

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

Michael Barnes

Nancy Carter

Andy Dulin

Anthony Foxx

Patsy Kinsey

John W. Lassiter

Don Lochman

James Mitchell, Jr.

Patrick Mumford

Warren F. Turner

CITY COUNCIL MEETING

Monday, June 26, 2006

CITY COUNCIL AGENDA

Monday, June 26, 2006

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Center City Transportation Plan: Parking and Wayfinding Contracts

Resource: Jim Kimbler, Transportation

Time: 15 minutes

Synopsis

- The Center City Transportation Plan (CCTP) identified the need for visitors to Center City to easily find an available parking space, maximizing the use of existing and new parking garages and making Center City more “user friendly” for the occasional visitor.
- This process, called vehicular wayfinding, was incorporated in the CCTP Policies for Parking and Wayfinding and includes a pedestrian wayfinding component that provides direction to visitors on foot at the beginning and end of each trip.
- On May 8, 2006 Charlotte City Council authorized the Transportation Key Business Executive to execute a municipal agreement between the City of Charlotte and the North Carolina Department of Transportation to receive Congestion Mitigation and Air Quality funds for the Center City Parking and Wayfinding System.
- Staff committed to present the scope of work to City Council before approving a contract for service.
- Approval of these contracts by the City Manager’s Office is anticipated during the week of June 26, 2006.
- CDOT has selected consultants and plans to execute contracts as follows:
 - Carl Walker, Inc. for \$87,000 to create a Public/Private Collaborative Parking Management System
 - 212 Associates, Inc. for \$98,700 to design and implement a Vehicular Wayfinding System to efficiently direct motorists to the parking supply available on a real-time basis

Future Action

- No action required.

2. East Boulevard Pedscape Improvements, Phase I

Resources: Kent Main, Planning
Dan Gallagher, Transportation
Eric Bilsky, Engineering & Property Management

Time: 15 minutes

Synopsis

- At the Council meeting on June 12, the Mayor expressed concern about the construction underway on East Boulevard, and its impact on traffic.
- This project extends from Kings Drive to Scott Avenue. It will reduce the travel lanes from 4 to 3 in this section of East Boulevard only. There will be one travel lane in each direction, a bike lane in each direction, a center turn lane, and four pedestrian refuge islands at strategic locations. All work is within the existing curblineline. The section of East Boulevard between Scott and Kenilworth will remain as four lanes to accommodate the heavy left turns in both directions.
- Funding was approved by Council in March 2006. Construction is several weeks ahead of schedule, and likely will be completed by July 1. Planting in the pedestrian refuge islands will occur in the fall planting season.
- A team involving Planning, Transportation, CATS, and Engineering has been assembled to address questions that have been raised. The team will update Council on issues related to the project, including construction schedule, bus routes, access to parking for Freedom Park, and traffic impacts.

3. Bryant Park Project Development Financing District

Resource: Tom Warshauer, Economic Development Office

Time: 15 minutes

Synopsis

- Several development projects in the Bryant Park area (Wilkinson, Morehead, Freedom, Thrift area) have requested assistance through the establishment of a Project Development Financing (PDF) District. The tax increment from this district would fund bonds to improve public infrastructure in the district and to assist with certain infrastructure costs associated with the developments.
- Staff needs direction from Council to continue to work with the developers and City and County agencies to develop the specific parameters of this PDF District.
- The proposed district would be roughly bound by Wilkinson, Berryhill, Tuckaseegee, Stewart Creek, Freedom and I-77. This area meets criteria for establishing a PDF District adopted by Council in May 2005:
 - Appropriate for the economic development of the community
 - Located in a Transit Corridor
 - Within a City/County Business Development Zone
 - Within the NC State Investment Zone
 - Within the City of Charlotte Business Revitalization Program geography
 - A project that has the ability to be a catalyst for future development
 - Several developments are being considered in this area including:
 - Suttle Avenue - a 34 acre redevelopment with a current tax value of \$7.8 million. Crosland Inc./Merrifield Partners, in partnership with the

Blumenthal family, proposes a \$200 million project with over one million square feet of office. Assistance requested includes:

- * New and extended roads and signalization
- * Demolition assistance to remove blight
- * Parking deck assistance
- * Greenway improvements
- o Wesley Village - a 21 acre redevelopment between Thrift and Tuckaseegee along Stewart Creek with a current tax value of \$3 million. Neighboring Concepts proposes a \$100 million project with over 500 townhouse and condominium units. Assistance requested includes:
 - * New and extended roads
 - * Greenway improvements
- o Other projects - the area includes a number of underutilized tracts where development interest is high. Owners have suggested that if the City were to create and fund a vision for improved roads and intersections and improved parks and greenways, other projects would come forward.

Action Requested

- Council to direct staff to continue discussions with private and public agencies on this project. Staff recommends referral to the Economic Development and Planning Committee. Staff will bring a PDF proposal to the Economic Development and Planning Committee in late 2006.

4. Proposed Pawn Shop Ordinance

Resource: Captain Andy Leonard, Charlotte-Mecklenburg Police

Time: 20 minutes

Synopsis

- The presentation will discuss the need for police to make positive identification of suspects who pawn stolen property. It will outline a proposed ordinance that would require pawn shops to take a fingerprint from anyone pawning property. The presentation will include information on similar ordinances in other jurisdictions.

Future Action

- Staff recommends referral to the Community Safety Committee for review and recommendation.

5. Committee Reports by Exception

Economic Development and Planning Committee

- Dilworth Land Use and Streetscape Plan
- Rocky River Road Area Plan
- Arena Out-Parcel 3

Housing and Neighborhood Development Committee

- Charlotte Housing Forum

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

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

CONSENT

- 6. Consent agenda items 19 through 42 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

7. City Manager's Report

8. Dilworth Land Use and Streetscape Plan



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the Dilworth Land Use and Streetscape Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

Committee Chair: John Lassiter

Staff Resource: Kathy Cornett, Planning

Explanation

- Planning Commission staff has worked with residents, business owners and other area stakeholders over the past two years to develop the Dilworth Land Use and Streetscape Plan. Three public meetings and 16 stakeholder meetings were held during the planning process.
- The plan was developed to clarify the various planning initiatives that have and will take place in and near Dilworth.
- The plan provides a comprehensive vision and land use strategy for the community. The primary focus of the study is on land use, development design and transportation.
- On May 22, 2006 City Council received public comments on the draft Dilworth Land Use and Streetscape Plan. Issues raised at the meeting include the following:
 - *Request to add a sentence in Plan to revisit the land use recommendation in the East Boulevard Pedestrian Overlay District (PED)*
Staff proposes new language on page 14 of the Plan to address this concern (see attachment, Proposed Changes to the February 2006 Draft Document.)
 - *Asked that the Dilworth Community Development Association (DCDA) be part of the Transit Oriented Development District (TOD) and PED revision discussions*
The TOD and PED zoning districts are being reviewed as part of a separate process. Planning staff has presented the consultant's recommendations and staff responses regarding improvements to both the TOD and PED districts. Staff will conduct additional research and develop a public involvement process, possibly culminating in text amendments to TOD, PED and the Transit Supportive Overlay (TS) districts by early 2007. The DCDA will be invited to be part of the public involvement process.
- The DCDA submitted a letter dated June 13th in support of the plan (see attached letter from DCDA).

