

<u>Mayor Patrick L. McCrory</u>	<u>Mayor Pro Tem Susan Burgess</u>
Michael Barnes	John W. Lassiter
Nancy Carter	Don Lochman
Andy Dulin	James Mitchell, Jr.
Anthony Foxx	Patrick Mumford
Patsy Kinsey	Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, April 24, 2006**

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# CITY COUNCIL AGENDA

Monday, April 24, 2006

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

### **1. Right-of-Way Use and Management**

**Resources:** Danny Pleasant, Transportation  
Phil Reiger, Transportation

**Time:** 15 minutes

#### **Synopsis**

- Staff will present the current right-of-way use issues facing the City and suggest a plan for working collaboratively with the utility companies to address the issues.

#### **Future Action**

- Staff requests referral to the Transportation Committee to develop recommendations and ordinance changes.

### **2. Seaboard Street Extension**

**Resources:** Tom Warshauer, Economic Development Office  
Tracy Finch, Economic Development Office

**Time:** 20 minutes

#### **Synopsis**

- ARK requested City financial assistance in the construction of the Seaboard Street Extension, a road that will connect the N.C. Music Factory and other proposed mixed use development on approximately 30 acres owned by ARK to Graham Street, without at-grade crossings of the CSX and Norfolk Southern rail tracks.
- In addition, ARK requested that they be allowed to purchase and include in the project approximately eight acres of City owned land in Greenville.
- Staff's presentation will include:
  - Project review
  - Response to Committee questions
  - Staff recommendation

#### **Future Action**

- The request for approval of the recommended framework for the Reimbursement Agreement and approval to investigate the incorporation of the Greenville property into the agreement is item 15, page 17 of this agenda.

#### **Attachment 1**

Economic Development and Planning Presentation from April 5, 2006  
Development Schedule and Tax Increment

### 3. Housing Trust Fund Strategic Plan

**Resource:** Stanley Watkins, Neighborhood Development

**Time:** 15 minutes

#### Synopsis

- The City Council established the Housing Trust Fund Advisory Board in February 2002 to oversee the operations of the City's Housing Trust Fund (HTF).
- Since 2002, the City Council through voter approved bonds and other appropriations have designated \$47 million for the Housing Trust Fund.
- The results have been the financing of 2,300 affordable homes of which 811 are completed and the remaining 1,489 units are under construction. The HTF primarily serves families earning an annual income of \$38,500 or less with a priority for households earning less than \$19,230.
- In 2005, the Housing Trust Fund Advisory Board commissioned a housing market study, which forecasts a need for 12,530 new, affordable rental homes by 2010 for families earning less than \$16,000 annually.
- Originally, the Housing Trust Fund Strategic Plan established a long range goal of meeting 50% of the 2010 projection for households earning less than \$16,000 (6,265 housing units) over a 10 year time frame which would require an annual investment of \$76 million by the City over the next ten years.
- The proposed Housing Trust Fund Strategic Plan maintains the long-range goal but does not propose a specific timetable for completion.
- The proposed Housing Trust Fund Strategic Plan expands the HTF Advisory Board's mission from operating the trust fund to partnering with City Council on affordable housing policy issues and engaging in education and outreach initiatives.
- The proposed Housing Trust Fund Strategic Plan also sets forth strategies and action plans to address funding, housing policy, trust fund operations and education and outreach initiatives for the trust fund.
- The Housing and Neighborhood Development Committee is seeking City Council's endorsement of the HTF Strategic Plan including the vision, expanded mission, goal and action plan for the HTF Advisory Board.

#### Future Action

- City Council will be asked to endorse the Housing and Neighborhood Development Committee's recommendation to approve the HTF Advisory Board's Strategic Plan at its April 24, 2006 meeting, item 13, page 13.

#### Attachment 2

Proposed Housing Trust Fund Strategic Plan

## 4. After School Enrichment Programs

**Resource:** Stanley Watkins, Neighborhood Development

**Time:** 15 minutes

### Synopsis

- The City has been involved with After School Enrichment Programs (ASEPs) for approximately 30 years. ASEPs provide elementary and middle school students with a safe, nurturing environment during after school hours where time is spent involved in constructive and healthy activities.
- The City of Charlotte currently provides \$1.2 million to serve 775 children in six ASEPs. These programs are currently funded through the Community Development Block Grant (71%) and the City's Innovative Housing Program (29%).
- The Housing and Neighborhood Development Committee met on March 24, 2006 and April 6, 2006 to discuss new quality standards for ASEPs and a resolution on using an intermediary to administer the program on behalf of the City. Key points of discussion included the following questions:
  - Is funding ASEPs an appropriate role for City government?
  - Is it appropriate for the City to manage this program?
  - If the City is no longer involved in ASEPs, what is the appropriate transition plan?
- After extensive review and discussion, the Committee decided to take no action on the proposed After School Enrichment Program changes. The Committee recommended that the City Manager have a discussion with the County Manager regarding the County's involvement in the City's After School Enrichment Program and report back to the Council. The City Manager's report back to City Council will serve as the basis for the policy discussion in preparation for the FY2008 budget process.

### Future Action

- The request for action on the Committee's recommendation is item 14, page 15 of this agenda.

## 5. Committee Reports by Exception

Transportation Committee: 2030 Comprehensive Transportation Plan and Center City Transportation Study

Economic Development and Planning Committee: Seaboard Street Extension

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

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

**CONSENT**

- 6. Consent agenda items 19 through 31 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

### 7. Public Hearings on Voluntary Annexation of Two School Sites

**Action:**    **A. Hold public hearings for two 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 Policies 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 two properties.
- Petitioners are:
  - Mecklenburg County for Ardrey Kell High School
  - Charlotte-Mecklenburg Schools for Jay Robinson Middle School
- Properties are contiguous with current City of Charlotte boundaries.
- At its March 27, 2006 meeting, City Council set April 24, 2006 as the required public hearing date.
- Annexation ordinances establish the effective annexation dates of April 24, 2006 for both petitions.

#### **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 3**

Certificates of Sufficiency

Annexation Ordinances

Maps

## 8. Public Hearing on Resolution to Close a Portion of Winton Street and a 10-foot Alleyway

- Action:**
- A. Hold a public hearing to close a portion of Winton Street and a 10-foot alleyway,**
  - B. Deny the request to close a portion of Winton Street, and**
  - C. Adopt a Resolution to Close a portion of a 10-foot alleyway.**

**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.
- State law requires staff to bring petitions to Council for action, even when staff recommends denial of the request.

### Petitioner

G. Thomas Barnes

### Right-of-Way to be abandoned

A portion of Winton Street and a 10-foot alleyway

### Location

Located within the vicinity of the Plaza Midwood Neighborhood Association  
 Winton Street - beginning from Pecan Avenue continuing west approximately 210 feet to its terminus at parcel #08118170 owned by Barnhardt Manufacturing Company  
 10-foot alleyway – beginning from Winton Street continuing north approximately 185 feet to its terminus

### Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a private driveway access and residential garage expansion

### Background

- CDOT staff held a meeting with the petitioner and abutting property owners on February 2, 2006 to discuss resolution of concerns. Although concerns were resolved with one abutting owner, Ms. Mary W. Donaldson, no

resolution was found for Mr. Tom Barnhardt's issue. The petitioner, Mr. Barnes, requested CDOT staff to proceed with the abandonment process.

- The portion of Winton Street proposed for abandonment provides potential future connectivity to a large undeveloped tract (parcel #08118170), owned by Mr. Tom Barnhardt and currently zoned R-22MF. At such time that the property develops, this portion of Winton Street may be needed for access.
- Mr. Barnhardt is not in support of the abandonment. Although his property has frontage on Hawthorne Lane, he would like to leave the option open for future secondary access off of Winton Street.

