Area of 19,695 sq. ft. (.452 ac.) of Permanent Railroad Right-Of-Way easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$75,150  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-1S(CD)  
**Use:** Commercial

**Tax Code:** 205-173-03  
**Total Parcel Tax Value:** \$532,000

### **34. Meeting Minutes**

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:  
- November 21, 2005