

**Mayor Patrick L. McCrory**    **Mayor Pro Tem Susan Burgess**

Michael Barnes  
Nancy Carter  
Andy Dulin  
Anthony Foxx  
Patsy Kinsey

John W. Lassiter  
Don Lochman  
James Mitchell, Jr.  
Patrick Mumford  
Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, March 27, 2006**

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# CITY COUNCIL AGENDA

Monday, March 27, 2006

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

### **1. University City Partners Update**

**Resources:** Spencer Lilly, University City Partners (UCP), Board Chair  
Mary Hopper, University City Partners, Executive Director

**Time:** 30 minutes

**Synopsis**

- UCP representatives will present an update of land use and transportation initiatives within the University City Municipal Services District. They will seek Council support for development of implementation strategies for the UCP vision plan.

**Future Action**

No action at this time. Possible future action could include consideration of an area plan.

### **2. NASCAR Hall of Fame Procurement of Professional Services**

**Resource:** Jim Schumacher, Engineering & Property Management

**Time:** 20 minutes

**Synopsis**

- Staff is taking the steps necessary to proceed immediately with development of the NASCAR Hall of Fame and Convention Center complex. In the interest of opening the Hall as quickly as is feasible, and in avoiding as much cost escalation as possible, design and construction management services should be procured quickly. The City Engineer will give an overview of:
  - The architectural/design team selection
  - The construction manager selection
  - Selection of other professional services
  - Application of the City's Small Business Opportunity Program
- Although the Hall of Fame item on this agenda includes a resolution exempting the Hall of Fame project from formal selection processes, this presentation will describe how local and small business opportunities will still be included in the procurement process.

**Future Action**

This item is on page 9 of this agenda for Council action.

**3. Committee Reports by Exception**

Housing and Neighborhood Development Committee: Sale of City Land at Oaklawn and Statesville

**6:30 P.M. CITIZENS FORUM  
MEETING CHAMBER**

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

**CONSENT**

- 4. Consent agenda items 13 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**



## PUBLIC HEARING

### 5. Public Hearing on Three Voluntary Annexations

**Action:** A. Hold public hearings for the three voluntary annexation petitions, and  
B. Adopt ordinances to extend the corporate limits to include these properties.

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

#### Policy

City Annexation Policy and State Annexation Statutes

#### Explanation

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Voluntary annexation petitions were received from owners of three properties.
- Petitioners are:
  - Crosland Ardrey Crest, LLC for Ardrey Crest
  - RT Land Developers, LLC, James Kirk, and Barbara W. Neely for Neely Glen
  - Crosland Stafford Forest, LLC and Louse Johnston Robinson for Stafford
- All properties are contiguous with current City of Charlotte boundaries.
- At its February 27, 2006 meeting, City Council set March 27, 2006 as the required public hearing date.
- Annexation ordinances establish the effective annexation dates of March 27, 2006 for Neely Glen and Stafford and August 31, 2006 for Ardrey Crest.

#### Consistent with City Council Policies

- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not negatively impact City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

#### Attachment 1

Certificates of Sufficiency

Annexation Ordinances

Maps

## 6. Public Hearing on Resolution to Close a Residual Portion of Forest Drive

**Action:** A. Conduct a public hearing to close a residual portion of Forest Drive, 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.

### Background

- A meeting was held on March 8, 2006 with petitioner, CDOT staff and residents of the Pharr Acres Community to address issues/concerns presented surrounding the proposed abandonment of the residual portion of Forest Drive.
- The residents expressed concerns surrounding the petitioner's plan to subdivide his property and the positioning of future single family homes.
- All issues related to the abandonment were addressed and resolved. The Pharr Acres Community will not challenge the approval of the proposed abandonment.

### Petitioner

RBPAL, LLC – Clark Neilson

### Right-of-Way to be abandoned

A residual portion of Forest Drive

### Location

Located within the Pharr Acres Community and in the vicinity of Myers Park Community beginning from S. Wendover Road continuing southeastwardly approximately 250 feet to its terminus at parcel #18113251 owned by David M. Boyle.

### Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the proposed construction of two new residential single family homes

**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 - None

Neighborhood/Business Associations

Pharr Acres Community Association - No objections  
Myers Park HOA, Inc. - No objections  
Randolph Park Civic Association - No objections  
Providence Park Neighborhood - No objections  
Cotswold (Olde) Neighborhood Organization - No objections  
Deering Oaks - No objections  
Foxcroft HOA - No objections  
Wendover Hills HOA - No objections

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

### 7. City Manager's Report

### 8. Sale of City Land at Oaklawn and Statesville



**Action:** Approve the Housing and Neighborhood Development Committee recommendation and adopt a resolution to sell 7.2 acres of City land at 1551 Oaklawn Avenue to The Drakeford Company for mixed-use development for \$330,620.

**Committee Chair:** Susan Burgess

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

#### Explanation

- The Housing and Neighborhood Development Committee recommends approving the sale of this land to The Drakeford Company with the following parameters:
  - Develop 69 for-sale, affordable townhouse units and 9800 square feet of retail shop space
  - Sales price of \$330,620 for the land is based on an affordable land cost of \$4,792 per housing unit, providing 1300-1450 square foot townhouses selling for \$110,000-\$145,000
    - Seven Acres Partnership includes a developer subsidy of \$161,000 for 1.25 acres dedicated to the retail portion which matches the value estimated for the retail land. Projected retail rents in this market will not support the land cost.
  - City will share in site remediation/improvement costs and deduct cost from the \$330,620 purchase price, based on a cost sharing formula with The Drakeford Company.
  - Cost sharing with The Drakeford Company is estimated to cost the City up to 50% of actual cost, or \$150,000, but shall not exceed the \$330,620 purchase price.
- This sale is recommended for the following reasons:
  - A proforma analysis indicates that at appraised value (\$789,500) developer returns (2%) are insufficient for the project. With the reduced land cost and infrastructure assistance, the developer returns are projected at 7%.
  - Phase I and Phase II environmental studies, conducted by the City, have identified underground storage tanks and unsuitable soil due to City use of the site as a street maintenance landfill in the 1980's.
  - Retail development will provide support for the HOPE VI communities and encourage additional retail for the Statesville Avenue corridor. Services also support ongoing redevelopment investments for Greenville, Kohler Avenue, Double Oaks and Druid Hills.

- New retail development supports the City's plan for this site. It also supports capital investment, to date, of \$50 + million by Charlotte Mecklenburg Housing Partnership and the City for housing, infrastructure and street improvements
- Retail at this location was recommended by a market study in 2004
- Area neighborhood organizations have been active in the retail planning and will be involved in tenant placement

**Committee Recommendation**

- The Housing and Neighborhood Development Committee voted unanimously (Burgess, Foxx, Barnes, Lochman, Mumford) on February 14, 2006 to recommend this to Council.

