

Mayor Patrick L. McCrory

Susan Burgess
Nancy Carter
Patsy Kinsey
John W. Lassiter
Don Lochman

Mayor Pro Tem Patrick De'Angelo Cannon

James E. Mitchell, Jr.
Patrick Mumford
Greg Phipps
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, February 28, 2005

CITY COUNCIL AGENDA

Monday, February 28, 2005

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. 10-Year Plan to End Chronic Homelessness

Resources: Stanley Watkins, Neighborhood Development
Chris Wolf, Executive Director, A Way Home

Time: 15 minutes

Synopsis

- Chris Wolf, Executive Director of *A Way Home*, will brief City Council on an upcoming request to assist in funding a 10-Year Plan to End Chronic Homelessness in the Charlotte area.
- The U.S. Department of Housing and Urban Development (HUD), as part of a national movement to end homelessness, has mandated that cities prepare a 10-Year Plan to End Chronic Homelessness. In the future, the plan will become a requirement to receive federal funds.
- It is estimated that the Plan will cost \$70,000. The non-profit group A Way Home is requesting \$25,000 from the City to initiate their planning process immediately. The group is negotiating an agreement with Mecklenburg County and other organizations to assist in funding the Plan.
- A Way Home was created as part of the Mecklenburg Council on Homelessness and is an outgrowth of the Out of the Shadows report, which was endorsed by City Council and the Mecklenburg County Board of Commissioners in early 2003.
- A Way Home is dedicated to increasing advocacy and community-wide awareness; 2) coordinating strategic planning and plan implementation; 3) seeking/leveraging new funds; 4) evaluating, measuring and reporting on system performance; 5) enhancing the delivery system infrastructure; and 6) engaging municipalities in a regional dialogue on homelessness.
- Phase I of the 10-Year Plan will include:
 - Process design and organization
 - Data and information gathering
 - Assessment of current initiatives and programs
 - Status of Out of the Shadows implementation
 - Research on best practices
 - Stakeholder engagement
- Phase I is expected to begin in March 2005 and be completed by June 30, 2005. Phase II of the Plan is scheduled to begin in July 2005 and be completed in March 2006.

Future Action

- To meet the timeline in the proposed schedule, City Council will be asked to take action at tonight's Council meeting.

Attachment 1

Funding Request Letter-A Way Home
 Outline-Ten-Year Plan to End Chronic Homelessness
 Proposed Project Scope and Timeframe
 Organization Description-A Way Home

2. Housing Trust Fund-Homeownership Project Recommendations

Resources: Stan Wilson, Neighborhood Development
 Jeff Meadows, Neighborhood Development

Time: 15 minutes

Synopsis

- The purpose of this presentation is to brief Council on the proposed recommendations for financial commitments for the Housing Trust Fund Homeownership Project Request for Proposals.
- On September 24, 2003 Council approved a Housing Trust Fund allocation of \$1,000,000 for homeownership development in the City's targeted revitalization neighborhoods.
- Request for Proposal documents were issued and four proposals were received from developers.
- Based on the Loan and Grant Guidelines and Evaluation Criteria as established by the Housing Trust Fund Advisory Board, two developments - Habitat 36 and Duncan Place - are being recommended for funding.
- Details of the four proposals received are highlighted below:

Project Name	Evaluation Points Scored	Developer	Total Units	City Funding Request	City Funding Recommendation
<i>Habitat 36</i>	102	Habitat	36	\$540,000	\$540,000
<i>Duncan Place</i>	92	Leeper, Martin, Farris, LLC	43	\$645,000	\$460,000
Total			79	\$1,185,000	\$1,000,000

----- *Cut-Off Line for Funding* -----

<i>Arbor Glen</i>	88	CMHP	47	\$300,000	\$0
<i>Opt 12</i>	87	Tuscan Development	12	\$180,000	\$0

- The Habitat 36 and Duncan Place developments will expend the \$1,000,000 homeownership allocation and provide a 1:5 and 1:10 leverage of City funds respectively. The overall City investment per unit is \$12,658.
- The 79 new homeownership units will serve households earning 60% or less of the area median income (AMI), which is \$38,460 for a family of four.
- The Habitat 36 and Duncan Place projects will increase homeownership opportunities in the Belmont/Optimist Park, Druid Hills, Lakewood, Lincoln

Heights, Reid Park, Thomasboro/Hoskins and Washington Heights neighborhoods.

Future Action

Council action will be requested on March 28, 2005.

Attachment 2

Project Summary Reports

3. State Transportation Legislative Funding Strategy

Committee Chair: Patrick Mumford

Resources: Boyd Cauble, City Manager's Office
Jim Humphrey, Transportation
Danny Pleasant, Transportation

Time: 15 minutes

Synopsis

- The purpose of this presentation is to brief Council on the proposed six-point Legislative Funding Strategy.
- At its February 7 meeting, the Transportation Committee reviewed and endorsed the recommended strategy as follows:
 1. Phase out over five years the transfer of Trust Fund Revenue ($\pm 250M/year$) to the General Fund.
 2. Request North Carolina Department of Transportation (NCDOT) create a funding pool to fund highest level statewide highways (Interstate and U.S. Highways). Revenue would be subtracted from Trust Fund prior to Equity Formula distribution. Prioritization of projects based upon congestion (40%), safety needs (20%), maintenance needs (20%) and air quality benefits (20%).
 3. Authorize local revenue options toward building local roads. Maintenance of effort required by NCDOT so existing Trust Fund project commitments remain for the areas implementing local option revenue sources.
 4. Phase out over five years 25% Intrastate Equity Formula category. Funding for the original 1989 Trust Fund defined roadways will be fixed at a set amount based upon estimated cost and reserved for the impacted divisions.
 5. Redefine funding regions to more adequately reflect regional commonality. Give rewards such as increased funding and decision-making authority to MPO consolidations and/or regional initiatives that involve multiple regions/divisions.
 6. Address air quality conformity funding needs including transit enhancements.

Future Action

Action is requested and is included as agenda item 13, page 13 on tonight's agenda.

4. Metropolitan Transit Commission Report

Resource: Ron Tober, Charlotte Area Transit

Time: 20 minutes

Synopsis

- At the City Council Retreat, Council requested updates on Metropolitan Transit Commission (MTC) activities.
- Staff will present information that was provided to the MTC at its February 23, 2005 meeting.

Future Action

The presentation is for information only.

5. Committee Reports by Exception

Transportation Committee: Street Resurfacing Evaluation

Restructuring Government Committee: Annual Performance Evaluation Procedures

Community Safety Committee: Prostitution Exclusion Zone Ordinance, Homicide Task Force

Housing and Neighborhood Development Committee: Report on the City Code Enforcement Functions, "No Parking on the Front Lawn" Ordinance-Six Month Report

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

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

CONSENT

- 6. Consent agenda items 26 through 68 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 Hearing on Resolution to Close Point O' Woods Drive Between Reames Road and Northlake Centre Parkway

Action: A. Conduct a public hearing to close Point O' Woods Drive between Reames Road and Northlake Centre Parkway, and

 B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, 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 has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

- Northlake Venture, LLC – Rick Gutierrez

Right-of-Way to be abandoned

- Point O' Woods Drive between Reames Road and Northlake Center Parkway

Location

- Beginning from Reames Road continuing northwestwardly approximately 902 feet to its terminus at the new Northlake Centre Parkway.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner for the development of new retail phase associated with the Northlake Mall Project.

Notification

- 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

Paul H. Gale, III and Susan J. Gale – No objections
 Paul H. Gale and Gail E. Gale – No objections
 Douglas R. Kerns and Jody G. Kerns – No objections
 Charles E. Gibson – No objections

Neighborhood/Business Associations - None

Private Utility Companies – No objections

City Departments –

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

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

Attachment 3

Map

8. Public Hearing on Resolution to Close Two 10-foot Alleyways Bounded by W. Trade Street, S. Mint Street, W. 4th Street and S. Poplar Street

Action: **A. Conduct a public hearing to close two 10-foot alleyways bounded by W. Trade Street, S. Mint Street, W. 4th Street and S. Poplar Street, and**

B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, 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 has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

- Trademark Partners, LLC – Jay Blanton

Right-of-Way to be abandoned

- Two 10-foot alleyways bounded by W. Trade Street, S. Mint Street, W. 4th Street and S. Poplar Street.

Location

- Located within the vicinity of Fourth Ward.
- Alleyway #1: Beginning from S. Poplar Street continuing northwestwardly approximately 50 feet to its terminus at alleyway #2.
- Alleyway #2: Beginning approximately 50 feet from S. Poplar Street continuing west approximately 125 feet to its terminus at a third alleyway.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner for the construction/development of the new Trademark 28 story Mixed-Use retail/office/residential project.

Notification

- 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 - None

Neighborhood/Business Associations

Center City Partners – No objection

First Ward Neighbors, Inc. – No objection

Friends of Fourth Ward, Inc. – No objection

Dilworth Community Development Association – No objection

Private Utility Companies – No objections

City Departments –

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

Be contrary to the public interest; or

Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 4

Map

9. Public Hearing on Resolution to Close a Residual Portion of Winnifred Street

Action: A. Conduct a public hearing to close a residual portion of Winnifred Street, and

 B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, 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 has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

- Packard Tryon, LLC – John Carmichael

Right-of-Way to be abandoned

- A residual portion of Winnifred Street

Location

- Located within the vicinity of Uptown district beginning approximately 105 feet from Catherine Street continuing southwestwardly 98 feet to its terminus.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner for future expansion of a parking lot.

Notification

- 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 - None

Neighborhood/Business Associations

Center City Partners – No objection

Wilmore Neighborhood Association – No objection

Dilworth Community Development Association – No objection

Wesley Height Community Association – No objection

Third Ward Community – No objection
 Third Ward Neighbors Association – No objection
 Friends of Fourth Ward – No objection
 First Ward Neighbors Inc. – No objection

Private Utility Companies – No objections

City Departments –

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

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

Attachment 5

Map

10. Public Hearing on Central Yard and Equipment Certificates of Participation

Action:

A. Hold a public hearing on the bond order of the Central Yard Certificates of Participation, and

B. Approve a resolution authorizing the approval, execution and delivery of various documents in connection with the sale of Central Yard and Equipment Certificates of Participation and refunding of Convention Center and Public Safety Facilities Certificates of Participation.

Staff Resource: Greg Gaskins, Finance

Explanation

- The Central Yard Project reconfigures the current Otts Street/Spratt Street Yard, thereby freeing up land that will enhance the revitalization efforts of the Hope VI Project in the Belmont neighborhood.
- On February 7, 2005, Council approved a resolution authorizing staff to take the necessary action to complete the sale of the Certificates of Participation. This action was the first of two required to initiate the bond sale.
- This second action approves the bond resolutions, which are legal documents that Council is required to approve before the City can sell bonds, and conducts a public hearing on the bond sale. Notification of the public hearing was placed in the Charlotte Observer on February 14, 2005.
- This action includes a refunding of up to \$56 million of Convention Center and Public Safety Certificates of Participation resulting in approximately \$2.2 million in savings present value long-term savings.
- The refunding portion of this action will only be completed if market conditions are favorable to achieve debt service savings.

Funding
Municipal Debt Service Fund

Attachment 6
Resolution

POLICY

11. City Manager's Report

12. Council Priorities and Focus Area Plans

- Action:**
- A. Approve Council Focus Area Plans, including:**
 - 1. Community Safety
 - 2. Economic Development
 - 3. Housing and Neighborhood Development
 - 4. Restructuring Government
 - 5. Transportation
 - B. Approve the 2005 Council Priorities of Community Safety, Economic Development and Transportation.**

Staff Resource: Julie Burch, City Manager's Office
 Ron Kimble, City Manager's Office
 Keith Parker, City Manager's Office
 Curt Walton, City Manager's Office

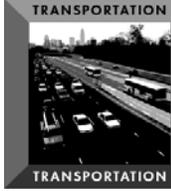
Explanation

- Over the past decade, City Council has annually gone through a process to identify areas of focus for community needs.
- Council has identified five focus areas:
 - Community Safety
 - Economic Development
 - Housing and Neighborhood Development
 - Restructuring Government
 - Transportation
- Council and staff have worked together to create Focus Area Plans that are written as 5-year plans with 2-year initiatives. Each initiative has a set of measures for evaluation.
- Additionally, each Council Committee reviewed draft plans.
- The plans have been revised this year to focus on a small number of strategic initiatives and significant outcome measures.
- Council discussed and reviewed the goals, strategic objectives and measures of the proposed Focus Area Plans at the Annual Retreat February 10 – 11.
- Each year, Council also determines priority areas for emphasis during the calendar year.
- At the Annual Retreat, Council identified Community Safety, Economic Development, and Transportation as the priority areas for 2005.

