

**Mayor Patrick L. McCrory**    **Mayor Pro Tem Patrick De'Angelo Cannon**

Susan Burgess  
Nancy Carter  
Malcolm Graham  
Patsy Kinsey  
John W. Lassiter

Don Lochman  
James E. Mitchell, Jr.  
Patrick Mumford  
John H. Tabor, AIA  
Warren Turner

# **CITY COUNCIL MEETING**

**Monday, January 10, 2005**

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# CITY COUNCIL AGENDA

Monday, January 10, 2005

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

### 1. Public Art Mid-Year Report

**Resources:** Lee Keesler, President, ASC  
Kevin Patterson, Chair, Public Art Commission  
Pat Riley, Past Chair, ASC Board of Directors

**Time:** 30 minutes

**Synopsis**

- Council will receive an update on the current fiscal year activities of the Charlotte-Mecklenburg Public Art Commission.

**Future Action**

During spring 2005, Council will review proposed public art projects included in the FY2006-2010 Capital Investment Plan.

**Attachment 1**

Presentation

### 2. Mayor's Task Force on Cultural Facilities

**Resource:** Luther Cochrane, Chairman

**Time:** 30 minutes

**Synopsis**

- In June the Mayor appointed a Task Force to review and evaluate a vision and implementation plan for cultural facilities. The Task Force held 12 meetings in addition to subgroup meetings during which it reviewed the six projects proposed in the Cultural Facilities Master Plan. This review included the projects' economic impact, the City's funding options, opportunities for reducing the City's costs and maximizing its debt financing opportunities, and opportunities for mix-used development of the projects.
- The Chairman will present the recommendations of the Task Force to the City Council.
- The six projects under discussion include the Afro-American Cultural Center renovation and expansion, the Bechtler Art Museum, Discovery Place renovation, the Mint Museum relocation, the N.C. Dance Theatre Rehearsal/Administrative Facility, and the 1200 Seat Theatre.
- Council will receive the report in the Friday, January 7th Council-Manager Memorandum.

**Future Action**

City Council will consider the recommendations of the Task Force as a part of its Capital Investment Program discussion.

**3. Update on South Corridor Light Rail**

**Resource:** Ron Tober, CATS

**Time:** 30 minutes

**Synopsis**

- Status of Federal Transit Administration's review of the project budget and schedule
- Status of reviews of recent contract bids
- Status of Full Funding Grant Agreement

**Future Action**

The January 24<sup>th</sup> agenda will have several actions related to the South Corridor Light Rail Project.

**4. Committee Reports by Exception**

- Restructuring Government: Public Art
- Housing and Neighborhood Development: Gentrification Resolution

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

**CONSENT**

- 5. Consent agenda items 10 through 24 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.**

## POLICY

### 6. City Manager's Report

### 7. Public Art



**Action:** Approve the Restructuring Government Committee's recommendations to:

- A. Improve communications between the Mayor and City Council and the Public Art Program,**
- B. Improve communications between the Mayor and City Council and the Charlotte Area Transit System's Art-in-Transit Program, and**
- C. Adopt an ordinance amending City Code Chapter 15, Section 15.224 to amend the funding provided by the Public Art Ordinance from "equal to 1% for Public Art" to "equal up to 1% for Public Art."**

**Committee Chair:** James Mitchell

**Staff Resources:** Curt Walton, City Manager's Office  
Ron Tober, Charlotte Area Transit System  
Ruffin Hall, Budget and Evaluation

#### **Background**

- On October 11, 2004 Council referred the issue of communication between the Mayor and City Council, Public Art and the Charlotte Area Transit System's Art-in-Transit programs to the Restructuring Government Committee
- Restructuring Government Committee met on October 21 and November 18 to discuss ways to improve communication with Lee Keesler (ASC President), Jean Greer (ASC V.P. for Public Art), Ron Tober (CATS CEO), and Pallis Lombardi (CATS' Art-in-Transit Manager).

#### **Recommendations**

##### Public Art

- The Committee unanimously (Mitchell, Lochman, Graham, Kinsey and Lassiter) recommended the following improvements to the Public Art communications process:
  1. ASC will have face to face conversation with City Council at two communication points by November 30 (January 10, 2005 for this budget cycle) and by June 30 of each fiscal year. The purpose of the June 30

conversation is to approve the annual work plan and November 30 is to review the Public Art Commission financial audit. At both meetings ASC will update the Council on projects in the pipeline. The ASC recommends that these presentations be made at a dinner meeting.

2. City staff shall present to the Mayor and City Council the preliminary public art projects along with the draft CIP prior to the Manager's recommended budget – no later than April.
3. A member of Council or his/ her designee will be invited to serve on each Artist Selection Panel. Council members will be notified of CIP projects in their districts slated for public art and may wish to serve on those projects.
4. When high profile projects are expected, such as a baseball stadium, City Council should speak directly to Lee Keesler, ASC President and CEO, regarding its communication and information expectations.
5. Lee Keesler will keep the Mayor and City Council updated on projects as a part of his ongoing conversation with elected officials.
6. ASC will make certain that City Council members receive all ASC communications related to public art, both print and electronic.