#### **Staff Recommendation for Portion of Winton Street**

- Transportation and Planning Commission staff do not support closing a portion of Winton Street because the street provides future connectivity opportunity to a large undeveloped tract (parcel #08118170) and possible connectivity opportunity for travel in/around this area.
- Winton Street provides a potential second access point to this parcel and abandoning this right of way is not consistent with the City's connectivity policy.
- As identified in the Transportation Action Plan, connectivity is important for the following reasons:
  - Shorten trip distances
  - Reduce vehicle miles of travel
  - Moderate the pace of congestion on the major thoroughfare system
- The City's Subdivision Ordinance states as follows:
  - 2.100 – Connectivity is defined as: Street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bike paths and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle and pedestrian transportation without promoting cut-through traffic.
  - 6.200 (2) - The proposed street system shall be designed to provide a network of interconnected streets so as to facilitate the most advantageous development of the entire neighborhood area. Stub streets shall be provided to adjacent properties where feasible.
  - 6.200 (3) - ...the street design shall have multiple connections (existing and future), to disperse traffic impacts and reduce speeding. Where feasible, all new development shall provide more than one access for ingress and egress at the time of development.

#### **Staff Recommendation for 10-foot Alleyway**

Staff recommends closing a portion of the 10-foot alleyway off Winton Street.

##### 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.

#### **Notification for Winton Street and 10-foot Alleyway**

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners,

neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Mary W. Donaldson – No objections to either request

Barnhardt Manufacturing Company/Tom Barnhardt – Does not support closing a portion of Winton

Pecan – Kensington, LLC – No objections to either request

Neighborhood/Business Associations

Plaza Midwood Neighborhood Association – No objections to either request

Eastover Resident's Association – No objections to either request

Elizabeth Community Association – No objections to either request

Chantilly Neighborhood Association – No objections to either request

Private Utility Companies – No objections to either request

**Attachment 4**

Map

Resolution

## POLICY

### 9. City Manager's Report

### 10. FY2007 Transit Program

**Action:** Approve CATS FY2007 Transit Operating Program and FY2007-16 Transit Capital Investment Plan which was approved by the Metropolitan Transit Commission on March 22, 2006.

**Staff Resources:** Ron Tober, Charlotte Area Transit System  
Dee Pereira, Charlotte Area Transit System

#### Policy

- The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to approve a recommended capital program and operating program/second-year adjustments. The Charlotte City Council must then approve the capital program and operating program/second year adjustments. Upon approval, the Charlotte City Council shall fund the programs through its budget process and/or project ordinances.

#### Explanation

- On March 22, 2006, the MTC approved the CATS FY2007 Transit Operating Program and the FY2007-16 Transit Capital Investment Plan which have been developed in accordance with the following adopted MTC policy directives:
  - CATS Vision, Mission and Strategic Goals
  - CATS Financial Policies and Fare Policy
  - 2002 Corridor System Plan
  - 2025 Integrated Transit/Land Use Plan
- The proposed expenditures for FY2007 total \$201,101,498 of which \$89,260,823 is allocated for operating programs and \$111,840,675 for capital programs. Debt Service is projected at \$18,191,526 and redemption of short term borrowing is projected at \$53,905,500. In FY2007 \$20,841,480 is projected to be drawn down from the Capital Reserve Fund under the revised Programs proposed herein. The attachment provides detailed information on the proposed operating and capital programs.

#### FY2007 Program Highlights

##### Operations

- Light rail service startup preparations
- Safety and Security enhancements including funding for 10 CMPD officers for transit system patrols
- Technology and facility maintenance investments
- Fuel price increases

Preparing for the Future

- Selection and advancement of other corridor rapid transit projects
- Charlotte Gateway Station development
- Transit Centers/park & ride lots development
- Operations Facilities improvement including a new STS facility

**Community Input**

- The Citizens Transit Advisory Group reviewed the FY2007 Transit Operating Program and the FY2007-16 Capital Investment Plan and recommended adoption by the MTC.
- The MTC approved the FY2007 Transit Operating Program and the FY2007-16 Capital Investment Plan on March 22, 2006.

**Council Review**

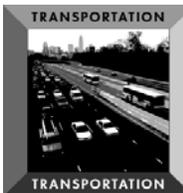
- The FY2007 Transit Operating Program and the FY2007-16 Transit Capital Investment Plan were presented to Charlotte City Council at the March 1, 2006 Council Budget Retreat.

**Funding**

Transit Capital and Operating Fund

**Attachment 5**

FY2007 Transit Program Executive Summary  
 FY2006-FY2009 Transit Program Summary  
 FY2006-FY2009 Financial Policy Performance Indicators  
 FY2006-FY2007 Transit Income Summary  
 FY2006-FY2007 Transit Service (Operations) Changes  
 FY2006-FY2007 Transit Staffing Level  
 FY2006-FY2007 Transit Operating Program Detail  
 FY2007 Program Level Changes  
 FY2007-FY2016 Debt Service Schedule  
 FY2007-FY2016 10-Year Transit Capital Program Summary

**11. 2030 Comprehensive Transportation Plan**

**Action:** Approve the Transportation Committee's recommendations to:

1. Adopt the goals, objectives, policies, maps and figures contained in the 2030 Comprehensive Transportation Plan, and
2. 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 needs of \$3.57 billion in transportation investments over the next 25-years to create improved and additional travel choices for motorists, pedestrians, and bicyclists to create livable neighborhoods and to advance the City's Centers and Corridors strategy. This total 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 input 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.

**Committee Discussion**

- On April 10, 2006 Council's Transportation Committee (Mumford, Turner, Barnes, Burgess and Carter) voted unanimously to adopt the TAP.
- The Committee recommended the following revisions:
  - 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".

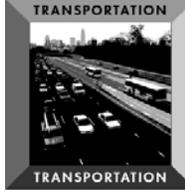
**Funding**

Funding will be determined in the annual budget process

**Attachment 6**

Transportation Action Plan Policy Document

## 12. Center City Transportation Plan



**Action:** Approve the Transportation Committee's recommendation to adopt the Center City Transportation Plan.

**Committee Chair:** Pat Mumford

**Staff Resource:** Norm Steinman, Transportation

### Policy

Center City Transportation Policy

### Explanation

- The purposes of the Center City Transportation Plan are threefold:
  - Maintain Center City Charlotte as the pre-eminent activity center between Atlanta and Washington;
  - Update transportation and parking strategies to support economic development and livability in Center City; and
  - Implement this 2010 Vision Plan statement: To create a livable and memorable Center City of distinct neighborhoods connected by unique infrastructure.
- The Center City Transportation Plan began in 2003 and involved the public and business community through a comprehensive stakeholder and public involvement process.
- The Plan was endorsed by the Transportation Committee on April 10, 2006 following a year of review that included Committee discussions in March, September and October 2005.
- Charlotte Center City Partners supports the Center City Transportation Plan.
- The Center City Transportation Plan will be implemented through existing Plans and Programs of the City including:
  - The 2030 Long Range Transportation Plan (MUMPO)
  - Transit System Plan
  - City's Economic Development Program
  - City's Capital Improvement Program
- The Center City Transportation Plan supports the goals of the Transportation Action Plan (TAP).
  - The recommendations implement the Centers and Corridors strategy, Goal #1 of the TAP, by accommodating more employment, civic, cultural and residential development in the region's largest center.
  - The Plan prioritizes transportation choices that are consistent with increased land use intensity, while improving safety and the efficiency of transportation facilities (Goal #2 of the TAP).
  - The recommended transportation facilities will accommodate mobility requirements, while serving as a major expression of Center City's character.