**Small Business Opportunity**

Established SBE Goal: 10%

Committed SBE Goal: 10%

The developer submitted a small business enterprise (SBE) participation plan for this project and established an SBE participation goal of 10%

**Attachment 3**

Resolution

Housing and Neighborhood Development Committee Presentation

Site Plan

## BUSINESS

### 9. NASCAR Hall of Fame Financing Plan, Land Transactions and Professional Services Contracts



- Action:**
- A. Adopt a budget ordinance appropriating \$154,500,000 for construction of the NASCAR Hall of Fame,**
  - B. Approve a budget ordinance amendment increasing from \$500,000 to \$1,500,000 the 2005-06 allocation to the Charlotte Regional Visitors Authority for business development purposes,**
  - C. Adopt a resolution granting to NASCAR:**
    - 1. An option to lease, for a term of 99 years at an annual rental rate of one dollar per year, approximately one-acre of the NASCAR Hall of Fame complex site for development of an integrated office tower as contemplated in section b.(ii) of Appendix A to the NASCAR Hall of Fame Agreement, and**
    - 2. An option to purchase at fair market value approximately 3.5 acres of land located across Caldwell Street from the NASCAR Hall of Fame site as contemplated in section b.(iii) of Appendix A to the NASCAR Hall of Fame Agreement,**
  - D. Adopt a resolution exempting the NASCAR Hall of Fame from the provisions of North Carolina General Statute 143-64.31 for the procurement of professional services for the development of the building and related infrastructure, and**
  - E. Authorize the City Manager to negotiate the professional service contracts.**

**Staff Resources:** Ron Kimble, City Manager's Office  
Jim Schumacher, Engineering & Property Management  
Greg Gaskins, Finance

#### **Financing Plan**

- On March 6, 2006 Charlotte was selected as the site of the NASCAR Hall of Fame and City Council approved a contract with NASCAR specifying that the City of Charlotte is responsible for the following:
  - Constructing the NASCAR Hall of Fame and 400 parking spaces (\$107.5 million)
  - Constructing 400 additional structured parking spaces (\$4.0 million)
  - Constructing a new ballroom for the Convention Center (\$43 million)

- On March 21, 2006 the Mecklenburg Board of County Commissioners authorized an additional 2% Occupancy Tax as the primary funding source for the Hall of Fame.
- This action appropriates \$154,500,000 to implement the project.

**Funding**

- The financing plan includes:
  - Sale of COPS paid from the new 2% Occupancy Tax \$102,500,000
  - Loans to be repaid from sale of land donated by the State 20,000,000
  - Loans to be repaid from private contributions 16,500,000
  - Sale of COPS paid from Convention Center Tax Fund 15,500,000
  - Total \$154,500,000
- The budget ordinance estimates and appropriates the above revenues.

**Charlotte Regional Visitors Authority**

- Pending the NASCAR Hall of Fame award to Charlotte, the Charlotte Regional Visitors Authority, the Hospitality and Tourism Alliance, and the City of Charlotte previously reached consensus on a method to build the allocation of funding for business development purposes.
- The levying of the new 2% occupancy tax for the NASCAR Hall of Fame Complex capital construction provides additional capacity in the existing Convention Center account to fund business development to the level recommended by the Marketing Advisory Committee two years ago.
- This puts Charlotte near the average tourism funding of our competitive peer group, which includes Baltimore, Columbus, Indianapolis, Jacksonville, Nashville, Philadelphia, Pittsburgh, Raleigh, and Tampa.

**Land Transactions**

- The NASCAR Hall of Fame Agreement approved by Council on March 6<sup>th</sup> requires the City to advertise and give final approval of the lease and purchase options described in sections b.(ii) and b.(iii) of the Agreement.
- Before NASCAR exercises the option to lease the on-site office property, approval of a development agreement by City Council is required. The development agreement will describe the proposed development of the office building in detail. NASCAR would have until September 2, 2006 to exercise this lease-option.
- The purchase price for the additional 3.5 acres of land would be the fair market value as determined by an MAI appraisal (assumptions for appraisal to include a valuation as of May 1, 2010, for the highest and best use, assuming the Hall of Fame Complex has been completed and is open to the public). NASCAR would have until three years after the Hall of Fame opens to the public to exercise this purchase-option.

### **Professional Services Contracts**

#### North Carolina General Statute 143-64

- Requires local governments to select firms that provide engineering, architectural or construction management services on the basis of qualifications, through a formal selection process.
- Meeting the requirements of the State Statute, City Council adopted a formal selection procedure for projects where the fee exceeds \$30,000.
- The statute also allows the local government board to exempt projects at their sole discretion.
- An exemption is established through the adoption of a resolution that outlines the reasons for the exemption.

#### Resolution Exempting the NASCAR Hall of Fame

- The reasons for the exemption from the formal professional services selection process are as follows:
  - The NASCAR Hall of Fame is a high priority project that the City of Charlotte, Charlotte Regional Visitors Authority and NASCAR desire to complete as quickly as possible.
  - In order to complete the project expeditiously, the conceptual schedule includes the following:
    - Programming, architectural studies and exhibit design for the building beginning immediately
    - Site studies beginning immediately to provide information to the designers and construction managers regarding the soil, rock and environmental conditions
    - Beginning planning and design work on the infrastructure modifications immediately
    - Beginning development of detailed project schedules, estimates and constructability reviews in the coming weeks
- The architectural firm of Pei Cobb Freed & Partners was selected by the team that prepared the City's bid. The intent is to negotiate a contract and fees that will enable Pei Cobb and Freed, along with subconsultants, to complete the design and provide architectural services during construction.
- For services other than architectural, multiple firms will be invited to compete and a firm will be selected through a qualifications based selection. The exemption allows these selections to be completed more quickly.
- All consultants will comply with the City's Small Business Opportunity Program.

#### Authorize the City Manager to Negotiate the Professional Services Contracts

- City staff anticipates selecting and negotiating contracts for the following services:
  - Architectural
  - Exhibit Design
  - Subsurface Testing
  - Site Surveying
  - Construction Management
  - Construction Testing and Inspection
  - Roadway Design



- Pedestrian Studies
- In accordance with current policy, the City Council will be asked to award any of the professional services contracts that exceed \$100,000.

**Attachment 4**

Budget Ordinance  
Resolution of Exemption  
Land Transactions Resolution

**10. South Tryon Street and First Street Subterranean Easements**

**Action:**   **A. Adopt a resolution approving the sale to Wachovia Bank NA of a subterranean tunnel easement under South Tryon Street between East Stonewall Street and West First Street, and**

**B. Adopt a resolution authorizing the City Manager to negotiate and approve the sale to Wachovia Bank NA of subterranean easement rights within the West First Street right-of-way.**

**Staff Resource:**     Tom Flynn, Economic Development  
                              Matt Magnasco, Transportation

**Policy**

Economic Development and Center City Plan (Memorandum of Understanding for the development of the South Tryon Street Cultural Facilities and First Street Wachovia – approved by City Council on February 13, 2006)

**Explanation**

- In conjunction with their First Street Wachovia project, Wachovia Bank NA has asked for the City’s permission to construct 2 vehicular/pedestrian tunnels under South Tryon Street between East Stonewall Street and West First Street, and to construct a portion of the underground parking structure underneath the south sidewalk and curblineline of West First Street.
- City Council is requested to approve an easement for the vehicular/pedestrian tunnels under South Tryon Street and to authorize the City Manager to negotiate and approve an easement for the parking structure under West First Street. City staff and Wachovia Bank NA are still in discussion as to the amount and conditions of the parking structure encroachment into West First Street.
- The vehicular/pedestrian tunnels would connect the underground parking deck to a driveway onto East Stonewall Street and a service driveway for trucks onto South College Street. One of the tunnels would also provide for pedestrian access to the proposed Afro-American Cultural Center.
- The underground parking deck would provide parking for the First Street Wachovia project. At this time, the area of encroachment into the right-of-

way is unknown and will be determined during the UMUD plan review process.