Attachment 7

FY2006-07 Strategic Focus Area Plans
 Council Priorities for 2005 – Action Steps

13. State Transportation Legislative Funding Strategy



Action: Approve the Transportation Committee recommended Legislative Funding Strategy for local transportation needs.

Committee Chair: Pat Mumford

Staff Resources: Boyd Cauble, City Manager's Office
Jim Humphrey, Transportation

Background

- Council referred the State Transportation Legislative Funding Strategy to the Transportation Committee with the objective of building consensus for significant reform that will address transportation needs.
- The State Equity Formula provides transportation funding for projects on a State defined intrastate road system.
- Two issues relating to possible reform of the State Equity Formula are key:
 - The distribution should be more needs based and consider criteria such as congestion, vehicle miles traveled, highway safety, air quality and maintenance of existing infrastructure, and
 - Changes in the existing formula should minimize statewide "losers".

Transportation Committee Charge and Discussion

- Council made the referral to Committee with this charge:
 - To make a recommendation on whether to deal with State Equity Formula, and if so, how;
 - To make a recommendation on whether to approach the state for local revenue options for transportation projects, and if so, which revenue sources.
- The Transportation Committee reviewed the State Transportation Legislative Strategy at its February 7th meeting.
- Committee endorsed staff's six-point state action plan for local transportation funding needs.
- Committee voted unanimously (Mumford, Turner, Burgess, Carter, Tabor) to recommend the six-point state action plan to the full Council.

Recommended Legislative Funding Strategy for Local Transportation Needs

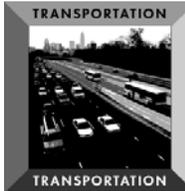
1. Phase out over five years the transfer of Trust Fund Revenue (\pm \$250M/year) to the General Fund.
2. Request North Carolina Department of Transportation (NCDOT) create a funding pool to fund highest level statewide highways (Interstate and U.S. Highways). Revenue would be subtracted from Trust Fund prior to Equity Formula distribution. Prioritization of projects based upon congestion (40%), safety needs (20%), maintenance needs (20%) and air quality benefits (20%).
3. Authorize local revenue options toward building local roads. Maintenance of effort required by NCDOT so existing Trust Fund project commitments remain for the areas implementing local option revenue sources.

4. Phase out over five years 25% Intrastate Equity Formula category. Funding for the original 1989 Trust Fund defined roadways will be fixed at a set amount based upon estimated cost and reserved for the impacted divisions.
5. Redefine funding regions to more adequately reflect regional commonality. Give rewards such as increased funding and decision-making authority to MPO consolidations and/or regional initiatives that involve multiple regions/divisions.
6. Address air quality conformity funding needs including transit enhancements.

Next Steps

- Work with members of the Metropolitan Coalition and North Carolina Chamber of Commerce organization to develop a detailed strategy.
- Provide periodic updates to full Council.

14. Street Resurfacing Evaluation



Action: Approve the Transportation Committee's recommendation that staff study the impact of utility pavement cuts, traffic volumes and vehicle weight loads on current City street conditions.

Committee Chair: Pat Mumford

Staff Resources: Danny Pleasant, Transportation
Layton Lamb, Transportation

Background

- At the November 1st Council Workshop, staff presented a Street Resurfacing Evaluation report with the following findings:
 - City street quality has declined significantly since 1992 with the 2003 pavement quality rating falling below adopted standards for the first time.
 - Some major factors leading to street decline include:
 - Insufficient funding for an average 12-year resurfacing cycle due to a decline in Powell Bill funding.
 - Outdated street pavement design standards.
 - Increased traffic volume and weight loads on streets, and
 - Increasing numbers of pavement cuts by utilities to install underground utilities such as water and sewer lines, gas and electric lines.
 - Addressing some or all of these factors will increase the cost effectiveness of the street maintenance program as well as help stabilize the decline of the city streets.

Transportation Committee Charge and Discussion

- Council referred the Street Resurfacing Evaluation to the Transportation Committee for further review and recommendations.

- Examine the leading factors causing city street degradation identified in the Street Resurfacing Evaluation report, and
- Develop recommendations to Council on next steps for improving street quality in Charlotte
- The Transportation Committee reviewed the Street Resurfacing Evaluation at its December 13th, January 10th and February 7th meetings.
- Committee endorsed staff time to study the impact of utility pavement cuts, traffic volumes and vehicle weight loads on current street degradation.
- Committee voted unanimously (Mumford, Turner, Burgess, Carter, Tabor) to recommend staff study the impact of the stated factors on current City street conditions and report back to full Council for approval.

Next Steps

The study will begin in April 2005 and is expected to conclude in eight to ten months. At that time staff will present their findings to Council.

15. Annual Performance Evaluation Procedures



Action: Approve the Restructuring Government Committee's recommended procedures for the annual evaluation of the City Manager, City Attorney and City Clerk.

Committee Chair: James Mitchell

Staff Resource: Tim Mayes, Human Resources Director

Explanation

- In 2004 the Mayor and City Council approved a new process for the annual evaluations of the City Manager, City Attorney and City Clerk.
- The process was referred back to the Restructuring Government Committee for review of the 2004 process and to develop recommended procedures to guide the process in 2005 and beyond.
- The Committee met on January 20, 2005 and unanimously recommended (Council members Mitchell, Kinsey and Lochman) the attached procedures.
- The recommended procedures for the City Manager and City Attorney include:
 - Use of a facilitator
 - Use of the evaluation forms, as attached
 - Setting dates in June and July for 2005 and future years on which to conduct the evaluations
 - A compensation report prepared by the Human Resources Director
- Relative to the City Clerk, the recommended procedures assign that responsibility to the City Manager or her/his designee and include the following:
 - An annual evaluation in conjunction with the Manager's other direct reports

- Soliciting evaluation comments from the Mayor and City Council one month prior to the evaluation
- Compensation adjustment to be determined by the City Manager in accordance with the Clerk's performance rating
- The Manager shall report to the Mayor and City Council a summary of the Clerk's performance and performance ratings and recommended salary adjustment
- The Mayor and City Council retain all other prerogatives as outlined in the City Charter relative to the City Clerk
- The Chair of Council's Restructuring Government Committee shall represent the Mayor and City Council in the coordination and completion of the annual evaluation process.

Attachment 8

Recommended Procedures

Recommended Evaluation forms

16. Prostitution Exclusion Zone Ordinance



Action: Approve the Community Safety Committee's recommendation to adopt an ordinance, amending Chapter 15 of the City Code, to create Prostitution Exclusion Zones.

Committee Chair: Mayor Pro Tem Patrick Cannon

Staff Resources: Captain John Diggs, Charlotte-Mecklenburg Police
Bruce McDonald, Charlotte-Mecklenburg Police

Explanation

- Charlotte-Mecklenburg Police (CMPD) has tried a variety of tactics to address street level prostitution but has had limited success
- CMPD has proposed an ordinance that would create a Prostitution Exclusion Zone, a narrowly defined geographical area with a significant amount of statistical data showing a high concentration of prostitution related offenses
- Ordinance would require Council to designate exclusion zones; designation applies for 39 months; must then be reauthorized
- Anyone arrested for a prostitution related offense in a designated zone is excluded from that zone for a period of 90 days, upon a magistrate's order
- A one year exclusion from the designated zone applies if the individual is convicted of the offense or receives deferred prosecution
- Ordinance establishes exceptions such as travel through the zone, attending meetings with attorneys or social service providers, etc.
- Ordinance establishes an appeals process and a process for getting a variance if the arrested individual lives, works, goes to school or accesses social services in the designated area
- Ordinance will be effective June 1, 2005

Background

- Prostitution exclusion zones have been successful in other cities, notably Portland, Oregon
- First proposed prostitution exclusion zone is in the Metro Division and consists of the public streets and sidewalks in an area with the boundaries of Freedom Drive, West Morehead Street, Wilkinson Boulevard, and both sides of Camp Greene Street
- From September 2003 through September 2004, there were 354 calls for service and 123 prostitution related arrests in the defined area
- There are 267 known prostitutes in the target area
- Establishing a prostitution exclusion zone in the area will reduce crime and improve the quality of life for neighborhood residents

Committee Discussion

- The Community Safety Committee reviewed prostitution exclusion zones at its January 27 meeting
- Committee endorsed the concept as a way of addressing an ongoing problem
- Committee wanted concept explained to citizens; requested report 6 to 9 months after implementation of ordinance
- Committee voted unanimously (Cannon, Kinsey, Mitchell, Tabor, Turner) to recommend the ordinance to the full Council

Attachment 9

Ordinance

Map of Prostitution Exclusion Zone

17. Homicide Task Force



Action: Approve a recommendation from the Community Safety Committee to form a task force to look at the issue of homicides in Charlotte-Mecklenburg.

Committee Chair: Mayor Pro Tem Patrick Cannon

Staff Resource: Keith Parker, City Manager's Office

Explanation

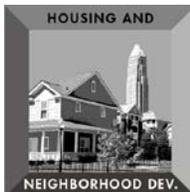
- At the January 13th meeting of the Community Safety Committee, Mayor Pro Tem Cannon expressed concern about the number of homicides in Charlotte-Mecklenburg
- Particular issue of concern was the disproportionate number of African-American homicide victims

- In the last four years, African-American homicide victims were as follows:

1994: 70 of 88	2000: 52 of 75
1995: 74 of 89	2001: 35 of 66
1996: 55 of 71	2002: 43 of 67
1997: 34 of 59	2003: 37 of 66
1998: 48 of 65	2004: 43 of 60
1999: 59 of 84	

- Mayor Pro Tem Cannon suggested that a task force be formed to study the homicide issue and make recommendations to reduce the number of homicides
- Homicide rate is a community problem so the task force should include representatives from a variety of agencies including the Police Department, Charlotte-Mecklenburg Schools, Community Building Initiative, Department of Social Services, Probation and Parole, faith community, etc.
- Council member Tabor felt there were problems such as drugs and gangs that affect more people; Deputy Police Chief Stephens pointed out that addressing those issues ultimately affects the homicide rate
- Committee unanimously voted (Cannon, Kinsey, Mitchell, and Tabor) to recommend that a task force be formed to look at homicides in Charlotte with an emphasis on disproportionate victimization

18. Report on the City Code Enforcement Functions



Action: Accept the Housing and Neighborhood Development Committee's report on the City's Code Enforcement functions.

Committee Chair: Susan Burgess

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- On June 28, 2004 City Council referred the review of the City's Code Enforcement function to the Housing and Neighborhood Development Committee.
- In August and October 2004, issues regarding the code enforcement process were raised during the City Manager's meetings with neighborhood leaders.
- On January 14, 2005 the Committee completed its review of the City's Minimum Housing Code, Health and Sanitation, and Graffiti Enforcement processes.

Review Results

- Neighborhood Development's Code Enforcement Division is responsible for enforcing the City's Minimum Housing Code and Health and Sanitation Code.
- These codes ensure that homeowners and landlords keep their properties and premises in a safe and sanitary condition.
- Housing Code violations include unsafe wiring, unsafe ceiling, flooring or structural supports, etc.
- Health and Sanitation Code violations include tall grass and weeds, junk vehicles, illegal dumping, illegal signs in the right of way and graffiti, etc.
- The work of the Code Enforcement Division is accomplished by a staff of 44, including 28 field inspectors.
- Annually, more than 2,800 housing and 32,000 health and sanitation cases are brought into compliance.
- The City's Code Enforcement Division currently does not enforce the City's zoning code. However, the City and County are engaged in activities that will transfer the zoning enforcement function to the City in July 2005.