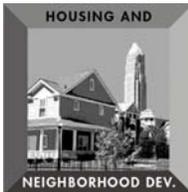
**Committee Discussion**

- On April 10, 2006 Council's Transportation Committee voted unanimously (Mumford, Turner, Barnes, Burgess and Carter) to adopt the Center City Transportation Plan.
- At the April 10, 2006 Transportation Committee meeting, the Committee discussed the following issues:
  - Parking and Wayfinding System - To be brought to City Council following adoption of the Center City Transportation Plan to address the role of parking owners/operators, including financial participation (Burgess).
  - Feasibility determination of a connection to I-277 and/or an extension of the surface street system from the Brevard/Stonewall intersection (Mumford).
  - City staff confirmed the transportation recommendations from the Second Ward Vision Plan were incorporated in the Center City Transportation Plan. Discussion of I-277 access from Second Ward (Barnes).

**Attachment 7**

Center City Transportation Plan

Center City Street Enhancement Guidelines Map

**13. Housing Trust Fund Strategic Plan**

**Action:** Approve the Housing and Neighborhood Development Committee's recommendation to approve the Housing Trust Fund Advisory Board's Strategic Plan.

**Committee Chair:** Susan Burgess

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

**Policy**

- On November 26, 2001, City Council established a Housing Trust Fund (HTF) to provide financing for affordable housing in the Charlotte community.
- On April 8, 2002, City Council established a HTF Advisory Board. The Advisory Board is charged with: overseeing the Housing Trust Fund, establishing policy and guidelines, monitoring performance and reporting annually to City Council.

**Explanation**

- Since 2002 the City Council, through voter approved bonds and other appropriations, has designated \$47 million for the HTF.
- To date, 100% of the HTF's appropriations are allocated to housing funding categories and all but \$8 million has been awarded to affordable housing developments.

- The results include the financing of 2,300 affordable homes of which 811 are completed and the remaining 1,489 units are under construction. The HTF primarily serves families earning an annual income of \$38,500 or less with a priority for households earning less than \$19,230.
- In 2005, the HTF Advisory Board commissioned a housing market study, which forecasts a need for 12,530 new, affordable rental homes by 2010 for families earning less than \$16,000 annually.
- Originally, the Housing Trust Fund Strategic Plan established a long range goal of meeting 50% of the 2010 projection for households earning less than \$16,000 (6,265 housing units) over a 10 year time frame which would require an annual investment of \$76 million by the City over the next 10 years.
- The proposed Housing Trust Fund Strategic Plan maintains the long-range goal but does not propose a specific timetable for completion.
- The proposed Housing Trust Fund Strategic Plan expands the HTF mission from operating the trust fund to partnering with City Council on affordable housing policy issues and engaging in education and outreach initiatives.
- The proposed Housing Trust Fund Strategic Plan also sets forth strategies and action plans to address funding, housing policy, trust fund operations and education and outreach initiatives for the trust fund (see attached plan).
- The Housing and Neighborhood Development Committee is seeking City Council's endorsement of the HTF Strategic Plan including the vision, expanded mission, goal and action plan.

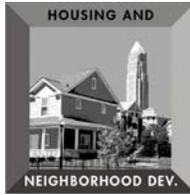
#### **Committee Discussion**

- The Housing and Neighborhood Development Committee discussed the action plan during their February, March and April committee meetings. Topics of discussion centered around
  - minor revisions to the vision statement
  - inclusion of a mission statement
  - modification of the long-range goal
  - revisions to the policy theme in the action plan to make it more explicit that the action plan is a partnership between the Housing Trust Fund and City Council
- The Committee unanimously approved the action plan (Burgess, Foxx, Lochman and Mumford. Council member Barnes was absent).

#### **Attachment 2**

Proposed Housing Trust Fund Strategic Plan

## 14. After School Enrichment Programs



**Action:** Approve Housing and Neighborhood Development Committee recommendations to:

- A. Take no action on the proposed After School Enrichment Program changes:
 
  - 1. Approve new quality standards developed by Partners in Out of School Time (POST),**
  - 2. Approve recommendation for the Intermediary Selection Process from the Privatization and Competition Advisory Committee (PCAC), and****
  
- B. Direct the City Manager to discuss with the County Manager the County's involvement in the City's After School Enrichment Program and report to back to City Council in preparation for the FY2008 Budget.**

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

### Policy

- On June 28, 2004 Council directed staff to work with Partners in Out-of-School Time (POST) to develop quality standards for the After School Enrichment Program (ASEP); and develop an ASEP vendor selection process in conjunction with the Privatization and Competition Advisory Committee (PCAC). However, Council action on the items was delayed from FY2006 budget discussions.

### Explanation

- The Housing and Neighborhood Development Committee recommends that the City Council explore respective roles and responsibilities with Mecklenburg County for the City's After School Enrichment Program.
- Currently, Mecklenburg County spends \$87.1 million annually, primarily in federal and state funds to support 8,472 children. Of these, 4,057 are school age children, which mean involvement in some type of before or after school program.
- There may be opportunities with the County to trade-off and/or collaborate on roles and responsibilities for the After School Enrichment Programs.
- After a report is received from the City Manager, the Council should engage in a policy discussion around the following key questions:
  - Is funding ASEP an appropriate role for City government?
  - Is it appropriate for the City to manage this program?
  - If the City is no longer involved in ASEPs, what is the appropriate transition plan for existing providers?
- The City's ASEP will be evaluated under the normal budget review process in FY2007.

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## Background

- The City has been involved with After School Enrichment Programs (ASEPs) for approximately 30 years. ASEPs provide elementary and middle school students with a safe, nurturing environment during after school hours where time is spent involved in constructive and healthy activities.
- The City of Charlotte currently provides \$1.2 million to serve 775 children in six ASEPs - The Bethlehem Center, Charlotte-Mecklenburg Schools, Greater Enrichment Program, J.T. Williams Middle School, St. Paul Baptist Church and the YWCA. These programs are currently funded through the Community Development Block Grant (CDBG) (71%) and the City's Innovative Housing Program (29%). The FY2007 funding recommendations for ASEPs are still being evaluated and will be addressed in the City Manager's budget submission.
- The two outstanding issues from FY2006's budget decisions were adopting new quality standards for ASEPs and a resolution on using an intermediary to administer the program on behalf of the City.
- City staff worked with POST to review and expand current ASEP quality standards to support the highest quality program possible. New standards include: prioritizing programs located in Charlotte's Revitalization Areas, North Carolina Day Care Certification, collaborating with schools and teachers and providing transportation when needed. These standards have not been implemented as they await review and approval by City Council. See attached document for details on the standards.
- After working with POST to develop the quality standards, staff reviewed the proposed ASEP Quality Standards and program administrative options with the PCAC.
- The PCAC met on March 10, 2005 and recommended that the City initiate a request for proposal process to select a third-party intermediary to administer the After School Enrichment Program. The intermediary will help leverage City funds for the ASEPs and provide oversight, consultation and training for the programs. The intermediary selection will be based on organizational expertise, management plan, compliance system, fund raising expertise and competitive cost to the City.
- The City's cost is expected to be less than \$100,000 annually for an intermediary. Pursuing the intermediary is contingent upon City Council FY2007 budget approval.