- The designs of both the tunnels and the structure are in review by the following City Key Businesses: Transportation, Engineering & Property Management, and Planning Commission as part of the UMUD review process.
- Wachovia would compensate the City as follows:
  - Subterranean Easement Costs are equal to 50% of the tax value of the adjacent private property:
    - A. South Tryon Street -  $\$72.47 \text{ per ft}^2 \times 2,574 \text{ ft}^2 = \$186,544.80$
    - B. West First Street -  $\$80.72 \text{ per ft}^2 \times \text{floor area of encroachment} \times \text{number of parking deck floors} = \text{easement cost}$
- It is anticipated that if the City enters into a development agreement with Wachovia Bank NA for the cultural arts facilities, the City will reimburse/contribute these costs to Wachovia Bank NA as part of the City's share.

**Attachment 5**  
Resolutions

## 11. Appointments to Boards and Commissions

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

### A. AIRPORT ADVISORY COMMITTEE

Two appointments beginning immediately. One appointment is for an unexpired term that begins immediately and continues for the next full term ending July 2009. The second appointment is for an unexpired term that begins immediately and ends July 2008.

- Ellore M. Erwin by Council member Mitchell
- John Z. Warlick by Council member Dulin
- Lawrence U. Davidson III by Council member Carter\*

\*Mr. Davidson served two full terms on Airport Advisory Committee with service ending July 2004. Per Council's rules, a prior member of any board/commission must be off that board for one full term (3 years for Airport Advisory) before serving again.

**Attachment 6**  
Applications

## 12. Closed Session

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

## **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

### 13. Various Bids

**A. South Corridor Infrastructure Program EPM  
Package G-1**

**Action**

Award the low bid of \$4,708,174.06 by United Construction Inc. of Charlotte, North Carolina. This package consists of two projects: Archdale Package and South Boulevard Median. The work includes concrete sidewalks, curb and gutter, road widening, asphalt pavement, storm drainage, concrete traffic median and related construction. These projects were combined into a single construction package to reduce overall costs and provide improved construction traffic control. Construction completion is scheduled for the second quarter 2007.

**Small Business Opportunity**

SBE Established Goal: 10%

SBE Committed: 4.46%

United failed to meet the goal, but exceeded the mandatory outreach and good faith effort points. United committed \$210,000 to the following SBE

firms: A-1 Pavement Marking, Inc., Chippewa Trucking, D's Trucking Service, Inc. and Happy Jack Trucking, Inc.

**B. West Morehead Streetscape EPM**

**Action**

Award the low bid of \$1,902,241.95 by United Construction of Charlotte, North Carolina. This project includes intersection improvements at West Morehead Street and Freedom Drive. The project also includes new curb and gutter, sidewalks, drives and planting strips along West Morehead Street from I-77 to Freedom Drive and portions of Freedom Drive from West Morehead to Thrift Road. Construction completion is scheduled for third quarter 2007. Landscaping will be implemented under a separate landscaping contract to be completed first quarter of 2008.

**Small Business Opportunity**

SBE Established Goal: 8%

SBE Committed Goal: 3.68%

United Construction failed to meet the established goal, but exceeded the mandatory outreach and good faith effort points. United committed 3.68% (\$70,000) to the following SBE firms: A-1 Pavement Marking, Inc., Bardwil Trucking, Chippewa Trucking and Happy Jack Trucking, Inc.

**C. Bridge Repair EPM**

**Action**

Award the low bid of \$211,338.75 by Lee Construction Company, Inc. of Charlotte, North Carolina. Federal law requires inspection of all bridge structures on public roads every two years. This contract will provide repairs to nine city bridges identified by the 2004 Bridge Inspection cycle. Construction completion is scheduled for third quarter 2006.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.22%

Lee Construction exceeded the established SBE goal and committed 5.22% (\$11,025) to the following SBE firms: Bullington Construction, Martin Landscaping Co., Inc. and Stinson Trucking, Inc.

**D. East Boulevard Pedscape Phase 1 EPM**

**Action**

Award the low bid of \$512,266.30 by Sealand Contractors Corporation of Charlotte, North Carolina. This project was identified in the East Boulevard Pedscape Plan, adopted by City Council in June 2002, and subsequently endorsed, unanimously, by the Dilworth Community Development Association. Phase 1 of the East Boulevard Pedscape project will include a 4-lane to 3-lane conversion, adding bike lanes, a center turn lane and pedestrian refuge medians between Scott Avenue and

Kings Drive. Construction completion is scheduled for third quarter 2006. Landscaping will be included under a separate landscaping contract to be completed the second quarter of 2007.

**Small Business Opportunity**

SBE Established Goal: 7%

SBE Committed Goal: 9.93%

Sealand Contractors exceeded the SBE established goal and committed 9.93% (\$50,845) to the following SBE firms: A-1 Pavement Marking, Inc., H & H Hauling, On Time Construction, Inc., and Parks Trucking.

**E. Airport Paving Contract Aviation**

**Action**

Award the low bid of \$2,006,736 by Rea Contracting, LLC of Charlotte, North Carolina for asphalt paving at the Airport. This paving project will consist of removal and replacement of a 60 ft.-wide section of asphalt on runway 36R, one of the Airport's original runways, and asphalt paving for a portion of the airport entrance road.

**Federal Aviation Administration Disadvantaged Business Opportunity**

Established DBE Goal: 11.3%

Committed DBE Goal: 12%

**F. Airport Daily Parking Lot Reconstruction Aviation**

**Action**

Award the low bid of \$293,673.75 by Allied Resources USA LTD of Huntersville, North Carolina. This contract provides for reconfiguring and repaving a portion of the Airport's Daily Lot to accommodate traffic to and from the two new parking decks.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 1.03%

Allied Resources USA failed to meet the established goal, but complied with the mandatory outreach criteria and earned the necessary Good Faith Efforts points. Allied committed 1.03% (\$3,037.50) to the following subcontractor: Ground Effects (pavement markings). Additionally, Allied itself is a certified SBE.

## 14. 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 and 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. 1821 Camp Greene Street (Neighborhood Statistical Area 13 - Ashley Park Neighborhood)

**Complaint:**

- B. 1409 Riverside Drive (Neighborhood Statistical Area 116 - Harwood Lane Neighborhood)

**Field Observation:**

- C. 6323 Rockwell Boulevard (Neighborhood Statistical Area 42 - Rockwell Park/Hemphill Heights Neighborhood)

**Public Safety:**

- A. **1821 Camp Green Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1821 Camp Green Street (Neighborhood Statistical Area 13 - Ashley Park Neighborhood).**

**Attachment 7**  
Ordinance



**Complaint:**

**B. 1409 Riverside Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1409 Riverside Drive (Neighborhood Statistical Area 116 - Harwood Lane Neighborhood).**

**Attachment 8**  
Ordinance

**Field Observation:**

**C. 6323 Rockwell Boulevard**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6323 Rockwell Boulevard (Neighborhood Statistical Area 42 - Rockwell Park/Hemphill Heights Neighborhood).**

**Attachment 9**  
Ordinance

**15. Refund of Property Taxes**

**Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$190,514.12.**

**Attachment 10**  
Resolution  
List of Refunds

**16. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Winton Street and a 10-foot Alleyway**

**Action: A. Adopt a Resolution of Intent to abandon a portion of Winton Street and a 10-foot alleyway, and**  
**B. Set a public hearing for April 24, 2006.**

**Attachment 11**  
Map  
Resolution

## CONSENT II

### 17. Set Public Hearing Dates for Voluntary Annexations of School Properties

**Action:** Adopt resolutions setting public hearings for April 24, 2006 for two Voluntary Annexations.

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

#### Policy

City Annexation Policy and State Annexation Statutes

#### Explanation

- Voluntary annexation petitions were received from Charlotte-Mecklenburg Schools (CMS) and Mecklenburg County for land owned in Charlotte's extraterritorial jurisdiction.
- Petitioners and properties are:
  - Charlotte-Mecklenburg Schools (owner of Jay Robinson Middle School petition property)
  - Mecklenburg County (owner of Ardrey Kell High School petition property)
- The CMS property contains a middle school.
- The County property contains a high school, currently under construction and scheduled to open in August 2006.
- Annexation of school properties will allow for more orderly City-initiated annexations in 2007 and beyond.
- Property involved share a boundary with current City limits.
- Public hearings are required prior to City Council taking action on annexation requests.
- The purpose of the requested public hearings is to obtain public input on these requested voluntary annexations.