Neighborhood Issues

- Many of the issues raised by neighborhood leaders were operational and have been responded to and/or addressed by staff, i.e. placing information on the Internet to allow citizens to obtain the status of code complaints and placing inspectors' name and contact information on the City's Website.
- Other issues raised by the neighborhood leaders suggested an evaluation and strengthening of the City's existing codes.
- In March 2005, staff will begin to solicit additional feedback from citizens on strengthening existing codes and look for ways to address their concerns.
- A complete list of the code issues and staff responses is included in the attached report on Code Enforcement and in the City Manager's Report to City Council dated November 8, 2004. (This report is located on the City's Website.)

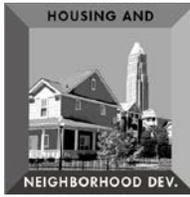
Committee Discussion

- The Housing and Neighborhood Development Committee felt the City, with its current resources, is doing a good job with its enforcement efforts. More code enforcement will require the City to find ways to fund it.
- The Committee unanimously voted (Burgess, Lochman, Mitchell, Mumford) to accept staff's report on the City's code enforcement function and report back to Council.

Attachment 10

Code Enforcement Report

19. “No Parking on the Front Lawn” Ordinance – Six-Month Report



- Action:**
- A. Accept the Housing and Neighborhood Development Committee’s six-month report on the “No Parking on the Front Lawn” Ordinance, and**
 - B. Approve the Housing and Neighborhood Development Committee’s recommendation to make no changes to the ordinance until after a full year of review.**

Committee Chair: Susan Burgess

Staff Resource: Walter Abernethy, Neighborhood Development
Sgt. Bud Cesena, Charlotte-Mecklenburg Police

Explanation

- On November 24, 2003 City Council adopted a “No Parking on the Front Lawn” ordinance, which became effective April 1, 2004.
- The ordinance was a result of residents expressing concerns about the long-term impact of cars parked on front lawns in their communities. Boats and trailers are not included in this ordinance.
- The ordinance bans parking in front yards and side yards of corner lots, except on improved driveways and parking pads, but allows for some specific exceptions.
- Council directed the Housing and Neighborhood Development Committee to conduct a six-month review of the ordinance’s effectiveness.
- On January 14, 2005 the Housing and Neighborhood Development Committee completed its study and review.
- The Committee reviewed the following:
 - Ordinance requirements;
 - Enforcement processes for both Neighborhood Development and Police;
 - Number of calls for service and the City’s response time; and
 - Challenges, issues and problems encountered enforcing the ordinance.

Six-Month Review Results

- Police and Neighborhood Development responded to approximately 1,600 calls between April 1, 2004 and September 30, 2004 (60% to Police and 40% to Neighborhood Development).
- Calls resulted in 50 citations and two vehicles being towed.
- Police and Neighborhood Development view the number of calls as manageable with current staffing levels.
- Residents raised concerns during meetings with the City Manager on neighborhood issues. Issues raised:
 - Operational – enforcement consistency, call intake and identification of unusual issues and correct reporting of violations. These issues are being addressed through refresher training for staff and ongoing ordinance training with neighborhood leaders.
 - Policy – two policy questions raised:

1. Is the involvement of Police an effective use of resources?
Response: Police respond to approximately 120 parking on the lawn calls out of an average 80,000 emergency and non-emergency calls monthly. Police view this call level as manageable.
2. Should standards be reviewed on what constitutes a parking pad?
Response: No documentation of graveling of the entire front lawn taking place.

Committee Discussion

- After receiving the six-month report on January 14, 2005 the Committee unanimously voted (Burgess, Lochman, Mitchell, Mumford) to 1) make no changes at this time to the ordinance; 2) continue to monitor the enforcement issues; and 3) report back to Council after a full year of evaluation (June 2005).

Attachment 11

Parking on the Front Lawn Six-Month Report

BUSINESS

20. 10-Year Plan to End Chronic Homelessness

Action: Approve a \$25,000 grant to the non-profit group *A Way Home* for the development of a 10-Year Plan to End Chronic Homelessness.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- Council approved the FY05 Consolidated Action Plan on May 10, 2004.
- The Consolidated Plan:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families; and
 - Reaffirms the three basic goals of the City's Housing Policy; preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- The U.S. Department of Housing and Urban Development (HUD), as part of a national movement to end homelessness, has mandated that cities prepare a 10-Year Plan to End Chronic Homelessness. In the future, the plan will become a requirement to receive federal funds.
- It is estimated that the Plan will cost \$70,000. The non-profit group *A Way Home* is requesting \$25,000 from the City to initiate their planning process immediately. The group is negotiating an agreement with Mecklenburg County and other organizations to assist in funding the Plan.
- *A Way Home* was created as part of the Mecklenburg Council on Homelessness and is an outgrowth of the Out of the Shadows report, which was endorsed by City Council and the Mecklenburg County Board of Commissioners in early 2003.
- *A Way Home* is dedicated to increasing advocacy and community-wide awareness; 2) coordinating strategic planning and plan implementation; 3) seeking/leveraging new funds; 4) evaluating, measuring and reporting on system performance; 5) enhancing the delivery system infrastructure; and 6) engaging municipalities in a regional dialogue on homelessness.
- Phase I of the 10-Year Plan will include:
 - Process design and organization
 - Data and information gathering
 - Assessment of current initiatives and programs
 - Status of Out of the Shadows implementation
 - Research on best practices
 - Stakeholder engagement
- Phase I is expected to begin in March 2005 and be completed by June 30, 2005. Phase II of the Plan is scheduled to begin in July 2005 and be completed in March 2006.

Source of Funds

Federal Community Development Block Grant

Attachment 1

Funding Request Letter – A Way Home

Outline-Ten-Year Plan to End Chronic Homelessness

Proposed Project Scope and Timeframe

Organization Description-A Way Home

21. Framatome ANP Business Investment Grant

Action: Approve the City share of a Business Investment Grant to Framatome ANP for a total estimated amount of \$125,250 over 8 years. (Total City/County grant for the eight-year period estimated at \$350,000).

Staff Resource: Tom Flynn, 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

- In February 2004, City Council authorized the City Manager to negotiate a Business Investment Grant for Framatome ANP for an amount not to exceed \$350,000 paid over an eight-year term.
- Framatome is relocating and expanding their regional headquarters for engineering from Uptown Charlotte to the University area. Framatome's total investment in new equipment and expansion at their new 125,000 sq. ft. facility will be \$4.1 million dollars and include adding 100 new employees for a total of 520 employees. The average wage for the new employees will be \$1,400 per week (\$75,000 per year).
- North Carolina is providing a One North Carolina Fund grant of \$350,000, which requires a local grant of equal amount.
- Staff recommends a City/County Business Investment Grant to Framatome for the following reasons:
 - The investment grant will retain 420 jobs in Charlotte and add another 100 jobs paying an average of \$75,000 per year. This is more than double the average wage in Charlotte.
 - Virginia has offered monetary incentives for Framatome ANP to move to Virginia, and the combined City/County Business Investment and One North Carolina Fund grants keep Charlotte competitive with Virginia.
 - Retaining Framatome is estimated to have a direct economic impact of \$162 million per year on Charlotte's economy, and generate taxes of \$589,000 per year to the City and \$941,000 per year to the County.
 - Framatome's expansion is estimated to have a direct economic impact of \$38.7 million per year on Charlotte's economy, and generate additional

taxes of \$140,000 per year to the City and \$224,000 per year to the County.

- The current investment figures presented to the City by Framatome will require the City and County to maintain the grant level at 90% (as opposed to a declining percentage of eight years) of property taxes throughout the grant period in order to match the One North Carolina Fund grant of \$350,000.
- If approved, the following schedule is an estimate of the investment grant payments to Framatome ANP.

Year	City	County	Total
1	\$15,656	\$27,886	\$43,542
2	\$15,656	\$27,886	\$43,542
3	\$15,656	\$27,886	\$43,542
4	\$15,656	\$27,886	\$43,542
5	\$15,656	\$27,886	\$43,542
6	\$15,656	\$27,886	\$43,542
7	\$15,656	\$27,886	\$43,542
8	\$15,656	\$27,886	\$43,542
Total	\$125,248	\$223,088	\$348,336

- The general terms and condition of the grant include:
 - Portion of the grants must be repaid if the company moves this investment from Charlotte within 8 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 Mecklenburg County Board of Commissioners will consider this grant on March 15, 2005.

Funding

Business Investment Grant Account, first payment would be made in FY’06.

22. The Contractor Yard, Inc. Business Investment Grant

Action: Approve the City share of a Business Investment Grant to The Contractor Yard, Inc. for a total estimated amount of \$31,500 over 5 years. (Total City/County grant for the five-year period estimated at \$88,252.50)

Staff Resource: Tom Flynn, 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

- The Contractor Yard, Inc. distributes a full line of building materials to professional contractors, including lumber, millwork, roofing, gypsum, steel framing and acoustical products. The Contractor Yard, Inc. is a subsidiary of The Strober Organization and operates 26 branches, in 9 states (NC, SC, VA, TN, FL, MD, OH, MS, GA). The combined company's trading area includes 90 facilities in 15 states. The Strober Organization is the seventh largest dealer servicing the professional marketplace in the United States.
- The Contractor Yard, Inc. will relocate their newly established corporate headquarters to Gateway Village. They have signed a six-year lease of 10,000 sq ft.
- The Contractor Yard, Inc.'s total investment equals \$2,000,000 for the purchase of new office equipment and computers by November 1, 2005.
- The Contractor Yard, Inc. has recently acquired Moore's Building Supply, and anticipates future acquisitions.
- They will relocate 46 full-time employees to Charlotte (31 current employees plus 15 from Moore's Building Supply acquisition). The average wage for the employees will be \$1,755.60 per week (\$91,291 per year).
- This grant provides a local match for a One North Carolina Fund grant.
- Staff recommends a City/County Business Investment Grant to The Contractor Yard, Inc. for the following reasons:
 - The Contractor Yard, Inc. meets all of the requirements of the Business Investment Grant program.
 - The Investment Grant will help create 46 new jobs inside the City's Development Zone.
 - The Contractor Yard, Inc. is estimated to have a direct economic impact of \$9.99 million per year on Charlotte's economy, and generate additional taxes of \$74,933 per year to the City and \$119,861 per year to the County.
- If approved, the following schedule is an estimate of the investment grant payments to The Contractor Yard, Inc.

Year	City	County	Total
1	\$7,140.00	\$12,863.90	\$20,003.90
2	\$6,720.00	\$12,107.20	\$18,827.20
3	\$6,300.00	\$11,350.50	\$17,650.50
4	\$5,880.00	\$10,593.80	\$16,473.80
5	\$5,460.00	\$9,837.10	\$15,297.10
Total	\$31,500.00	\$56,752.50	\$88,252.50

- 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 5 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.
- Upon presentation to the Business Advisory Committee (BAC) on January 21, 2005, a question was raised regarding retail locations within Charlotte and possibility of retail expansion.

- The Contractor Yard, Inc. operates one branch at 3135 Nevada Blvd. (Westinghouse area) that supplies building materials to contractors and occasional public. The possibility of future retail expansion is unknown.
- The Business Advisory Committee recommends approval of this Grant
- Mecklenburg County Commissioners will consider this grant in March 2005.

Funding

Business Investment Grant Account, first payment would be made in FY07

Attachment 12

Business Investment Grant Criteria

23. Waive Governmental Immunity in Certain Circumstances

Action: Voluntarily waive governmental immunity from tort liability to the same extent as the State of North Carolina, as set forth in N.C.G.S. § 143-299.2 – “Limitations on payment by the State.”

Staff Resources: Mac McCarley, City Attorney
Court Fulton, Assistant City Attorney

Explanation

- A case out of the North Carolina Court of Appeals, *Dobrowolska v. Wall*, 138 N.C.App. 1, 530 S.E.2d 590 (2000), involved a challenge to the practices of the City of Greensboro regarding the settlement of tort claims. The Court held that citizens can challenge a City’s settlement policies and practices separate and apart from the underlying tort claim. Therefore, the City of Charlotte could potentially be held liable if citizens could prove that the City had been unfair or arbitrary in deciding whether to deny claims by asserting governmental immunity or by choosing to settle similar claims.
- By voluntarily waiving immunity to the same extent as the State of North Carolina, the City intends to treat all citizens fairly and equally, while at the same time avoiding exposing public funds to liability under the *Dobrowolska* doctrine.