## Committee Discussion

- The Housing and Neighborhood Development met on March 24, 2006 and April 6, 2006 to discuss the ASEP. They requested additional information on the ASEP program including local statistics on child care needs, information on other cities involvement, benefits from the ASEPs and data from Mecklenburg County on its involvement in child care programs. The key questions that the Committee discussed were:
  - Is funding ASEP an appropriate role for City government?
  - Is it appropriate for the City to manage this program?
  - If the City is no longer involved in ASEPs, what is the appropriate transition plan?

- After additional review and comments, the Committee unanimously (Burgess, Foxx, Lochman and Mumford, Barnes absent) decided to take no action on the POST and PCAC recommendations. The Committee requested that the City Manager discuss appropriate roles and responsibilities with the County Manager and provide a report to City Council before the FY2008 budget process. The report will serve as the basis for City Council's future policy discussion.

### **Funding**

Federal CDBG Program (71%) and Innovative Housing (29%)

### **Attachment 8**

Matrix of City After School Enrichment Programs

## **15. Seaboard Street Extension**



**Action:** Approve the Economic Development and Planning Committee recommendations to:

**A. Adopt a framework for developing a Reimbursement Agreement with ARK for the construction of the Seaboard Street Extension, and**

**B. Direct staff to investigate incorporating a City owned eight acre parcel in Greenville in the ARK development plans and bring recommendations to the Economic Development and Planning Committee.**

**Committee Chair:** John Lassiter

**Staff Resource:** Tom Warshauer, Economic Development Office  
Tracy Finch, Economic Development Office

### **Policy**

Council's Economic Development Strategic Framework seeks to encourage center city development, to partner with the Carolina Regional Partnership and to provide for the needs of an expanding workforce.

### **Explanation**

- ARK requested City financial assistance in the construction of the Seaboard Street Extension, a road that will connect the N.C. Music Factory and other proposed mixed use development on approximately 30 acres owned by ARK to Graham Street, without at-grade crossings of the CSX and Norfolk Southern rail tracks.
- Staff supports the construction of the Seaboard Street Extension:
  - The road is currently needed to provide safe access to the development.
  - The road will be required in the future, when the CSX and Norfolk Southern tracks are proposed to be grade separated and existing at-grade crossings closed. The funding and schedule for the grade separation

project are not certain. It is also uncertain if Seaboard Street Extension would be included in that project.

- Opening the 48 acres, under various owners, served by the road to higher density redevelopment expands the developable acres uptown. Council supported this increased density by rezoning (approved May 16, 2005) a portion of the ARK owned property for higher density contingent on the road project.
- The ARK development full buildout is projected to generate over \$1M (million) in City property taxes annually.
- The Greenville Residents and Homeowners Association supports this project.
- Center City Partners supports the project, encouraging the City and ARK to use this opportunity to create new workforce housing needed in uptown.
- The Charlotte Regional Film Commission of the Charlotte Regional Partnership supports the project as providing better access to needed film studio facilities.

### **Reimbursement Agreement Framework**

- The framework for the Reimbursement Agreement includes:
  - 90% of the City's property tax increment on new housing and film studio development would be returned to ARK for a maximum of 10 years.
  - Reimbursement payments would be for only those road costs offsite of ARK owned property. This is estimated to be \$1.7 M of the \$2.5 M project costs.
  - 20% of the housing, to a maximum of 70 units, would be available as Workforce Housing, accessible to those earning from 100 to 120% of the Area Median Income. 50% of these units would be sized for families.
  - ARK will work with the County on the County's possible participation. In the event the County participates, the combined City/County reimbursement will not exceed the estimated \$1.7 M project cost.
- If City Council approves this recommendation staff will:
  - Finalize the eligible road construction costs
  - Finalize the housing development schedule and mechanisms for maintaining housing affordability over time
  - Develop SBE goals for inclusion in the Reimbursement Agreement
  - Bring the final Reimbursement Agreement back to City Council for approval

### **Sale of City Land in Greenville**

- In addition, ARK has requested that they be allowed to purchase and include in the project approximately eight acres of City owned land in Greenville. If City Council authorizes staff to pursue this staff will:
  - Work with Planning, the Greenville community and ARK to create a development plan for this parcel
  - Update the appraisal and investigate possible environmental issues
  - Develop a draft agreement with ARK for incorporation of the parcel into the Reimbursement Agreement
  - Develop options for the disposition of the property

- Bring this information back to the Economic Development and Planning Committee for their considerations and recommendation to City Council

**Committee Action**

- Economic Development and Planning, at their April 5, 2006 meeting, voted unanimously to recommend actions A and B to Council. Council members John Lassiter, Andy Dulin, Nancy Carter, Don Lochman, and James Mitchell attended.

**Small Business Opportunity**

SBE goals will be developed with ARK and the SBE Office and included in the Reimbursement Agreement.

**Attachment 1**

Presentation to Economic Development and Planning Committee on April 5, 2006  
Development Schedule and Tax Increment

## BUSINESS

### 16. Business Investment Grant for Pavco Incorporated

**Action:** Approve the City share of a Business Investment Grant to Pavco Incorporated for a total estimated amount of \$23,625 over 5 years. (Total City/County grant for the 5-year term estimated at \$70,695).

**Staff Resource:** Brad Richardson, Economic Development Office

#### Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

#### Explanation

- Pavco Incorporated, currently headquartered near Cleveland, Ohio, is a U.S. based manufacturer and global distributor of chemicals for the Metal Finishing Industry. Pavco's products and services include metal plating processes, chemical coatings, chromate dyes, lacquer, nickel activators and rinse aids.
- Pavco plans to relocate its corporate headquarters and research and development lab to Charlotte this year.
- Pavco is expected to make a capital investment of \$1.5 million and create 25 new jobs over two years with an average wage of \$85,000 (225% of the average for the Charlotte MSA). Five additional jobs are expected in 2008 as they relocate their automotive division to this facility.
- In Charlotte, Pavco would lease space at an existing facility in the Wilkinson Business Park within the City's Business Investment Zone.
- Staff recommends approval of a City/County Business Investment Grant to Pavco for the following reasons:
  - Pavco meets or exceeds all of the criteria of the Business Investment Grant Program:
    - Investment (\$1.5 million or greater)
    - Wage rate (\$36,860 or greater)
    - Targeted Sector (Manufacturing/Headquarters/R&D)
    - Job Creation (20 or more)
    - Location (Within the Business Investment Zone)
- Pavco's relocation is estimated to have a direct economic impact of \$13.9 million per year on Charlotte's economy, and generate annual revenues of \$42,000 to the City and \$77,000 to the County.
- There is competition for this project from the State of South Carolina, which has notified the company that they are eligible for approximately \$750,000 in job development credits from the South Carolina Enterprise Program.
- The Business Investment Grant will provide a local match for a One North Carolina Fund Grant. Pavco is also eligible for William S. Lee Tax Credits valued at approximately \$112,500.
- If approved, the following schedule is an estimate of the grant payments to Pavco:

Year	City	County	Total
1	\$5,355	\$10,669	\$16,024
2	\$5,040	\$10,041	\$15,081
3	\$4,725	\$9,414	\$14,139
4	\$4,410	\$8,786	\$13,196
5	\$4,095	\$8,158	\$12,253
<b>Total</b>	<b>\$23,625</b>	<b>\$47,070</b>	<b>\$70,695</b>

- The general terms and condition of this grant include:
  - A portion of the grant must be repaid if the company moves this investment from Charlotte within 4 years of the end of the grant term.
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - All property taxes due from the company must be paid before a grant payment is made.
- The Business Advisory Committee will make a recommendation on this grant on April 21, 2006.
- The Board of County Commissioners will consider this grant on May 2, 2006.