#### CATS' Art-in-Transit Program

- The Committee unanimously (Mitchell, Graham, Kinsey, Lochman, and Lassiter) recommended the following improvements to the CATS Art-in-Transit programs:
  1. CATS Art-in-Transit Advisory Committee annually presents (each June) its Art-in-Transit Program Plan and Budget for the following two fiscal years to the CATS CEO for review. The CATS CEO then presents the Plan to the MTC for comments prior to approval. A copy of the Program Plan and Budget will be provided to the Mayor and City Council at a prescribed time to ensure their understanding and awareness of the plan.
  2. The Art-in-Transit Advisory Committee meets quarterly or more often if necessary and dates and locations of the meetings will be provided to the MTC, Mayor and City Council members. Minutes of any meeting will be provided to any interested individual subsequent to a meeting.
  3. CATS Art-in-Transit Program will provide City Council members with printed and electronic program information relating to artists selection meetings, community meetings, solicitation of artists credentials, project announcements, etc. to ensure City Council members awareness of program activities.
  4. There should be increased communication between the City's MTC representative and City Council regarding CATS' public art discussions/ decisions at the MTC.

#### Public Art Funding

- The Committee voted 3-2 (Kinsey, Lochman and Lassiter in favor; Mitchell and Graham opposed) to amend Section 15.224 of the Public Art ordinance by amending the following:

“All allocations of funds for Eligible projects shall include an amount *equal to 1%* of the projected construction costs...” to read

All allocations of funds for Eligible projects shall include an amount *equal up to 1%* of the projected construction costs...”

The Committee did not recommend adding similar wording to the CATS Art-in-Transit resolution, a change that would require MTC approval.

## Attachment 2

Ordinance Amendment  
Public Art Ordinance  
Public Art Commission Procedures  
Art-in-Transit Program  
Art-in-Transit Program Procedures

## 8. Gentrification Resolution



**Action:** Approve the Housing and Neighborhood Development Committee’s recommendation to adopt the Gentrification Resolution.

**Committee Chair:** Susan Burgess

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

### Explanation

- Gentrification, as issue in Charlotte, was referred to the Housing and Neighborhood Development Committee on June 14, 2004. On September 22, 2004 the Housing and Neighborhood Development Committee began a study of gentrification and the possible effects on the City’s neighborhoods.
- An accepted definition of gentrification is "a process by which higher income households displace lower income households of a neighborhood, changing the essential character and flavor of the neighborhood.”
- On December 8, 2004 the Committee completed its study and approved a resolution on gentrification in Charlotte’s neighborhoods.
- The Committee’s study and report on gentrification concluded the following:
  - There are many facets to gentrification. Gentrification represents an opportunity for neighborhood change and improvement; and it highlights the negative consequences of displacement encompassing equity, fairness and racial issues.
  - Conditions exist in some Charlotte neighborhoods that may lead to gentrification; and gentrification may become more pressing given the City’s aggressive revitalization plans.
  - The key is to be proactive and anticipate gentrification early enough to get organized and develop a plan.
  - Recommended strategies to mitigate the negative aspects of gentrification in Charlotte neighborhoods include the following:
    - Monitor current revitalization areas and the neighborhood action plan (planning and updating) process for the effects of gentrification.

- Respond to requests by elected officials or citizens concerning the mitigation of the negative aspects of gentrification. Mitigation actions are included in the Committee's report.
- Continue to gather more local data and develop new mitigation actions for neighborhoods identified as gentrification candidates. Possible mitigation actions would be addressed in neighborhood plans or updates to those plans.
- Over the next few years staff members from Neighborhood Development and the Charlotte Mecklenburg Planning Commission will semi-annually monitor various objective indicators of neighborhood gentrification. Those indicators may include rapidly rising property values, declining rental percentages and rezoning applications. Neighborhoods that are monitored would not be limited to those listed as gentrification candidates in the report.
- The resolution briefly describes the steps leading to the generation of the report and three key City Council actions. The City Council:
  1. Accepts the Committee's attached Gentrification Final Report;
  2. Recognizes that conditions exist that may lead to gentrification in some Charlotte neighborhoods; and
  3. Directs City staff to continue to monitor the City's neighborhoods for gentrification and bring forward for Council consideration strategies and actions to mitigate any negative consequences.
- Council was briefed on the resolution at the January 3<sup>rd</sup> workshop.