Attachment 13

Resolution

24. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. AIRPORT ADVISORY COMMITTEE

One appointment beginning immediately and ending July 2007. Sandra Pettiford missed the 65% attendance requirement for 2004. She represents the aviation affiliated category.

Attachment 14

Applications

B. BICYCLE ADVISORY COMMITTEE

One appointment beginning immediately and ending December 2007. Cindy Soliday did not meet the 65% attendance requirement for 2004.

Attachment 15

Applications

C. BUSINESS ADVISORY COMMITTEE

One appointment beginning immediately and ending April 2005 as well as the next full three-year term. This will be a recommendation from the Charlotte Chamber to replace Christopher Keber who has resigned. Robert Sappenfield has been recommended by the Chamber.

Attachment 16

Applications

D. CMUD ADVISORY COMMITTEE

One position beginning immediately and ending June, 2006. Michael Egan missed the 65% attendance requirement for 2004. He represents the financial expert category.

Attachment 17

Applications

E. COMMUNITY RELATIONS COMMITTEE

One appointment beginning immediately and ending June 2007. Betty Ann Fry missed the 65% attendance requirement for 2004.

Wendell Fant is a current member in good standing whose term expires January 2007. Mr. Fant has been called up for active duty in the National Guard. Council needs to decide whether to excuse Mr. Fant and let him resume his seat upon his return.

Attachment 18

Applications

F. DOMESTIC VIOLENCE ADVISORY BOARD

One position beginning immediately and ending September 2005. Jessica Stanley missed the 65% attendance requirement for 2004.

Attachment 19

Applications

G. FIREMEN'S RELIEF BOARD OF TRUSTEES

Wendell Fant is a current member in good standing whose first term will expire January 2006. Mr. Fant has been called up for active duty in the National Guard. Council needs to decide whether to excuse Mr. Fant and let him resume his seat upon his return.

Attachment 20

Applications

H. KEEP CHARLOTTE BEAUTIFUL

Three appointments beginning immediately and ending June 2006. Stephanie Crawford and Thomas Vinson failed to meet the attendance requirement for 2004. Joseph Braun has resigned to take a job in Houston, Texas.

Attachment 21

Applications

I. NEIGHBORHOOD MATCHING GRANTS

Two appointments beginning immediately and ending April 2006. Mary Ognovich and Jodi Turner failed to meet the attendance requirement for 2004.

Attachment 22

Applications

J. WASTE MANAGEMENT ADVISORY COMMITTEE

One appointment beginning immediately and ending May 2007. Brenda Williams failed to meet the attendance requirement for 2004.

Attachment 23

Applications

25. Appointments to Boards and Commissions

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

A. CITIZENS REVIEW BOARD

One appointment beginning immediately and ending July 31, 2006.

- David Blough by Council Member Carter
- Vanessee Burns by Council Member Cannon
- Gregory Jones by Council Member Lassiter
- Christy Mann by Council Member Kinsey
- Jonathan Pollack by Council Member Tabor
- Joanne Sizoo by Council Member Burgess

Attachment 24
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

26. Various Bids

A. Fire Department Physical Training Apparel Fire/BSS

Action

Award the low bid by Custom Apparel, Inc. of Mt. Freedom, New Jersey for providing Fire Department Physical Training Apparel per the unit prices submitted in the bid response in the estimated annual amount of \$55,916.60 for a term of one year, and authorize the City Manager to renew the contract for three, additional one-year terms with a total estimated contract value of \$223,666.40

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated

B. Fire Station 31 & 32 Additions and Alterations EPM**Action**

Award the low bid of \$390,827.70 by Jay Yon Corporation of Charlotte, North Carolina. Project accommodates the locker/toilet/shower room needs of female firefighters, as well as miscellaneous interior renovations that include enlarging a day room in each fire station. Construction completion is scheduled for fourth quarter 2005. Fire Station 31 is located at 3820 Ridge Road and Fire Station 32 is located at 9225 Bryant Farms Road.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 16.12%

Jay Yon Corporation exceeded the SBE goal and has committed 16.12% (\$63,000) of the total contract amount to the following certified SBE: Johnny Heyward Plumbing

C. Street Maintenance Facility EPM**Action**

Award the low bid of \$7,897,470 by Edison Foard, Inc. of Charlotte, North Carolina for the construction of a new Street Maintenance Facility to be located at Northpointe Industrial Park. This project will replace the facility currently located at Central Yard and is the first of three to reorganize and construct new facilities within Central Yard, creating a more pleasing and neighborhood friendly presence within the Belmont and Piedmont Courts Hope VI communities. Construction completion is scheduled for second quarter 2006.

Small Business Opportunity

Established SBE Goal: 12%

Committed SBE Goal: 10.48%

Edison Foard, Inc. complied with the good faith efforts and committed 10.48% (\$828,257) to the following certified SBE firms: All Points Waste, Daniels Landscaping, and Allied Resources

D. Wilkinson/Billy Graham Interchange Improvements- Northeast Quadrant EPM**Action**

Award the low bid of \$2,709,576.45 by Blythe Development Company of Charlotte, North Carolina. This transportation project is the third of several aimed at improving traffic movement between Wilkinson Boulevard and the Billy Graham Parkway by connecting the four quadrants of the crossing. This project focuses on realigning Mulberry Church Road and extending West Port Road into a new intersection with a roundabout at Mulberry Church Road. The project's primary focus is to

1) provide smooth traffic flow and balanced connectivity between Wilkinson Boulevard/Billy Graham Parkway and Wilkinson Boulevard/I-85 Service Road 2) provide safety improvements to reduce high potential traffic accidents and 3) increase the Land Development potential of the Northeast Quadrant. Construction completion is scheduled for fourth quarter of 2006.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 7.86%

Blythe Development complied with the Good Faith Efforts and committed 7.3% (\$212,178.95) to the following SBE firms: A-1 Pavement Marking Inc., Asphalt Graphics, Inc., Badger Concrete, Hazel Holmes Trucking, Next Level Services and On Time Construction.

**E. Traffic Signal Fiber Optic Cable Construction CDOT
Intelligent Traffic System - Brookshire Boulevard Project**

Action

Award the low bid of \$721,463.71 by Whiting Construction Company, of Troutman, North Carolina. This project will install fiber optic cable facilities, camera and remote traffic microwave sensors (RTMS) along Brookshire Boulevard (NC16) between I-85 and Mt. Holly-Huntersville Road. These facilities will be used to upgrade the traffic signal control system and to monitor and provide real-time response to traffic conditions.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

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. Water/Wastewater Chemicals CMU/BSS

Action

Approve unit price contracts for water/wastewater chemical purchases to Thatcher Company, General Chemical, Chemical Lime, JCI Jones Chemical, Southern Ionics, Calciquest, KC Industries, Brenntag Southeast, & Kemiron in the estimated annual amount of \$2,907,196.60 for a term of one-year and authorize the City Manager to renew the contract for three, additional one-year terms. This bid establishes unit price contracts for 12 various chemicals to be used for water and wastewater treatment and various treatment facilities. All contracts to be awarded are to the lowest bidder meeting specification.

<u>Chemical Type</u>	<u>Unit Price</u>
Activated Carbon	\$594.00/ton
Aluminum Sulfate (Liquid Alum)	\$172.96/ton
Hydrated Lime Bulk	\$101.20/ton
Sodium Hypochlorite	\$.78/gallon
Sodium Bisufite	\$.66/gallon
Sodium Hydroxide (Caustic Soda 50%)	\$1.24/gallon
Sodium Hydroxide (Caustic Soda 25%)	\$.53/gallon
Chlorine Gas	\$547/ton
Fluorosilicic Acid	\$116/ton
Acetic Acid	\$.55575/gallon
Liquid Linear Phosphate	\$2.99/gallon
Ferric Chloride	\$.4272/gallon

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated

Attachment 25

List of bids

27. Set Public Hearing Date for Resolution of Intent to Abandon Street for a Portion of Maple Drive

Action: **A. Adopt the resolution of intent to abandon a portion of Maple Drive, and**

B. Set a public hearing for March 28, 2005.

Attachment 26

Resolution

Map

28. Set Public Hearing Date for Resolution of Intent to Abandon Street for Monticello Terrace

Action: **A. Adopt the resolution of intent to abandon Monticello Terrace, and**

B. Set a public hearing for March 28, 2005.

Attachment 27
 Resolution
 Map

29. In Rem Remedy

For In Rem Remedy #A-H, 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 Plan

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.

Complaint:

- A. 1330 1, 2, 3 Pecan Avenue (Neighborhood Statistical Area 50 – Plaza-Midwood Neighborhood)
- B. 8008 Scottview Drive (Neighborhood Statistical Area 108 – Harbor House Neighborhood)
- C. 312 Cromer Street (Neighborhood Statistical Area 19 – Thomas/Hoskins Neighborhood)

Field Observation:

- D. 709 E. 19th Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- E. 1219 Boone Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- F. 327 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- G. 2108 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- H. 152 S. Gregg Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Complaint:

A. 1330 1, 2, 3 Pecan Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1330 1, 2, 3 Pecan Avenue (Neighborhood Statistical Area 50 – Plaza-Midwood Neighborhood).

Attachment 28

B. 8008 Scottview Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8008 Scottview Drive (Neighborhood Statistical Area 108 – Harbor House Neighborhood).

Attachment 29

C. 312 Cromer Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 312 Cromer Street (Neighborhood Statistical Area 19 – Thomas/Hoskins Neighborhood).

Attachment 30

Field Observation:

D. 709 E. 19th Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 709 E. 19th Street (Neighborhood Statistical Area 51 - Belmont Neighborhood).

Attachment 31

E. 1219 Boone Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1219 Boone Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)

Attachment 32

F. 327 Coxe Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 327 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Attachment 33

G. 2108 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2108 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Attachment 34

H. 152 S. Gregg Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 152 S. Gregg Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Attachment 35

30. Refund of Property Taxes and Business Privilege Licenses

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$56,277.39, and
B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$22,715.29.

Attachment 36

Resolution

List of property tax and privilege business license refunds

CONSENT II

31. Increase in Funding for the In Rem Program

Action: Adopt a budget ordinance in the amount of \$170,000 for increased appropriation of \$170,000 for the In Rem Demolition and Repair Program.

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- The In Rem Demolition and Repair program is part of the City's Housing Code Enforcement program. In Rem refers to actions taken against the property itself.
- Under the Housing Code Enforcement program, a house is classified for demolition if the cost of repair is greater than 65% of the structure's tax value. Many of the structures that are demolished are extensively damaged and dangerous to the surrounding community.
- From July 1, 2004 – January 31, 2005 Neighborhood Development's Code Enforcement Division has brought 1,861 units into compliance. This represents 85% of its FY05 compliance goal. The increase in inspections and compliances has resulted in more cases that involve In Rem demolition.
- Through January 31, 2005 Neighborhood Development expended \$356,934 for 47 In Rem Demolition and Repair cases. This cost includes two large demolition projects: 301 Eastway Drive (60 units) and Nations Ford Mobile Home Park (32 units).
- Due to the increased activity, approximately \$170,000 will be needed over the next four months to cover program costs, such as demolition costs, including funds to cover the current program obligations, 19 structures identified as candidates for demolition and other cases that may come on line.
- This amount is available to be transferred from the Neighborhood Matching Grant Program project savings.
- After the transfer, funding will be sufficient to meet citizen demand through the end of the fiscal year.

Funding

Economic Development Capital Investment Plan

Attachment 37

Budget Ordinance

32. Pedestrian and Bicycle Neighborhood Connectivity Study

Action: Approve an agreement with Haden-Stanziale, P.A. for \$198,261 for consulting services for a connectivity study.

Staff Resource: Norman Steinman, Transportation
Andy Grzymiski, Transportation

Explanation

- A Transportation and Community System Preservation Grant (TCSPG) was awarded to the City to develop a bicycle and pedestrian connectivity study.
- The purpose of the grant is to identify, prioritize and map bicycle and pedestrian connections throughout the City to foster a balanced transportation system.
- The connectivity study will be paid for through a grant awarded to the City of Charlotte by the Federal Highway Administration
- The grant will be administered by the North Carolina Department of Transportation through a municipal agreement approved by Council on September 9, 2002.
- Concurrently, city staff is working with the Transportation Committee to define the City's connectivity policy relating to street connections. While that effort is different than the TCSP grant by focusing primarily on new street connections, the two efforts will be coordinated by staff.