### **Funding**

Business Investment Grant Account; first payment is expected to be made in FY2009.

## **17. Appointments to Boards and Commissions**

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

### **A. Airport Advisory Committee**

- One appointment, representing an aviation affiliation, beginning immediately and ending July 2007.
  - Robert J. Hill by Council member Burgess
  - Kenneth Pappas by Council member Lassiter
  - B. Gale Pendergraph by Council member Kinsey
  - Andrew M. Riolo by Council member Dulin
  - Stephen Thomas Schick by Council member Mumford

### **Attachment 9**

Applications

### **B. Business Advisory Committee**

- One three-year appointment beginning April 2006.
  - Calvin W. Aurand, Jr. by Council member Lochman
  - Anthony W. Eisenhauer by Council member Mumford

- Andrew M. Gadson by Council member Mitchell
- Ellsworth C. Salisbury by Council member Burgess

### **Attachment 10**

#### Applications

#### **C. Business Expansion Funding Corporation**

- One, three-year appointment, beginning April 30, 2006. Nominee must be a business organization representative.
  - Michael D. Evans by Council member Carter
  - Ellsworth C. Salisbury by Council member Kinsey
  - Maxie R. Washington by Council members Burgess and Mitchell

### **Attachment 11**

#### Applications

#### **D. Civil Service Board**

- Two appointments, one alternate member and one regular member, for three-year terms beginning May 15, 2006.
  - Norris Anderson by Council member Turner
  - Kirk G. Howard by Council member Lassiter
  - Brenda C. Johnson\* by Council members Burgess and Kinsey
  - Jeannie F. Lee by Council member Dulin
  - John E. Offerdahl by Council member Burgess
  - Gregg R. Orth by Council member Mumford

\*Brenda Johnson is currently serving as an Alternate Member. If she is not appointed as a Regular Member, she would like to continue serving as an Alternate. In this case, Council would need to consider voting to appoint her as a Regular Member and vote for one of the others nominated as an Alternate.

### **Attachment 12**

#### Applications

#### **E. Historic District Committee**

- One appointment for an unexpired term beginning immediately and ending June 2007. Nominee must be a Fourth Ward resident/owner.
  - Amy W. Clark by Council members Burgess and Mitchell
  - Karla Moore by Council member Dulin

- One appointment for a three year term beginning June 2006.
  - Daniel D. Crawford by Council member Turner
  - Mary Ellen George by Council member Foxx
  - Theresa M. Nardi by Council member Carter
  - Karen Rush by Council member Barnes
  - Peter Tart by Council member Kinsey

### **Attachment 13**

#### Applications

#### **F. Keep Charlotte Beautiful**

- Two appointments: one for a three-year appointment beginning June 30, 2006, the other appointment beginning immediately and ending June 2008.
  - John R. Broadnax III by Council member Lassiter
  - Frederick B. Hammermann by Council member Lochman
  - Sherry Helms-Miller by Council member Carter and Turner
  - Shaun Kruse by Council member Kinsey

### **Attachment 14**

#### Applications

#### **G. Neighborhood Matching Grants Fund**

- One appointment for an unexpired term beginning immediately and ending April 2007.
  - Ronnie Devine by Council member Mitchell
  - Ruth W. McCann by Council member Kinsey
  - Alan M. Teitleman by Council member Carter
- One, two-year appointment, beginning April 15, 2006. Nominee must be a neighborhood organization leader.
  - Jennie Crismore by Council member Mitchell
  - Donna Jenkins Dawson by Council member Turner

### **Attachment 15**

#### Applications

#### **H. Parole Accountability Committee**

- Two appointments: one, three-year appointment beginning June 30, 2006, the other appointment beginning immediately and continuing for the next full three-year term beginning June 30, 2006.

- James D. Bell by Council member Lassiter
- Bettie Ann Fry by Council member Kinsey
- Frederick B. Hammermann by Council member Lochman
- Gregg R. Orth by Council member Barnes
- Willis F. Toms by Council member Burgess

**Attachment 16**

Applications

**I. Sister Cities Committee**

- Three, two-year appointments beginning April 5, 2006.
  - Jason D. Boone by Council member Kinsey
  - Randall S. Miller by Council member Barnes
  - Rebecca A. Schillings by Council member Lassiter
  - Anthony D. Tindall by Council member Foxx
  - Wylie L. Williams, Jr. by Council member Burgess

**Attachment 17**

Applications

**18. Closed Session**

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

## **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

### 19. Various Bids

#### A. Demolition of Building at 7438 Old Dowd Road      Aviation

**Resource:** Jerry Orr

**Action**

Award a low bid contract to Allied Contract Group of Charlotte, North Carolina for \$105,248 for asbestos removal and demolition of a 17,478 square foot building located at 7438 Old Dowd Road. The demolition is necessary for the construction of the new runway and associated taxiways.

**DBE Business Opportunity**

Established DBE Goal: 5%

Committed DBE Goal: 49.4%

Allied Contract Group exceeded the goal and committed 49.4% (\$52,000) to W.K.G., Inc.

**B. City View Neighborhood Improvements Phase 2 EPM**

**Resource:** Leslie Bing

**Action**

Award the low bid of \$1,071,277.20 by Arvy Construction of Charlotte, North Carolina. This project will construct drainage; water / sewer rehabilitation; concrete curb, sidewalks, driveways, and asphalt paving on portions of Wallace Lane, East Lane Drive, Dorn Circle and Laura Drive in the City View Neighborhood between East Harris Blvd. and East Independence Blvd. This project was approved in the 1996 Neighborhood Improvement Bonds. City View Phase 1 was completed in May 2001. Phase 2 was designed and placed on hold until funding was available from the 2004 Neighborhood Improvement Bonds. Construction completion is scheduled for fourth quarter of 2007.

**Small Business Opportunity**

SBE Established Goal: 7%

SBE Committed Goal: 7.05%

Arvy Construction met the SBE established goal and committed 7.05% (\$75,570) to the following SBE firms: D's Trucking Service, Inc. and On Time Construction, Inc.

**C. Ashley Park / Westerly Hills Neighborhoods Improvement Phase 1 EPM**

**Resource:** Matthew Gutis

**Action**

Award the low bid of \$6,386,999.28 by United Construction, Inc. of Charlotte, North Carolina. This project is one of 22 neighborhoods identified in the 2000 Neighborhood Improvement Program. Additional storm water improvements were identified through citizen service requests and the Storm Water Capital Improvement Project ranking system. The project will address street flooding, house flooding and deteriorated infrastructure in the area bound by Freedom Drive to the east/northeast, I-85 to the west/northwest, and Wilkinson Boulevard to the south and includes curb and gutter, sidewalks, planting strips, storm drainage, utility work, paving, and related construction. Construction completion is scheduled for third quarter of 2008.

**Small Business Opportunity**

SBE Established Goal: 10%

SBE Committed Goal: 2.66%

United Construction failed to meet the goal, but exceeded the mandatory outreach and good faith effort points. United committed 2.66% (\$170,000) to the following SBE firms: Bardwill Trucking, Happy Jack Trucking, Inc., Muddrunners, Inc., Robert Enterprises and Martin Landscaping Co., Inc.

**D. Old Pineville Road Improvements – Northern Section EPM****Resource:** Candice Heintz**Action**

Award the low bid of \$1,381,009.88 by 7 Star Construction. This project is part of South Corridor infrastructure improvements supporting the Charlotte Area Transit Light Rail System, funded by the 2002 and 2004 voter approved bonds. The project will provide roadway, sidewalk and bike lane connectivity in the South Corridor, improving access to transit light rail station areas. Improvements include curb and gutter, sidewalks and bike lanes along Old Pineville Road from Exmore Street to the rail crossing near the South Boulevard and Old Pineville Road intersection. A new water main will also be constructed from Exmore Street to Nations Crossing. Construction completion is scheduled for second quarter of 2007.

