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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, May 22, 2006

CITY COUNCIL AGENDA

Monday, May 22, 2006

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Overview of FTA Process for Evaluating Major Transit Projects

Time: 30 minutes

Resources: Ron Tober, CATS
John Muth, CATS

Synopsis

- Over the next six months, the Metropolitan Transit Commission (MTC) will make several major decisions on the area's future transit plans. These decisions will include the preferred alternatives (alignments, station locations and technology) in each of the remaining corridors from the 2025 Transit/Land Use Plan and approving implementation and financing plans for future rapid transit investments in these corridors.
- It is likely that funding from the Federal Transit Administration (FTA) will be sought for the corridor rapid transit projects that are selected by the MTC to move forward in the near future. To qualify for FTA funding, transit projects must meet the FTA's requirements.
- The FTA is in the process of finalizing its requirements for evaluating major new transit projects based upon SAFETEA-LU legislation passed by Congress in 2005.
- CATS staff recently briefed the MTC on the FTA's process for evaluating major transit projects and the changes that have been or are likely to be made in the near future. City Council is being informed on this process and its rigorous and complex nature as local decisions are made on this important part of the Centers and Corridors growth management strategy.

Future Action

- Under the Transit Governance Interlocal Agreement the MTC will make these decisions as described above. As a result, no future action by Council is contemplated at this time. Staff will provide periodic updates on the federal requirements and transit plans.

2. FY2006 Housing Trust Fund Project Recommendations & Proposed Funding Reallocation

Time: 20 minutes

Resource: Stan Wilson, Neighborhood Development

Synopsis

- The purpose of the presentation is to brief City Council on four housing developments recommended for funding through the Housing Trust Fund.
 - Two multi-family rental housing projects located at 9600 Idlewild Road and 3400 Griffith Street
 - Two special needs housing projects located at 3420 Park Road and 4442 Central Avenue
- On October 24, 2005, City Council approved the Housing Trust Fund allocations in the amount of \$4,000,000 for Multi-Family Rental housing (new construction and rehabilitation) and \$2,000,000 for special needs housing (new construction and rehabilitation). Special needs housing is defined as housing that serves persons with disabilities, homeless, persons with HIV/AIDs and elderly.
- On November 2005 staff issued Requests for Proposals (RFP) to developers for multi-family rental and special needs housing.
- Staff received seven proposals from developers on February 17, 2006. Three proposals were subsequently withdrawn by the developers. The proposals were evaluated and ranked by staff based on the Affordable Housing Loan and Grant Guidelines and RFP Evaluation Criteria adopted by the Housing Trust Fund Advisory Board.
- The Evaluation Criteria ranks and scores proposals based on the following categories:
 - City policies
 - Number of affordable housing units (priority 30% or less than area median income)
 - Financial strength of the development
 - City funds requested
 - Leverage ratio
 - Development team capability
 - Property management expertise
- The Housing Trust Fund Advisory Board also requests reallocation of \$4,720,081 from other funding categories (Transit Corridor Acquisition, Homeownership and Miscellaneous Funds) to multi-family rental housing (\$4,000,000) and special needs housing (\$720,081).
- The reallocation is needed to address higher demands for multi-family rental and special needs housing. Pursuant to City Council approval, Requests for Proposals will be issued in early June 2006 for multi-family rental housing and special needs housing.

Future Action

- City Council will consider the FY2006 Housing Trust Fund project recommendations and proposed reallocation at its June 12, 2006 meeting.

Attachment 1

FY2006 HTF Project Funding Recommendation Ranking
 Individual Project Summary Reports
 Evaluation Criteria – Multi-Family Rental housing
 Evaluation Criteria – Special Needs housing
 Vicinity Map of proposed housing developments

3. I-277/Caldwell Interchange and Other Road Modifications in the Vicinity of the NASCAR Hall of Fame Project

Time: 15 minutes

Resource: Jim Schumacher, Engineering and Property Management

Synopsis

- Engineering and Property Management is proceeding with the modifications to the I-277/Caldwell Interchange and other street changes that are associated with the NASCAR Hall of Fame. The City Engineer will review:
 - Plans for modifications
 - Method of Project Delivery
 - Coordination with NCDOT

Future Action

- Approval of the planning and design contract with Mulkey is on this agenda for approval, item 14, page 17.

4. Committee Reports by Exception

Economic Development & Planning Committee: Rocky River Road Area Plan and Lakewood Neighborhood Plan

Transportation Committee: 2030 Comprehensive Transportation Plan

Housing and Neighborhood Development Committee: Inventory of Boarded Up Structures

Restructuring Government Committee: City Manager/City Attorney Annual Evaluation Process

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

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

CONSENT

- 5. Consent agenda items 18 through 36 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

6. Public Hearing on the FY2007 Operating Budget and the FY2007-2011 Capital Investment Plan

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

Committee Chair: Don Lochman

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- State law requires a public hearing be held following presentation of the Manager's recommended budget (May 8, 2006) and prior to Council adoption of the budget (June 12, 2006).
- State law also requires that a public notice be published following presentation of the Manager's recommended budget and before the scheduled public hearing. The required public notice was published in local newspapers on May 11 and May 15.

FY2007 Operating and Capital Budget Summary

- Total recommended budget for FY2007 is \$1.37 billion with \$903.4 million for operating expenses and \$464.4 million for capital expenditures (all funds).
- The FY2007 General Fund recommended budget is \$437.3 million including a 4.5¢ property tax increase to address key strategic focus areas and priorities of the Council – Community Safety, Transportation, Economic Development, Housing and Neighborhood Development and the Environment.
- The FY2007 recommended budget includes over \$1 million in decreases such as arena traffic control, equipment maintenance, contractual services, miscellaneous supplies, and landfill fees.

Last Year's Budget Reductions

- The FY2007 recommended budget maintains the budget reductions and service level decreases approved last year, including:
 - Reduced multi-family garbage collection from twice to once a week
 - Eliminated street cleaning and debris pick-up along State streets
 - Eliminated landscape maintenance along the I-277 loop
 - Decreased frequency of right-of-way mowing on City and State streets

Strategic Investment for Critical Improvements

- Demands for service and pressures on public infrastructure have continued to grow without adequate revenues to fund improvements. As a result, additional funding to pay for more police officers, street and neighborhood improvements and affordable housing is recommended.
 - Recommended property tax rate increase (4.50¢) to fund strategic investment addresses:

Funding Category	Increased Annual Revenue	Property Tax Rate Increase
Capital Investments (Five Years - \$500.2 million) -Transportation -Neighborhood Improvements -Affordable Housing -Public Safety - fire stations	\$21.24m	3.25¢
Community Safety -27 Police Officers -12 Detectives -16 Police Community Coordinators -3 civilian positions (Gang of One coordinator, technology position, latent print examiner) -Ladder truck for Arboretum infill fire station	\$4.92m	0.75¢
Street Resurfacing -Reduce resurfacing cycle from 28-31 years to 18 years	\$3.250m	0.50¢
Total	\$29.41m	4.50¢

Revenue Highlights

- Significant revenues include:
 - An FY2007 property tax rate increase of 4.50¢ per \$100 of property valuation
 - A water/sewer rate increase of 6.5%, a \$3.09 average monthly increase
 - An increase in storm water fees of 7.0%, an average monthly variable rate increase of 34¢ for city residents.

Capital Budget

	Capital Investment Plan (\$ in millions)
Transportation	\$361.3
Housing	60.0
Neighborhoods	60.0
City Facilities	18.9
TOTAL	\$500.2

Municipal Debt Fund

- The recommended property tax rate increase of 3.25¢ in FY2007 supports \$500.2 million in capital projects. Appropriation of funding for the new general obligation projects extends beyond the FY2007-2011 timeframe of the Capital Investment Plan and closely matches the issuance of debt with cash needs for project implementation.