#### Consistency with City Council Policies

- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexations will not adversely affect the City's ability to undertake future annexations.
- Annexations will not have undue negative impact on City finances or services.
- Annexations will not result in situation where unincorporated areas will be encompassed by new City limits.

#### Resolutions Set Public Hearing Date

- The resolutions set Monday, April 24, 2006 as the date for public hearings on the voluntary annexations.
- City Council will be asked to take action on voluntary annexations at conclusion of public hearing.

**Attachment 12**  
Resolutions  
Maps

## 18. Charlotte Mecklenburg Regional Housing Consortium Grants

**Action:**   **A. Approve a grant to the Town of Cornelius for up to \$670,000 for land acquisition/infrastructure to develop 46 affordable single family homes, and**

**B. Approve a grant to the Town of Matthews for up to \$150,000 for infrastructure costs to develop 18 affordable single-family homes.**

**Staff Resource:**     Stanley Wilson, Neighborhood Development

### Explanation

- On June 26, 2000, City Council adopted a resolution for the City of Charlotte to enter into a cooperation agreement to form the Charlotte Mecklenburg Regional Housing Consortium.
- The Regional Consortium members are the City of Charlotte, Mecklenburg County and the towns of Cornelius, Huntersville, Matthews, Mint Hill and Pineville.
- The Consortium Agreement allows the County and surrounding towns to become “entitlement communities” for receipt of federal HOME funds to increase affordable housing opportunities for more individuals/families in Mecklenburg County.
- Under the agreement, the City of Charlotte is the lead entity for the Consortium and the City serves as a “pass through agency” for the federal funding. The City does not have the option to retain this money.
- Since FY2001 the City has received \$1,959,536 in HOME funds for the Consortium projects.
- To date \$757,000 has been spent or committed to projects. Upon the awarding of the two grants \$382,536 will be available for future Consortium projects.
- Other Consortium projects will include 15 single-family units in Cornelius, the rehabilitation of two homes in Huntersville and the construction of five single-family homes in both Huntersville and Cornelius.

### Town of Cornelius

- The Town of Cornelius requests a grant for up to \$670,000 for land acquisition and infrastructure to develop 46 single family homes (Poole Place II).
- The Town will acquire 13.95 acres for \$550,000 and the remaining \$120,000 will be used for infrastructure improvements (curb, gutter, sidewalks, etc.).
- Poole Place II will be developed by Cornelius’ Habitat for Humanity.

- The total development cost is \$4,416,986, (\$96,021.43 per home) and the Consortium's investment is \$670,000 (\$14,565 per home).
- The average sales price per home is \$70,000 and the units will serve households earning between 31% to 50% or less of the area median income (\$19,871 to \$32,050 based on a family of four).
- Construction is expected to begin in the August/September 2006.

**Town of Matthews**

- The Town of Matthews requests a grant up to \$150,000 for infrastructure (curb, gutter, sidewalks, etc.) to develop 18 affordable single family homes (Sunrise Crossing).
- Sunrise Crossing will be developed by Matthews' Habitat for Humanity.
- The total development cost is \$1,890,000 (\$105,000 per home) and the Consortium's investment to the project is \$150,000 (\$8,333 per home).
- The average sales price per home is \$70,000 to \$80,000 and the units will serve households earning between 31% to 50% or less of the area median income (\$19,871 to \$32,050 based on a family of four.)
- Construction is expected to begin in June 2006.

**Funding**

Federal HOME funds

**Attachment 13**

Project Summary Sheet

Sources and Uses – Town of Cornelius

Sources and Uses – Town of Matthews

**19. 2006 Urgent Repair Program Grant Appropriation**

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

**Staff Resource:** Stanley Wilson, Neighborhood Development

**Explanation**

- In February 2006, the City of Charlotte was notified by the North Carolina Housing Finance Agency that it had been awarded a \$75,000 Urgent Repair Program Grant.
- The grant funds will be used to rehabilitate 25 units of low and very low-income housing in the City's targeted revitalization neighborhoods. The grant will serve households earning 50% or less of the area median income (AMI) (\$32,050 for a family of four) however priority will be given to households earning 30% or less of the AMI (\$19,230 for a family of four).
- The urgent repair funds will address emergency home repairs, provide accessibility modifications for elderly and special needs homeowners and other necessary repairs to prevent displacement.

- Under the grant terms, the City will provide a match of \$50,000, which is budgeted through local Innovative Housing Funds. The Urgent Repair Grant will be used in conjunction with the City's current rehabilitation programs.

**Background**

- The State of North Carolina Housing Finance Agency has awarded the City of Charlotte a \$75,000 Urgent Repair grants in each of the last three fiscal years. Each year the City has successfully completed the requirements of the Grant.
- To date, 54 units have been repaired through the grant program.
- The North Carolina Housing Finance Agency issues grant applications on an annual basis.

**Funding**

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

**Attachment 14**

Budget Ordinance

Letter from State of North Carolina

Map of Target Area (indicated as census block groups)

**20. Economic Development Initiative Special Project Grant for Wallace Townhomes**

**Action: Adopt a budget ordinance appropriating an Economic Development Initiative (EDI) Special Project Grant in the amount of \$99,200 for the Wallace Townhomes rehabilitation project.**

**Staff Resource:** Stanley Wilson, Neighborhood Development

**Explanation**

- The U.S. Department of Housing and Urban Development (HUD) has awarded the City of Charlotte a \$99,200 EDI Special Project Grant for the Wallace Townhomes rehabilitation project.
- The grant funds were included as a source of funding to rehabilitate the 34 rental housing units when the project was approved.
- On January 24, 2005 City Council approved a loan in the amount of \$700,000 and a grant in the amount of \$108,920 to the Grier Heights Economic Foundation, Inc. to rehabilitate the townhome units.
- Wallace Townhomes is located in Grier Heights which is one of the City's targeted revitalization neighborhoods.
- The units will serve households earning 60% or less than the area median income (\$38,460 for a household of four), 11 of the units will serve households earning 30% or less than the area median income (\$19,230 for a household of four).
- The rehabilitation project is currently under construction with completion anticipated in August 2006.

**Funding**

U.S. Department of Housing and Urban Development (HUD) EDI - Special Project Grant

**Attachment 15**

Award Letter - U.S. Department of Housing and Urban Development Budget Ordinance

**21. Temporary Housing Assistance for Hurricane Katrina Evacuees**

**Action:** Authorize the City Manager to extend Memoranda of Understanding (MOU) with nonprofit agencies to provide temporary housing assistance to Hurricane Katrina evacuees until May 31, 2006.