#### **Committee Discussion**

- Gentrification was a topic for discussion for four Housing and Neighborhood Development Committee meetings.
- At the December meeting, the Committee's discussion focused on the extent to which conditions exist that may lead to gentrification in Charlotte's neighborhoods; neighborhoods that are likely to undergo gentrification; and some of the tools that may be used to mitigate the impact of gentrification.
- The Committee reviewed the draft resolution and made modifications to reflect that "conditions exist in some Charlotte neighborhoods that may lead to gentrification". The Committee approved the resolution, as modified, by a vote of 4 to 0 (Burgess, Mitchell, Lochman, Mumford).

#### **Attachment 3**

Gentrification Resolution  
Gentrification Report

## BUSINESS

### 9. Nominations to Boards and Commissions

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

**A. COMMUNITY RELATIONS COMMITTEE**

One appointment beginning immediately and ending June 2007. Justin Seaford has resigned.

**Attachment 4**

Applications

**B. MAYOR'S INTERNATIONAL CABINET**

Two, three-year appointments beginning March 2005. Maura E. Chavez representing the Ethnic Organization category and Hal Markowitz representing the Open Category are eligible and would like to be considered for reappointment.

**Attachment 5**

Applications

**C. PRIVATIZATION COMPETITION ADVISORY COMMITTEE**

Four appointments for two-year terms beginning March 2005. Raphael K. Basisa and Edward P. Pickett would like to be considered for reappointment. Clark Jackson is not eligible for reappointment. Andrew W. Diwik does not want to be reappointed.

**Attachment 6**

Applications

**D. TRANSIT SERVICES ADVISORY COMMITTEE**

Two, three-year appointments beginning February 2005. Lisa McCarthy is eligible and would like to be considered for reappointment. This must be an Express Service Passenger. Linette P. Fox is not eligible for reappointment and this slot must also be filled by a Local or Express Service Passenger.

**Attachment 7**

Applications

**E. WASTE MANAGEMENT ADVISORY COMMITTEE**

One recommendation to the County Commission for an appointment beginning immediately and serving for three years. John Scott has resigned.

**Attachment 8**

Applications

**F. ZONING BOARD OF ADJUSTMENT**

One, three-year appointment beginning January 2005. Carol L. Fortenberry does not want to be reappointed.

**Attachment 9**

Applications

## **MAYOR AND COUNCIL TOPICS**

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

## Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

## CONSENT I

### 10. Various Bids

#### A. Temporary Fire Station #37

**EPM**

##### **Action**

Award the low bid of \$257,724.50 by D.E. Brown Construction, Inc. of Charlotte, North Carolina. This project provides fire protection for this area until a permanent fire station can be constructed. Work will involve site grading, utilities, mobile trailer transport, residential demolition & asbestos removal, construction of prefabricated metal building and related electrical/mechanical systems. The project is located at 14525 Sledge Road between Shopton and Steele Creek Roads. This station will serve the 2005 Steele Creek Annexation Areas. The anticipated completion date is second quarter 2005.

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

Established SBE Goal: 6%

Committed SBE Goal: 7.29%

- D.E. Brown Construction, Inc. has committed 7.29% (\$18,800) of the total contract amount to the following certified SBE's: Saye Specialty Electric, Inc. and Makk Services Unlimited, Inc.
- D.E. Brown Construction, Inc. failed to meet the mandatory contacts for this project. Of the 20 minimum SBE contacts, only 3 were notified. The SBO Program Manager has waived the mandatory outreach pursuant to SBO Policy Section 8.4.

**B. W.T. Harris Boulevard Median Landscaping Phase III EPM**

**Action**

Award the low bid of \$202,811.95 by Superior Seeding, Inc. of Gastonia, North Carolina. This project is the third phase of a landscaping project to provide planting of trees, shrubs, groundcover and installation of rip-rap along W.T. Harris Boulevard from Technology Drive to The Plaza. The anticipated completion date is second quarter 2005.

**Small Business Opportunity**

Established SBE Goal: 0 %

Committed SBE Goal: 0%

The Small Business Program Manager waived the SBE goal for this project. In order to establish the goal, there must be SBE firms certified in the City's Vendor Management System to perform the subcontracting opportunities identified for the project (trees, shrubbery, evergreens and mulch). There were no SBE firms certified to perform on this project.

**C. Southwest Water Transmission Main Phase A CMU**

**Action**

Award the low bid of \$39,693,407.85 by S.J. Louis Construction, Inc. of Waite Park, Minnesota for the construction of 33,000 linear feet of water mains from the Franklin Water Treatment Plant to the Charlotte-Douglas International Airport.

**Small Business Opportunity**

Established SBE Goal: 5.00 %

Committed SBE Goal: 0.00 %

S.J. Louis Construction, Inc. complied with good faith efforts and met the mandatory outreach requirement.