Agreement with Haden-Stanziale, P.A.

- Provides funding for pedestrian and bicycle neighborhood connectivity study to identify, prioritize and map a system of neighborhood connections for bicycle and pedestrian travel.
- Emphasis on connection of on-street bicycle and pedestrian systems to schools, parks, greenways, neighborhoods, transit stops, employment and retail centers.
- Study deliverables will include preliminary cost estimates for implementing prioritized connectivity projects.

Small Business Opportunity

Pursuant to Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since the selection of the firm was made following Federal and State requirements and the Consultant Contract will comply with Federal DBE requirements.

Funding

Transportation Capital Investment Plan

33. S&ME Contract for Lead Hazard Reduction Services

Action: Approve a contract between the City of Charlotte and Soils and Materials Engineering, Inc. (S&ME) not to exceed \$382,085 for Lead Based Paint Testing, Design, Risk Assessment, and Clearance and Maintenance Plan Preparation.

Staff Resource: Stanley Wilson, Neighborhood Development
Diane Adams, Neighborhood Development

Explanation

- In October 2004 the U.S. Department of Housing and Urban Development (HUD) awarded the City of Charlotte a \$3 million Lead Hazard Reduction Program Grant.
- The grant activities include lead based paint testing and other services related to the reduction of lead hazards in housing units.
- On November 30, 2004 a Request for Proposal was issued for Lead Based Paint Testing, Design, Risk Assessment, and Clearance and Maintenance Plan Preparation.
- On December 30, 2004 six proposals were received. A City staff committee consisting of representatives from Neighborhood Development and Business Support Services reviewed the following proposals:

Contractor	Proposed Cost Per Unit
S&ME	\$1,220
Environmental Investigations	\$1,140
Froeling and Robertson, Inc.	\$1,324
Matrix	\$1,310
Roy Consulting	\$1,275
Get the Lead Out	\$1,370

- Since 1995, the City has received \$11.2 million from HUD to reduce lead hazards in homes and provide community outreach. Program accomplishments during that time include:
 - Tested over 1,400 housing units and reduced lead hazards in over 1,007 units.
 - Received and maintained a “Green” status or highest level of performance on HUD’s quarterly reporting system
 - Provided over 850 families with information on the hazards of lead paint.

Recommendation

- Proposals were reviewed based on the contractor’s ability and experience, capacity, cost effectiveness of services and the ability to provide timely services.
- Based on the evaluation of the proposals S&ME was selected.
- S&ME has provided lead testing and other lead abatement services to the City under two contracts since 1996.
- S&ME has consistently met performance requirements and maintained competitive pricing.

Small Business Opportunity

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because there were no SBE firms certified in areas where subcontracting is anticipated.

Funding

Federal Lead Hazard Reduction Grant

34. U.S. Department of Housing and Urban Development Housing Discrimination Study for Fair Housing Enforcement

Action: Adopt a budget ordinance appropriating \$306,717 from a U.S. Department of Housing and Urban Development grant for fair housing enforcement.

Staff Resource: Willie Ratchford, Community Relations Committee (CRC)

Explanation

- The U.S. Department of Housing and Urban Development (HUD) provides an annual grant to supplement funding administration of the Fair Housing program.
- CRC initially estimated the amount of the grant at \$148,883. The actual FY2005 grant amount is \$455,600; therefore, CRC is requesting Council to appropriate the remaining \$306,717.
- CRC will utilize the grant revenue to:
 - Subsidize the salary and benefits of a provisional Community Relations Specialist and Fair Housing Testing coordinator.
 - Address possible discrimination against Hispanic/Latino homebuyers and renters by conducting 100 matched paired tests
 - Fund enforcement tests to inhibit both rental and home-sales discrimination against Hispanics/Latinos.
 - Pilot education and outreach programs designed to inform the public, particularly Hispanic/Latinos, of their rights and obligations related to the local Fair Housing ordinance.
 - Plan, develop and implement the “Quad State Fair Housing and Equal Opportunity Conference”
 - Partner with local housing providers to increase affordable housing opportunities for Hispanics

Funding

U.S. Department of Housing and Urban Development Grant

Attachment 38

Subject HUD Assistance Award/Amendment
Budget Ordinance

35. Center City/Streetcar Corridor – URS Corporation Contract Amendment

- Action:**
- A. Approve an amendment to the contract with URS Corporation to add final design engineering and related services for elements of the Center City Streetcar Corridor Project, and**
 - B. Authorize the City Manager or designee to negotiate and execute a contract amendment up to \$310,513.65 which will increase the total value of the contract from \$5,012,795 to \$5,323,308.65.**

Staff Resource: John Muth, Charlotte Area Transit System
Willie Noble, Charlotte Area Transit System

Explanation of Contract Amendment

- Engineering & Property Management (E&PM) is responsible for the Elizabeth Avenue Business Corridor Project, which includes roadway and pedestrian improvements, new curb alignment and curb extensions to accommodate vehicle, transit, bicycles and pedestrians.
- On June 23, 2004 CATS agreed to fund \$1.9 million of the Elizabeth Avenue Project to:
 - Accommodate the alignment of the street from curb to curb for the future streetcar
 - Provide a proper roadway cross-slope for the streetcars
 - Locate the streetcar platforms
 - Locate the overhead contact system (OCS) pole foundations
- On August 23, 2004 City Council approved a contract with URS Corporation to provide engineering services for the conceptual design (the planning and environmental analysis phase) of the Streetcar project.
- URS Corporation was asked to recommend additional elements of the Streetcar project infrastructure that should be incorporated into the Elizabeth Avenue Project at this time, in order to reduce the impact on businesses, residents, and vehicular traffic of two separate construction projects.
- URS Corporation recommended the following Streetcar elements be constructed as part of the Elizabeth Avenue Project:
 - Reinforced concrete track slab
 - Steel track girder rails
 - Track drains
 - System ductbank
 - Grading of the streetcar platform edge and installation of conduit.
- URS Corporation will also:
 - Coordinate traffic signal designs with the future OCS system for the Streetcar Project
 - Explore and coordinate joint-use poles for OCS and traffic signals
 - Confirm streetcar vehicle requirements.
 - Add the firm LTK Engineering Services to perform the planning and conceptual design services for the streetcar vehicle engineering.

- City staff from CATS, E&PM, Planning and CDOT concurs with the URS Corporation recommendation.

Disadvantaged Business Enterprise

Goals for existing Contract

Established DBE Goal: 12.8%

Committed DBE Goal: 12.8%

The participating DBE are Neighboring Concepts, MA Engineering, and GNA Design.

Funding

CATS Transit Capital Investment Plan

36. CATS Davidson Street Bus Facility Renovation Design Services

Actions: Approve a \$950,000 contract with Parsons Brinkerhoff, Inc. to provide:

- 1. Final design and construction administration services for the renovation of the CATS Davidson Street Bus Facility, and**
- 2. Conceptual design services for a new Special Transportation Service (STS) facility.**

Staff Resource: Brad Miller, Charlotte Area Transit System

Davidson Street Bus Facility Renovation (\$759,000)

- The Davidson Street Bus Facility was constructed in 1980 to accommodate 200 buses and CATS is currently operating 318 buses.
- CATS will open its second bus facility on South Tryon Street in March. This facility will accommodate 250 buses bringing CATS' total system-wide capacity to 450 buses.
- The 24-year old Davidson Street facility will be redesigned using standards to make it compatible to the new facility on South Tryon. The facility renovations will also bring Davidson Street up to current Mecklenburg County and ADA building code standards.
- Final design is scheduled to be completed and renovation work to begin early next year. Renovations should be completed in 2007.

STS Facility Conceptual Design (\$141,000)

- A second task will provide for conceptual design services for an expanded CATS Special Transportation Service (STS) facility. STS has outgrown the Spratt Street location that it currently shares with several other city departments.
- An analysis completed in FY2003 determined that it was not feasible to expand STS's current Spratt Street space and a new location should be identified.

- A potential site for the new STS facility is adjacent to the CATS Davidson Street Bus Facility on existing City-owned land. The site is currently used for CATS bus parking.
- The tentative schedule for the STS project is to complete design activities by early 2006 with construction complete by mid to late 2007.
- CATS conducted a Request for Qualifications (RFQ) solicitation, publicly advertised in August 2004. Parsons-Brinckerhoff was selected as the best qualified.
- The total cost for these design services shall not exceed \$950,000:
 1. \$759,000 for Davidson Street Renovations
 2. \$141,000 for STS Facility Conceptual Design
 3. \$ 50,000 Contingency

DBE Compliance

Established DBE Goal: 9%

Committed DBE Goal: 8.3%

The DBE firms participating are Case Consulting, Rohadfox Construction Control Services Corporation, and Torrence Reprographics.

Funding

CATS Transit Capital Investment Plan

37. Transit Technical & Planning Assistance Consultant Contracts

Action: Approve a three-year contract with two, one-year optional extensions contracts for Transit Technical & Planning Services with:

- Simon & Simon, Inc.,
- Parsons Brinkerhoff, Inc., and
- Booz Allen Hamilton, Inc.

for up to \$1,600,000 to be allocated by task orders across all three firms.

Staff Resource: Brad Miller, Charlotte Area Transit System

Explanation

- In the course of providing and improving CATS' transit services, technical and planning expertise is sometimes needed for specific tasks that current CATS' staff cannot provide.
- For the past three years, CATS has utilized a similar task-order contract with Parsons Brinkerhoff, Inc. (Council Approved on September 10, 2001). Some examples of the work performed for CATS on this effort include:
 - Independent bus maintenance quarterly performance audits
 - New bus procurement specification development
 - Bus wash system replacement specification development
 - CATS facility condition analysis

- In addition to bus maintenance-related tasks similar to those listed above, CATS expects to use these new contracts with Parsons Brinckerhoff, Booz Allen Hamilton and Simon & Simon to assist with:
 - An update of 5-year old CATS County-wide Transit Services Plan including significant public involvement to identify short-term service enhancements (Parsons Brinckerhoff, Inc. specialty)
 - Americans with Disabilities Act (ADA) regulation compliance and implementation (Simon & Simon, Inc. specialty)
 - Transit vehicle technology implementation (Booz Allen Hamilton Inc. specialty)

Task Order Contracts

- CATS proposes to award contracts to all three firms but funds would not be allocated to them until a task order is issued by CATS for a specific consulting need. Standard billing rates for consultant services would be established but no firm would receive any guaranteed amount of work or minimum contract value. All three contracts would be managed within the \$1,600,000 total combined maximum value over as many as five years, if the two option years are exercised.
- This method of contracting has proven to significantly reduce project delivery time and procurement and contract administration costs. Many public transit agencies of similar size to CATS employ transit vehicle engineers and ADA specialists on their full-time staffs as an alternative to this efficient-method of contracting out these specific short-term tasks.
- Additionally, by combining the opportunity for multiple small consulting projects into one larger procurement, increased competition was achieved. Nine primary firms submitted responses to the Request For Qualifications (RFQ). Their proposals included a total of 38 specialty subconsultants.
- A selection team made up of CATS staff determined that the three firms chosen presented the most responsive proposals based upon their ability to provide a diverse amount of technical expertise in a timely manner.
- The term of this contract shall be for three years with the City's right to renew for two additional one-year terms.

Small Business Opportunity

Established DBE Goal: 15%

Committed DBE Goal: 15%

Since there are no guaranteed contract values under these task order contracts there is no guaranteed level of DBE firm involvement. However each of the three prime consultants have certified that they will make good faith efforts to achieve the 15% DBE participation goal on tasks their firm is awarded. Since one of the three prime consultants (Simon & Simon) is a certified DBE and 4 of the 12 proposed subconsultants (33%) are certified DBEs (Rohadafox Construction Control Services Corporation, AW Scates, Inc., Neighboring Concepts), it was determined that the selected firms presented a good faith effort to secure disadvantaged business partners for this work.