Enterprise Funds

- Storm Water totals \$155.8 million which includes \$93.6 million for flood control projects in neighborhoods.
- Charlotte Area Transit System (CATS) totals \$854.5 million which includes \$551.0 million for future years – transitway planning and construction and \$100.0 million for the multi modal station.
- Water and Sewer totals \$555.8 million which includes \$60.0 million for the Northeast Water Transmission Main, \$68.0 million for water and sewer line rehabilitation, and \$58.0 million for expansion of wastewater treatment plants.
- Aviation totals \$663.5 million which includes \$173.5 million for a third parallel runway.

Calendar

- Council’s final budget retreat or “straw votes” is May 31, 2006 at 1:30 p.m.
- Budget adoption is June 12, 2006 at 7:00 p.m.
- Council is required by state law to adopt a budget on or before June 30 of each year.

7. Draft Dilworth Land Use and Streetscape Plan

Action: Receive public comments on the draft Dilworth Land Use and Streetscape Plan.

Committee Chair: John Lassiter

Staff Resource: Kathy Cornett, Planning

Explanation

- Planning Commission staff has been working with residents, business owners and other area stakeholders over the past two years to develop the Dilworth Land Use and Streetscape Plan.
- The plan was developed in response to increasing development pressure and to clarify the various planning initiatives that have and will take place in and near Dilworth.
- The plan provides a comprehensive vision and land use strategy for the community.
- The primary focus of the study is on land use, development design and transportation.
- Three public meetings and 16 stakeholder meetings were held during the planning process.

Plan Recommendations

- Land Use
 - Specific land use changes to the adopted 1993 Central District Plan are recommended to:
 - clarify the 1993 Central District Plan recommendation in terms of land use density
 - better reflect the existing land use
 - align future land use with existing appropriate land use and/or zoning
 - focus moderate intensity development where it can be best supported by existing and future infrastructure to create attractive gateways to Dilworth
 - help mitigate impacts of future development on the natural environment
- Design Guidelines
 - Recommendations focus on ensuring that new residential and non-residential design is compatible with existing residences and improving the pedestrian environment.
- Transportation
 - Recommendations focus on Dilworth’s vision of a connected, balanced transportation system that embraces pedestrians, bicyclists and transit users while fostering neighborhood friendly automobile speeds.

Charlotte-Mecklenburg Planning Committee

- The Planning Committee received public comments on the plan at their February 21st meeting.
- During the Planning Committee public comment session, citizens raised the following concerns:
 - The Dilworth Community Development Association (DCDA) requested that staff reconvene the stakeholders group to discuss concerns with the intensity of development and parking issues in the pedestrian overlay zoning district (PED) and the transit-oriented development (TOD) districts.
 - A meeting was held March 8th to clarify issues and begin a process to fine tune the PED and TOD zoning districts.
 - At staff’s request, the DCDA submitted a list of more specific concerns relating to the draft Dilworth document, as summarized below. Staff recommends the following changes to address these concerns.

<i>DCDA CONCERN</i>	<i>STAFF RECOMMENDED CHANGE</i>
<ul style="list-style-type: none"> ▪ Need to have TOD, the South End Transit Station Area Plan and future East Morehead Pedscape Plan summaries included in the document. 	<ul style="list-style-type: none"> ▪ Adding language about the TOD zoning district and future East Morehead Pedscape Plan.

<ul style="list-style-type: none"> ▪ Concerns about maximum height and density allowed by PED zoning. 	<ul style="list-style-type: none"> ▪ Working with a consultant to review and make modifications to fine tune the PED and TOD zoning districts. ▪ Removing all references to PED overlay and providing recommendations for residential density and height limits in those areas.
<ul style="list-style-type: none"> ▪ Clarify the land use recommendation for areas 16, 22 and 25 (Appendix A). 	<ul style="list-style-type: none"> ▪ Clarifying the land use recommendation for areas 16, 22 and 25 (Appendix A).
<ul style="list-style-type: none"> ▪ Add the traditional Dilworth boundary to Map 9. 	<ul style="list-style-type: none"> ▪ Adding the traditional Dilworth boundary to Map 9.
<ul style="list-style-type: none"> ▪ Concern about how to ensure that this will be the umbrella document for all of Dilworth. 	<ul style="list-style-type: none"> ▪ Promoting the plan as the umbrella document for Dilworth.

- Several property owners have had questions about corrective rezonings proposed for their property. Staff will continue to work with property owners to answer their questions and address any concerns they may have prior to bringing forward the corrective rezonings. Corrective rezonings will require additional, separate action by the Zoning Committee and City Council.
- The Planning Committee unanimously recommended approval of the plan, with staff recommended changes, on May 16th.

Committee Discussion

- Economic Development and Planning Committee received an overview of the plan on May 3rd.
- Discussion focused on areas where the plan initially recommended PED overlay zoning.

Attachment 2

Draft Dilworth Land Use and Streetscape Plan

POLICY

8. City Manager's Report

9. City Manager and City Attorney Performance Evaluation Process

- Action:**
- A. Approve the Restructuring Government Committee's recommendation to:**
 - 1. Adopt a Performance Evaluation process, including the forms, evaluation matrix, and potential bonus amounts, for the City Manager and City Attorney, and**
 - 2. Establish the Restructuring Government Committee as the Compensation Committee for the City Manager and City Attorney**

 - B. Amend the 2006 Council Calendar to establish the following dates for the performance evaluations of the City Manager and City Attorney:**
 - 1. City Manager Performance Evaluation:
Monday, July 24, 2006 – 3:00 p.m. until 6:00 p.m.**
 - 2. City Manager Compensation and Goal Setting:
Monday, August 28, 2006 – 3:00 until 4:30 p.m.**
 - 3. City Attorney Performance Evaluation:
Monday, August 28, 2006 – 4:30 p.m. until 6:00 p.m.**

Committee Chair: James Mitchell

Staff Resource: Tim Mayes, Human Resources Director

Explanation

- The City Council implemented new performance evaluation processes for the City Manager and City Attorney in 2005.
- As part of the evaluation processes, facilitator Lyle Sumek recommended that there be "up front" agreements that specified how performance would be measured and how performance bonuses, when appropriate, would be determined.
- The Restructuring Government Committee has met on several occasions and recommends a standardized format for evaluating the City Manager and City Attorney, with differences in the performance criteria upon which each is evaluated.
- The City Manager will be evaluated on Council Focus Area Achievements, Balanced Scorecard Performance and Performance Standards.
- The City Attorney will be evaluated on Council Policy Support, Legal Affairs Achievements and Performance Standards.

- Lyle Sumek will receive the individual performance comments from the Mayor and Council members and will use the ratings to complete the Performance Evaluation Matrix. The three components of the Performance Evaluation Matrix for both the City Manager and City Attorney, each total 100 points. The overall maximum score is 300.
- The Committee recommends bonus eligibility up to approximately 12% for both the City Manager and City Attorney. This represents a maximum of \$25,000 for the City Manager and a maximum of \$20,000 for the City Attorney.
- The Restructuring Government Committee will serve as the Compensation Committee and will be responsible for proposing compensation recommendations for the City Manager and City Attorney to the Mayor and City Council.