Charlotte-Mecklenburg Planning Committee

- The Planning Committee received public comments on the plan at their February 21, 2006 meeting.
- During the Planning Committee public comment session, citizens raised the following concerns:
 - The Dilworth Community Development Association (DCDA) requested that staff reconvene the stakeholders group to discuss concerns with the intensity of development and parking issues in the PED overlay and TOD districts. A meeting was held March 8th to clarify issues and begin a process to fine tune the PED and TOD zoning districts.
 - At staff's request, the DCDA submitted a list of more specific concerns relating to the draft Dilworth document, as summarized below. Staff is recommending changes to the plan to address all of these concerns. These changes include clarifying TOD language, removing PED references and adding the traditional Dilworth boundary (see attachment, Proposed Changes to the February 2006 Draft Document).
 - Several property owners have had questions about corrective rezonings proposed for their property. Staff continues to work with property owners to answer their questions and address any concerns they may have prior to bringing forward the corrective rezonings. Corrective rezonings will require additional, separate action by the Zoning Committee and City Council.
- The Planning Committee unanimously recommended approval of the plan, with staff recommended changes, on May 16th (see attachment, Proposed Changes).

Committee Discussion

- Economic Development and Planning Committee received an overview of the plan on May 3rd.
- Discussion focused on areas where the plan initially recommended PED Overlay zoning.
- On June 13th, the Economic Development and Planning Committee voted 4-0 (Lassiter, Dulin, Lochman and Carter) to recommend that City Council adopt the Dilworth Land Use and Streetscape Plan Volume I: The Concept Plan with the changes outlined in the table entitled, Proposed Changes to the February 2006 Draft Document.

Attachment 1

Table entitled, Proposed Changes to February 2006 Draft Document

Letter of Support from the Dilworth Community Development Association (DCDA)

Copies of the draft Dilworth Land Use and Streetscape Plan were included in the May 22nd Council agenda package. Copies of the Plan are also available on-line and from the Planning Commission

9. Rocky River Road Area Plan



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

Committee Chair: John Lassiter

Staff Resource: Melony McCullough, Planning

Explanation

- The Rocky River Road Area Plan will serve as a guide for future growth and development in the Rocky River Road area.
- Study area boundaries are NC Highway 49 to the north, Robinson Church, Harrisburg and Camp Stewart roads to the south, the Mecklenburg/Cabarrus County Line to the east and McLean, Grier and Plott roads to the west.
- The Rocky River Road area is experiencing significant increases in population and development.
- On May 8, 2006 City Council received public comments on the draft Rocky River Road Area Plan. (Please see attachment for a summary of staff response to the issues raised at this meeting.)

Charlotte-Mecklenburg Planning Committee

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

Committee Discussion

- On April 5th, the Economic Development and Planning Committee received an overview of the plan and recommended City Council receive public input.
 - Discussion focused on sewer service, residential densities and quality of residential development.
- On June 13th, Economic Development and Planning Committee voted in favor of recommending the adoption of the Rocky River Road Area Plan Volume I: The Concept Plan with the following changes:
 - Staff proposed changes to clarify language in the April 5, 2006 draft document (see attached)
 - Planning Committee recommendation to add language that supports considering smaller convenience type centers at appropriate locations in an effort to reduce vehicle miles traveled
- The Committee voted 2 to 1 in favor of recommending adoption of the plan by Council. Council members Lochman and Lassiter voted in favor of the

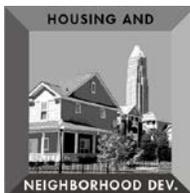
motion. Council member Carter voted in opposition. Council member Dulin was excused due to a conflict of interest.

- Council member Carter explained that her opposition to the plan recommendation for four dwelling units per acre was two-fold:
 - The proposed density of the plan
 - Environmental concerns
- Carter shared concerns about the plan recommendations for four versus three dwelling units per acre, particularly the difficulty of providing public sewer service to this area. She is concerned about legislation at the state level, an issue that surfaced in the last 30 days, which could further impact the provision of sewer in the area.
- The Plan recommendation for four dwelling units per acre does not represent a change in adopted policy. Currently adopted plans recommend four dwelling units per acre for the majority of the study area, which is the base density recommended in district plans adopted in the 1990's. Planning staff's recommendation for four dwelling units to the acre is to provide for a range of housing types and choices, reduce sprawl and reduce land consumption.

Attachment 2

- Copies of the Rocky River Road Area Plan were included in the May 8 Council agenda package. Copies of the plan are also available on-line and from the Planning Commission.
- Staff response to concerns from the April 18 Planning Committee Meeting and May 8 Council meeting
- Staff proposed changes to the draft Rocky River Area Plan

10. U.S. Department of Housing and Urban Development FY2007 Annual Action Plan



Action: Approve the FY2007 Annual Action Plan and proposed grant allocation of approximately \$8.2 million for FY2007.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- The FY2007 Annual Action Plan is the City's one-year strategy for providing housing and community development activities.
- The U.S. Department of Housing and Urban Development (HUD) mandates development of this plan in order to receive federal funding for housing and community development activities.
- The plan supports the City's housing policy – preserving the existing housing, expanding the supply of low and moderate-income housing and supporting family self-sufficiency – as well as the City's neighborhood revitalization strategy.

Explanation

- The FY2007 Annual Action Plan includes housing and community development needs and resources for the City of Charlotte and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- The Plan also serves as the City's annual application to HUD to receive a little over \$8.2 million in new federal grant program funds.

Community Development Block Grant (CDBG)	\$4,774,387
HOME Investments and Partnerships (HOME)	\$2,631,915
Emergency Shelter Grants (ESG)	\$ 203,832
Housing Opportunities for Persons with AIDS (HOPWA)	<u>\$ 597,000</u>
Total	\$8,207,134

- The proposed FY2007 federal fund allocation represents a decrease of approximately \$722,360 under the FY2006 fund amount of \$8,929,494.
- The FY2007 budget, adopted June 19, 2006, appropriated these grant funds.

Community Input

- Four Citizen forums were held in February 2006 to inform the public of the Plan preparation process and timeline for completing the document.
- Citizen forums were also conducted in the towns of Cornelius, Matthews and Huntersville.
- Neighborhood Development advertised the Public Hearing in local newspapers and sent more than 1,000 invitations to neighborhood organizations, Neighborhood Development's financial partners and interested individuals.
- City Council held a public hearing on June 12, 2006. No speakers appeared at the public hearing to make comments about the Plan.