**Small Business Opportunity**

SBE Established Goal: 8%

SBE Committed Goal: 8%

7 Star Construction met the established SBE goal and committed 8% (\$110,455) to the following SBE firms: A-1 Pavement Marking, Inc., Senoj South and Stinson Trucking, Inc.

**E. Brookshire Boulevard Traffic Signalization CDOT****Resource:** Gus Jordi**Action**

Award the low bid of \$129,722.28 by Bryant Electric Repair and Construction, Inc. of Gastonia, North Carolina. This project includes the installation of all necessary equipment for video detected traffic signals as part of the I-485 northbound Ramp/Brookshire Boulevard, I-485 southbound Ramp/Brookshire Boulevard signal installations.

**Small Business Opportunity**

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following federal and state requirements.

**F. CATS Light Rail Operations Aerial Bucket Truck CATS****Resource:** Mark Stemple**Action**

Award the low bid of \$212,399 to Altec Industries, Inc. of Birmingham, Alabama to provide an aerial bucket truck and associated accessories used to inspect, repair, and perform preventative maintenance on the overhead catenary system for the South Corridor Light Rail System. The aerial

bucket truck can operate on and off the rail lines. This machine needs to be ordered now in order to be available prior to the opening of the Light Rail Corridor as its manufacture and delivery require significant customization and extended delivery lead-time.

### **Small Business Opportunity**

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

## **20. In Rem Remedy**

**For In Rem Remedy #A-G, 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. 1900 Wood Dale Terrace (Neighborhood Statistical Area 15 - Wilmore Neighborhood)
- B. 2949 A,B,C,D,E Coronet Way (Neighborhood Statistical Area 25 - Smallwood Neighborhood)

### **Field Observation**

- C. 2947 A,B,C,D,E Coronet Way (Neighborhood Statistical Area 25 - Smallwood Neighborhood)
- D. 4012 Barlowe Road (Neighborhood Statistical Area 18 - Enderly Park Neighborhood)
- E. 2720/22 Tuckaseegee Road (Neighborhood Statistical Area 18 - Enderly Park Neighborhood)
- F. 1814 Allen Street (Neighborhood Statistical Area 46 - Villa Heights Neighborhood)
- G. 7919 Deep Hollow Court (Neighborhood Statistical Area 188 - Johnston Road/McApine Neighborhood)

**Public Safety**

**A. 1900 Wood Dale Terrace**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1900 Wood Dale Terrace (Neighborhood Statistical Area 15 - Wilmore Neighborhood).**

**Attachment 18**  
Ordinance

**B. 2949 A,B,C,D,E Coronet Way**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2949 A,B,C,D,E Coronet Way (Neighborhood Statistical Area 25 - Smallwood Neighborhood).**

**Attachment 19**  
Ordinance

**Field Observation**

**C. 2947 A,B,C,D,E Coronet Way**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2947 A,B,C,D,E Coronet Way (Neighborhood Statistical Area 25 - Smallwood Neighborhood).**

**Attachment 20**  
Ordinance

**D. 4012 Barlowe Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4012 Barlowe Road (Neighborhood Statistical Area 18 - Enderly Park Neighborhood).**

**Attachment 21**  
Ordinance

**E. 2720/22 Tuckaseegee Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2720/22 Tuckaseegee Road (Neighborhood Statistical Area 18 - Enderly Park Neighborhood).**

**Attachment 22**  
Ordinance

**F. 1814 Allen Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1814 Allen Street (Neighborhood Statistical Area 46 - Villa Heights Neighborhood).**

**Attachment 23**  
Ordinance

**G. 7919 Deep Hollow Court**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7919 Deep Hollow Court (Neighborhood Statistical Area 188 - Johnston Road/McApine Neighborhood).**

**Attachment 24**  
Ordinance

## CONSENT II

### 21. CATS Scheduling Software Upgrade

- Action:**
- A. Approve a contract with Giro, Inc. for an upgrade to the transit scheduling software system including new modules to provide additional functionality for scheduling bus and light rail service for a total not to exceed \$875,355, and**
  - B. Adopt a budget ordinance appropriating \$875,355.**

**Staff Resource:** Larry Kopf, CATS

#### **Explanation**

- The HASTUS Scheduling System is the primary tool CATS uses to maximize efficiencies affecting its largest cost driver, operator wages.
- Giro, Inc. will upgrade the existing HASTUS scheduling software system and provide additional software modules to replace in-house systems in need of replacement and to automate some functions currently done manually.
- The upgrade will provide additional features to facilitate light rail scheduling.
- Current manual processes involving the unionized operator bidding procedures and the development of combining bus route assignments into 40-hour weekly work components would be automated using new software modules integrated into the HASTUS System.
- The HASTUS Scheduling System serves as the foundation software that most of CATS' other technology systems coordinate with, including its customer service phone system and website, its bus stop database and maintenance systems and its Automatic Vehicle Locator (AVL) system.

#### **Budget Ordinance/Funding**

- This project is approved in CATS FY2006 Capital Investment Plan. The budget ordinance will appropriate funds for this project from Transit Fund balance.

#### **Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting was not anticipated. Giro, Inc. provides proprietary and turnkey solutions for this nature of work.

#### **Attachment 25**

Budget Ordinance

## 22. Charlotte Convention Center Modifications Phase 2

- Action:**
- A. Approve a contract with MACTEC Engineering and Consulting, Inc. in an amount not to exceed \$100,000 for construction materials testing and inspections for Convention Center Modifications Phase 2, and**
  - B. Approve change order #1 with Edison Foard for \$1,323,121.87 for the addition of escalators in the Charlotte Convention Center Grande Hall area.**

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

### Background

- A decision on the Grande Hall (front-of-house) modifications was deferred until after the NASCAR Hall of Fame/New Ballroom decision.
- These escalators and improvements were provided for in the original project budget.

### MACTEC Engineering and Consulting, Inc. Contract

- This contract provides construction materials testing and inspection services for Phase 2 of the Convention Center Modifications.
- Phase 1 of the South Corridor Light Rail Corridor Improvements involved the construction of a tunnel through the Charlotte Convention Center for the safe passage of trolleys. Phase 1 construction costs were approximately \$20,000,000.
- Phase 2 modifications consist of renovations and additions to the Charlotte Convention Center to allow for operation of the light rail system through the Convention Center.
- Phase 2 modifications will also allow convention center staff to move freely around the light rail corridor without impact to light rail operations.
- Major work components include the installation of an elevated walkway, four elevators, two adjacent stairwells, and a new addition to the existing smoke removal system.
- On February 13, 2006, Council awarded the Phase 2 construction contract to Edison Foard for \$10,668,800.
- No further South Corridor Light Rail construction phases are anticipated for the convention center.

### Change Order #1 with Edison Foard

- The change order will provide for the installation of escalators in the Grande Hall of the Convention Center that allows patrons to move down and under the rail corridor.
- The total contract amount will become \$11,991,921.87.
- The additional work is to be completed by January 2007.
- This change order amount is within the original project budget and within the funds already appropriated by Council on February 13, 2006.
- The City Council awarded the Edison Foard contract on February 13, 2006 to install elevators in the “back-of-house” area and life safety modifications

necessary to operate light rail trains through the building.