Committee Discussion

- Committee Chair Mitchell reviewed the process, forms, and evaluation matrices with the Committee.
- Committee Chair Mitchell recommended the range of bonus eligibility for the City Manager and City Attorney. Committee members inquired about the percentage of base salary that a maximum bonus award would represent, and were comfortable that the proposed amounts represented approximately 12% of the City Manager's and City Attorney's overall salaries.
- The Committee also suggested that the City Attorney's performance criteria related to Council Policy Support be worded to reflect the role of the City Attorney in the support and development of city policy and to differentiate between this role and the role of the City Attorney in litigation and representation of the City in legal matters.
- The Committee voted unanimously to approve the performance evaluation process, forms and evaluation matrices for both the City Manager and City Attorney (Mitchell, Kinsey, Lassiter, and Lochman; Council member Turner was absent at the time of the vote).
- The Committee discussed holding the City Manager's evaluation on the date of the July Business Meeting and the City Attorney's evaluation on the date of the August Business Meeting. The Committee did not vote on the dates.

Attachment 3

City Manager Performance Evaluation Form
City Manager Performance Evaluation Matrix
City Attorney Performance Evaluation Form
City Attorney Performance Evaluation Matrix

10. Rocky River Road Area Plan



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the Rocky River Road Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

Committee Chair: John Lassiter

Staff Resource: Melony McCullough, Planning

Explanation

- The draft Rocky River Road Area Plan will serve as a guide for future growth and development in the Rocky River Road area.
- Study area boundaries are NC Highway 49 to the north, Robinson Church, Harrisburg and Camp Stewart roads to the south, the Mecklenburg/Cabarrus County Line to the east, and McLean, Grier, and Plott roads to the west.
- The Rocky River Road area is experiencing significant increases in population and development.
- On May 8, City Council received public comments on the draft Rocky River Road Area Plan (see attachment for a summary of the issues raised at this meeting).

Charlotte-Mecklenburg Planning Committee

- The Planning Committee received public comments on April 18 (see attachment).
- On May 16, the Planning Committee voted 5-0 to recommend adoption of the draft Rocky River Road Area Plan with staff proposed changes to the April 5, 2006 draft document (see attachment) and the addition of language to this document that supports considering smaller convenience type centers at appropriate locations to reduce vehicle miles traveled.

Committee Discussion

- Economic Development and Planning Committee received an overview of the Plan on April 5 and recommended City Council receive public input.
 - Discussion focused on sewer service, residential densities, and quality of residential development.
- On May 17th, the Economic Development and Planning Committee will meet to discuss the draft Rocky River Road Area Plan Volume I: The Concept Plan. The May 19th Council Manager Memorandum will include the Committee recommendations.
- Council received a copy of the Rocky River Road Area Plan on May 8, 2006.
- Copies of the plan are also available at www.charlotteplanning.org and from the Planning commission.

Attachment

- Staff responses to concerns from the April 18th Planning Committee meeting and May 8th Council meeting.
- Staff proposed changes to the draft Rocky River Area Plan

11. Lakewood Neighborhood Plan



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the Lakewood Neighborhood Plan, Volume I: Concept Plan and receive as information Volume II: Implementation Plan.

Committee Chair: John Lassiter

Staff Resource: Cheryl Neely, Planning Commission

Explanation

- Mahan Rykiel Associates, Inc. was retained by the Charlotte-Mecklenburg Housing Partnership to work with Neighborhood Development and Planning key business units to develop the Plan.
- Lakewood is located northwest of Uptown, bounded by Rozzelles Ferry Road, Interstate 85, Norwood Drive and a rail line.
- Plan area is primarily residential, commercial and industrial.
- The plan will provide guidance for the continued revitalization of the Lakewood Community, while addressing the following areas:
 - Land Use & Urban Design
 - Community Safety
 - Community Appearance
 - Housing
 - Economic Development
 - Community Facilities
 - Transportation and Infrastructure
 - Community Organizing
- A public meeting was held March 9 to present the draft Plan to the community and receive citizen input. Beginning May 2004, two public meetings were held to initiate the planning process and the consultant worked
- City Council received public comments on the Draft Lakewood Neighborhood Plan on May 8. There were no issues identified at this meeting.

Charlotte-Mecklenburg Planning Committee

- The Planning Committee received public comments on April 18. There were no issues; however, one citizen spoke in favor of the Plan's recommendations.
- Planning Committee voted 5-0 on May 16 to recommend adoption of the draft Lakewood Neighborhood Plan with staff proposed changes to clarify the document (see attachment).

Committee Discussion

- Economic Development and Planning Committee received an overview of the Plan at their May 3 meeting. The Committee commended the consultant and the Charlotte-Mecklenburg Housing Partnership on developing a Neighborhood Plan for Lakewood. A recommendation was made to hold the public hearing on May 8.
- Economic Development and Planning Committee will meet on May 17th to discuss the draft Lakewood Neighborhood Plan Volume I: The Concept Plan.

The May 19th Council-Manager Memorandum will include the Committee recommendations.

- The Draft Lakewood Neighborhood Plan was included in the May 8th agenda packet. The Plan is on the Planning Commission's website – www.charlotteplanning.org.

Attachment 5

Staff proposed changes to April 18, 2006 Draft Lakewood Neighborhood Plan

12. 2030 Comprehensive Transportation Plan



Action: Approve the Transportation Committee's Recommendation to:

- A. Adopt the Goals, Objectives, Policies, Maps and Figures contained in the 2030 Comprehensive Transportation Plan, and
- B. Name the Plan "Go Charlotte".

Committee Chair: Pat Mumford

Staff Resource: Norm Steinman, Transportation

Explanation

- At Council's annual retreat in February 2004 Council directed that a long-range, comprehensive transportation plan be developed to integrate and refine existing transportation policies and to identify long-range transportation improvements necessary to make Charlotte "the premier city in the country for integrating land use and transportation choices."
- The Transportation Committee has been working since that time to develop the City's first 25-year comprehensive transportation plan. In its draft form, the plan has been called the Transportation Action Plan, or TAP.
- The TAP includes the goals, objectives, policies and programs/projects that are necessary to accommodate Charlotte's projected growth while protecting the City's quality of life.
- The TAP identifies \$3.57 billion in transportation investments over the next 25 years to create better and more travel choices for motorists, pedestrians and bicyclists, to create livable neighborhoods and to advance the City's Centers and Corridors strategy. This total investment also includes increased funding for maintenance of the City's transportation infrastructure, such as maintaining a 12-year street resurfacing cycle.
- During February and March, four public workshops were held to receive comments regarding the TAP. In addition, over 1,200 people participated in an on-line internet survey describing how they would allocate transportation funds. The results of the workshops and survey demonstrate clear support for the TAP and were included in City Council's workshop presentation on April 3, 2006.

- At Council's April 24, 2006 meeting, Council directed staff to provide answers to questions that were raised by City Council and by the Real Estate and Building Industry Coalition. Staff provided answers to those questions at the City Council workshop on May 1, 2006.
- As a follow up to the May 1, 2006 workshop, the City Manager sent a memorandum to City Council dated May 10, 2006 which included copies of the following documents.
 - TAP Policy Document (Transportation Committee's version)
 - Potential revisions to TAP Goals, Objectives and Policies and legal disclaimer options for City Council to consider
 - TAP Technical Document
 - April 2005 draft of the Urban Street Design Guidelines
- The potential revisions to the TAP Policy Document included the following information:
 - The legal and Council policy disclaimer options
 - Recommendation to change wording from "ensure" to either "encourage" or "intends to"
 - Minor text changes that provide clarification, specific adoption dates of existing adopted documents, eliminate references to the TAP Technical Document in the goals, objectives and policies, mention the Capital Investment Plan criteria and add a date for when the Traffic Impact Study Guidelines will be modified
- The TAP Technical Document will be used by staff to monitor existing and future conditions and will not be an adopted document.
- The Transportation Action Plan policy document can be found at <http://cdot.charmeck.org>

Committee Discussion

- On April 10, 2006 Council's Transportation Committee (Mumford, Turner, Barnes, Burgess and Carter) voted unanimously to adopt the TAP with the following modifications:
 - Revise Objective 2.4 to reflect 12-year resurfacing schedule
 - Revise Goal 2 and Objective 2.1 to include references to economic development
 - Add a new policy (1.1.6) stating that the transportation plan will support Council's adopted housing and neighborhood improvement plans
- By a vote of 3-2 (Mumford, Barnes and Burgess in support and Carter and Turner dissenting), the Committee voted to recommend changing the name of the TAP to "Go Charlotte".