Committee Discussion

- The FY2007 Annual Action Plan was shared with the Housing and Neighborhood Development Committee at their meeting on June 9, 2006. The Committee members inquired about the limitations on various grant funds. The Committee also requested an expanded economic development presence in the next year's application. The Committee discussed the scheduling, which would not allow the Committee to review the grant after the public hearing unless a special meeting was scheduled. No action was taken on the plan.

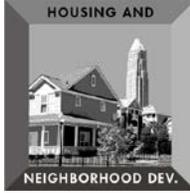
Funding

Federal CDBG, HOME, ESG and HOPWA funds

Attachment 3

FY2007 Annual Action Plan

11. Charlotte Housing Forum



Action: Approve the Housing and Neighborhood Development Committee's recommendation to host the Charlotte Housing Forum.

Committee Chair: Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Explanation

- One of the objectives in the 2006 Housing and Neighborhood Development Committee's Action Plan is to assess the need for a 2nd Housing Summit of local housing providers and interested parties.
- It has been almost seven years since the last community-wide discussion on affordable housing.
- The goal is to engage the community in a discussion to develop a new plan to address the challenges of housing affordability for the next several years.
- The purpose of the proposed Housing Forum is to:
 - Increase public awareness
 - Identify the scope of the housing issue
 - Identify new financing alternatives and opportunities
 - Determine a strategy to implement potential solutions
- The anticipated outcomes and impacts of the proposed Housing Forum are to:
 - Identify new ideas
 - Increase public awareness
 - Define new criteria for local success
 - Determine a strategy to implement potential solutions
- The City contribution to the Housing Forum will be in-kind staff support.
- The forum will take place in February 2007.
- The next step is to form a planning committee including representatives from the affordable housing industry, banking and financial institutions, social services agencies and neighborhood groups.

Committee Discussion

- During the May 23, 2006 Housing and Neighborhood Development Committee meeting, the Committee asked staff to solicit ideas on possible affordable housing topics, ideas, speakers and sponsors.
- At the June 9, 2006 meeting, the Committee thanked the various groups and individuals that contributed ideas for development of another community meeting on affordable housing. The Committee indicated the last community meeting produced a lot of good ideas, such as the Housing Trust Fund. The Committee felt the housing forum is an opportunity to take the City's efforts to the next level. The Committee voted unanimously to recommend to City Council to host the Charlotte Housing Forum (Barnes, Burgess and Foxx). Council members Lochman and Mumford were absent.

Funding

The City's contribution to the Housing Forum will be through in-kind staff support. Funding will be solicited from private businesses and non-profit organization for the Housing Forum.

Attachment 4

Charlotte Housing Forum Concept Paper

12. Arena Out-Parcel 3

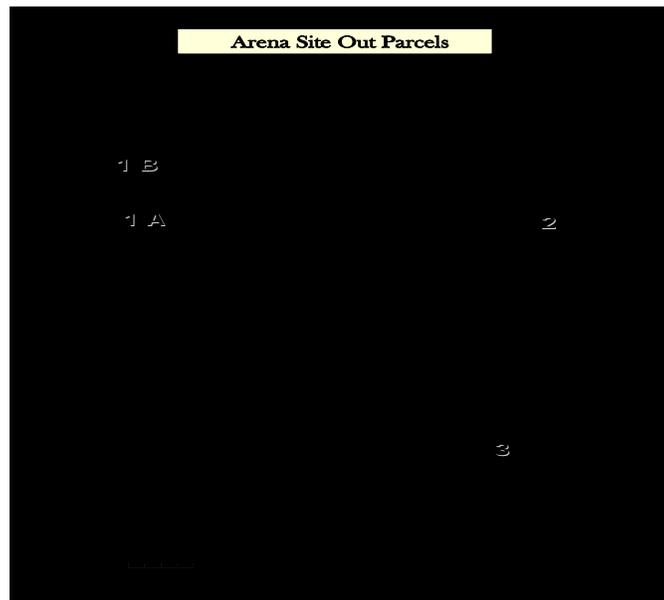
Action: Approve the Economic Development and Planning Committee's recommendation to adopt a resolution approving the sale of Arena Out-Parcel 3 to Boulevard Centro/Lodgeworks/Batson Cook for \$2.5 million.

Committee Chair: John Lassiter

Staff Resources: Curt Walton, City Manager's Office
Tom Flynn, Economic Development Office

Background

- Arena Out-Parcel 3 became available as a result of the final placement of the arena on the site and is located on the northwest corner of Trade and Caldwell Streets as shown below.



- Arena Out-Parcel 3 is approximately 18,000 square feet in size, or approximately one-third of an acre.
- Council declared Arena Out-Parcel 3 as surplus on July 28, 2003.

- A Request for Proposal process resulted in the selection of Trammell Crowe in 2004. However, due to market conditions, Trammell Crowe did not close on the land and their option expired in 2005.
- Council approved the sale of Arena Out-Parcel 3 on June 13, 2005, with a minimum price of \$2.1 million and no development restrictions other than those imposed by UMUD.
- Private sale was approved for each of the arena out-parcels in order to further economic development goals associated with the new arena.

Explanation of Request

- In April 2006, proposals to purchase Arena Out-Parcel 3 were received from two companies: McClain Real Estate Company (McClain) and Boulevard Centro/ Lodgeworks/ Batson Cook (Boulevard).
- Selection criteria was based on:
 - Price
 - Project Description
 - Experience
 - Compatibility with Center City, First Ward and UMUD goals
 - Financing
 - Due Diligence and Closing
- McClain submitted the proposal with the higher net proceeds to the City, \$2,745,000 versus \$2,412,500 from Boulevard, a net difference of \$332,500.
- A comparison of the two proposals against the criteria is attached.
- Boulevard was recommended due to:
 - Experience of constructing towers on difficult urban sites
 - Knowledge of the Charlotte market, specifically Center City
 - Strong history of successfully financing projects
 - Likelihood of closing
 - Overall stronger proposal
- Boulevard will pay \$100,000 within five days of Council action to secure the 120-day due diligence and closing period.
- The City reserves the right to approve any development of Arena Out-Parcel 3 in the event that Boulevard purchases the property but elects not to develop the property itself.
- Boulevard's proposed development will have an estimated value upon completion of \$45-\$50 million.

Committee Discussion

- The Economic Development and Planning Committee met on June 13, 2006 and voted 4-0 (Lassiter, Dulin, Carter and Lochman) to recommend Boulevard Centro/Lodgeworks/Batson Cook. Council member Mitchell was absent.
- The Committee focused on the financing plans of each of the proposals, as well as relevant experience and project description.

Attachment 5

Resolution

Summary/Comparison of Proposals

13. Carolina Theatre



Action: Provide direction to the City Manager on options for the future of the Carolina Theatre and the Purchase and Sale Agreement with Camden Management Partners.