**Staff Resource:** Richard Woodcock, Neighborhood Development

**Explanation**

- On December 12, 2005 City Council approved the City's participation in the Public Assistance Interim Shelter program which provides housing assistance to Hurricane Katrina evacuees.
- Up to \$1,000,000 was approved for housing assistance to be reimbursed by the State using Federal Emergency Management Agency (FEMA) funds.
- The City entered into a Memoranda of Understanding (MOU) with the Salvation Army and Crisis Assistance to provide housing assistance to evacuees. Based on directions from Federal Emergency Management Agency (FEMA), those MOUs were effective through March 1, 2006.

**Extend Temporary Housing**

- FEMA's original instructions indicated that it would directly assist evacuees after March 1, 2006. On February 28, 2006 FEMA informed the City that they had been unable to take over assistance and requested the City to continue its Public Assistance Interim Shelter Program for another month. To ensure that assistance was not discontinued the program has been extended into March.
- For the time period from December 12, 2005 to March 1, 2006, 85 households have received housing through the Public Assistance program for an amount of \$79,530. The State has reimbursed the City \$42,000 thus far and that money has been passed back to the social service agencies.
- Given the City's experience with this program and FEMA, City Council is requested to extend the MOUs from March 1, 2006 to May 31, 2006.
- FEMA is working to place evacuees into the Individual and Household Program which will remove them from the Public Assistance Interim Shelter program. Documents have been sent to the City for distribution to evacuees to place them in the Individual and Household Program.

## 22. Police VESTA Phone System Upgrade

**Action:**   **A. Approve the purchase of telephone system equipment and software without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f), and**

**B. Approve a contract with Plant Equipment, Inc. for the purchase of VESTA/Meridian 911 telephone equipment and software in the amount of \$291,834.**

**Staff Resources:**     Karen Ruppe, Business Support Services  
                              Danny Lovett, Charlotte-Mecklenburg Police

### **Sole Source Exception**

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available;
  2. A needed product is available from only one source or supply; or
  3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

### **Explanation**

- CMPD currently uses a VESTA/Meridian phone system at the Police Headquarters and Training Academy for all incoming 911 emergency communications.
- The upgrade will also increase the current retention of data capacity from one year to three years.
- Plant Equipment, Inc. is the authorized dealer of VESTA/Meridian phone equipment and support.
- This purchase is funded by 911 surcharge funds.

### **Small Business Opportunity**

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

### **Funding**

911 Surcharge

## 23. Police Cisco Network Equipment

**Action:**   **A. Approve the purchase of Cisco network equipment without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3), and**

**B. Approve a contract with GTSI for the purchase of Cisco network equipment in the amount of \$281,233.62.**

**Staff Resources:**   Ron Horton, Charlotte-Mecklenburg Police  
                          Karen Ruppe, Business Support Services

### **Explanation**

- CMPD needs to upgrade the current computer network, which is four years old to meet the demands of current technology.
- This upgrade will expand the core system to provide additional capacity for critical Public Safety applications.
- Cisco components are necessary for this upgrade to be compatible with existing Cisco equipment without incurring additional expense and sustain all warranties.

### **Cooperative Purchasing Exemption**

- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.
- GTSI is a certified Cisco distributor for this product.
- The GTSI contract was competitively bid by Fairfax County, VA and awarded by the Fairfax Board of Commissioners on July 26, 2003.
- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.
- GTSI focuses exclusively on federal, state and local government customers worldwide.
- GTSI is the Federal Government's leading supplier for public safety and homeland security products.

### **Small Business Opportunity**

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

### **Funding**

Police Operating Budget



## 24. Rescue Equipment for Urban Search and Rescue Units

**Action:** A. Approve the purchase of rescue equipment without competitive bidding, as authorized by the sole source exemption of G.S. 143-129 (f), and

B. Approve a contract with MES-Carolina for \$124,563.78 for purchase of rescue equipment and air lifting bags for the Fire Department's two urban search and rescue trucks.

**Staff Resource:** Jeff Dulin, Fire

### Sole Source Exemption

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
  1. Performance or price competition are not available;
  2. A needed product is available from only one source or supply; or
  3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

### Explanation

- This is specialized equipment used for extrication from vehicles, rescue from building collapses and other situations where people must be carefully removed from dangerous environments.
- The equipment is from the same manufacturer of equipment already in use and supplements and/or replaces that equipment. By standardizing the urban search and rescue equipment, the Fire Department will save training time and expenses and reduce maintenance costs.
- The Charlotte Fire Department has two urban search and rescue units; one is located at Station 10 on Wilkinson Boulevard and the other at Station 3 on Monroe Road. These units respond to rescue calls and serious fires.

### Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

### Funding

Department of Homeland Security State Homeland Security Grant Program

## 25. Elizabeth Avenue Business Corridor

- Action:**
- A. Approve a Reimbursement Agreement between the City and Central Piedmont Community College for design and construction of utility relocation and streetscape improvements for Elizabeth Avenue Business Corridor and adopt a budget ordinance totaling \$1,335,000,**
  - B. Approve a Reimbursement Agreement between the City and Grubb Properties for design and construction of utility relocation of overhead lines for Elizabeth Avenue Business Corridor and adopt a budget ordinance totaling \$1,035,000,**
  - C. Approve a municipal Agreement with NCDOT and adopt a budget ordinance appropriating \$496,000 from federal funding, and**
  - D. Adopt a budget ordinance transferring \$500,000 in Street Bonds funds to the Elizabeth Avenue Business Corridor capital project.**

**Staff Resource:** Tom Russell, Engineering & Property Management

### **Project Description**

- The Elizabeth Avenue Business Corridor project is a joint venture between the City of Charlotte, Central Piedmont Community College and Grubb Properties to facilitate current and future development in a collaborative approach minimizing construction impacts.
- The project will construct various improvements to Elizabeth Avenue from Kings Drive to Hawthorne Lane including installation of streetcar tracks, track foundation, catenary poles and foundations, curb relocation, bike lanes, wider sidewalks, tree plantings, street lighting, a new water line and underground wiring.
- The funding for these actions total \$3,366,000.

### **A. Reimbursement Agreement with Central Piedmont Community College (CPCC)**

- CPCC will reimburse the City of Charlotte \$1,335,000 to fund the following
  - design and construction of utility relocation from overhead lines to underground wiring
  - pedestrian signal at Pease Lane
  - streetscape improvements on the south side of Elizabeth Avenue from Kings Drive to Independence Boulevard
- The streetscape improvements will meet CPCC's Mixed Use Development District requirements for their new development.

**B. Reimbursement Agreement with Grubb Properties**

- Grubb Properties will reimburse the City of Charlotte \$1,035,000 for relocation of overhead utilities to underground between Independence and Hawthorne.
- Grubb Properties has several developments along the roadway and eliminating overhead utilities adds to the value of their properties.

**C. Budget Ordinance**

- Appropriates \$496,000 from federal grant funding for mast arms at Independence and Hawthorne and streetscape improvements to the north side of CPCC.
- The Municipal Agreement allows the City to receive \$490,000 appropriated by the Federal Highway Administration for the purchase of steel poles and mast arms and streetscape improvements to the north side of Elizabeth Avenue between Kings Drive and Independence Boulevard.

**D. Budget Ordinance**

- Transfers \$500,000 in project savings from the Hickory Grove Road Widening project to the Elizabeth Avenue Business Corridor Street project for street lighting upgrades.