Funding

CATS Capital Program Funds

38. Airlink Mobile Modems for Police

- Action: A. Approve the purchase of Airlink modems without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
- B. Approve a unit price contract with GTSI for the purchase of 650 modem units in the amount of \$467,493 with the option to purchase additional units within twelve months.**

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

Background

- Council approved the purchase of Mobile Access Routers (MAR) for Charlotte-Mecklenburg Police (CMPD) patrol vehicles on July 26, 2004. The MAR allows multiple devices to communicate on the wireless network and automatically switch between digital data networks and Hot Spots without any action required from the patrol officer.
- Modems are required to transfer the data from the MAR device to the receivers.
- City Council approved a contract with Verizon Wireless on December 13, 2004 as the service provider for the MAR equipment. Modems that are compatible with Verizon services are required to complete the MAR system for each patrol car.
- CMPD completed performance tests to determine the Airlink Pinpoint GPS enabled modems as the best solution for this application.

Contract Explanation

- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest offered to a Government Entity.
- The GTSI contract was competitively bid by Fairfax County, VA and awarded by the Fairfax Board of Commissioners on July 26, 2003.
- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.
- GTSI focuses exclusively on federal, state and local government customers worldwide.
- GTSI provided the MAR product to CMPD.
- GTSI is a partner with Airlink and submitted a unit price of \$620 per modem.
- GTSI consistently submits lower prices than other certified dealers through the competitive bid process for public safety IT products.
- GTSI is the Federal Government's leading supplier for public safety and homeland security products.

Small Business Opportunity

Established SBE Goal: 0%
Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding:

Tech Refresh Fund

39. **Charlotte-Mecklenburg Police (CMPD)/Transportation (CDOT) Camera Integration**

- Action:**
- A. Approve the purchase of video observation equipment and installation without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f), and**
 - B. Approve a contract with Clark Powell for the purchase of a video observation system in the amount of \$484,875.**

Staff Resource: Sgt. Bud Cesena, Charlotte-Mecklenburg Police

Explanation

- CMPD and CDOT have built a successful relationship in camera integration.
- Cameras are used by CDOT and CMPD to monitor traffic patterns, watch parking lots, monitor business locations for robberies and watch crime hot spots. Special events such as festivals, dignitary visits, arena events, Panthers games and protest are also monitored by use of the cameras.
- Currently the CMPD and CDOT cameras are on separate systems. CMPD controls the tilt, zoon and pan capability of the cameras but CDOT does not have control capabilities.
- Integrating the systems will allow CDOT, CMPD and NCDOT to partner and consolidate the control function of the cameras to increase monitoring activities and better serve the community.
- Integration of the two systems requires an upgrade of the CMPD Communication cameras to successfully coordinate the CMPD and CDOT efforts.
- The integration of these systems will increase the monitoring and recording capabilities of CMPD and CDOT. Control of the uptown, CDOT and CMPD building cameras will also be standardized and provide an excellent source of information for coordination of efforts in emergency situations.
- The total cost includes warranty and maintenance for two years. Very minimal maintenance is required on the equipment and each department covers that costs for their area of control and camera rooms out of their respective operational budgets.

Contract Process

- Clark Powell Company installed all of the existing camera systems and integration feeds.

- Due to compatibility requirements of the existing and new equipment it is recommended that Clark Powell install the new system to ensure all warranties and future services are not jeopardized.
- Security issues are also of concern and Clark Powell is currently the only vendor with knowledge of the control room's wiring and set up.

Small Business Opportunity:

Established SBE Goal: 0%

Committed SBE Goal: 0%

The SBO Program Manager waives SBE utilization goals for this contract.

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

Funding

Homeland Security Grant

40. 2004 Local Law Enforcement Block Grant

Action: Adopt an ordinance, appropriating \$511,110 (\$459,999 in federal funds and \$51,111 in assets forfeiture funds) for the 2004 Local Law Enforcement Block Grant.

Staff Resource: Darrel Stephens, Police Chief

Explanation

- Each year, the City of Charlotte receives a block grant from the U.S. Department of Justice to be used for law enforcement purposes.
- The amount the City receives is based upon a formula that takes into account the jurisdiction's violent crime rate. The 2004 grant award is based on the crime rate in 2001.
- The grant funds can be spent during a two-year period from January 5, 2005 through January 4, 2007.
- Charlotte Mecklenburg Police (CMPD) submits a proposed spending plan to the Justice Department for approval. All items in the spending plan must fall within one of seven broadly defined purpose areas for the grant.
- CMPD provides the match for the grant from its assets forfeiture funds.
- The largest grant expenditures for this year will be overtime funds for police problem solving efforts, funding for the Police Cadet Program and technology improvements.
- Based upon the proposed federal budget, this is likely the last year for the Local Law Enforcement Block Grant.

Funding

U.S. Department of Justice and Police Assets forfeiture funds

Attachment 39

2004 Local Law Enforcement Block Grant Spending Plan

Budget Ordinance

41. Police Assets Forfeiture Appropriation

Action: Adopt a budget ordinance, in the amount of \$449,754, to appropriate assets forfeiture funds for the use of the Charlotte-Mecklenburg Police Department.

Staff Resource: Greg Crystal, Charlotte-Mecklenburg Police

Explanation

- State and federal law permits CMPD to use assets forfeiture funds for certain types of law enforcement related expenses.
- Largest portion of this appropriation will fund upgraded equipment and training for the Vice and Narcotics Division.
- Funds will also be used to purchase holsters and magazine pouches for new Smith and Wesson pistols.

Funding

All funds will be appropriated from police assets forfeiture accounts

Attachment 40

January 2005 Assets Forfeiture Expenditures
Budget Ordinance

42. Fire Administration and Emergency Management Office Space

Action: A. Approve amendment #1 to the lease agreement between the City and Levine Properties to extend the term of the lease for the Fire Administration and Emergency Management to a three-year term with two one-year renewal options, and

B. Approve the annual lease rate of \$216,300 per year with 3% annual rate increases for the office space.

Staff Resource: Tim O'Brien, Engineering & Property Management
Jon Hannan, Fire Department

Explanation

- Fire Administration and Emergency Management offices moved from the Government Center to 228 East 9th Street (property owned by Levine Properties) to make room for the expanding CATS operations in September 2000.
- The original rental rate was fixed at \$18.65/sq. ft. for a five-year lease on 11,267 sq. ft of office space.
- The lease will expire in September 2005.
- A lease renewal is needed until a permanent location is determined for Fire Administration.

Terms for Amendment #1 to the Lease Agreement with Levine Properties

- New lease term will be three years with two optional, one-year renewals.
- Annual lease rate for the first year is \$216,300 (11,267 sq. ft. at \$19.20/sq.ft.) with an annual rent increase of 3% per year.
- City will continue to be responsible for utility expenses.

Funding

Fire Operating Budget

43. Fire Station Renovations

Action: Approve an agreement with Wagner Murray Architects, P.A. in the amount of \$104,150 for architectural services to renovate Fire Stations 3, 13, 16, 18 and other fire stations as may be required.

Staff Resource: Bruce Miller, Engineering & Property Management

Explanation

- Provides funds for architectural services to renovate Fire Stations 3 at 6512 Monroe Road, Station 13 at 4337 Glenwood Drive, Station 16 at 6623 Park South Drive, Station 18 at 2337 Keller Avenue and various other fire stations.
- The older stations will be brought up to current standards with respect to size, use and function.
- Fire Station Improvements were approved by Council in the 2004 Budget appropriations.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 40.92%

Wagner Murray Architects, P.A., has committed 40.92% (\$42,620) of the total contract amount with the following certified SBEs: Joel E. Wood & Associates, Charlotte Engineers and Regenbogen Associates.

Funding

Facilities Capital Investment Plan

44. Surveying and Mapping Services

Action: A. Approve an agreement with Meade Gunnell for \$200,000 for unspecified surveying and mapping services, and

B. Approve and agreement with McKim & Creed for \$200,000 for unspecified surveying and mapping services

Staff Resource: David Snider, Engineering & Property Management

Explanation

- Provides funding for surveying and mapping services on various capital improvement projects.
- Work will include photogrammetry, aerial mapping, location and design surveys, property and right-of-way surveys, construction staking and utility surveys.
- Contract will be issued on a Task Order basis.
- The contract may be amended in the future based on consultant performance.

Small Business Opportunity**A. Meade Gunnell**

Established SBE Goal: 3%

Committed SBE Goal: 3%

Meade Gunnell has committed 3% (\$6,000) of the total contract amount with the following certified SBEs: Independent Mapping Consultants and On Target Utility Locate Services.

B. McKim & Creed

Established SBE Goal: 3%

Committed SBE Goal: 15%

McKim & Creed has exceeded the SBE goal and committed 15% (\$30,000) of the total contract amount with the following certified SBE: Avioimage. McKim & Creed failed to meet the mandatory contacts for this project. Of the two minimum contacts, only one was notified. The SBO Program Manager has waived the mandatory outreach pursuant to SBO Policy 8.4.

Funding

Transportation Capital Investment Plan

45. Design Repair to City Bridges

Action: Approve a contract for \$182,357 with HDR Engineering, Inc. of the Carolinas (HDR) for the design of bridge repairs.

Staff Resource: Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates that bridges/culverts be inspected every two years.
- Previously the City approved two contracts with HDR for \$310,519 to inspect city bridges/culverts.
- This contract provides funding for design, bid phase, and construction administration services for repairs noted from the inspection contracts with HDR.

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.

A 1% goal was initially set for this overall project. For this phase, there are no subcontracting opportunities. However, HDR utilized approximately \$5,660, or 1.15%, with an SBE in the previous two phases.

Funding

Transportation Capital Investment Plan

46. North Tryon Street Widening

Action: Approve Change Order #2 with Sealand Contractors for \$557,823 for the North Tryon Street Widening Project.

Staff Resource: Dieter Crago, Engineering & Property Management

Explanation

- Provides funding for additional work needed to complete the project:
 - Existing waterline rehabilitation and replacement (at the request of Charlotte Mecklenburg Utilities (CMU). The waterline is being replaced due to its overall poor condition and exposure to contaminated soils.
 - Concrete curb and gutter
 - Asphalt paving
- The pricing for new items was reasonable, negotiated and approved by CMU and Engineering & Property Management.
- Project completion is second quarter 2005.

Contract History

- Council awarded the original contract on September 08, 2003 for \$1,546,882.79.
- Council approved change order #1 on October 11, 2004 for \$563,937.15.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 3.3%

Sealand Contractors has committed 3.3% (\$18,408.16) of this change order amount to a certified SBE: H & H Hauling. This change order complies with Section 10.3 of the SBO Program.

Funding

Transportation Capital Investment Plan

47. Transit Corridor Related Storm Drainage Projects

Action: Approve an agreement with US Infrastructure of Carolina, Inc. for \$500,000 for engineering services for various storm drainage improvement projects along the four remaining transit corridors.

Staff Resource: Tim Richards, Engineering & Property Management

Agreement with US Infrastructure of the Carolinas

- Provides funding for a combination of planning/design services on various individual storm drainage improvement projects.
- The remaining transit corridors will require storm drainage improvements as the station area planning work and other transportation studies are conducted.
- Services under this contract will be determined based on the results of the development studies conducted along the proposed north, northeast, west and southeast corridors.
- Work will include the investigation/planning/design of needed upgrades/repairs to current storm water infrastructure, and will be conducted on a Task Order basis.
- The contract may be amended in the future based on consultant performance.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 2.5%

US Infrastructure complied with the good faith efforts, contacting 12 SBE firms and receiving eight responses. USI has committed 2.5% (\$12,500) of the total contract amount with the following certified SBEs: Carolina Wetlands Services, Inc., Meade-Gunnell, On-Target Utility Locate and Torrence Reprographics.

Funding

Transportation Capital Investment Plan

48. Provincetowne Storm Drainage Improvements

Action: Approve change order #1 with United Construction, Inc. for \$1,355,949.55 for the Provincetowne Storm Drainage Improvement project.

Staff Resource: Tim Richards, Engineering & Property Management

Change Order #1 with United Construction, Inc.

- Provides funding for overruns in existing contract items and new items required to complete the project including:
 - Excessive rock excavation and unsuitable subgrade condition.
 - Additional work to implement drainage design changes to account for rock and soil condition.