#### **MACTEC - Disadvantaged Business Enterprise**

Established DBE Goal: 0%

Committed DBE Goal: 0%

MACTEC Engineering and Consulting, Inc. has committed to make good faith efforts to include and further the interests of disadvantaged businesses where feasible. MACTEC has listed in its submittal of qualifications the following certified DBE: On-Spec Testing, Inc. The DBE program will track the level utilization as the contract progresses.

#### **Edison Foard - Disadvantaged Business Enterprise**

Established DBE Goal: 15%

Committed DBE Goal: 12%

The committed DBE goal is the same as the awarded contract approved by Council on February 13, 2006. Edison Foard provided good faith efforts and will continue their efforts to meet the established goal.

#### **Funding**

The project budget is \$15.6 million consisting of \$9.3 million from Transit Capital Fund and \$6.3 million from the Convention Center Reserve Fund. The funds for this project were appropriated on February 13, 2006.

## **23. Utility Construction Inspection Services Contract**

**Action:** Approve a contract for \$400,000 with Kimley-Horn and Associates, Inc., Charlotte North Carolina, for engineering services related to water and sewer main design and inspection throughout Mecklenburg County.

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

#### **Explanation**

- This contract will provide engineering design services for water and sewer main construction throughout Mecklenburg County.
- Kimley-Horn and Associates, Inc. was selected based on their experience using City Council's approved selection process.

#### **Small Business Opportunity**

Established Goal: 4%

Committed SBE Goal: 4%

Kimley-Horn has committed \$16,000.00 to the following SBE firms: On Target Utility Locate Services, Inc., Hinde Engineering and Barry D. Davis Surveying

#### **Funding**

Water and Sewer Capital Investment Plan

## 24. Storm Water Environmental Data Management System

- Action:**
- A. Approve Amendment #1 with GeoAnalytics, Inc. in the amount of \$360,816.50 for Phase 2 of the Environmental Data Management System Project,**
  - B. Adopt a resolution authorizing execution of the Interlocal Agreement for the Environmental Data Management System with Mecklenburg County, and**
  - C. Authorize the City Manager to purchase annual maintenance services for the system up to \$105,000 per year for the next five years.**

**Staff Resource:** Daryl Hammock, Engineering & Property Management

### **Environmental Data Management System Project**

- The City of Charlotte and Mecklenburg County collect a vast amount of environmental data to meet state and federal requirements as well as provide support for the City's environmental policies and initiatives.
- The environmental data monitors biological life in creeks, water quality (nitrogen, phosphorous, bacteria) and the impact of best management practices implemented.
- The current environmental database, owned and operated by the County, is obsolete and no longer functional.
- The City and County agree that it is in the best interest of both agencies to jointly develop and utilize a new Environmental Data Management System (EDMS).
- The EDMS uses will include, but not be limited to the following:
  - Work order system for the City's National Pollution Discharge Elimination System work plan with the County
  - Best Management Practice inventory and work order system to support the proposed Post Construction Controls Ordinance
  - Ability to provide electronic access by the City, the County and the public to all appropriate environmental data

### **Amendment #1 with Geo Analytics, Inc.**

- Provides funds for Phase 2: the implementation and the first year of maintenance of the EDMS.
- Funding is based on system users, benefit to each jurisdiction, and expandability of the system:
- GeoAnalytics has completed the needs analysis and working pilot, and has proposed a price acceptable to the City and County for implementation and maintenance of the System.
- The cost of the amendment is within the project budget.

**Resolution Authorizing Execution of the Interlocal Agreement for the EDMS**

- The Interlocal Agreement between the City and the County will govern the operation, funding, and future development of the EDMS.
- The City of Charlotte and Mecklenburg County will share responsibilities for vendor services and funding of the data management system.
- The City of Charlotte and Mecklenburg County will share annual maintenance costs of the system equally. The City's share is anticipated to be approximately \$105,000 per year through the next 5 years.
- The Mecklenburg County Board of Commissioners will take action on the interlocal agreement on May 2, 2006.

**Contract History**

- Phase 1 - In November 2004, GeoAnalytics, Inc. was jointly selected by the City and County to assist in developing a needs analysis and working pilot of an EDMS.
- The City Manager authorized payment to the County for a 50% City share of Phase 1 work:
  - 50% City funds (\$60,900)
  - 50% County funds (\$60,900)
- Phase 2 – Includes implementation and year one maintenance services for the EDMS.
  - 33% City funds (\$360,816.50)
  - 67% County funds (\$728,816.50)
- Total project cost is \$1,211,433

**Small Business Opportunity**

The SBE Goal was waived for this project given that the opportunities for sub-contracting on this project are limited and that Mecklenburg County makes up the largest percentage of the project. MWBE goals were established at 10% Minority Participation and 5% Female Participation for the solicitation since Mecklenburg County is approximately 65% of the contract.

**Funding**

Storm Water Capital Investment Plan

**Attachment 26**

Resolution  
Agreement

**25. Airport Parking Deck Contract**

**Action:** Award a contract to ASI Modulex Architectural Signage Solutions of Charlotte, North Carolina in the amount of \$510,000 for installation of signage for the East Daily Parking Deck.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- This contract will provide signage in the new East Daily Parking Deck currently under construction.
- The apparent low bidder, Signs, Etc. - \$481,982.26, was deemed non-responsive for failure to supply a bid bond as required by state bidding laws.

**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

**26. Airport Telecommunications Antenna Site Lease**

**Action:** Approve a five-year lease with New Cingular Wireless PCS, LLC for a telecommunications antenna and related facility site on the Airport's rotating beacon.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In December 1999, the Airport constructed a new rotating beacon to replace the existing beacon located on top of the old terminal building.
- The new beacon tower was also designed to accommodate up to four telecommunication antennae systems.
- The Airport has executed leases with AT&T, Verizon, and Nextel.
- This lease will allow for the installation of an antenna system to be used by Cingular and will lease land for a communications shack used to operate the system.
- Cingular will pay the Airport \$3,000 per month with a 3% annual escalation.

**27. Police Bomb Robot**

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

B. Award contract with Remotec, a subsidiary of Northrup Grumman, for a bomb robot in the amount of \$180,000.

**Staff Resources:** Jeff Dulin, Fire  
Steven Voorhees, Charlotte-Mecklenburg Police  
Jim Windle, Charlotte-Mecklenburg Police

**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, Remotec.
- The City Council must approve purchase made under the sole source exemption.

**Explanation**

- The CMPD bomb squad's current robot is obsolete; repairing it is costly and parts are difficult to find. A functional robot is essential for investigation of suspected bombs and will improve the Police Department's critical infrastructure protection.
- This purchase is for a new robot and necessary accessories.
- Remotec, located in Clinton, Tennessee, is the sole source for this robot. The company does not have dealers or resellers in the United States.
- On January 23, 2006 Council accepted and appropriated the grant.

**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 Grant

**28. Fire Department Grant Application**

- Action:**
- A. Approve the Fire Department's application for grant funding from the United States Fire Administration (USFA) to replace rescue equipment and radios and to purchase and install building generators for fire stations, and**
  - B. Approve a budget ordinance appropriating \$1,336,016 in federal funds to provide 80% of the total funding (\$1,670,020) required to replace rescue equipment, radios and install building generators.**

**Staff Resource:** David Duffy, Fire

**Explanation**

- The Charlotte Fire Department annually submits an application for this grant. It is a competitive process. The award will be announced in several months.
- If the grant is awarded, part will go to purchase rescue equipment to replace aging tools currently assigned to the ladders and rescues that are used to extricate people from vehicles and other situations where they cannot free themselves.