## 11. Refund of Property Taxes

**Action:** Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$13,362.24.

### **Attachment 10**

Resolution

List of property tax refunds

## CONSENT II

### 12. Engineering Services for Storm Drainage Projects- Dewberry & Davis, Inc.

**Action:** Approve an agreement with Dewberry & Davis, Inc. for \$500,000 for engineering services for storm drainage improvement projects.

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

#### Agreement with Dewberry & Davis, Inc.

- Provides funding for a combination of planning/design services including hydraulic studies on various individual storm drainage improvement projects.
- Dewberry will provide an existing hydraulic conditions study for the Cherokee/Scotland Storm Drainage Improvement project as the first service.
- Future services under this contract will be determined based on current project ranking procedures or emergency needs.
- The contract may be amended in the future based on consultant performance.

#### Cherokee/Scotland Storm Drainage Improvement Project

- The project area covers about 250 acres and partially includes the Eastover and Myers Park neighborhoods.
- This project was initiated in response to citizen complaints regarding house and road flooding and stream erosion and was selected based on current project ranking procedures.

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#### Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

Dewberry & Davis has committed 2% (\$10,000) of the total contract amount with the certified SBEs: Meade Gunnell Engineering, Carolina Wetland Services, On Target Utility Locate Services, Torrence Reporgraphics

#### Funding

Storm Water Capital Investment Plan

### 13. Engineering Services for Storm Drainage Projects- Kimley-Horn and Associates, Inc.

**Action:** Approve an agreement with Kimley-Horn and Associates, Inc. for \$500,000 for engineering services for storm drainage improvement projects.

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

**Agreement with Kimley-Horn and Associates, Inc.**

- Provides funding for a combination of planning/design services including hydraulic studies on various individual storm drainage improvement projects.
- Kimley-Horn will provide an existing hydraulic conditions study for the Robinhood/Dooley Storm Drainage Improvement project as the first service.
- Future services under this contract will be determined based on current project ranking procedures or emergency needs.
- The contract may be amended in the future based on consultant performance.

**Robinhood/Dooley Storm Drainage Improvement Project**

- The project area covers about 440 acres and includes neighborhoods roughly bound by W.T. Harris to the northwest, Woodbridge Road to the northeast, Dooley Drive to the southeast, and Lawyers Road to the southwest.
- This project was initiated in response to house and road flooding and stream erosion and was selected based on current ranking procedures.

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**Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

The selection process of this project took place in 2001, which preceded the implementation of the SBO Program for professional services contracts.

However, Kimley-Horn has agreed to contract with the following SBEs: On Target Utility Locate Services, Inc. and Torrence Reprographics.

**Funding**

Storm Water Capital Investment Plan

**14. Commonwealth/Morningside Storm Drainage Project**

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**Action: Approve change order #1 with the Ferebee Corporation for \$321,610.28 for the Commonwealth/Morningside Storm Drainage Improvements Project.**

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

**Change Order #1 with the Ferebee Corporation**

- Provides funding for the addition of approximately 3,400 linear feet of new eight inch water main [to replace the old main.](#)
- ~~Charlotte-Mecklenburg Utilities received complaints previously about this water line~~ and coordinated with Storm Water to include the work with the storm drainage project.
- Charlotte-Mecklenburg Utilities requested the additional work and ~~will fund the~~ change order.

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**Commonwealth/Morningside Storm Drainage Improvement Project**

- This project was initiated based on the severity of drainage problems, citizen's request and an internal capital project ranking procedure.

- This project will improve the existing storm water system and address street flooding.
- This project is along Commonwealth Avenue, between Morningside Drive and St. Julien Street.
- Construction completion is anticipated to be third quarter 2005.

#### **Contract History**

- Council awarded the original contract on June 28, 2004 for \$1,411,660.37.
- The new contract amount is \$1,733,270.65.

#### **Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 6%

This work will be performed by the prime contractor and existing subcontractors.

This change order complies with Section 10.3 of the SBO Program.

#### **Funding**

Water Capital Investment Plan

## **15. Long Creek Parallel Outfall**

**Action:**

- A. Adopt a budget ordinance appropriating \$8,300,000 from Water and Sewer Revenue Bonds,**
- B. Award the low bid of \$4,954,458.67 by Sanders Utility Construction Co., Inc. of Charlotte, North Carolina for construction of Phase 1 of this project, and**
- C. Award the low bid of \$6,135,832.87 by D. H. Griffin Infrastructure, LLC of Greensboro, North Carolina for construction of Phase 2 of this project.**

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

#### **Budget Ordinance**

- Additional funding is needed due to increased pipe size to accommodate a higher design standard related to wet weather flows and increased construction costs from the original estimates several years ago.
- Total funds available including the budget ordinance amount is \$11,727,663.
- Following award of contracts, \$637,372 will remain in the two cost centers for these projects.