Staff Resource: Tom Flynn, Economic Development Office

Explanation

- In January 2006 the City Council approved a Purchase and Sale Agreement with Camden Management Partners for the sale of the Carolina Theatre, the development of a condominium tower above the theater, and a limited renovation of the Carolina Theatre.
- This Agreement provided for the Carolina Theatre Preservation Society (CTPS) to enter into a License Agreement with ARK Management (theater manager) that would allow CTPS to earn revenue from the theater, make historic improvements to the theater and produce some theater programming. ARK and CTPS have been unable to agree on terms of this License Agreement. Camden will not proceed with the project with this matter unresolved.
- Staff requests City Council direction. Possible options include:
 - Option I: Extend the due diligence period to allow CTPS and ARK additional time to negotiate the License Agreement.
 - Staff has already extended the due diligence period by 60 days in order to allow the parties to come to an agreement. The current extension expires June 27th.
 - Option II: Approve a change to the Purchase and Sale and Development Agreements that allows Camden to substitute Preservation North Carolina for CTPS.
 - Preservation North Carolina is a capable organization with a strong board and has experience in public/private partnerships for historic renovation.
 - Camden has requested this change.
 - Option III: If Camden requests the City return the deposit on June 27th, direct the City Manager to begin the process of selling the Carolina Theatre for its “highest and best use”.
 - The site has an appraised value of \$2.8 million
 - This would most likely lead to the demolition of the Carolina Theatre.
- Staff recommends Option II as it allows Camden to move forward with the development process and market the condominium tower.

BUSINESS

14. 2006 Housing Trust Fund Project Funding Recommendations

- Action:**
- A. Approve financial commitments of \$4,000,000 for Multi-Family Rental Housing - New Construction and Rehabilitation projects, and**
 - B. Approve financial commitments of \$1,094,350 for Special Needs Multi-Family Rental Housing - New Construction and Rehabilitation projects.**

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- City's FY2006-FY2010 Consolidated Action Plan, approved by City Council on June 13, 2005:
 - Identifies the need for affordable, safe and decent housing for low and moderate-income families
 - Reaffirmed 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

- On October 24, 2005, City Council approved HTF allocation of \$4,000,000 to Multi-Family Rental and \$2,000,000 for Special Needs Housing (New Construction and Rehabilitation).
- Staff issued Requests for Proposals for each of the housing development categories and evaluated and ranked each proposal based the Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- The four projects recommended for funding represent a total of 196 affordable housing units of which 116 (59%) serve households earning 30% and below the area median income (which is < \$19,230 for a household of four).
- The overall leverage ratio of the FY2006 projects recommended for funding is 1:4 with \$17,433,700 in total development costs.
- On June 12, 2006 City Council received a dinner briefing on the FY2006 Housing Trust Fund projects.

Multi-Family Rental - New Construction and Rehabilitation Projects

Evaluation Points	Project Name	Affordable Units	Total Units	City Funding	Total Development Cost	Housing Locational Policy
105	Springfield Gardens	86	86	\$1,235,000	\$10,523,423	Priority Area
90	Southside Homes Phase V	72	72	\$2,235,737	\$4,471,474	Exempt – Rehab
	Totals	158	158	\$3,470,737	\$14,994,897	

Special Needs Housing - New Construction and Rehabilitation Projects

Evaluation Points	Project Name	Affordable Units	Total Units	City Funding	Total Development Cost	Housing Locational Policy
92	Centre Terrace	28	28	\$394,350	\$812,361	Exempt
80	YWCA	10	10	\$700,000	\$1,626,442	Exempt
	Totals	38	38	\$1,094,350	\$2,438,803	

Funding

City Bond and HOME Funds

Attachment 6

Dinner Briefing Presentation – June 12, 2006

Location Map

Project Summary Reports

Project Sources and Uses

Project Proformas

15. Duke Power/Federal Energy Regulatory Commission Relicensing Agreement



Action: Adopt a resolution authorizing the City Manager to approve a Comprehensive Relicensing Agreement with Duke Power Company LLC and other parties concerning proposed terms and conditions for a Federal Energy Regulatory Commission License for Duke Power to operate hydro generation facilities on the Catawba River.

Staff Resource: Barry Gullet, Charlotte-Mecklenburg Utilities
Mike Boyd, City Attorney’s Office

Explanation

- Duke Power is applying for a new license from the Federal Energy Regulatory Commission (FERC) to operate 13 dams and 11 reservoirs on the Catawba River.
- Stakeholders representing more than 75 organizations have worked for three years to reach consensus on how Duke should manage lake levels, river flows, water withdrawals, recreational needs and other issues to be included in the new license.
- The Agreement represents an Offer of Settlement between the Stakeholders.
- Other parties to the Agreement may include other N.C. and S.C. local governments, state and federal agencies, Catawba Indian Nation, non-government organizations, COG’s, marine commissions, homeowner associations, businesses, industries and individuals.

- This Agreement establishes conditions that support Charlotte's use of the reservoirs for water supply for the term of the new license which is expected to be as much as 50 years.
- Other implications include agreement by Duke Power to maintain lake levels and continue operation of the lakes and dams in a manner that meets Utilities water intake needs. Utilities is obligated to comply with a basin-wide response plan (includes triggers for mandatory water conservation) designed to extend the water supply during extreme dry periods.
- FERC is not bound to incorporate Agreement provisions into the new license, but the Agreement provisions will remain in effect between the parties unless the FERC license is inconsistent with the Agreement.
- Parties to the Agreement can continue to participate in the FERC relicensing process as long as that participation is consistent with the provisions of the Agreement.
- The Agreement is subject to technical corrections to be made after approval.
- Any Party can withdraw from the Agreement if future actions by FERC or others substantially change the Party's obligations or benefits.
- If any Party that was to receive benefits under the Agreement does not approve the Agreement, there are provisions for re-balancing those benefits among the Parties that do approve.
- The agreement creates the opportunity for Utilities to join a Water Management Group (WMG) that would preclude Duke Power's assessment of water withdrawal fees.
- The WMG members, including Duke Power, will pay dues that will be used to fund projects benefiting water users in the entire basin. Dues payment would start in 2009. Utilities' 2009 dues are expected to be approximately \$200,000 per year. The WMG members will establish annual budgets with individual dues proportional to water withdrawals.
- August 1, 2006, is the deadline for approval of the Agreement.
- The resolution authorizes the City Manager to sign the Agreement after technical corrections are made, if the City Manager determines that the Agreement and related documents are satisfactory in form and content.

Attachment 7
Resolution

16. Seaboard Street Extension Reimbursement Agreement



Action: Approve the Reimbursement Agreement with ARK for the construction of the Seaboard Street Extension.

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

Policy

Council's Economic Development Strategic Framework seeks to encourage center city development and to provide for the needs of an expanding workforce.