Funding

Funding will be determined in the annual budget process.

13. Inventory of Boarded Up Structures



Action: Approve the Housing and Neighborhood Development Committee's recommendation to direct City Staff to undertake an inventory of boarded up structures and develop a proposed ordinance.

Committee Chair: Mayor Pro Tem Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Explanation

- On January 23, 2006, City Council authorized the Housing and Neighborhood Development Committee to review the issue of boarded up structures, which was initiated by a request from a citizen coalition.
- The Committee's study recommendation is to undertake a sample inventory of boarded up structures (residential and commercial), research what other cities are doing and explore possible regulatory solutions to address this issue.
- The number of boarded up structures in the City is unknown. A preliminary estimate is between 1,500 and 1,800 structures.
- The Committee expressed concern that these structures are blight to neighborhoods, havens for vagrants, potential areas of crime and reduce property values.
- The Committee reviewed preliminary information on how other cities address this issue. Some cities address boarded up structures by
 - establishing time limits units may be boarded
 - requiring boards to be painted the same color as the building
 - requiring evidence that the owner is trying to sell the structures
 - imposing fines, penalties
 - pursuing condemnation
- Neighborhood Development and Police will undertake the inventory and provide the results of the inventory and a proposed ordinance within 60 to 90 days.

Committee Discussion

- The Committee discussed the pro and cons of this issue. They explored several options including conducting a survey, hiring a consultant to do the work or doing nothing at this time.
- Committee members were concerned that boarded up structures detract from neighborhoods and owners should be held accountable. They expressed the opinion that boarded up structures should be a temporary and not a long term situation.
- While this is an important issue, there was concern as to whether boarded up structures should become a priority, given Committee's other priorities.
- The Committee voted unanimously to direct city staff to undertake a study of boarded up structures and develop a proposed ordinance. (Burgess, Barnes, Foxx and Lochman).

BUSINESS

14. I-277/Caldwell Interchange and Other Road Modifications in the Vicinity of the NASCAR Hall of Fame Project

- Action:**
- A. Authorize the City Manager to approve a contract with Mulkey Engineers & Consultants in an amount not to exceed \$2.0 million for engineering services for I-277 Interchange and other road modifications in the vicinity of the NASCAR Hall of Fame Project, and**
 - B. Adopt a budget ordinance appropriating \$2.5 million for I-277 Interchange and other road modifications.**

Staff Resource: Bette Frederick, Engineering & Property Management

I-277/Caldwell Interchange and Other Road Modifications in the Vicinity of the NASCAR Hall of Fame Project

- This project involves the reconstruction of several ramps on I-277/Caldwell Interchange and modifications to Stonewall, Caldwell, and Brevard Streets in uptown Charlotte.
- The purpose of this contract is to provide funding for the planning and design of the project.
- The planning and design work includes but is not limited to surveying, new road alignments, signalized intersections, ramp reconstruction, curb and gutter, sidewalks, medians, retaining wall, permitting and utility coordination.

Budget Ordinance

- The budget ordinance advances \$2.5 million to the project from the Municipal Debt Service Fund Balance. It is anticipated that proceeds from the sale of land will become the permanent source of financing and that the Municipal Debt Service fund will be repaid.
- The budget ordinance includes a 20% contingency to partially cover environmental testing, right-of-way acquisition and staff costs.

Small Business Opportunity

Established SBE Goal: 6.00 %

Committed SBE Goal: 6.00%

Mulkey Engineers and Consultants has committed 6.00% of the total contract amount to the following SBE firms: Boyle Consulting Engineers, PLLC and Utility Coordination Consultants, Inc.

Funding

Municipal Debt Service Fund Balance

Attachment 6
Budget Ordinance

15. NASCAR Hall of Fame Construction Manager Contract

Action: Authorize the City Manager to award a contract to Turner-Thompson-Davis for pre-construction Services in an amount not to exceed \$300,000.

Staff Resource: Jim Schumacher, Engineering & Property Management

Construction Manager Selection

- The traditional selection process was followed to select the construction manager by distributing Requests for Qualifications to numerous local and national firms. On April 26, 2006, six firms submitted proposals and on May 11, 2006, four firms were interviewed by the Selection Committee.
- The Committee selected Turner-Thompson-Davis through a consensus decision. The Committee believes Turner-Thompson-Davis possesses the best combination of talents, including:
 - Overall team strength
 - Museum/entertainment experience as a firm
 - On-site management's museum/entertainment experience
 - Experience with iconic designs
 - Pre-construction services
 - Small Business Program
 - Estimating
 - Ability to get bidders to the table with a network of subcontractors
- Details of the Request for Qualification and the selection processes are described in the attachment.

Pre-Construction Services

- During the pre-construction phase of the project, Turner-Thompson-Davis will
 - Perform cost estimating services
 - Establish detailed schedules for the construction phase
 - Develop the project specific Small Business Opportunity program and determine the SBE goal for the construction phase with the City's Small Business Opportunity staff
- Future amendments will be brought to Council for approval.

Funding

NASCAR Hall of Fame Capital Project

Attachment 7

NASCAR Hall of Fame, Construction Manager Selection Process

16. Inter-local Agreement for Belmont Infrastructure Improvements

Action: Adopt a resolution authorizing the City Manager to enter into an Inter-local Agreement with the Charlotte Housing Authority (CHA) to fund the construction of infrastructure improvements in the Belmont neighborhood as part of the HOPE VI project, not to exceed \$2,550,000.

Staff Resource: Richard Woodcock, Neighborhood Development

Explanation

- On February 10, 2003 City Council directed City staff to participate with the Charlotte Housing Authority (CHA) on the Piedmont Courts HOPE VI application. The HOPE VI project was subsequently approved and includes \$8.8 million of locally funded infrastructure improvements at the Piedmont Courts site and throughout the Belmont Neighborhood.
- This request will fund infrastructure improvements made to the former Piedmont Court site including site preparation, utility installation, paving, and landscaping.
- The infrastructure will support the development named “The Crossing at Seigle Point” and includes a new street network based on neo-traditional city blocks. The development will consist of affordable rental apartments, homeowner market rate condominiums, town homes targeted at mixed incomes and office space.
- These improvements will compliment the Seigle Avenue street improvements that will be constructed by the City.
- The City will disburse funds to the CHA based on milestones achieved in the development and construction process. Engineering and Property Management staff will confirm that each milestone is reached before funding is dispensed.
- Project costs exceeding \$2.55 million will be covered by the CHA.
- The CHA has selected Crosland Inc. to develop the site.

Funding

Neighborhood Capital Investment Plan

Attachment 8

Resolution

Site Plan

17. Nomination to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. Charlotte-Mecklenburg Public Access Corporation

- Two appointments, beginning immediately:
 - One appointment for an unexpired term beginning immediately and expiring June 30, 2007
 - Paulette Feltus (General Public Category) has resigned.
 - One appointment for an unexpired term beginning immediately and expiring June 30, 2008
 - Ray Gooding (Arts Category) has failed to meet the attendance requirement.