#### **Project Explanation**

- Seven miles of 54 to 48 inch sewer main to parallel the existing Long Creek Outfall, from the Catawba River up to Oakdale Road
- Completion scheduled to coincide with replacement of existing Long Creek Pump Station presently under construction.
- Project needed to meet present and projected future needs of drainage basin.

- Design of the Long Creek Liftstation, changes in the scope of this project, in particular the increase in pipe size to allow for greater hydraulic capacity, and changes in the environmental regulations delayed the project's original schedule.

### **Background**

- CMU typically begins the planning process for major projects five or more years out. Closer to the start of the project, plans often require modifications to incorporate population, typography, and environmental changes.
- During design of this project, it was determined that the Long Creek Liftstation must be replaced. Design, permitting and value engineering of the liftstation to meet budget requirements took about three years, during which time the outfall design was put on hold.

### **Small Business Opportunity for Phase 1**

Established SBE Goal: 7.0%

Committed SBE Goal: 2.18%

Sanders Utility Construction Co., Inc. complied with the good faith efforts and mandatory outreach requirements and have committed \$107,931 to the following SBE firms: Ms. Sybil's Seeding, Next Level Services, Signs By Tomorrow, Hazel Holmes and Uprocon Inc.

### **Small Business Opportunity for Phase 2**

Established SBE Goal: 10.0%

Committed SBE Goal: 5.12%

- D. H. Griffin Infrastructure, LLC failed to comply with the good faith efforts and mandatory outreach per section 8.4 of the revised SBO.
- SBO Program Manager grants a waiver, per section 8.4.3.1 of the revised SBO policy, due to cost difference between non-compliant lowest bidder and the compliant bidder, (approximately \$2.8 million)
- D. H. Griffin Infrastructure, LLC has committed \$314,457 to the following SBE firms: FastSigns, Hazel Holmes Trucking, Inc. and Martin Landscaping Co., Inc.

### **Funding**

Sewer Capital Investment Plan

### **Attachment 11**

Budget Ordinance

## **16. Emergency Management Program Grant Funding**

**Action: Adopt a budget ordinance appropriating \$73,963.10 in program grant funding from the North Carolina Division of Emergency Management.**

**Staff Resource:** Wayne Broome, Fire

**Explanation**

Each year, the Federal Emergency Management Agency (FEMA) makes program grant funding available to state and local emergency management agencies in order to assist in the development and continuation of comprehensive planning and response efforts at the state and local government levels.

The North Carolina Division of Emergency Management serves as the coordinating agency for FEMA concerning program grant activities in the State of North Carolina.

**Attachment 12**

Budget Ordinance

**17. Appropriation of Reimbursements to Police**

**Action: Adopt a budget ordinance appropriating \$210,857.58 in reimbursements to the Police Department for participation in federal task forces and the 2005 Presidential Inauguration.**

**Staff Resource:** Greg Crystal, Charlotte-Mecklenburg Police

**Explanation**

- CMPD officers participate in a number of federal task forces with agents from DEA (Drug Enforcement Administration), ATF (Alcohol, Tobacco, and Firearms), etc. Federal government reimburses expenses other than regular salaries that are incurred by CMPD.
- CMPD will also send 86 officers to assist the D.C. Metropolitan Police Department during presidential inauguration events on January 19 and 20. The D.C. Police Department requested assistance from police departments on the east coast to help augment their manpower. The officers from the Charlotte-Mecklenburg Police Department all have field force training.
- CMPD is being reimbursed \$93,000 for overtime, \$23,000 for equipment purchases and \$5,000 for travel in conjunction with task force participation.
- CMPD is also being reimbursed \$90,357.58 from the D.C. Metropolitan Police Department to cover salaries and expenses for the officers involved in the inauguration.

**Attachment 13**

Budget Ordinance

**18. SafeSpeed Program Revenue Appropriation**

**Action: Adopt a budget ordinance appropriating \$514,400 in estimated revenues and expenses for the SafeSpeed program for the remainder of FY2005.**

**Staff Resource:** Greg Crystal, Charlotte-Mecklenburg Police

**Explanation**

- Council appropriated \$300,000 in revenues for the first months of the SafeSpeed Program on August 23, 2004.
- Photo radar cameras were deployed on August 4, 2004; they are used along 14 designated speed related crash corridors.
- Through November 30, 2004, 7,403 citations have been issued.
- CMPD and Peek Traffic Corporation estimate that that photo radar citations issued from December 1, 2004 through June 30, 2005 will generate \$514,400 in revenues; estimated number of citations is 14,378.
- Under the current contract, 78% of the revenue collected (\$396,910) will be appropriated to Peek Traffic Corporation, the vendor that provides the cameras and administers the photo radar program.
- The remainder of the revenue (\$117,490) will go toward reimbursement to CDOT for covering the program start-up costs for brochures, TV advertising etc.
- Once the reimbursement to CDOT is completed in FY2006, the City portion of the revenue will begin going to the school system.