- Additional work to address recently requested new qualifying drainage requests in project area.

Provincetowne Storm Drainage Improvement Project

- This project consists of approximately 39,000 linear feet of storm drainage piping and box culvert construction; drainage structures, curb and gutter, pavement resurfacing, water and sewer line replacement, erosion control and traffic control to remedy flooding in the Provincetowne, Colony Woods and Williamsburg Neighborhood off of Ballantyne Commons Parkway.
- This project was initiated based on severity of drainage problems, citizen's requests and an internal capital project ranking procedure.
- Construction completion is second quarter 2005.
- After construction is completed, action by City Council will be requested on a Final Assessment to cover \$853,000 of the project cost of curb and gutter upgrades in the Williamsburg Neighborhood. The assessment was originally approved by City Council March 22, 1999 at the request of 75% of the property owners in the Williamsburg Neighborhood through the petition process.

Contract History

Council awarded the original contract August 25, 2003 for \$4,090,437.78
The new contract amount is \$5,446,387.33

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: .22%

This work will be performed by the prime contractor and existing subcontractors. United has committed .22% (\$3,000) of the change order amount to the following certified SBEs: Ricco's Complete Property Maintenance, Hazel Holmes Trucking and A-1 Pavement Markings. The contractor is in compliance because he is using his own forces and existing subcontractors, which complies with Section 10.3 of the SBO Program.

Funding

Storm Water Capital Investment Plan

49. Storm Water Maintenance FY04-A Renewal #1

Action: Approve Renewal #1 for \$1,036,042 with Showalter Construction Company for continued construction of FY04-A Storm Water Maintenance Package.

Staff Resource: Bill Pruitt, Engineering & Property Management

Explanation

- Council approved the original contract for \$1,036,042 on August 08, 2003.
- 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.
- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing unit prices.
- The total contract amount for FY04-A will be \$2,072,084.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2.56%

Showalter Construction exceeded the SBE goal and has committed 2.56%

(\$26,575) of the total contract renewal amount with the following certified SBE:

On Time Construction, Inc. This renewal complies with Section 13.1 of the SBO Program.

Funding

Storm Water Capital Investment Plan

50. Charlotte Storm Water Services Funding Agreement with Mecklenburg County

Action: Authorize the City Manager to approve and enter into a Storm Water Funding Agreement with Mecklenburg County for the construction of storm water quality treatment structures for the Shops on Freedom Drive, a private development, in an amount not to exceed \$200,000.

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- Storm Water Services maintains a pilot program to test the effectiveness of various treatment structures for improving the water quality of storm water runoff.
- As part of the pilot program, the project will provide valuable information on the use of bioretention structural techniques for treating storm water runoff at a commercial development.
- The project is in conjunction with an overall City Economic Development project for the Shops on Freedom Drive, which has a stormwater infrastructure component completion deadline of September 2005.
- Based on current City Storm Water available resources, the City desires to contract with Mecklenburg County Storm Water Services to plan, design and construct the storm water project as the County is in better position at this time to meet the project component deadline.

Funding

Storm Water Capital Investment Plan

51. Water/Sewer Main Replacements and Extensions, Professional Services Agreement

Action: Approve a professional services contract with Mahnaz, Inc. for design services for water and sewer main replacements and street main extensions in the not to exceed amount of \$300,000.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Design services contract provides for various water and sewer main replacement projects throughout Mecklenburg County
- Replacement projects improve services delivery to existing customers
- Water and sewer design services for street main extensions provide service to new customers
- Mahnaz, Inc., a certified SBE, was selected via a qualifications-based selection process.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3%

Mahnaz, Inc. has met the goal established for this project, committing \$9,000 to the following SBE firm: On Target Utility Locate Services

Funding

Water and Sewer Capital Investment Plan

52. Sanitary Sewer Rehabilitation Program Professional Services Contract

Action: Approve a professional services contract with Frazier Engineering, P.A. for engineering services related to the Sanitary Sewer Rehabilitation Program. The contract is in the not to exceed amount of \$992,600.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Contract provides for professional engineering services for the Sanitary Sewer Rehabilitation Program focusing on the following areas:
 - Sewer system evaluation surveys
 - Planning and design
 - Construction drawings and specifications
 - Construction management
- Frazier Engineering, P.A., a certified SBE, was chosen via a qualifications-based selection process.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 4.99%

Frazier Engineering, P.A. failed to meet the goal established for this project. However, they exceeded the mandatory outreach requirements and exceeded the good faith effort points. They have committed \$49,500 to the following SBE firms: Commercial Printing Co., Mahnaz, Inc., On Target Utility Locating Services, and Sharpe Images, Inc.

Funding

Water and Sewer Capital Investment Plan

53. Sewer Contract – Charlotte-Mecklenburg Schools

Action: Approve a five-year reimbursable sewer main contract between the City and Charlotte-Mecklenburg Schools.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Policy

Charlotte-Mecklenburg Utilities Extension Program and Capital Improvement Program, 5-Year Reimbursable Extension Contract

Explanation

- Charlotte-Mecklenburg Schools requests a contract for the construction of a sewer trunk main to serve the Bailey Road Middle School near Cornelius.
- Begins at Phase II of the Rocky River Outfall, extends in a southwesterly direction.
- Approximate distance is 4,278 linear feet.
- Total estimated cost of this project is \$427,800.

Small Business Opportunity

The SBO Program does not apply to this type of contract. SBO goals will apply to the construction contract to be awarded by Council when the project has been designed and bid.

Funding

The applicant has deposited 5% of the estimated project cost with Charlotte-Mecklenburg Utilities and the remaining 95% will be deposited prior to construction.

54. FY04 Manhole Rehabilitation & Point Repair Contract Renewal

- Action:**
- A. Adopt a budget ordinance appropriating \$3,822,720 from Water and Sewer Revenue Bonds, and**
 - B. Approve renewal option #1 for \$2,690,806.21 with Atlantic Coast Contractors for sanitary sewer infrastructure rehabilitation.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Sanitary Sewer Rehabilitation Program is being expanded and accelerated this year in a continued effort to reduce sewer overflows.
- Budget ordinance provides funding for this project, as well as several upcoming projects, which were originally projected for next fiscal year.

Project Explanation

- Renewal enables Utilities to continue rehabilitation of sanitary sewer infrastructure primarily in the following areas:
 - McAlpine Creek basin
 - Long Creek basin
 - Paw Creek basin
- Work involves identification, evaluation and repair of manhole and sewer main defects to reduce amount of water entering wastewater collection system.
- The original contract provided for up to three renewals. This renewal is the first of three.
- Original contract awarded by Council December 8, 2003 in the amount of \$2,497,036.50.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

Atlantic Coast Contractors met the goal established for this project by committing \$53,816.42 to the following SBE firms: D.E. Walker Construction and Stinson Trucking

Funding

Water & Sewer Capital Investment Plan

Attachment 41

Budget Ordinance

55. Primary Treatment Improvements and Effluent Filter Rehabilitation Project at the McAlpine Creek Wastewater Management Facility (WWMF)

- Action:**
- A. Adopt a budget ordinance appropriating \$7,000,000 from Water and Sewer Revenue Bonds, and
 - B. Award the low bid of \$17,452,019 by Crowder Construction Company, of Charlotte, North Carolina for construction of the Primary Treatment Improvements and Effluent Filter Rehabilitation Project at the McAlpine Creek WWMF.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Budget Ordinance

- Additional funding needed for increased project scope. During final design, it was discovered that several existing treatment units needed a mechanical overhaul. That work was added to the scope of this project which increased the project cost about \$5.5 million.
- The remaining ordinance amount is needed to account for inflationary cost increases since the original project budget was determined over two years ago.

Project Explanation

- Primary Treatment Improvements and Effluent Filter Rehabilitation Project is phase II of the Phosphorus Reduction Project currently under construction at the McAlpine Creek WWMF.
- Phase II ensures the McAlpine Creek WWMF consistently complies with the future phosphorus effluent limit, dictated by the settlement agreement between the City of Charlotte and North and South Carolina regulatory officials. The agreement was approved by City Council on January 14, 2002.

Small Business Opportunity

This project is partially funded by a federal grant. As a result, the City's SBE Program could not be used. The project had MBE and WBE participation goals, which were determined by the EPA and the State of North Carolina. Review and administration of the bidder's proposed participation is handled by the Construction Grants section of the North Carolina Division of Water Quality.

Funding

Water & Sewer Capital Investment Plan

Attachment 42

Budget Ordinance

56. Central Business District Sanitary Sewer Main Improvements, Reimbursement Agreement

Action: Approve a reimbursable contract between the City of Charlotte and Time Warner Cable, ICG Communications, CDOT, and Telcove.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- In conjunction with a sewer line replacement, Charlotte-Mecklenburg Utilities is installing underground PVC conduits for the purpose of allowing Time Warner Cable, ICG Communications, CDOT, and Telcove to relocate their overhead communication infrastructure underground.
- This Agreement approves the terms and conditions for reimbursement of the conduit construction cost to the Utilities department.
- Council approved the construction contract with Allied Resources USA LTD on February 7, 2005 for Central Business District Sanitary Sewer Main Improvements which included the installation of the conduits.

Funding

Parties will pay 50% of their costs to Utilities at the beginning of the project, with the balance due upon completion of the project. Total payment to Utilities for project is \$340,754.25.

Time Warner Cable:	\$216,772.72
ICG Communications:	\$50,330.61
Telcove:	\$20,920.31
CDOT:	\$52,730.61

Attachment 43

Location map

57. Airport Fixed Base Operator Architectural Services Contract

Action: A. Award a contract to Overcash Demmitt Architects of Charlotte NC in the amount of \$185,000 for architectural services for the renovation and expansion of the Airport's Fixed Base Operator facility, and

B. Adopt a budget ordinance appropriating \$200,000 from the Airport Excluded Centers Fund Balance to fund design of the facility.

Staff Resource: Jerry Orr, Aviation

Explanation

- On October 11, Council approved a management contract with Wilson Air Center–North Carolina, LLC (Wilson) to operate the Fixed Base Operator (FBO) facility at the Airport.
- Under the contract, a Management Agreement, Wilson will provide the staffing and expertise to provide FBO Services to locally based and itinerant aircraft operators at the Airport.
- Overcash Demmitt previously developed the Master Plan for the FBO area. They were selected to design the improvements to the FBO terminal building based on their previous involvement, understanding of the project and relevant experience with similar projects.
- This contract will provide architectural services for:
 - Renovation of the existing 10,200 sq. ft. FBO terminal building
 - Design of a new 12,000 sq. ft. two-story addition to the building
 - Design of a 60 ft. by 340 ft. open-air canopy for airplanes
- The budget ordinance appropriates funds from the Airport revenues to fund this contract.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3%

Overcash Demmitt has committed 3% of the total contract to the following subcontractor: Torrance Repographics.

Funding

Airport Fund Balance

Attachment 44

Budget Ordinance

58. Airport Parking Deck Construction

Action: Award a contract in the amount of \$114,727 to Network Cabling Systems of Charlotte, North Carolina for installation and testing of fiber optic cable to support the new parking deck revenue control system.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will purchase and install fiber optic cable and equipment to connect the new parking deck to the terminal communications room.
- This contract was advertised for bids on January 30, 2005. Four bids were received on February 10, 2005. Network Cabling Systems is the low bid.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 0%

Network Cabling Systems complied with the mandatory outreach criteria and met good faith efforts. Network Cabling Systems contacted four SBE firms and received three responses, all declining to participate in the contract.

Funding

Aviation Capital Projects Fund

59. Airport Parking Facility Management and Control System Change Order

Action: Approve a change order to a contract with Ascom Transport Systems, Inc. of Norcross, GA in the amount of \$135,433.68 for purchase and installation of additional equipment for the Airport's parking facility management and control system.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport's current automated parking system includes an on-line computer that provides management and revenue control of all entrance gates, ticket dispensers, and cashier terminals and inventory equipment.
- In April 2004, Council approved a contract with Ascom to install entrance gates and inventory equipment for the new parking deck. The contract was negotiated since it was an expansion of an existing system and only Ascom could provide software support.
- This change order will provide additional equipment to provide server redundancy, and relocate support equipment to the terminal building's new communications room.
- The original contract amount was \$482,306,41.