Attachment 9
Applications

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

18. Various Bids

A. Cindy Lane Extension - Statesville Road to Fincher Boulevard EPM

Staff Resource: Imad Fakhreddin

Action

Award the low bid of \$ 4,383,137.12 by Blythe Development Company of Charlotte, North Carolina. This project will extend Cindy Lane from Statesville Road to Fincher Boulevard and includes: a two-lane road with median or center lane; bike lanes, curb and gutter, and sidewalks on both sides of the road; and related construction. Construction completion is scheduled for fourth quarter of 2007. The project is part of the 2004 bond package and the citizen input process is complete.

Small Business Opportunity

SBE Established Goal: 10.00%

SBE Committed Goal: 12.22

Blythe Development exceeded the SBE established goal and committed 12.22% (\$535,779.50) to the following SBE firms: ACS Pavement Marking, Bullington Construction, Conmat Development, Inc., Major Contractors, Inc. and On Time Construction, Inc.

B. Mt. Holly – Huntersville Road Widening EPM

Staff Resource: Beth Hassenfritz

Action

Award the low bid of \$377,459.50 by Carolina Cajun Concrete of Charlotte, North Carolina. This project will widen the south side of Mt. Holly-Huntersville Road from Callabridge Court to Pump Station Road. The work includes grading, drainage, water / sewer adjustments, asphalt paving, pavement markings and associated work. Work is scheduled for completion prior to opening of the nearby I-485 at Brookshire Boulevard interchange. Construction completion is scheduled for second quarter of 2007.

Small Business Opportunity

SBE Established Goal: 5%

SBE Committed Goal: 2.73%

Carolina Cajun Concrete failed to meet the goal, but exceeded the mandatory outreach and good faith effort points. Carolina Cajun, who is a certified SBE and MWBE, committed 2.73% (\$10,307.50) to the following SBE firms: Ground Effects, Inc. and Muddrunners, Inc.

C. Bus Operations Maintenance Parts CATS

Staff Resource: Jim Zingale

Action

Award the low bid of \$36,829.43 by Cummins Atlantic of Pineville, North Carolina to supply maintenance parts as required by CATS Bus Operations Division. This contract will be for an initial period of two years, plus three, one year options. Total combined contract value over the maximum five-year term shall not exceed \$184,147.15. Authorize the City Manager or designee to execute the contract and renewals as needed. The parts meet the required original manufacturers' specification standards used to keep CATS' buses in proper operating condition and are ordered on an as needed basis based on usage and inventory stock levels.

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.

D. Transit Safety Simulator**CATS****Staff Resource:** Jim Dougherty**Action**

Award the bid of \$396,639.75 by Doron Precision Systems, Inc. of Binghamton, New York to provide a transit safety simulator to test, train and retrain current and potential bus and rail operators in safe operational maneuvers. The simulator system is composed of a full cab driving simulator and six semi-interactive simulators. The simulator will enable CATS to establish measurable standards for training, retraining and certifying operators. The use of a simulator system will reduce accident occurrences by efficiently and effectively training employees in a virtual world without risk of harm.

Disadvantaged Business Enterprise Participation

Pursuant to U.S. DOT DBE Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities exist.

19. 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. 4123 Tillman Road (Neighborhood Statistical Area 19 - Thomasboro Neighborhood)
- B. 1317 aka 1315 Clay Avenue (Neighborhood Statistical Area 18 - Enderly Park Neighborhood)
- C. 3020 Parkway Avenue (Neighborhood Statistical Area 18 - Enderly Park Neighborhood)

Public Safety:

A. 4123 Tillman Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4123 Tillman Road (Neighborhood Statistical Area 19 - Thomasboro Neighborhood).

Attachment 10

B. 1317 aka 1315 Clay Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1317 aka 1315 Clay Avenue (Neighborhood Statistical Area 18 - Enderly Park Neighborhood).

Attachment 11

C. 3020 Parkway Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3020 Parkway Avenue (Neighborhood Statistical Area 18 - Enderly Park Neighborhood).

Attachment 12

CONSENT II

20. CATS Regional Express Services

Action: Renew two-year cost sharing agreements with City of Rock Hill and Union County.

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Staff Resource: Larry Kopf, CATS

Explanation

- CATS' operates Regional Express bus services to each of the six counties surrounding Mecklenburg County.
- Ridership on all of the Regional Express routes is rapidly growing, increasing 38% to date in FY2006 with a total of over 275,000 expected rides this fiscal year.
- Per the Metropolitan Transit Commission (MTC)'s adopted Financial Policies, CATS operates these services under cost sharing agreements with its respective regional partners.
- At its May 25, 2005 meeting the Metropolitan Transit Commission voted on a new cost sharing formula that normalized each of the six agreements so they had consistent funding participation levels.
- In June 2005, City Council approved contract renewals using the new formula for Mooresville, Concord, Lincoln County and Gastonia Regional Express services.
- The Rock Hill and Union County agreements went one year longer than the other four, so they are being renewed using the new formula at this time.
- Per the MTC's Financial Policies, Rock Hill and Union County will reimburse the City for 50% of the net operating expense (including overhead) for express bus services between their respective jurisdictions and Uptown Charlotte.
- Regional Express riders pay \$2.40 per one-way trip, the highest fare in the CATS system.
- The City of Rock Hill and Union County have already approved the new contracts and their FY2007 funding share to continue the services.

Funding

SERVICE	FY2006 NET OPERATING EXPENSES	REIMBURSEMENT TO CATS / (%)	FY2006 RIDERSHIP (YTD) (7/1/05-4/30/05)	% GROWTH FY06/FY05
Union County Express	\$141,424	\$70,712 (50%)	34,599	31%
Rock Hill Express	\$146,894	\$73,894 (50%)	38,725	27%

21. CATS Office Space Lease

Action: **A. Authorize the City Manager to amend an existing lease agreement with FMW, at 400 E. Trade for CATS Development Division consolidation for \$279,108 per year with 2.5% annual increases for each of the three additional years of the initial term, and**

B. Authorize the City Manager to renew the agreement after the initial term for one year.

Staff Resource: Leonard Ganther, Charlotte Area Transit System

Explanation

- CATS Development Division is currently leasing space at two separate locations: 301 S. McDowell (Cameron Brown Building) expires in January 2007, and 400 E. Trade expires in September 2006. There are 63 CATS employees at these locations.
- Staff performed a market analysis of available office space in the Central Business District. The office space located at 400 E. Trade offers the best price, accommodations and working environment within reasonable proximity to the Government Center, and minimal disruption of service. Consolidation of this Division offers the following:
 - Contiguous space for the Development Division
 - Minimal disruption of staff's work
 - Close proximity to the Charlotte Transportation Center (CTC)
 - Productivity improvement

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Terms of the Lease Agreement

- A total of 15,506 square feet of office space
- Amended 4 year term
- Lease rate at \$18 per square foot, janitorial and building maintenance included
- One year renewal option with rate not to exceed 2.5% from previous year
- Landlord will provide an amount of up to \$200K for the design and tenant improvements of the expansion space.
- Commencement date of January 1, 2007

Schedule

- FMW's upfit of the expanded space will begin in September 2006 in order to accommodate the move-in date of January 1, 2007.
- FMW wishes to begin design in early June in order to complete design, permitting, and bidding by September.