Explanation

- On April 24, 2006 Council approved the Economic Development and Planning Committee's recommendation to adopt a framework for the Reimbursement Agreement with ARK for the construction of the Seaboard Street Extension. The attached Reimbursement Agreement is consistent with the framework. The major terms of the Reimbursement Agreement are:
 - Reimbursement payments would equal 90% of the City's property tax increment from ARK or affiliated companies on new housing and film studio development for a period not to exceed 10 years.
 - Reimbursement payments would only be for those road costs offsite of ARK owned property – to a maximum of \$1,700,000, plus interest at the City's cost of funds (currently 5.5%).
 - 20% of ARK housing, to a maximum of 70 units, would be available as Workforce Housing, accessible according to HUD guidelines to those earning up to 120% of the Area Median Income. 50% of these units would be sized for families (2 or more bedrooms).
 - Workforce Housing would be deed restricted to prohibit rental and to require subsequent purchasers to meet the same income qualifications as the initial buyers for a period of ten years. (These terms are consistent with HUD guidelines and similar to the agreement between the Town of Cornelius and the Charlotte Mecklenburg Housing Consortium, where the City of Charlotte was the lead.)
 - If the County participates, the combined City/County reimbursement will not exceed the \$1.7 M project cost.
- Road construction is anticipated to begin in late 2006. The first reimbursement payment would likely be in FY2008.
- The Reimbursement Agreement will be included in the Friday, June 23rd Council-Manager Memorandum.

Background

- ARK requested City financial assistance in the construction of the Seaboard Street Extension. This road will connect approximately 48 acres (of which 30 acres are owned by ARK, including their N.C. Music Factory and other proposed mixed use development) to Graham Street without at-grade crossings of the CSX and Norfolk Southern rail tracks.
 - The road is needed for safe access and will be required in the future, when the CSX and Norfolk Southern tracks are proposed to be grade separated.
 - Council supported the road by making it a condition of the rezoning approved on May 16, 2005. The ARK development full build out is projected to generate over \$1 M in City property taxes annually.
 - Greenville Residents and Homeowners Association, Center City Partners and the Charlotte Regional Film Commission of the Charlotte Regional Partnership supports this project.
- Council also directed staff to develop options for the disposition of approximately eight acres of City owned land in Greenville. The appraisal

and environmental work is currently underway. We anticipate bringing this information to Council's Economic Development and Planning Committee in August 2006.

Small Business Opportunity

A goal of 10% has been established with the SBO Office and incorporated into the Reimbursement Agreement.

17. University City Partners Board Appointments

**Action: A. Reappoint existing University City Partners Board members, and
B. Appoint four new UCP Board members.**

Staff Resource: Brad Richardson, Economic Development Office

Explanation

- University City Partners (UCP) is a nonprofit organization contracted by the City to provide services and promotional activities in the University City.
- UCP's services and activities are funded through special property tax assessments in a Municipal Service District (MSD).
- The following existing members are recommended by UCP for reappointment to the Board:

George Maloomian (Chair)	Mardee Woodward	Roger Sarow
Edna Chirico	Michael DeVaul	Olen Smith
Kevin Toomb	Rashmi Desai	Steve Magowan
Spencer Lilly	Renee Alexander Sherrod	George Battle
Deb Ryan	Scott Cooper	Ned Austin
Jim Gagnolati	Pat Martinez	Nancy Reitz
Phillip Dubois	Michael Barnes	

- The following new members are recommended by UCP for appointment to the Board:

Dixon Fleming	Dan Hurley
Brook Hobgood	Bob Wilhelm

- UCP's Board approved the attached slate of nominees at its May 25, 2006 meeting. Council must either appoint this slate of nominees or request a revised slate of nominees from UCP.

Attachment 8

List of Proposed Board of Director appointments

18. Nomination to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

- One appointment, representing an aviation affiliation, for a three-year term beginning August 1, 2006.
 - Dr. Henry Nicholson (Aviation Affiliation) is eligible and wishes to be reappointed.

Attachment 9

Applications

B. BICYCLE ADVISORY COMMITTEE

- One appointment, beginning immediately and ending December 31, 2008.
 - Shae Hoffman failed to meet City Council's attendance requirement.

Attachment 10

Applications

C. BIZHUB

- One appointment for a three-year term beginning July 2, 2006.
 - Thomas N. Washington is eligible and wishes to be reappointed.

Attachment 11

Applications

D. CITIZENS' REVIEW BOARD

- Five appointments for three-year terms beginning August 1, 2006.
 - Vanessee Burns, John Lambert, Beverly Lawston and Carolyn Millen are all eligible and wish to be reappointed.
 - Ann Whitworth is eligible, but does not wish to serve another term.

Attachment 12

Applications

E. COMMUNITY RELATIONS

- One appointment for an unexpired term beginning immediately and ending June 30, 2007.
 - Dorothy S. Coplon has resigned.

Attachment 13

Applications

F. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending September 21, 2008.
 - Christy Mann failed to meet City Council’s attendance requirement.
- One appointment for a three-year term beginning September 22, 2006.
 - Judy J. Parks is not eligible for reappointment.

Attachment 14

Applications

G. HISTORIC DISTRICT COMMISSION

- One appointment for a three-year term beginning July 1, 2006 for a resident of new Hermitage Court Local Historic District.

Attachment 15

Applications

H. HISTORIC LANDMARKS COMMISSION

- One appointment for an unexpired term beginning June 13, 2006 and ending July 16, 2008.
 - Amy H. Hockett resigned.
- Two appointments for three-year terms beginning July 17, 2006.
 - Yolanda Johnson-Gess is eligible and wishes to be reappointed.
 - Laura C. Smith is eligible and wishes to be reappointed.

Attachment 16

Applications

I. HOUSING TRUST FUND ADVISORY BOARD

- One appointment for an unexpired term beginning immediately and ending April 30, 2008.
 - Jeffrey Bradsher resigned.

Attachment 17

Applications

J. PASSENGER VEHICLE FOR HIRE BOARD

- Four appointments for three-year terms beginning July 2, 2006. The following Board members are not eligible for reappointment:
 - Zebene Mesele (Vehicle for Hire Company Owner)
 - Frank C. Hinson (Vehicle for Hire Vehicle Owner)
 - Stacey A. Brown (Hospitality and Tourism Industry)
 - Robert W. Kimrey (Person with Disability or Representative of Organization that represents Persons with Disabilities)

Attachment 18

Applications

- K. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**
- One appointment for an unexpired term beginning immediately and ending March 1, 2008.
 - Bonita J. Hairston resigned.

Attachment 19
Applications

- L. TREE ADVISORY COMMISSION**
- One appointment for an unexpired term beginning immediately and ending December 13, 2008.
 - Ronald M. Danise failed to meet City Council's attendance requirement.

Attachment 20
Applications

- M. WASTE MANAGEMENT ADVISORY COMMITTEE**
- One appointment for an unexpired term beginning immediately and ending May 18, 2007 for recommendation to Board of County Commissioners.
 - Linda Nutting resigned.