- Another part of the grant will be used to replace walkie-talkies that are obsolete.
- The third part of the grant will be used to purchase and install full-building generators for fire stations that do not already have them.
- The Fire grant will provide \$1,336,016 or 80% of the funding for these purchases, and the Fire Department will fund \$334,004 from the capital equipment fund.

### **Small Business Opportunity**

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

### **Funding**

Capital Equipment Fund

### **Attachment 27**

Budget Ordinance

## **29. Worker's Compensation Claim Settlement**

**Action: Authorize the City Attorney to approve payment of \$150,000 for a full and final settlement of an employee's workers compensation claim resulting from an on-the-job injury.**

**Staff Resources:** Mac McCarley, City Attorney  
 Scott Denham, Risk Manager  
 Court Fulton, Assistant City Attorney

### **Explanation**

- Firefighter-Engineer Steven Estes suffered an injury to his back in the line of duty on September 28, 2000, and has been rendered totally unable to work.
- He has since retired due to his condition.
- To date, Mr. Estes has been paid lost wages compensation of \$130,230.65. Medical expenses of \$4,087.32 have been paid.
- Mr. Estes has agreed to a final settlement of \$150,000 over and above the amounts already paid under this claim.

### 30. Property Transactions

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

For property transactions A, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

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

#### Acquisitions:

- A. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** The Brad and Ruth Hunter Family LP  
**Property Address:** \* Shopton Road (\*no street number)  
**Property to be acquired:** 29.3 acres  
**Improvements:** vacant residential land  
**Purchase Price:** \$1,187,000  
**Zoned:** R3  
**Use:** vacant land  
**Tax Value:** \$344,400  
**Tax Code:** 141-071-09
- B. Project:** 2005 Annexation - Community House Road Area  
 Sanitary Sewer, Parcel # 3  
**Owner(s):** Charlotte P. Blake  
**Property Address:** 9807 Community House Road  
**Property to be acquired:** 4,084 sq. ft. (.094 ac.) in Sanitary Sewer Easement, plus 5,819 sq. ft. (.134 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,475  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 229-011-01  
**Total Parcel Tax Value:** \$130,600
- C. Project:** Hubbard Road Sidewalk Project, Parcel # 1  
**Owner(s):** Chiengthong Kongkham  
**Property Address:** 7205 Hubbard Road

**Property to be acquired:** 9,678 sq. ft. (.222 ac.) in Fee Simple, plus 6,490 sq. ft. (.149 ac.) in Existing Right-of-way, plus 70 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 8,089 sq. ft. (.186 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$21,375

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

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 027-691-04

**Total Parcel Tax Value:** \$135,000

- D. Project:** South Boulevard Median, Parcel # 18  
**Owner(s):** First Citizens Bank & Trust Company  
**Property Address:** 5400 South Boulevard  
**Property to be acquired:** 1,580 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 1,808 sq. ft. (.042 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$13,594  
**Remarks:** Compensation was established by an independent, certified appraisal related to this property.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 169-092-05  
**Total Parcel Tax Value:** \$1,071,100

### Condemnations

- E. Project:** 2005 Annexation - Steele Creek South Area Sanitary Sewer, Parcel # 22  
**Owner(s):** David Kephart Molter And Corrine S. Molter And Any Other Parties Of Interest  
**Property Address:** \*Birnamwood Lane (\*no street address)  
**Property to be acquired:** Total Combined Area of 2,399 sq. ft. (.055 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$350  
**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  
**Tax Code:** 219-124-25

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**Total Parcel Tax Value:** \$52,500

- F. Project:** 2005 Annexation - Steele Creek South Area Sanitary Sewer, Parcel # 23  
**Owner(s):** John Harris (a/k/a. John W. Harris) And Wife, Jannette R. Harris And Jim L. Harris And Any Other Parties Of Interest  
**Property Address:** 14701 Birnamwood Lane  
**Property to be acquired:** Total Combined Area of 19,116 sq. ft. (.439 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$8,500  
**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  
**Tax Code:** 219-124-24  
**Total Parcel Tax Value:** \$158,800
- G. Project:** Briar Creek Relief Sewer Phase I, Parcel # 13  
**Owner(s):** McDaniel B. Jackson, Jr. And Wife, Stella M. Jackson And Any Other Parties Of Interest  
**Property Address:** 3527 Windsor Drive  
**Property to be acquired:** Total Combined Area of 4,393 sq. ft. (.101 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$7,150  
**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:** 175-111-84  
**Total Parcel Tax Value:** \$200,900
- H. Project:** Cyrus/Douglas Stream Restoration, Parcel # 21  
**Owner(s):** Mary Ann Martin And William Houston Martin And Any Other Parties Of Interest  
**Property Address:** 1352 Carolyn Drive  
**Property to be acquired:** Total Combined Area of 23,328 sq. ft. (.536 ac.) of Sanitary Sewer Easement, plus Storm Drainage Easement, plus Conservation Easement, plus Abandoned S/S easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$11,575

**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:**

**Use:** Single Family Residential

**Tax Code:** 129-084-03

**Total Parcel Tax Value:** \$154,500

- I. Project:** Edward's Branch Storm Water Capital Improvement Project Phase II, Parcel # 40  
**Owner(s):** James L. Yarbrough And David A. Stout And Any Other Parties Of Interest  
**Property Address:** 3401 Driftwood Drive  
**Property to be acquired:** Total Combined Area of 852 sq. ft. (.020 ac.) of Storm Drainage Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,100  
**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 131-122-16  
**Total Parcel Tax Value:** \$119,600
- J. Project:** Galloway Road @ Mallard Creek, Parcel # 5  
**Owner(s):** West P. Hunter, Jr. And Wife, Brenda P. Hunter And Any Other Parties Of Interest  
**Property Address:** 2430 Galloway Road  
**Property to be acquired:** Total Combined Area of 2,124 sq. ft. (.049 ac.) of Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Tree  
**Purchase Price:** \$950  
**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  
**Tax Code:** 029-682-30  
**Total Parcel Tax Value:** \$284,200
- K. Project:** Woodlawn Bike and Water Line Improvement, Parcel # 204  
**Owner(s):** James A. Sanders And Any Other Parties Of Interest  
**Property Address:** 434 East Woodlawn Road

**Property to be acquired:** Total Combined Area of 1,872 sq. ft. (.043 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$1,925

**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-4

**Use:** Single Family Residential

**Tax Code:** 171-014-15

**Total Parcel Tax Value:** \$105,000

**L. Project:** Woodlawn Bike and Water Line Improvement, Parcel # 205

**Owner(s):** Wendel Crenshaw And Wife, Dianne Crenshaw And Any Other Parties Of Interest

**Property Address:** 440 East Woodlawn Road

**Property to be acquired:** Total Combined Area of 2,876 sq. ft. (.066 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$6,850

**Remarks:** Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-4

**Use:** Single Family Residential

**Tax Code:** 171-014-13

**Total Parcel Tax Value:** \$97,100

**M. Project:** Woodlawn Bike and Water Line Improvement, Parcel # 213

**Owner(s):** Lucille B. Kennedy (a/k/a Edith Lucille Kennedy) And Any Other Parties Of Interest

**Property Address:** 542 East Woodlawn Road

**Property to be acquired:** Total Combined Area of 1,376 sq. ft. (.032 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$2,900

**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-4

**Use:** Single Family Residential

**Tax Code:** 171-013-21  
**Total Parcel Tax Value:** \$91,400

### **31. Meeting Minutes**

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

- March 20, 2006 – Zoning Meeting
- March 22, 2006 – Budget Retreat