**Attachment 14**

Budget Ordinance

## 19. Utility Billing Management Software

**Action:** Approve the purchase of COGNOS ReportNet for \$140,903 to replace Crystal Reports system for the Finance Department.

**Staff Resources:** Greg Gaskins, Finance  
Chip Harris, Finance

**Explanation**

- COGNOS is the provider of choice for the citywide data warehouse.
- This action will allow the Finance Department to replace its current data warehouse with COGNOS ReportNet.
- ReportNet is more compatible with the existing Utility Billing Management software, which allows for better data analysis and reporting.
- Two components of the purchase are as follows:
  - \$79,939 for Software and Licenses
  - \$60,694 for Training
  -

**Funding**

Finance Operating Budget

## 20. Airport Graphics Change Order

**Action:** Approve a change order to a contract with Camps Construction Co. of Charlotte, North Carolina in the amount of \$181,786 for installation of signage and graphics in the airport terminal.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- On March 22, 2004 Council awarded a contract to Camps Construction Co. in the amount of \$192,000 for installation of signage and graphics in the Airport ticketing lobby, the first phase of updating signage throughout the terminal.
- This change order provides new signage in the B and C Concourses, making all signage consistent.

### Small Business Opportunity

Established SBE Goal: 5%

SBE Committee Goal: 2%

All additional work involved in this change order, will be performed by the current prime contractor and subcontractors. Camps Construction is SBE certified and will self perform 5% (\$9,090) of the project. Corner Stone Construction Services Inc. committed 10% of the change order amount (\$18,178) to SBE participation. This change order complies with Section 10.3 of the SBO program.

### Funding

Airport Capital Investment Plan

## 21. Airport Temporary Services Contract

**Action:** Award a three-year contract with two, one-year optional extensions (options may be exercised by the Aviation Director) to Balance Staffing Services of Charlotte, North Carolina for providing parking cashiers and other personnel services at the Airport.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Since 1982, the Airport has staffed parking cashiers, taxi starters, and information and Welcome Center attendants through a temporary services contract.
- The contract requires Balance to provide roughly 100 of its employees to work as parking lot cashiers, taxi starters, information counter and Welcome Center attendants on a 24-hour, seven day a week basis.
- A Request for Proposals was advertised on November 21, 2004 and proposals were received on December 21, 2004. Three companies—Balance Staffing Services, Manpower and Republic Parking Systems submitted proposals.

- Balance was selected based on its billing rate/mark up rate, previous work experience, and employee programs and benefits.
- The amount of the three year contract is estimated to be \$4.8 million. This is a three-year contract. The City has two, one-year extensions available at its sole discretion.

#### **Small Business Opportunity**

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

#### **Funding**

Airport Operating Budget

## **22. Developer Reimbursement for Prosperity Church Road and Eastfield Road Improvements**

**Action: Authorize the City Manager to reimburse Cambridge Properties in the amount of \$106,600 for public roadway improvements on Prosperity Church Road and Eastfield Road.**

**Staff Resource:** Scott Putnam, Transportation

#### **Explanation**

- The City typically will pave widening strips to a future curb and gutter as required through the land development process and installed by the developer.
- 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 impracticable. All requirements of the law have been met.
- Because of the scope of work and coordination of construction of the City's portion of the roadway and intersection improvements associated with Cambridge Properties Eastfield Village mixed-use development, it was not practical for City forces to do the necessary paving.
- Cambridge properties has completed roadway and intersection improvements costing \$1.2 million as part of the required improvements to mitigate the transportation impacts of the mixed-use development that was approved by the City Council on November 18, 2002.

#### **Funding**

Transportation Capital Investment Plan

## 23. Property Transactions

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

For property transactions A-D, M-S, 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:** South Corridor Light Rail, Parcel # 169  
**Owner(s):** Victory Christian Center, Inc.  
**Property Address:** 7224 Old Pineville Road  
**Property to be acquired:** 25,231 sq. ft. (.579 ac.) in Fee Simple, plus 599 sq. ft. (.014 ac.) in Storm Drainage Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 10,227 sq. ft. (.235 ac.) in Temporary Construction Easement  
**Improvements:** Sign  
**Landscaping:** Trees  
**Purchase Price:** \$36,250  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-9MF(CD)  
**Use:** Church  
**Tax Code:** 169-231-09  
**Total Parcel Tax Value:** \$15,601,900
- B. Project:** South Corridor Light Rail, Parcel # 175  
**Owner(s):** Victory Christian Center, Inc.  
**Property Address:** 7000 Old Pineville Road  
**Property to be acquired:** 351 sq. ft. (.008 ac.) in Fee Simple, plus 294 sq. ft. (.007 ac.) in Slope Easement, plus 1,902 sq. ft. (.044 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and shrubs  
**Purchase Price:** \$1,150  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Church  
**Tax Code:** 169-231-01  
**Total Parcel Tax Value:** \$2,857,200