**Funding**

Central Piedmont Community College	\$1,335,000
Grubb Properties	1,035,000
Federal Grant	496,000
Transfer from Hickory Grove Road Widening	500,000
<b>Total</b>	<b>\$3,366,000</b>

**Attachment 16**

Budget Ordinances

**26. Road Humps 2006**

**Action:**    **A. Reject the low bid from Carolina Asphalt Inc. of Charlotte, North Carolina for failure to comply with the Small Business Development Program Policy, and**

**B. Award the construction contract for Road Humps 2006 to Carolina Cajun Concrete for \$197,184.**

**Staff Resource:**     Robert Gallup, Transportation

**Road Humps 2006**

- This project is part of an on-going program to install traffic calming road humps on various streets within the city limits of Charlotte.
- Construction completion is scheduled for third quarter 2006.

**Reject the low bid from Carolina Asphalt, Inc.**

- Reject the low bid of \$185,640 from Carolina Asphalt, Inc.
- Carolina Asphalt, Inc. failed to meet the SBE utilization goal, or mandatory outreach requirements of the Small Business Development Program established for this project.

**Award the construction contract to Carolina Cajun Concrete**

- Award the construction contract to Carolina Cajun Concrete as the lowest responsive and responsible bidder.

**Summary of Bids**

Carolina Asphalt, Inc	\$185,640
Carolina Cajun Concrete	197,184
Oliver Paving, Inc.	225,160

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 19.47%

Carolina Cajun Concrete exceeded the SBE goal and mandatory outreach requirements. Carolina Cajun Concrete committed 19.47% (\$38,400) to the following SBE firms: Muddrunners, Inc. and Union Paving Contractors, Inc.

**Funding**

Transportation Capital Investment Plan

**Attachment 17**

List of Locations

**27. Eastburn Storm Drainage Improvements**

**Action: Approve amendment #1 with Camp Dresser & McKee for \$140,611 for engineering services for Eastburn Storm Drainage Improvements.**

**Staff Resource:** Tim Richards, Engineering and Property Management

**Amendment #1 with Camp Dresser & McKee**

- The amendment provides funds to complete the planning phase.
- It also provides for additional storm water modeling and alternatives analyses, updating of the Planning Report and additional survey beyond the original contract scope.
- Design phase will proceed upon completion of this work.
- Funds are available in the Flood Control center to cover this amendment.

**Eastburn Storm Drainage Improvements**

- The project addresses road and house flooding as well as problems with deteriorating infrastructure.

- The Eastburn Storm Drainage Improvement project is bounded by Sharon Road, Park Road, Fairview Road and Stokes Avenue.
- The project area includes the South Park, Fairmeadows/Beverly Woods and Spring Valley/Brandon neighborhoods.

**Contract History**

- City Council awarded the original contract on June 9, 2003 for \$477,000.
- The total contract amount to date, including amendment #1, is \$617,611.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the prime contractor, Camp Dresser & McKee, and their existing subcontractors. This amendment complies with Section 10.3 of the SBO Program. Camp Dresser & McKee committed 0.85% (\$1,200) of the amendment amount to the following SBE firm: Sharpe Images.

**Funding**

Storm Water Capital Investment Plan

**28. Utility Revenue Enhancement Professional Services Contract**

**Action:** Approve a three year professional services contract with Utility Revenue Management Company (URM) of Houston, Texas.

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

**Explanation**

- Phase one of Utilities' revenue enhancement program began three years ago with an in-house audit of billing reports.
- Over \$3 million of additional revenue has been collected since the program began.
- Phase two of the program requires additional technical assistance to enhance the current auditing program.
- URM was selected for this project based on previous experience and past work done with other utilities throughout the country, using City Council's approved selection process.
- URM will provide and oversee all work tasks, which will focus on those portions of a water audit that have direct revenue producing implications for a utility. Examples are:
  - Selection of customers to audit after applying statistical analysis to billing data
  - Meter testing, calibration and repairs
  - Submitting findings to CMU staff for follow-up billing or collections.
- Phase two of the program is expected to produce \$3 million of additional revenue over three years. Payment to URM will be 50 percent of the additional revenues actually collected.

**Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, the Program Manager waives SBE utilization goals for this contract because subcontracting is not anticipated.

**Funding**

Water and Sewer Operating Budget

**29. Breakaway Street Light Poles**

**Action: Adopt a resolution authorizing the Transportation Key Business Executive to pay Duke Power in the amount of \$706,534.68 for the installation of breakaway street light poles on Brookshire Boulevard and W.T. Harris Boulevard.**

**Staff Resource:** Mike Davis, Transportation

**Explanation**

- The Charlotte Department of Transportation has a goal of providing street lighting on every thoroughfare in Charlotte.
- Streets with high speeds and high traffic volumes require greater recovery areas for vehicles.
- Breakaway poles may be installed in lieu of wood poles to increase safety where recovery distances are constrained.
- A funded program currently exists to install breakaway street lighting poles where needed.
- Street lighting for W.T. Harris Boulevard from US 29 to NC 49 requires the use of 51 breakaway poles at a total cost of \$195,225.17.
- Street Lighting for Brookshire Boulevard from Belhaven Boulevard to Long Creek Parkway requires the use of 94 breakaway poles at a total cost of \$408,508.65.
- Street Lighting for Brookshire Boulevard from Oakdale Road to Caldwell-Williams Road requires the use of 31 breakaway poles at a total cost of \$102,800.86.

**Funding**

Transportation Capital Investment Plan

**Attachment 18**

Resolution

### 30. Airport Advertising Manager Contract Extension

**Action:** Approve a month-to-month contract extension with Departure Media, of Charlotte, North Carolina, the manager of the Airport advertising program.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In September 1999 the City contracted with Departure Media to manage the Airport advertising program.
- Departure Media has marketed all Airport advertising, coordinated installation of advertising copy and conceptualized and developed all advertising displays within the Airport. Departure is paid \$80,000 per year, plus 20% of revenues over \$700,000.
- This contract was for an initial five years and provided for an extension at the City's option and for a length of time to be determined by the City.
- In September 2004 Council approved a one-year extension.
- On March 10, 2006 Aviation issued an RFP for a new advertising management contract that will coincide with the start of the new fiscal year.
- This extension will provide funding for the current contract until the new contract is initiated.

**Small Business Opportunity**

There are no subcontracting opportunities in this contract extension and all additional work involved will be performed by the current contractor, Departure Media. Therefore, this change order complies with Section 10.3 of the SBO program. Departure Media is also a certified SBE.

**Funding**

Airport Operating Budget

### 31. Charlotte Air Cargo Center Building Upfit

**Action:** A. Award a contract in the amount of \$468,000 to Edison Foard, Inc. of Charlotte, North Carolina for upfit of Cargo Building 7, and  
  
B. Adopt a budget ordinance appropriating \$468,000 from the Airport's Fund Balance.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In 2002 the Airport constructed a cargo building shell as part of its overall plan to develop an air cargo center.

- This contract is for interior office finishes for a 7,050 sq. ft. portion of that shell.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 23.2 %

Edison Foard, Inc. committed 23.2% (\$108,000) of the total contract amount to the following SBE: R.D. Franklin Electric, Inc. of Concord.