Attachment 21
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

19. Various Bids

A. North Tryon Add-a-Lane

EPM

Staff Resource: Dmitry Shklovsky, Engineering & Property Management

Action

Award the low bid of \$277,463.55 by Allied Resources USA of Huntersville, North Carolina. This project will add curb and gutter, sidewalk and street widening to three sections of North Tryon Street not previously improved by development between East W.T. Harris Boulevard and McCullough Drive. Construction completion is scheduled for fourth quarter of 2006.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 9.37%

Allied Resources exceeded the SBE established goal and committed 9.37% (\$26,000) to the following SBE firms: Bullington Construction, Inc., CTC Grading & Hauling and Southern Concrete Services.

B. Sugar Creek Road & Reagan Drive Improvements EPM

Staff Resource: Derrel Poole, Engineering & Property Management

Action

Award the low bid of \$307,012.26 by Blythe Development Co. of Charlotte, North Carolina. This project will construct concrete medians along Sugar Creek Road between Reagan Drive (formerly I-85 Service Road) and Merlane Drive. It will also introduce a right-turn lane at the northeast corner of Reagan Drive and Sugar Creek Road. The Sugar Creek Road portion is a NC Moving Ahead project. The Reagan Drive turn lane is a congestion mitigation and air quality (CMAQ) project that uses federal funds. Construction completion is scheduled for fourth quarter of 2006.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 12.10%

Per the municipal agreement with NCDOT, the federal DBE program must be followed. Blythe Development exceeded the DBE goal and committed 12.10% (\$37,143) to the following DBE firms: A-1 Pavement Marking, Inc., Hazel Holmes Trucking, Inc. and Stay Alert Safety Services, Inc.

**C. FY2005 Annexation, Steele Creek North Area CMU
& Withers Cove Area**

Staff Resource: Barry Shearin, Utilities

Action

Award the low bid of \$2,214,969.91 by State Utility Contractors, Inc. of Monroe, North Carolina. This contract provides newly annexed areas with access to City water and sewer services through public right-of-way gravity sewer and water mains.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 0.72%

State Utility Contractors, Inc. failed to meet the SBE goal, but exceeded the mandatory outreach and good faith effort points. They have committed \$16,000 to the following SBE firms: Fernandez Construction Co. and Fast Signs.

D. FY2006 Contract G, Street Main Extensions – CMU
Water and Sewer Main Construction

Staff Resource: Barry Shearin, Utilities

Action

Award the low bid of \$1,177,370.50 to UW2 Contractors, Inc. of Stanfield, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 3.015 %

UW2 Contractors, Inc. met the goal and committed \$35,500 to the following SBE firms: Union Paving Contractors, Labor, Inc., Mechanical Supply and Piedmont Grading & Wrecking.

E. Water/Wastewater Chemicals CMU

Staff Resource: Barry Shearin, Utilities

Action

Approve unit price contracts for water/wastewater chemical purchases to DPC Enterprises, LCI Lucier Chemical, Worx LLC, Martin Marietta, General Chemical, JCI Jones Chemical, Southern Ionics, Brenntag Southeast, & Kemiron in the estimated annual amount of \$3,934,074 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 are to the lowest bidder meeting specifications.

Chemical Type	Unit Price
Activated Carbon	\$694.00/ton
Aluminum Sulfate (Liquid Alum)	\$212.00/ton
Sodium Hypochlorite	\$0.597/gallon
Sodium Bisulfite	\$0.695/gallon
Sodium Hydroxide (Caustic Soda 50%)	\$1.23/gallon
Sodium Hydroxide (Caustic Soda 25%)	\$0.61/gallon
Chlorine Gas	\$538.50/ton
Fluorosilicic Acid	\$223.00/ton
Acetic Acid	\$0.556/gallon
Liquid Linear Phosphate	\$2.94/gallon
Ferric Chloride	\$0.777/gallon
Magnesium Hydroxide	\$1.50/gallon

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

F. Airport Maintenance Facility Renovation Phase 2 Aviation**Staff Resource:** Jerry Orr, Aviation**Action**

Award the low bid of \$534,500 by McCorkle and Meachum of Monroe, North Carolina. Council approved the purchase of the property and facility to relocate the entire maintenance division and future aviation department offices on December 13, 2004. This contract will add restrooms and locker rooms to this existing facility to accommodate the Aviation Department's personnel.

Small Business Opportunity

Established SBE Goal: 6 %

Committed SBE Goal: 6.3 %

McCorkle and Meachum committed 6.3% (\$84,887) to the following firm:
Burris Plumbing

20. In Rem Remedy

For In Rem Remedy #A, the public purpose and policy are outlined here.

Public Purpose

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Field Observation

- A. 1326 1,2,3 Pecan Avenue (Neighborhood Statistical Area 50 – Plaza-Midwood Neighborhood)

Field Observation

A. 1326 1, 2, 3 Pecan Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1326 1, 2, 3, Pecan Avenue (Neighborhood Statistical Area 50- Plaza-Midwood Neighborhood).

Attachment 22

21. Refund of Property Tax and Business License Tax

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$3,045.93, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$11,296.29.

Staff Resource: Robert Campbell, Finance

Attachment 23

Resolutions

List of property tax and privilege business license refunds

CONSENT II

22. JetBlue Airline Agreement

Action: Approve an agreement permitting JetBlue to operate at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- JetBlue will be providing service from Charlotte to New York's JFK Airport on July 12, 2006 with four daily flights.
- The airline will lease space for their operations under the same terms and conditions for other similar carriers at the Airport.
- JetBlue will pay rent for leased space, pay landing and gate usage fees. Their annual rent will be approximately \$300,000.

23. Airport Electrical Supplies Purchase

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

B. Approve a contract with Graybar, Inc. for the purchase of electrical parts in the amount of \$230,000.

Staff Resource: Jerry Orr, Aviation

Cooperative Purchasing Agreement

- Graybar has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.
- US Communities pools the purchasing power of 87,000 public agencies.
- The Graybar contract was competitively bid by Los Angeles County, California and awarded by The Los Angeles Board of Commissioners on January 28, 2003 for a term of four years with renewal options.
- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for cooperative group purchasing.

Explanation

- This contract will provide for various electrical parts to maintain the facilities throughout the airport complex.
- The Airport purchases a wide variety of electrical parts and recommends a national contract with Graybar, which the City has established through its membership in the US Communities Purchasing Alliance.

Small Business Opportunity

Pursuant to Section 2.21 of the SBO Program Policy regarding purchases bought from a competitive bidding group purchase program, this contract is exempt.

Funding

Airport Operating Fund

24. General Aviation Area Renovations

Action: Adopt a budget ordinance appropriating \$750,000 from the Airport Excluded Centers Fund Balance to reimburse the operating fund for the general aviation area renovations.