- C. Project: South Corridor Light Rail, Parcel # 259**  
**Owner(s): C.N. Reid Sr. Properties, RLLLP**  
**Property Address: East Woodlawn Road**  
**Property to be acquired: 88 sq. ft. (.002 ac.) in Utility Easement, plus 10,586 sq. ft. (.243 ac.) in Slope Easement, plus 37,150 sq. ft. (.853 ac.) in Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: None**  
**Purchase Price: \$31,750**  
**Remarks: Compensation was established by an independent, certified appraisal and appraisal review.**  
**Zoned: I-2**  
**Use: Single Family Residential**  
**Tax Code: 169-012-05**  
**Total Parcel Tax Value: \$0**
- D. Project: South Corridor Light Rail, Parcel # 338**  
**Owner(s): Advance Equipment Company**  
**Property Address: 118 Clanton Road**  
**Property to be acquired: 2,098 sq. ft. (.048 ac.) in Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: Trees**  
**Purchase Price: \$30,325**  
**Remarks: Compensation was established by an independent, certified appraisal and appraisal review.**  
**Zoned: I-2**  
**Use: Warehousing**  
**Tax Code: 147-021-10**  
**Total Parcel Tax Value: \$623,900**

### Condemnations

- E. Project: East Providence Storm Water, Parcel # 17**  
**Owner(s): Derek A. Lawson And Any Other Parties Of Interest**  
**Property Address: East Providence Drive**  
**Property to be acquired: Total Combined Area of 14,937 sq. ft. (.343 ac.) of Storm Drainage Easement, plus Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: None**  
**Purchase Price: \$3,775**  
**Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.**  
**Zoned: R-4**  
**Use: Single Family Residential**  
**Tax Code: 231-061-13**

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**Total Parcel Tax Value:** \$181,200

- F. Project:** East Providence Storm Water, Parcel # 35  
**Owner(s):** Janine Highley And Richard Hernandez And Any Other Parties Of Interest  
**Property Address:** 3800 Davis Drive  
**Property to be acquired:** Total Combined Area of 28,248 sq. ft. (.648 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$5,650  
**Remarks:** This acquisition is required for the above project. 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-5  
**Use:** Single Family Residential  
**Tax Code:** 231-065-06  
**Total Parcel Tax Value:** \$277,100
- G. Project:** East Providence Storm Water, Parcel # 36  
**Owner(s):** Sven M. Powilleit And Wife, Ester E. Vanbarnevald-Powilleit And Any Other Parties Of Interest  
**Property Address:** 3812 Davis Drive  
**Property to be acquired:** Total Combined Area of 5,979 sq. ft. (.137 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,600  
**Remarks:** This acquisition is required for the above project. 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:** 231-065-07  
**Total Parcel Tax Value:** \$257,800
- H. Project:** Historic North Charlotte Neighborhood Improvement Project, Parcel # 91  
**Owner(s):** DEP Investments, LLC And Any Other Parties Of Interest  
**Property Address:** 701 Charles Avenue  
**Property to be acquired:** Total Combined Area of 2,612 sq. ft. (.060 ac.) of Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$3,450

**Remarks:** This acquisition is required for the above project. 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-5

**Use:** Single Family Residential Vacant

**Tax Code:** 083-074-07

**Total Parcel Tax Value:** \$40,000

**I. Project:** Historic North Charlotte Neighborhood Improvement Project, Parcel # 92

**Owner(s):** DEP Investments, LLC And Any Other Parties Of Interest

**Property Address:** Charles Avenue

**Property to be acquired:** Total Combined Area of 4,574 sq. ft. (.105 ac.) of Storm Drainage Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** Trees

**Purchase Price:** \$3,700

**Remarks:** This acquisition is required for the above project. 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-5

**Use:** Single Family Residential Vacant

**Tax Code:** 083-074-08

**Total Parcel Tax Value:** \$25,000

**J. Project:** South Boulevard Sidewalk, Phase II, Parcel # 29

**Owner(s):** Ronald Shue And Wife, Karen Shue And Any Other Parties Of Interest

**Property Address:** 6501 South Boulevard

**Property to be acquired:** Total Combined Area of 3,076 sq. ft. (.071 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$5,275