Funding

Transit Operating Budget

22. Motorola Radio Equipment

- Action:**
- A. Approve the purchase of radio equipment from Motorola, Inc. as a sole source purchase under G.S. 143-129(e),**
 - B. Authorize the City Manager to execute a one year unit price contract with Motorola for the purchase of radio equipment, to renew the contract for up to four additional one-year periods, and to purchase radio equipment under the contract in such amounts as the City and surrounding jurisdiction may need and have approved funding for, and**
 - C. Approve a software license agreement for software embedded in the radio equipment purchased from Motorola.**

Staff Resource: Dennis Baucom, Business Support Services

Sole Source Exception

- G.S. 143-129(e) 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 of supply; or
 - (3) standardization or compatibility is the overriding consideration.
- Sole sourcing of radio equipment is necessary for all three reasons listed above.
- The City has purchased radio equipment from Motorola since 1989 when the Countywide Public Safety radio system was constructed. The technology used in current radio systems is proprietary and necessitates the purchase of the mobile and portable radios from the same manufacturer.
- Aside from Motorola, there are no other known vendors licensed to manufacture radios that are compatible with the City's existing system.
- The radio systems in the surrounding area and the City's system need to be interoperable.

Explanation

- The City's radio system relies heavily on software and imbedded firmware, with which radios must be compatible.
- Each radio manufacturer has developed a specific methodology and software to perform system functions and control operations. The City's system methodologies, software and public radios are all patented by Motorola.
- All radio equipment and related components require interoperability with the City and County systems and surrounding jurisdictions. The Motorola equipment is a key requirement for interoperability.
- The City of Charlotte is the lead agency on behalf of surrounding cities and counties, including jurisdictions in South Carolina.

- Motorola may adjust prices each year, provided that the prices charged to the City shall not exceed those charged under Motorola's existing contract with the State of North Carolina.
- The state contract provides a significant discount.
- Staff recommends Motorola as the most cost effective and overall best solution to meet radio equipment requirements.
- The average price of a police or fire portable radio is \$4,021. The average price of a vehicle radio is \$4,914. The replacement cycle for radios is approximately five years.

Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding sole source purchases, this contract is exempt from the Small Business Opportunity Program.

Funding

Homeland Security grants, operating, capital and other grant funding as approved by Council

23. Uniform Rental and Related Services

Action: **A. Approve a contract with Aramark, Inc. for uniform rental and related services for a three-year initial term with two, one-year extension options with an estimated annual amount of \$144,400, and**

B. Authorize the City Manager to approve the two, one year extensions.

Staff Resource: Susan Johnson, Business Support Services

Explanation

- The City maintains a contract for uniform rental services for multiple departments.
- The current contract has expired with no additional extensions. A Request for Proposals process was initiated to select a vendor to provide these services.
- Four proposals were received. The pricing offered by Aramark, Inc. was the lowest received; the pricing offered is a firm fixed price for the entire length of the contract including any extensions.
- Uniforms are worn by field operations personnel in multiple departments including airport field and building maintenance, fleet maintenance, code enforcement, solid waste and street maintenance.

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.

Funding

Airport, Business Support Services, Neighborhood Development, Solid Waste Services and Transportation

24. Airport Wireless System Installation

Action: Award a contract with The Bowers Group, LLC of Charlotte, North Carolina in the amount of \$197,000 to install communications infrastructure in Concourses A, B and C.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract is for installation of wireless antennae and access points in Concourses A, B and C.
- On February 27, 2006, Council awarded a contract for related work (cabling on Concourses B, C and E) to Network Cabling Systems for \$340,965.42.
- On April 10, 2006, Council awarded a contract for wireless antennae installation in Concourses D and E to Cabling Solutions, Inc. for \$130,988.46.
- This contract will permit wireless access to passengers and tenants in the concourses.

Summary of Bids

The Bowers Group, LLC	\$197,000.00
Cabling Solutions, Inc	\$218,807.29
Besco Electric Corporation	\$320,000.00

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 Capital Investment Plan

25. Airport Paving Contract

Action: A. Award a contract to Rea Contracting, LLC of Charlotte in the amount of \$2,006,736 for asphalt paving at the Airport, and

B. Approve change order #1 in the amount of \$1,828,980.25 for additional paving.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 11, 2002, Council appropriated \$3,381,375 in FAA grant funding and \$1,127,125 in bond proceeds to repave runway 36R.
- Subsequently, the Aviation Department accepted bids for this paving project, the scope of which was to repair a portion of the Airport entrance road and to repave a portion of runway 36R.
- The contractors bid on a unit price basis, and Rea was the low bidder.
- The unit prices submitted by the bidders were significantly less than anticipated. Because of the advantageous unit prices, the City can accomplish more paving work for the appropriated funds. Therefore, the Aviation Department recommends proceeding with Change Order #1, which would increase the scope of work to repave more sections of runway 36R as well as some taxiways.
- The change order cost is within the project budget.

Disadvantaged Business Enterprise

Established DBE Goal: 11.3%

Committed DBE Goal: 12.0%

Funding

Airport Capital Investment Plan

26. FY2006 Water Main Replacement, Contract 2

- Action:** **A. Award FY06 Water Main Replacement Contract 2 to Propst Construction Co., Inc., Concord, North Carolina in the amount of \$1,558,426.10, and**
- B. Authorize City Manager to approve three, one-year renewal options.**

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

- This contract provides for the replacement of water mains that have reached the end of their service life throughout Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8.1%

Propst Construction Co. met the established SBE goal, and has committed \$126,282.00 to the following SBE firms: On Time Construction, Inc., Miller Plumbing Contractor, Inc., Union Paving Contractors, Inc., A-1 Pavement Marking, Inc. and Reliable Woodworks, Inc.

Funding

Water Capital Investment Plan

27. Lancaster County Water and Sewer District Agreement for the Provision of Water Service

Action: Approve an Agreement with Lancaster County Water and Sewer District for the provision of water service to various developments in Lancaster County

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Charlotte-Mecklenburg Utilities has agreements with several counties to jointly serve developments that straddle the county lines.
- In past years the Lancaster County Water and Sewer District and Charlotte-Mecklenburg Utilities have had regional water agreements to provide water to each other in support of various developments along the county line.
- Lancaster County Water and Sewer District recently requested that Charlotte-Mecklenburg Utilities provide water service to a defined area of about 500 acres in northern Lancaster County to support new and existing residential developments in the area until such time as the Lancaster District can construct additional water lines to increase the capacity of their system.
- The service area is a 1200 acre portion of Lancaster County bounded by the York and Mecklenburg County lines and McAlpine Creek. The area is known as the “pan handle” area of Lancaster County.
- Utilities staff determined that adequate water supply exists in the Charlotte Mecklenburg system to provide water to the designated service area in Lancaster County.
- This agreement provides that Charlotte-Mecklenburg Utilities will sell water to Lancaster County Water and Sewer District through a water meter to be located at the county line on Dorman Road at a quantity not to exceed 250,000 gallons per day on average (roughly 1200 homes).
- Lancaster County Water and Sewer District would be charged at the second tier residential rate, which is the same rate charged to the City of Concord and Town of Harrisburg in Cabarrus County.
- The agreement provides that the expansion of the service area must be approved by the City Manager or designee.

28. Steele Creek Pump Station Upgrades

Action: **A. Reject the bid of \$316,470 to DOT Construction Inc. of Charlotte, North Carolina for failure to meet the required prior experience requirements, and**

B. Award the contract to Gilbert Engineering Co., Statesville, North Carolina in the amount of \$334,840 for upgrades to the Steele Creek pump station.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- The pump station has problems handling the excessive sewerage flows during rain events and equipment failure is occurring more frequently during normal operations.
- The pump station will be upgraded to allow safe operation and maintenance and reliability by replacing 30 year old valves and pumps.