**Funding**

Airport Fund Balance

**Attachment 19**

Budget Ordinance

**32. Airport General Aviation Parking Deck Change Order**

**Action:**   **A. Approve a change order in the amount of \$319,000 with Pease Associates of Charlotte, North Carolina for design modifications to the proposed parking deck located in the general aviation area, and**

**B. Adopt a budget ordinance to appropriate \$319,000 from the Airport fund balance to fund this contract.**

**Staff Resource:**     Jerry Orr, Aviation

**Explanation**

- In November 2000 Council awarded a contract to Pease Associates for the design of a 512-space parking deck to be located adjacent to the fixed base operation/corporate aviation area.
- Pease provided design and contract documents for the project. However, the City did not pursue the project at that time.
- Due to the growth and expansion in this area of the Airport, the Aviation Department recommends constructing a 600 space deck on a different site within the same general aviation area.
- Pease Associates will use the previous design documents and further develop them to include project changes. Pease will also develop all contract documents for the bidding and construction process.

**Small Business Opportunity**

All additional work involved in this change order will be performed by the current contractor, Pease Associates. Therefore, this change order complies with Section 10.3 of the SBO Program.

**Funding**

Airport Fund Balance



**Attachment 20**  
Budget Ordinance

**33. Airport Hangar Lease Amendment**

**Action:** Approve an amendment to the hangar lease between the City and Wachovia that will require Wachovia to reimburse the City \$131,340.50 for construction of a water tower supporting Wachovia's fire protection system.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In order to support fire protection systems for improvements on the eastern side of the Airport, the City constructed a 300,000-gallon water tank and related piping and pumping equipment for a total cost of \$ 262,681.
- The two tenants using the tower are Wachovia and Coca-Cola Consolidated Bottling Company, Inc.
- This amendment provides that Wachovia will reimburse the City for one-half of the cost of the water tower construction within 30 days of both parties signing the amendment.
- Coca-Cola has already paid its portion as provided in its original hangar lease.

**34. Public Auction for Disposal of Miscellaneous Goods**

**Action:** A. Declare specific miscellaneous personal property items as surplus, and  
  
B. Adopt a resolution authorizing said items for sale by public auction on April 5, 2006.

**Staff Resource:** Susan Johnson, Business Support Services

**Explanation**

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for a public auction on April 5, 2006 to dispose of various miscellaneous goods.
- The City has selected the method of public auction for disposal of surplus items and will use an auction service previously chosen through competitive bids. The auction process was selected in the interest of fairness and is economical in its cost and time savings.

**Funding**

The auction company will be compensated for the sale through auction proceeds. For miscellaneous items, they will receive 12% of the total gross sale price in accordance with their contract.

**Attachment 21**

List of property to be declared as surplus  
Resolution

**35. Procedures for Disposal of Goods Valued at Less Than \$30,000**

**Action:** Adopt a resolution prescribing procedures for disposal of surplus personal property valued at less than \$30,000.

**Staff Resource:** Susan Johnson, Business Support Services

**Explanation**

- Current practice for the disposal of surplus personal property (e.g. desks, chairs, file cabinets, etc) by the City requires Council to declare items as surplus and approve all sales. This process requires a significant investment of staff time and slows down the disposal process, which adds warehousing and handling cost to surplus items.

**Proposed New Procedure**

- Staff recommends improving this process by adopting procedures for the disposal and exchange of surplus personal property valued at less than \$30,000 for any one item or group of items, including but not limited to disposal, exchange and by electronic means. This request is consistent with Article 12 (Sale and Disposal of Property) of the North Carolina General Status, sections 160A-266 (Methods of Sales) and 160A-270 (Public Auction).
- The resolution would allow disposal of personal property only that meet the following conditions.
  - The item or group of items has a fair market value of less than \$30,000.
  - The property is no longer needed by the City to conduct its business.
  - Sound property management principles and financial considerations indicate the best interests of the City would be best served by disposing of the property.
- This resolution does not include the disposal of rolling stock property. City Council would still need to approve the disposal of these items through a separate resolution.
- Approval of the resolution would provide for methods of disposition by any means of disposal calculated by the Business Support Services Key Business Executive to secure fair market value for the City. This includes public or private means, with or without notice and minimum waiting period.
- The resolution also requires the City's Surplus Property Manager to keep complete records of items sold and the method of sale, and to report this information to the City Council on a biannual basis.

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**Attachment 22**

Resolution

### 36. Sale of City Property at Wilkes Place near West Trade Street

- Action:**
- A. Approve as surplus the City-owned land bounded by W. Trade Street, Wilkes Place and West Fifth Street (078-055-01 & 02), and**
  - B. Approve a resolution and private sale of the property to Trinity Capital Advisors for the appraised fair market value of \$3.14 million for the development of an \$80 million mixed use project incorporating adjacent land on this block.**

**Staff Resources:** Tom Flynn, Economic Development  
Tim O'Brien, Engineering & Property Management

#### Policy

- The 2010 Vision Plan and the 2025 Transit Plan identifies a need for additional residential, office and retail in the center city. These uses would also support the multimodal station to be built across Trade Street from the site. The plans further identify Trade Street as a signature street with limited driveway access and increased sidewalk widths in this block.

#### Explanation

- The City's 0.9 acre tract of land is approximately 100' deep by nearly 400' in length. It is too narrow by itself to accommodate the size and quality of development identified in the center city plans. Joining the City's property with the Polk Building property creates a development site large enough to accommodate a substantial development project that would support the center city plans.
- Joining the City's property to the Polk Building property will allow for the primary access to the parking garage to be moved to Wilkes Place, eliminating curb cuts on West Trade Street which is designated as a signature street for the Central Business District.
- The Polk Building will also be demolished, creating sidewalk setbacks consistent with the transit plans for the area.
- The proposed development, projected at \$83 million will enhance the property tax base.
- The private sale of this property to Trinity nullifies a potential title issue stemming from Trinity's purchase of the Polk Building property from the State of NC which included an assignment of option to purchase the City's property.

#### Terms of the Sale

- Trinity Capital Advisors proposes to purchase the City property for the appraised fair market value of \$3.14 million with a two-year option to close.
- Trinity will provide \$78,500 for each year of the two year option period. The money will be applied to the purchase price of the land.
- Trinity agrees to give up their driveway access to West Trade Street and move the driveway to Wilkes Place.

**Background**

- The two adjoining City parcels had been leased to NCDOT for parking for the NCDOT's Polk Building located at 500 W. Trade Street.
- The Polk Building property is being sold to Trinity Capital Advisors who plans to build a 12-story mixed-use building consisting of 300 residential units, 30,000 sq. ft. of retail and a 600-space parking garage.
- Planning Committee of the Planning Commission supports this transaction.
- On February 27<sup>th</sup> staff briefed Council on this sale.