**Remarks:** This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-2

**Use:** Business

**Tax Code:** 173-041-73

**Total Parcel Tax Value: \$1,889,100**

- K. Project: South Boulevard Sidewalk, Phase II, Parcel # 38**  
**Owner(s): Ronny M. Stephens And Any Other Parties Of Interest**  
**Property Address: 6802 South Boulevard**  
**Property to be acquired: Total Combined Area of 3,099 sq. ft. (.071 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: None**  
**Purchase Price: \$3,725**  
**Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.**  
**Zoned: B-2**  
**Use: Office**  
**Tax Code: 173-101-02**  
**Total Parcel Tax Value: \$432,800**
- L. Project: South Boulevard Sidewalk, Phase II, Parcel # 43**  
**Owner(s): David Walker Shaw And Wife, Hilda Gaither Shaw And Any Other Parties Of Interest**  
**Property Address: 6958 South Boulevard**  
**Property to be acquired: Total Combined Area of 571 sq. ft. (.013 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: None**  
**Purchase Price: \$175**  
**Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.**  
**Zoned: B-2**  
**Use: Vacant**  
**Tax Code: 173-101-06**  
**Total Parcel Tax Value: \$1,500**
- M. Project: South Corridor Light Rail, Parcel # 163**  
**Owner(s): Edens & Avant Financing II Limited Partnership And Any Other Parties Of Interest**  
**Property Address: 910 East Arrowood Road**  
**Property to be acquired: Total Combined Area of 7,421 sq. ft. (.170 ac.) of Slope Easement**  
**Improvements: None**  
**Landscaping: Trees**  
**Purchase Price: \$18,450**  
**Remarks: This acquisition is required for the above project.**

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

**Zoned:** B-1

**Use:** Industrial

**Tax Code:** 205-173-04

**Total Parcel Tax Value:** \$792,400

**N. Project:** South Corridor Light Rail, Parcel # 171

**Owner(s):** McDonald's Corporation And Any Other Parties Of Interest

**Property Address:** 901 East Arrowood Road

**Property to be acquired:** Total Combined Area of 5,189 sq. ft. (.119 ac.) of Retention Wall Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$14,800

**Remarks:** This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-1S(CD)

**Use:** Industrial

**Tax Code:** 205-231-05

**Total Parcel Tax Value:** \$1,350,300

**O. Project:** South Corridor Light Rail, Parcel # 181

**Owner(s):** CDC Pineville, LLC And Any Other Parties Of Interest

**Property Address:** Old Pineville Road

**Property to be acquired:** Total Combined Area of 14,117 sq. ft. (.324 ac.) of Fee Simple

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$12,850

**Remarks:** This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** B-2

**Use:** Single Family Residential

**Tax Code:** 173-021-14

**Total Parcel Tax Value:** \$37,500

**P. Project:** South Corridor Light Rail, Parcel # 248

**Owner(s):** James Stephenson Eakes, Trustee And Any Other Parties Of Interest

**Property Address:** 5318 Old Pineville Road

**Property to be acquired:** Total Combined Area of 8,769 sq. ft. (.201 ac.) of Fee Simple, plus Temporary Construction Easement  
**Improvements:** Parking and Sign  
**Landscaping:** None  
**Purchase Price:** \$41,800  
**Remarks:** This acquisition is required for the above project. 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:** Warehousing  
**Tax Code:** 169-084-11  
**Total Parcel Tax Value:** \$803,000

**Q. Project:** South Corridor Light Rail, Parcel # 254  
**Owner(s):** CHT R. Beitlich Corporation f/k/a Catawba-Charlab, Inc. And Any Other Parties Of Interest  
**Property Address:** 5046 Old Pineville Road  
**Property to be acquired:** Total Combined Area of 4,701 sq. ft. (.108 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$32,175  
**Remarks:** This acquisition is required for the above project. 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:** 169-075-07  
**Total Parcel Tax Value:** \$1,728,300

**R. Project:** South Corridor Light Rail, Parcel # 302  
**Owner(s):** Craig Brown, Inc. And Any Other Parties Of Interest  
**Property Address:** 3821 South Boulevard  
**Property to be acquired:** Total Combined Area of 340 sq. ft. (.008 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$750  
**Remarks:** This acquisition is required for the above project. Compensation was established by independent, certified appraisals in the area. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Warehouse Condominium  
**Tax Code:** 149-054-67

**Total Parcel Tax Value: \$198,800**

- S. Project: South Corridor Light Rail, Parcel # 370**  
**Owner(s): Robert Clay Sparrow And Any Other Parties Of Interest**  
**Property Address: 3441 South Boulevard**  
**Property to be acquired: Total Combined Area of 108 sq. ft. (.002 ac.) of Temporary Construction Easement**  
**Improvements: None**  
**Landscaping: None**  
**Purchase Price: \$225**  
**Remarks: This acquisition is required for the above project. Compensation was established by independent, certified appraisals in the area. City staff has yet to reach a negotiated settlement with the property owner.**  
**Zoned: B-2**  
**Use: Commercial**  
**Tax Code: 149-053-01**  
**Total Parcel Tax Value: \$473,400**

## 24. Meeting Minutes

- Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**
- November 22, 2004 Business Meeting
  - December 6, 2004 Policy Retreat
  - December 9, 2004 One-Day Retreat