Staff Resource: Jerry Orr, Aviation

Explanation

- In October 2004, the City contracted with Wilson Air Center-North Carolina, LLC to manage the general aviation services at the Airport. Previously, the operation was granted as a concession to Signature Flight Support.
- The change has increased quality of services to the general aviation public and has increased revenue for the City.
- As part of this restructure, the City is renovating the general aviation terminal and other facilities.
- The renovation contracts have already been rewarded.
- The budget ordinance transfers the expense from the operating fund to the capital fund.

Funding

Excluded Centers Fund Balance

Attachment 24

Budget Ordinance

25. Airport Intermodal Facility Planning

Action: Adopt a budget ordinance appropriating \$500,000 for Airport Intermodal Freight Facility development from the Excluded Center Fund Balance, which may be replaced by bonds or some other source of permanent funding.

Staff Resource: Jerry Orr, Aviation

Explanation

- In August 2005, the Airport contracted with Newton & Associates for \$150,000 for assistance with project formulation for a proposed Intermodal Freight Facility.
- In September, 2005, the Airport and the Economic Development Office jointly contracted with R. L. Banks, Inc. in the amount of \$260,000 for Intermodal Freight Facility planning.
- This appropriation will provide capital funding for Intermodal Facility planning contracts.

Funding

Excluded Centers Fund Balance

Attachment 25

Budget Ordinance

26. Airport Advertising Management Contract

Action: Approve a five- year contract with Departure Media, Inc. of Charlotte to manage the Airport advertising program and authorize the City Manager to sign an extension.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1999, the Airport initiated a management contract for in-terminal advertising instead of a traditional concession contract, which had been in place for many years. The management contract required that the contractor sell the advertising and the Airport would determine the advertising concepts, approve all contracts, collect the revenue and install the advertising copy throughout the facility. Additionally, the management contract allowed the Airport to place more focus on local companies, which had traditionally been neglected by national concessionaires. The management concept has proven successful for the Airport with net revenues increasing from \$400,000 in 1999 to \$1.3 million in 2005.
- Departure Media was selected in 1999 for a five year contract after an extensive proposal process. Their contract was extended for one year in 2005 per contract terms and, subsequently, was extended on a monthly basis in 2006 in preparation for the upcoming proposal process.
- On March 12, 2006, the Airport began advertising a Request for Proposals for Advertising Management Services. Proposals were distributed to nine interested companies. On April 5, 2006, a pre-proposal conference was conducted with five companies in attendance. On May 10, 2006, two companies (Alexander Management Group and Departure Media) submitted proposals.
- A selection committee consisting of the Aviation Director (Jerry Orr), Airport Staff (Haley Gentry, Public Affairs Manager and Mark Wiebke, Assistant

Aviation Director) and the City's Communication Director (Julie Hill) reviewed the submitted proposals.

- The committee unanimously selected Departure Media based on responsiveness, qualifications, experience and overall professionalism. Additionally, Departure Media projected the highest net revenue to the City over the contract term and is a DBE-certified firm.
- The new contract is for the same services mentioned previously. The contractor will be paid \$150,000 for the first \$1.5 million in gross sales per year, and 15% of the first \$500,000 in excess of \$1.5 million, and 20% of all additional gross sales. The contractor's pre-approved direct expenses are reimbursable.
- The contract provides for one extension of mutually-agreeable duration.

Disadvantaged Business Enterprise Program

Established DBE Goal: 0 %

Committed DBE Participation: 100 %

No subcontracting opportunities are anticipated; however, Departure Media is a certified DBE and will be counted in the overall DBE utilization. The federal DBE Program does not require goals for every contract. The Airport may meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

Airport Operating Budget

27. Extended Jurisdiction for UNCC Campus Police

Action: Authorize the Chief of Police to enter into a five year agreement with the UNCC Board of Trustees to extend the jurisdiction of the UNCC Campus Police.

Staff Resource: Captain Roslyn Maglione, Charlotte-Mecklenburg Police

Explanation

- State law permits the UNCC Board of Trustees to enter into an agreement with the City of Charlotte extending the law enforcement authority of campus police.
- On April 12, 2004 City Council approved a two year agreement with UNCC extending campus police jurisdiction to properties adjacent to campus within CMPD's jurisdiction.
- Properties included in the agreement are predominantly student housing.
- The agreement has resulted in enhanced communication between CMPD and UNCC Campus Police and allows campus police to be more aware of student victimization or involvement in criminal activity.
- Agreement gives CMPD additional eyes and ears in the apartment complexes surrounding the campus.

- UNCC Campus Police can sometimes respond more rapidly to calls for service in the areas adjacent to campus.
- CMPD still investigates all felonies in the affected area.
- UNCC Campus Police are state certified officers who have completed basic law enforcement training.
- CMPD and UNCC Campus Police desire to continue joint police services to the property adjacent to the UNCC campus.

28. Justice Assistance Grant

Action: Adopt a budget ordinance, appropriating \$630,500 from the U.S. Department of Justice, for the 2006 Justice Assistance Grant (JAG).

Staff Resource: Darrellyn Kiser, Charlotte-Mecklenburg Police

Explanation

- The City of Charlotte received \$630,500 from the Department of Justice for the 2006 JAG Grant.
- This grant program replaces the Local Law Enforcement Block Grant.
- Funds for the grant program have been reduced; Charlotte's 2006 grant is 59% less than the 2005 grant.
- Grant funds can only be used for law enforcement purposes and cannot supplant items in the Police Department budget.
- By law, the Mecklenburg County Sheriff's Office must receive a portion of the funds; the negotiated portion is 25% (\$157,625).
- CMPD's share of the funds, \$472,875, will be used for the following:
 - \$320,000 for patrol overtime for neighborhood based problem solving
 - \$112,875 for the Street Crimes Task Force (overtime, equipment)
 - \$40,000 for the Volunteer Coordinator position
- Overtime funds will be used for initiatives in each patrol division to target robbery and violent crime. The initiatives:
 - Will focus on repeat robbery locations, offenders and victims
 - Involve robbery investigators in problem solving
 - Areas for these initiatives will be selected based on crime trends during the life of the grant

Funding

\$630,500 from the Department of Justice; no matching funds required

Attachment 26

Budget Ordinance

29. Agreements with Town of Davidson and Childress Klein Properties for Utility Projects

Action: **A. Approve an agreement with Town of Davidson in the not-to-exceed amount of \$429,000, and**

B. Approve an agreement with Childress Klein Properties to accept \$125,000 plus 0.45 acres.

Staff Resource: Barry Shearin, Charlotte-Mecklenburg Utilities

Town of Davidson Agreement

- Charlotte-Mecklenburg Utilities (CMU) has capital improvement projects to replace an existing wastewater liftstation and several water and sewer mains in the Town of Davidson in the Griffith Street area.
- The Town of Davidson is currently working on significant road improvements on Griffith Street that require coordination with several of the proposed CMU projects and with a development being completed by Childress Klein.
- CMU and Town staff have determined it would be advantageous to all parties if the proposed water and sewer lines were constructed under the Town's roadway improvements contract.
- Agreement allows the Town of Davidson to have the water and sewer line replacement work done within their construction contract and CMU would reimburse the Town for the actual cost of the work up to \$429,000.