Small Business Opportunity

This is a negotiated service whereby Ascom Transport Systems, Inc. is the sole-source provider and warrantor. All additional work involved will be performed by the current prime contractor. Therefore, this change order complies with Section 10.3 of the SBO program.

Funding

Aviation Capital Projects Fund

60. Airport Terminal Upfit Change Order

Action: Approve a change order to a contract with Hendrick Construction Inc. of Charlotte in the amount of \$129,213 for additional upfit of space in the Airport Terminal.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 8, 2004, Council awarded a contract to Hendrick Construction, Inc. to upfit 4,400 square feet in the Airport terminal for office uses.
- This change order will upfit an additional 640 square feet in the same area for concession space.
- The original contract amount was \$374,453.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 12.5%

Hendrick Construction Co. Inc. committed 5.3% to SBE contractors in the original contract. They are committing 12.5% of the change order to an SBE subcontractor, R.D. Franklin Electric, Inc. This change order complies with Section 10.3 of the SBO Program.

Funding

Aviation Operating Fund

61. Traffic Signal Communications Cable Design-I-85 Contract

Action: Approve a contract with Kimley-Horn and Associates for \$173,754 for design of fiber optic cable plans along a portion of I-85.

Staff Resource: Liz Babson, Transportation

Explanation

- Fiber optic cabling, video surveillance and traffic signal interconnection provides the ability to monitor traffic, traffic related incidents and remotely adjust traffic signals to improve traffic flow in response to changes during normal and emergency conditions.
- Under this contract Kimley-Horne will develop final design plans and construction documents for a fiber optic duct system along I-85 from Brookshire Boulevard and I-485.
- The contract will be funded by an Intelligent Transportation Systems (ITS) Earmark from the Federal Highway Administration (FHWA) and North Carolina Department of Transportation (NCDOT).

- When completed, this project will permit the City to connect traffic signals along Billy Graham Parkway and at ramps along this portion of I-85 directly back to CDOT's Traffic Control Center.

Small Business Opportunity

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since the selection of the firm was made following Federal and State Requirements and the Consultant Contract will comply with Federal DBE requirements.

Funding

Transportation Capital Investment Plan

62. General Obligation Refunding Bonds

- Action:**
- A. Approve a resolution stating facts concerning the proposed bond issue,**
 - B. Introduce a bond order up to \$195 million of General Obligation Refunding Bonds, and**
 - C. Approve a resolution calling a public hearing on the bond order and direct publication of notice of the public hearing and the filing of a debt schedule.**

Staff Resource: Greg Gaskins, Finance

Explanation

- Current market conditions allow substantial savings by refunding General Obligation Bonds issued in 1998 and 2000. Final sizing of this refunding will be determined by market conditions but will be less than \$195 million.
- This action states facts related to the refunding, introduces a bond order for the refunding, sets a public hearing and directs the City Clerk to post notice of the public hearing.
- Estimated net present value of the savings is up to \$6.2 million.
- 36% of the savings is in the Water/Sewer Fund and 64% is in the Municipal Debt Service Fund
- This action authorizes up to \$195 million in refunding bonds. Refundings are similar to refinancing a mortgage.
- Notice of the public hearing will be published on or before March 21, 2005 and the hearing will be on March 28, 2005.
- This is the initial step of a two-step process. Council will be asked to give final approval on March 28, 2005.

Funding

Municipal Debt Service Fund
Water & Sewer Fund

Attachment 45

Resolution

Bond Order

63. Land Transfer and Cooperative Funding Agreement with Mecklenburg County

Action: **A. Approve a land transfer of Park Road Park to Mecklenburg County, and**

B. Authorize the City Manager to enter into a cooperative funding agreement with Mecklenburg County to perform storm water improvements within the Park for \$407,700.

Staff Resource: Daryl Hammock, Engineering & Property Management
 Tim O'Brien, Engineering & Property Management

Policy

Asset Management Guidelines direct activities to reduce the number of properties not needed for the City's core business in order to lessen the financial impact on the operating budget.

Land Transfer with Mecklenburg County

- The City entered into an agreement with Mecklenburg County to transfer most of the City's park lands in July 1992.
- At the time of the 1992 land transfer, Park Road Park had not been separated by survey from CMU's Sugar Creek Wastewater Treatment Plant property.
- Transferring the property was intended to occur in 1992 but since there had not been a resolution as to how much land CMU was to retain, the County agreed to maintain the Park as if it was included in the Land Transfer. Once the survey issues had been resolved, the pressure of transferring the land had not been a critical issue so both City and County staff had not focused on formally transferring the land to the County.
- This action places the ownership with the proper agency while cleaning up the City's parcel inventory.

Authorize the City Manager to enter into an Agreement with the County

- Mecklenburg County Parks and Recreation and Charlotte Storm Water Services have reached an agreement to partner to make various improvements to the Park Road Park lake.
- The City will pay \$407,700 for the water quality and storm water improvements that benefit the City.
- The County will pay \$468,828 for park related improvements that benefit the County.
- The City will reimburse the County upon satisfactory design and construction of the project.

Funding
Storm Water Capital Investment Plan

64. Reimbursement Agreement – Tilley Morris Road and McKee Road

- Action:**
- A. Adopt a budget ordinance for \$150,000,**
 - B. Authorize the Transportation Key Business Executive to execute an Agreement between the City and Portrait Homes to reimburse Portrait Homes in the amount of \$100,000 for expenses pursuant with a Municipal Agreement with North Carolina Department of Transportation, and**
 - C. Authorize the Transportation Key Business Executive to execute an Agreement between the City and Portrait Homes to reimburse Portrait Homes in the amount of \$117,200 for public roadway improvements on McKee and Tilley Morris Roads.**

Staff Resource: Scott Putnam, Transportation

Explanation

- These Agreements and Developer Reimbursements are associated with roadway and intersection improvements required to mitigate transportation impacts of Portrait Homes' Covington at Providence residential development (rezoning petition 2002-29 approved by Council July 9, 2002). The NCDOT agreed to contribute funding for a portion of these improvements.

Budget Ordinance and Municipal Agreement Reimbursement

- A Municipal Agreement was approved on April 4, 2004 for the improvements at Tilley Morris Road and McKee Road in Charlotte. This agreement specifies that NCDOT will contribute \$100,000 toward the construction of the project.
- The City is entering into an agreement with Portrait Homes to pay them \$100,000, which is reimbursable by NCDOT.
- According to the Municipal Agreement, the City is contributing \$50,000 toward interconnect costs.
- The format and cost sharing philosophy is consistent with past jointly-funded projects.
- The budget ordinance appropriates \$100,000 from NCDOT and transfers \$50,000 in City funding to the appropriate capital account.

Agreement and Reimbursement for Pavement Widening Strips

- The City typically will pave widening strips to a future curb and gutter that is required to be installed by the developer through the land development process.
- Because of the scope of work and coordination of construction of the City's portion of the roadway and intersection improvements associated with Portrait

Homes' Covington at Providence residential development, it was not practical for City forces to do the necessary paving.

- North Carolina General Statutes authorize the City to enter into road improvement agreements with private parties in instances where the private developer can construct the improvements using its contractor who is already doing work, using force account labor or a separate contractor or where coordinating the work of the private contractor with the City's work is impractical. All requirements of the law have been met.
- The City is entering into an agreement with Portrait Homes to reimburse them \$117,200 for public roadway improvements on McKee and Tilley Morris Roads.

Funding

NCDOT and Transportation Capital Investment Plan

Attachment 46

Budget Ordinance

65. Historic Designation of Lloyd Presbyterian Church Cemetery

Action: Approve an ordinance designating the Lloyd Presbyterian Church Cemetery, located at the intersection of Sharon and Colony Roads 600 feet west of the Sharon Road intersection as a Historic Landmark.

Resource: Dr. Dan Morrill, Historic Landmarks Commission

Explanation

- A Joint Public Hearing between the City Council and the Historic Landmarks Commission was held November 14, 2004 to consider designation of the property.
- Consideration of this ordinance was deferred by City Council so that the property boundaries could be defined.
- The property owner, Grubb Real Estate Preservation Foundation, fully supports designation.
- The area to be designated is 2.1 acres.
- There are approximately 78 graves in the cemetery.
- Most of the graves contain former slaves or first generation free-born African-Americans.
- Local Landmark Designation is part of a comprehensive preservation strategy to preserve the site and interpret its significance for the people of Mecklenburg County.

Attachment 47

Ordinance

66. Sale of City Owned Property at Spencer Street

Action: A. Declare as surplus 1.36 acres of City owned property located at the rear of 3346 Spencer Street (Tax code 091-091-04), plus the deeded 20-ft wide access strip; and

B. Authorize the sale of the property in the amount of \$33,000.

Staff Resource: Tim O'Brien, Engineering & Property Management

Policy

"City Council will balance the benefits of the sale of any of its Assets with other Council policies and goals." from *Guidelines for Services Contracting and Asset Management, July 1994* by the Privatization Competition Advisory Committee

Explanation

- The City owns 1.36 acres of vacant property in the middle of the city block bounded by Spencer Street, East 36th Street, Holt Street and Herrin Avenue.
- A 20-ft deeded access easement will allow the new private owner to maintain access to the property.
- The property is zoned R-5 with a staff appraisal of \$9,000.
- The property was advertised and the adjacent neighbors were notified of the potential sale of this land.
- After several competing bids were received during the upset bid process, the successful bid was \$33,000.
- Departmental Polling and Mandatory Referral process approved of the disposition of the land.

Attachment 48

Tax map

67. Property Transactions

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

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

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

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

Acquisitions:

- A. Project:** FAR Part 150 Plan Acquisition
Owner(s): Suzane Monet-Wooten
Property Address: 8006 Tuckaseegee Road
Property to be acquired: .544 acres
Improvements: house
Purchase Price: \$100,000
Zoned: R3
Use: residential
Tax Value: \$97,000
Tax Code: 055-381-53
- B. Project:** Nations Ford Road - Phase II Water Main System Improvements, Parcel # 9 & 11
Owner(s): EIG Southwood Village, LLC
Property Address: 201 West Arrowood Road / Nations Ford Road
Property to be acquired: 4,520 sq. ft. (.104 ac.) in Utility Easement, plus 2,249 sq. ft. (.052 ac.) in Temporary Construction Easement

Improvements: None
Landscaping: None
Purchase Price: \$10,000
Remarks: Compensation was established as a result of damages and tax values.
Zoned: B-1
Use: Commercial
Tax Code: 203-189-07 / 203-189-14
Total Parcel Tax Value: \$2,937,100

Condemnations

- C. Project:** 2003 Annexation - Long Creek Area Sanitary Sewer, Parcel # 13,
Owner(s): John D. Rowan and Wife, Betsy H. Rowan and Any Other Parties of Interest
Property Address: 1510 Riverside Drive
Property to be acquired: Total Combined Area of 2,702 sq. ft. (.062 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,542
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: 031-162-21
Total Parcel Tax Value: \$134,100
- D. Project:** Braeburn/Honegger Storm Drainage Improvements, Parcel # 22,
Owner(s): John M. Zoutewelle and Wife, Ellen M. Zoutewelle and Any Other Parties of Interest
Property Address: 1123 Shadow Brook Lane
Property to be acquired: Total Combined Area of 3,681 sq. ft. (.085 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$975
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: 189-301-21

Total Parcel Tax Value: \$261,400

- E. Project:** South Corridor Light Rail, Parcel # 216 & 218,
Owner(s): J & J Properties of Charlotte and Any Other Parties of Interest
Property Address: 6142 & 6150 Old Pineville Road
Property to be acquired: Total Combined Area of 8,755 sq. ft. (.201 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement
Improvements: Gravel Parking Lot
Landscaping: Trees and Shrubs
Purchase Price: \$67,375
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: I-2
Use: Industrial
Tax Code: 169-091-01 / 169-091-14
Total Parcel Tax Value: \$758,700

68. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- January 10, 2005 Business Meeting
 - January 18, 2005 Zoning Meeting
 - January 24, 2005 Business Meeting
 - February 7, 2005 Workshop