**Attachment 23**

Resolution

Map of the site

February 27, 2006 Council Presentation

**37. Property Transactions**

**Action: Approve the following property acquisitions (A-H) and adopt the condemnation resolutions (I-N).**

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

**Acquisitions**

- A. Project:** 2005 Annexation - Steele Creek North Area Sanitary Sewer, Parcel # 2  
**Owner(s):** Jonathan C. Frye  
**Property Address:** 10575 Steele Creek Road  
**Property to be acquired:** 5,060 sq. ft. (.116 ac.) in Sanitary Sewer Easement, plus 4,221 sq. ft. (.097 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$16,525  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-17MF  
**Use:** Single Family Residential  
**Tax Code:** 201-341-54  
**Total Parcel Tax Value:** \$24,800
  
- B. Project:** 2005 Annexation - Steele Creek South Area Sanitary Sewer, Parcel # 34, 35 & 37  
**Owner(s):** Arlene H. Elisha  
**Property Address:** Smith Road  
**Property to be acquired:** 45,654 sq. ft. (1.048 ac.) in Sanitary Sewer Easement, plus 63,481 sq. ft. (1.457 ac.) in Temporary Construction Easement

**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$22,000  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Agricultural - Commercial Production  
**Tax Code:** 219-041-11, 219-041-10, 219-041-04  
**Total Parcel Tax Value:** \$33,315

- C. **Project:** Hubbard Road Sidewalk Project, Parcel # 30  
**Owner(s):** The United House Of Prayer For All People  
**Property Address:** 5500 West Sugar Creek Road  
**Property to be acquired:** 14,186 sq. ft. (.326 ac.) in Fee Simple, plus 8,355 sq. ft. (.192 ac.) in Existing Right-of-way, plus 13,770 sq. ft. (.316 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$21,365  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 043-162-08  
**Total Parcel Tax Value:** \$456,300
- D. **Project:** Hubbard Road Sidewalk Project, Parcel # 31  
**Owner(s):** Myrtle Means Faggart  
**Property Address:** 4124 Hubbard Road  
**Property to be acquired:** 9,345 sq. ft. (.215 ac.) in Fee Simple, plus 5,124 sq. ft. (.118 ac.) in Existing Right-of-way, plus 393 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 2,238 sq. ft. (.051 ac.) in Sidewalk and Utility Easement, plus 391 sq. ft. (.009 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$15,100  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 027-011-27  
**Total Parcel Tax Value:** \$19,000
- E. **Project:** Hubbard Road Sidewalk Project, Parcel # 36  
**Owner(s):** Franklin Hudson And Sidney Hudson  
**Property Address:** 5600 West Sugar Creek Road

**Property to be acquired:** 7,793 sq. ft. (.179 ac.) in Fee Simple, plus 4,762 sq. ft. (.109 ac.) in Existing Right-of-way, plus 1,822 sq. ft. (.042 ac.) in Sidewalk and Utility Easement

**Improvements:** None

**Landscaping:** N/A

**Purchase Price:** \$11,500

**Remarks:** Compensation was established by independent, certified appraisals related to this property.

**Zoned:** R-3

**Use:** Single Family Residential - Rural Acreage

**Tax Code:** 027-141-06

**Total Parcel Tax Value:** \$107,100

- F. **Project:** South Corridor Infrastructure Project: New Bern Intersection, Parcel # 854  
**Owner(s):** Martha R. Reid  
**Property Address:** 3005 South Boulevard  
**Property to be acquired:** 1,670 sq. ft. (.038 ac.) in Sidewalk and Utility Easement, plus 28 sq. ft. (.001 ac.) in Guy Easement, plus 2,316 sq. ft. (.053 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$30,000  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 147-044-02  
**Total Parcel Tax Value:** \$545,500
- G. **Project:** Whiteforest Pumping Station, Parcel # 12  
**Owner(s):** Armon, Inc.  
**Property Address:** 7625 Hammond Drive  
**Property to be acquired:** 15,350 sq. ft. (.352 ac.) in Fee Simple (Total Take)  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$30,000  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 108-081-19  
**Total Parcel Tax Value:** \$30,000
- H. **Project:** CATS: Rosa Parks Place Community Transit Center, Parcel # 1  
**Owner(s):** Mecklenburg County

**Property Address:** 1701 & 1705 Rosa Parks Place, 2845 Beatties Ford Road

**Property to be acquired:** 13,068 sq. ft. (.300 ac.) in Community Transit Center Easement, plus 21,505 sq. ft. (.494 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$74,625

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

**Zoned:** O-1

**Use:** Office

**Tax Code:** 039-062-01

**Total Parcel Tax Value:** \$3,122,800

### Condemnations

- I. Project:** 2005 Annexation - Steele Creek North Area Sanitary Sewer, Parcel # 9,  
**Owner(s):** Morningstar United Methodist Church And Any Other Parties Of Interest  
**Property Address:** Shopton Road  
**Property to be acquired:** Total Combined Area of 27,401 sq. ft. (.629 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$12,875  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 199-561-02  
**Total Parcel Tax Value:** \$172,200
- J. Project:** Fire Station at Arboretum, Parcel # 39  
**Owner(s):** Bank of America National Association And Any Other Parties Of Interest  
**Property Address:** 8325 Providence Road  
**Property to be acquired:** Total Combined Area of 177,163 sq. ft. (4.067 ac.) of Fee Simple  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$617,525  
**Remarks:** Total take of this parcel. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 227-081-34  
**Total Parcel Tax Value:** \$472,100

- K.** **Project:** Fred D. Alexander Boulevard - Section B, Parcel # 9,  
**Owner(s):** Earl C. Wallace, Jr. And Any Other Parties Of Interest  
**Property Address:** 7033 Old Mount Holly Road  
**Property to be acquired:** Total Combined Area of 83,723 sq. ft.  
(1.922 ac.) of Fee Simple (Total Take)  
**Improvements:** Two Industrial Buildings, Asphalt Pavement and  
Septic Tank  
**Landscaping:** None  
**Purchase Price:** \$256,000  
**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:** I-2  
**Use:** Industrial  
**Tax Code:** 057-202-02  
**Total Parcel Tax Value:** \$140,100
- L.** **Project:** NC 73 from Summers Walk to County Line - 16" Water  
Main, Parcel # 35,  
**Owner(s):** Willie Ray (a/k/a Willie Ray, Jr.) And Any Other  
Parties Of Interest  
**Property Address:** 16600 Stanley McElrath Road  
**Property to be acquired:** Total Combined Area of 6,883 sq. ft.  
(.158 ac.) of Utility Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$4,125  
**Remarks:** Compensation was established by an independent,  
certified appraisal and an appraisal review. City staff has yet to  
reach a negotiated settlement with the property owner.  
**Zoned:** RPA  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 007-202-03  
**Total Parcel Tax Value:** \$121,500
- M.** **Project:** Oaklawn Park Neighborhood Improvement Project,  
Parcel # 31,  
**Owner(s):** Theresa Margaret Moore Stewart, And Other Heirs,  
Known And Unknown, Of Maggie M. Moore, Deceased And Any  
Other Parties Of Interest  
**Property Address:** 1320 Fairmont Street  
**Property to be acquired:** Total Combined Area of 513 sq. ft.  
(.012 ac.) of Fee Simple, plus Temporary Construction Easement  
**Improvements:** None



**Landscaping:** None

**Purchase Price:** \$275

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. The project results in a net benefit to the property; therefore, the purchase price is \$0.

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 075-077-26

**Total Parcel Tax Value:** \$12,500

- N. **Project:** South Boulevard Median, Parcel # 22,  
**Owner(s):** Charlotte Outpad Associates And Any Other Parties Of Interest  
**Property Address:** 5721 South Boulevard  
**Property to be acquired:** Total Combined Area of 633 sq. ft. (.015 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,725  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 171-141-32  
**Total Parcel Tax Value:** \$84,000

### 38. Meeting Minutes

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

- February 1-3, 2006 - Council Retreat
- February 6, 2006 - Workshop
- February 13, 2006 - Business Meeting
- February 20, 2006 - Zoning
- February 27, 2006 - Business Meeting
- March 1, 2006 - Budget Retreat
- March 6, 2006 - Workshop