Bid Rejection

- The low bidder has not completed work on similar projects, requiring the skills and resources necessary for this project. Their experience to date is primarily paving improvements and small diameter underground water main repairs.
- The low bidder does not currently have staff with the prerequisite experience for the project.
- The low bidder failed to visit the work site to become familiar with the conditions that would affect cost or performance of the work.

Bid Award

Gilbert Engineering Co. meets and exceeds all previous experience and technical capability requirements for this project.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 7.3%

Gilbert Engineering exceeded the SBE Goal, and mandatory outreach requirements. They have committed \$24,395.00 to the following SBE firms: Vector Electric, Martin Landscaping and CICA

Funding

Sewer Capital Investment Plan

29. Pedestrian Light Poles and Fixtures

- Action:**
- A. Approve the purchase of decorative pedestrian light poles and fixtures without competitive bidding, as authorized by the sole source exemption of G.S 143-129(f),**
 - B. Approve a contract with Duke Power for the purchase and installation of 28 pedestrian lights and fixtures for Tyvola Intersection project for \$105,512.58, and**
 - C. Approve a contract with Duke Power for the purchase and installation of 52 pedestrian lights and fixtures for West Morehead Streetscape project for \$188,835.17.**

Staff Resource: Joe Frey, Engineering & Property Management
Leslie Bing, Engineering & Property Management

Sole Source Exception

- G.S. 143-129(e) 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 of supply; or
 - (3) standardization or compatibility is the overriding consideration.
- Sole sourcing of the light poles and fixtures is necessary for all of these reasons.

Explanation

- The installation is provided by Duke Power who is responsible for maintaining the lights and fixtures; this is normal practice for all City projects. There are two projects occurring simultaneously that need approval.
- The South Corridor Infrastructure Program includes the purchase of decorative pedestrian lights to be installed in and around the intersection of Tyvola Road and South Boulevard.
- The Westside Strategy Plan identified West Morehead Street for corridor revitalization as a method to improve the overall appearance of the Westside. This major corridor leading into uptown Charlotte will receive enhancements in the form of planting strips, street trees, sidewalks and decorative lighting between Freedom Drive and Interstate 77.

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

Transportation Capital Investment Plan

30. Janitorial Services for Charlotte Mecklenburg Government Center and City Hall

Action: **A. Approve a contract with Sanitors, Inc. for janitorial services for a three-year initial term with an annual amount of \$340,200, and**

B. Authorize the City Manager to approve the two, one year extension option at the same annual contract amount.

Staff Resource: Randy Robinson, Engineering and Property Management

Explanation:

- The City uses contract services for janitorial at the Charlotte Mecklenburg Government Center and City Hall.
- A Request for Proposals process was used to select a vendor to provide these services.
- Twenty nine proposals were received. Selection criteria included janitorial experience in buildings of similar size and nature, hiring and training practices of employees, experience of local management and price.
- Sanitors' price was the lowest among all vendors who demonstrated strengths in the selection criteria and they were selected as the vendor.
- Sanitors' pricing is fixed for the complete length of the contract including any extensions. The new contact price is less than the current monthly cost, yet offers an expanded scope of services from the previous contract.
- Products and cleaning supplies utilized will be LEED (Environmentally friendly preferred products for cleaning/sanitizing that meet the Green Seal GS-37 standard) certified or in accordance with LEED-EB requirements.

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.

Funding

Engineering and Property Management Operating Budget

31. Donald Ross YMCA Developer Agreement

Action: **Approve the Development Agreement with YMCA of Greater Charlotte for reimbursement in the amount of \$138,359.95.**

Staff Resource: Tim Richards, Engineering & Property Management

Explanation

- The Storm Water Services Economic Development Policy assists certain development projects by

- Accelerating City funded work to take advantage of the development schedule and
- Providing downstream improvements to accommodate the increased flows from the development.
- The policy states that work within City right-of-way should be paid 100% by the City.
- The Donald Ross YMCA Project meets the Policy and allows development opportunities while addressing storm water infrastructure needs.
- The Donald Ross YMCA is located in the northeast quadrant of the intersection of West Boulevard, Clanton and Donald Ross Road.
- The YMCA will impact the existing inadequately sized storm drainage system located just downstream of the development
- Studies show the culvert should be replaced in the same location with an enlarged system.
- Estimated design and construction cost is \$138,359.95. The City's share will be 100% of these costs.

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Small Business Opportunity

Pursuant to section 2.21 of the Program policy regarding contracts that are entered into without a competitive process this contract is exempt from the Small Business Opportunity Program.

Funding

Storm Water Capital Investment Plan

32. Storm Water Maintenance FY2004-A

Action: Approve Renewal #2 for \$1,036,842.50 with Showalter Construction for continued construction of FY2004-A Storm Water Maintenance Contract.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #2 with Showalter Construction

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance using original unit prices adjusted for inflation, in accordance with the contract provisions.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,036,842.50 on August 8, 2003.
- Council approved the first renewal for \$1,036,842.50 on February 28, 2005.
- The total contract amount for Storm Water Maintenance FY 2004-A will be \$3,110,527.50.

Small Business Opportunity

Established SBE Goal: 2.00%

Committed SBE Goal: 2.03%

Showalter Construction has met the established SBE goal and committed \$21,000 to the following SBE firm: On Time Construction, Inc.

Funding

Storm Water Capital Investment Plan

33. Muddy Creek Stream Restoration Grant Application

- Action:**
- A. Approve Storm Water Service’s application for grant funding from the Clean Water Management Trust Fund (CWMTF) for planning and design services for a stream and watershed restoration project, and**
 - B. Approve a budget ordinance appropriating \$125,000 in state funds to provide approximately 30% of the total estimated funding (\$383,000) required to complete planning and design.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Muddy Creek Stream Restoration

- Storm Water Services (SWS) routinely provides water quality, stream restoration and watershed enhancement projects as part of the capital program.
- These projects are performed to enhance water quality and in anticipation of future regulatory-required watershed management plans.
- This project is similar to other watershed enhancement projects constructed as part of SWS’s capital program.
- The project is located south of Eastland Mall in a highly urbanized area of the City. Muddy Creek is a tributary to a state identified impaired stream, McAlpine Creek.
- Stream Mitigation Credits may be generated on a portion of the site to offset the environmental impacts of other municipally funded projects.
- A significant portion of the project will include restoration efforts in a Mecklenburg County park.

A. Grant Application

- The States’ Clean Water Management Trust Fund (CWMTF) partners with local municipalities to help fund these projects prior to them being mandated.
- Grant monies from CWMTF, if awarded, will be used to plan and design a restoration project that will reduce storm water pollution, improve habitat, provide a stable stream system, and reduce flooding.
- The project will also include structural Best Management Practices.

B. Budget Ordinance

- Appropriates \$125,000 in state funds to provide approximately 30% of the total estimated funding (\$383,000) required to complete planning and design.

Funding

State grants and Storm Water Services Stream Restoration/Mitigation Fund

Attachment 13

Budget Ordinance

34. Tolling Agreement Extension

Action: Authorize the City Attorney to negotiate and execute an extension or extensions of the Tolling Agreement with Doral II Limited Partnership and Cavalier Associates Limited Partnership, with or without conditions.

Staff Resource: DeWitt McCarley, City Attorney's Office
Judith Starrett, City Attorney's Office

Explanation

- On May 23, 2005, City Council approved a Tolling Agreement with Doral II Limited Partnership and Cavalier Associates Limited Partnership to prevent the statute of limitations from running out on any claim they might believe they have for flood damages to their property.
- Statute of limitations are the rules that govern the period of time during which a claim must be filed. The time limitations ensure that the property owners are diligent and do not present stale claims. An action that is not initiated within the designated time frame will be forever barred unless the running of the statute is "tolled" or "interrupted".
- The Mecklenburg County Board of Commissioners also executed a Tolling Agreement with the property owners so that flood mitigation and feasibility studies could be conducted to consider various engineering solutions to provide additional flood protection for this property.
- These Tolling Agreements expire on May 27, 2006.
- During the past year the County has worked with the property owner on two Pre-Disaster Mitigation grant applications which, if approved, could provide up to \$7.6 million for the acquisition of the Cavalier Apartments. The Federal Emergency Management Association will announce its decision(s) later this year.
- The attorney for Doral II Limited Partnership and Cavalier Associates Limited Partnership has requested a one year extension to the Tolling Agreements and staff recommends approval of this action for two primary reasons.
 - First, the engineering study conducted for the City this past year establishes that our Storm Water projects had no negative impacts on downstream properties so we continue to believe that our exposure to liability is minimal, if not nonexistent.
 - Second, it will give the owners time to consider their options after FEMA makes its decision rather than forcing them to take legal action simply to preserve and their legal rights.

35. Property Transactions

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

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

Acquisitions

- A. Project:** Briar Creek Relief Sewer Phase I, Parcel # 51
Owner(s): Todd D. Carter And Wife, Lori J. Carter And Sonoma Builders, Inc.
Property Address: 1655 Scotland Avenue
Property to be acquired: 2,097 sq. ft. (.048 ac.) in Sanitary Sewer Easement, plus 1,156 sq. ft. (.027 ac.) in Right of Way to be Abandoned
Improvements: None
Landscaping: None
Purchase Price: \$18,350
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-12
Total Parcel Tax Value: \$750,500
- B. Project:** Edward's Branch Storm Water Capital Improvement Project Phase II, Parcel # 40
Owner(s): James L. Yarbrough And David A. Stout
Property Address: 3401 Driftwood Drive
Property to be acquired: 852 sq. ft. (.020 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Purchase Price: \$27,255
Remarks: Compensation was established as a result of damages.
Zoned: R-4
Use: Single Family Residential
Tax Code: 131-122-16
Total Parcel Tax Value: \$119,600
- C. Project:** Runnymede/Woodlawn/Selwyn Intersection Improvements, Parcel # 4
Owner(s): Trustees Of Mouzon Methodist Church, a/k/a Mouzon United Methodist Church
Property Address: 3100 Selwyn Avenue
Property to be acquired: 1,503 sq. ft. (.035 ac.) in Fee Simple, plus 2,164 sq. ft. (.050 ac.) in Sidewalk and Utility Easement, plus 6,343 sq. ft. (.146 ac.) in Temporary Construction Easement

Improvements: None
Landscaping: None
Purchase Price: \$50,450
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Church
Tax Code: 175-096-15
Total Parcel Tax Value: \$2,011,700

- D. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 205
Owner(s): Wood Products International, Inc.
Property Address: 5809 Old Pineville Road
Property to be acquired: 663 sq. ft. (.015 ac.) in Fee Simple, 789 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 6,368 sq. ft. (.146 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,125
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Industrial
Tax Code: 169-092-09
Total Parcel Tax Value: \$261,100

Condemnations

- E. Project:** Briar Creek Relief Sewer Phase I, Parcel # 11
Owner(s): Todd S. Griffin And Any Other Parties Of Interest
Property Address: 3539 Windsor Drive
Property to be acquired: Total combined area of 8,410 sq. ft. (.193 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$9,750
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-111-82
Total Parcel Tax Value: \$223,800
- F. Project:** Briar Creek Relief Sewer Phase I, Parcel # 20
Owner(s): Ervin Earl Neumann And Wife, Debra Jean Neumann And Any Other Parties Of Interest

Property Address: 3221 Sunnymede Lane
Property to be acquired: Total combined area of 12,456 sq. ft. (.286 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,825
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-102-47
Total Parcel Tax Value: \$327,500

- G. Project:** Briar Creek Relief Sewer Phase I, Parcel # 52
Owner(s): Janet C. Thomas And Any Other Parties Of Interest
Property Address: 1649 Scotland Avenue
Property to be acquired: Total combined area of 4,656 sq. ft. (.106 ac.) of Sanitary Sewer Easement, plus Right of Way to be Abandoned
Improvements: None
Landscaping: None
Purchase Price: \$6,500
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-13
Total Parcel Tax Value: \$530,700
- H. Project:** Briar Creek Relief Sewer Phase I, Parcel # 53
Owner(s): Glen S. McCullough And Wife, Teresa V. McCullough And Any Other Parties Of Interest
Property Address: 1645 Scotland Avenue
Property to be acquired: Total combined area of 4,541 sq. ft. (.104 ac.) of Sanitary Sewer Easement, plus Right of Way to be Abandoned
Improvements: None
Landscaping: None
Purchase Price: \$12,350
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-14

Total Parcel Tax Value: \$698,400

- I. Project:** Hubbard Road Sidewalk Project, Parcel # 34
Owner(s): Joseph Matthews And Wife, Philomina Matthews And Any Other Parties Of Interest
Property Address: Hubbard Road
Property to be acquired: Total combined area of 4,547 sq. ft. (.104 ac.) of Fee Simple, plus Sidewalk and Utility Easement
Improvements: None
Landscaping: None
Purchase Price: \$6,150
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 027-141-10
Total Parcel Tax Value: \$59,300
- J. Project:** Shannon Park & Sardis Road, Parcel # 3,
Owner(s): Curtis Jones And Any Other Parties Of Interest
Property Address: 5416 Ruth Drive
Property to be acquired: Total combined area of 506.95 sq. ft. (.012 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$125
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff is unable to locate the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-094-13
Total Parcel Tax Value: \$85,700
- K. Project:** Shannon Park & Sardis Road Sidewalks, Parcel # 19
Owner(s): Michael Miller (a/k/a Michael, Micheal P., And Michael Patrick) And Wife, Beverly Miller (a/k/a Beverly Jo Miller) And Any Other Parties Of Interest
Property Address: 5746 Ruth Drive
Property to be acquired: Total combined area of 569.12 sq. ft. (.013 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$700
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4

Use: Single Family Residential
Tax Code: 099-113-37
Total Parcel Tax Value: \$94,400

- L. Project:** Shannon Park & Sardis Road Sidewalks, Parcel # 24
Owner(s): Lawrence D. Burke, Jr. And Wife, Mary J. Hoover
 Burke And Any Other Parties Of Interest
Property Address: 5828 Ruth Drive
Property to be acquired: Total combined area of 740.91 sq. ft.
 (.017 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$125
Remarks: Compensation was established by an independent,
 certified appraisal and an appraisal review. City staff is unable to
 locate the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-112-23
Total Parcel Tax Value: \$109,000

- M. Project:** Shannon Park & Sardis Road Sidewalks, Parcel # 41
Owner(s): Tommy H. Starnes, Jr. And Any Other Parties Of
 Interest
Property Address: 1500 Shannonhouse Drive
Property to be acquired: Total combined area of 625.42 sq. ft.
 (.014 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$150
Remarks: Compensation was established by independent, certified
 appraisals related to this property. City staff has yet to reach a
 negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-082-12
Total Parcel Tax Value: \$95,600

36. Meeting Minutes

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

- April 17, 2006 – Zoning Meeting
- April 24, 2006 – Business Meeting
- May 1, 2006 – Workshop