Childress Klein Properties Agreement

- In order to accommodate additional growth in the sewer service area and to coordinate with development proposed by Childress Klein, CMU staff have determined that the best alternative is the construction of a new larger liftstation and replacement of some existing water and sewer mains along Griffith Street and on a Childress Klein site.
- To facilitate the larger liftstation and new water and sewer mains, the agreement with Childress Klein proposes that they donate a site for the new expanded liftstation to replace the existing liftstation and Childress Klein will pay \$125,000 towards the water and sewer main replacements proposed for the area in the capital improvement project.

30. Amendment #1, Long Creek Parallel Outfall, Professional Services Contract

Action: **Approve Amendment #1, in the amount of \$189,500, to the professional services contract with Woolpert, Inc. for construction administration services.**

Staff Resource: Barry Shearin, Charlotte-Mecklenburg Utilities

Explanation

- Original contract was awarded by Council on November 22, 2004, in the amount of \$1,385,600.
- Contract provides design and construction administration of new parallel sanitary sewer along Long Creek in Mecklenburg County.
- Construction of all phases of Long Creek Outfall have exceeded their original contract time, necessitating continued construction administration services.
- Delays in construction caused by:
 - Encroachment delays from NCDOT
 - Delays in delivery of materials
 - Unanticipated poor soil conditions
 - More rock removal than anticipated
- Scope of services have also been expanded to include
 - Continued monitoring and documentation of sediment and erosion control measures
 - Monitoring of restoration test plots for duration of construction and throughout the warranty period

Small Business Opportunity

Continued work represents no new subcontracting opportunities. Work will be performed by the contractor and their existing subcontractors. This change order complies with Section 10.3 of the SBO Program.

Funding

Sewer Capital Investment Plan

31. **FY2006 Water and Sewer Service Installations, Contract Renewal #1**

Action: Approve renewal #1 of the contract with B.R.S., Inc., Richfield, North Carolina in the amount of \$1,518,750.32 for domestic water and/or sanitary sewer installations in Mecklenburg County.

Staff Resource: Barry Shearin, Charlotte-Mecklenburg Utilities

Explanation

- Original contract awarded by Council on December 12, 2005 for a term of 6-months, in the amount of \$1,508,342.75.
- Contract provides for renewal for three additional 6-month terms as an incentive to provide productive performance.
- Contract renewal provides for continued, uninterrupted installation of residential water and sewer taps.

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

Water and Sewer Capital Investment Plan

32. FY2006 Water Main Replacement Contract, Renewal #1

Action: Approve renewal #1 of the contract with Dallas 1 Construction, in the amount of \$1,403,811.50 for continued replacement of aged water mains throughout Mecklenburg County.

Staff Resource: Barry Shearin, Charlotte-Mecklenburg Utilities

Explanation

- Original contract with Dallas 1 Construction was awarded by Council on August 22, 2005 for \$1,352,984.05.
- Renewal enables Utilities to continue replacement of aged water mains throughout Mecklenburg County.
- Contract provides for a maximum of three contract periods.

Small Business Opportunity

Established SBE Goal: 5.0%

Committed SBE Goal: 5.23%

This renewal complies with Section 13.1 of the SBO Program. Dallas 1 will continue to use their current subcontractors on this renewal and commit \$73,420 to the following SBE firms: State Construction of the Carolinas, MTC Consultants, Pave Carolina and On Target Utility Locate Services.

Funding

Water Capital Investment Plan

33. Change Order #4 for the Beaverdam Creek Outfall, Pumping Station and Force Main

Action: Approve change order #4 to the Beaverdam Creek Outfall, Pumping Station and Force Main construction contract with Bryant Electric Company. This change order reduces the final payment to Bryant Electric by \$151,327.

Staff Resource: Barry Shearin, Charlotte-Mecklenburg Utilities

Explanation

- The original construction contract for the Beaverdam Creek Outfall, Pumping Station and Force Main with Bryant Electric Company was approved by City Council on December 9, 2002 in the amount of \$4,028,069.73.
- Change Orders #1 and #2 were for time extensions only, increasing the contract time by 131 days.

- Change Order #3 adjusted the contract amount by \$124,958 due to various changes in the scope of service and equipment modifications.
- This change order establishes the final contract amount through a negotiated settlement with Bryant Electric. The final contract payment will be reduced by \$151,327 due to assessed liquidated damages for delay of the project.

34. Floodplain Regulations Revisions Public Hearing Date

Action: Authorize publication of notice and set public hearing date for July 24, 2006 on proposed Floodplain Regulations Revisions.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation

- The City Floodplain Regulations are being revised to reflect:
 - Federal Emergency Management Agency requested changes
 - Clarification of the regulations
 - Additional requirements or revisions to better serve the public
 - New language pertaining to floodwalls and levees
- Staff worked with a stakeholders group comprised of Storm Water Advisory Committee members and individuals with environmental and development community interests to develop the revisions.
- This group plus members of individual groups interested in constructing levees provided feedback on the levee portion of the revisions.

History

- The Floodplain Regulations, along with adoption of new floodplain maps, were most recently revised in May 2003.

Future Actions

- There will be a briefing prior to the public hearing on July 24, 2006.
- Council will be asked to approve the revisions on August 28, 2006.

35. Transit Fire and Life Safety Control System

Action: A. Adopt a budget ordinance appropriating \$300,000, and

B. Authorize the CATS CEO to negotiate and execute a contract with Simplex Grinnell for an amount not to exceed \$300,000 for CATS security access control, fire and life safety systems enterprise wide.

Staff Resource: Jim Zingale, Charlotte Area Transit System (CATS)

Explanation

- Approve a contract in the amount of \$300,000 with Simplex Grinnell to provide for the installation and implementation of security and access control systems at all existing CATS locations and to interface with CATS existing security and life safety management system.
- Simplex Grinnell installed and currently maintains CATS proprietary, existing fire and life safety integrated systems at the South Tryon Bus Garage. This proposed contract allows for the installation of compatible hardware at all other existing CATS locations which will make it possible to have a fully integrated security management system.

Small Business Opportunity

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

Funding

This project is approved in the CATS FY2006 Capital Investment Plan. The budget ordinance appropriates funds from the Transit fund balance.

Attachment 27

Budget Ordinance

36. Street Maintenance Resolution

Action: Adopt a resolution to transfer maintenance for 15 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

Staff Resource: David Snider, Engineering and Property Management

Explanation

- The City accepts State-maintained streets upon request and mutual agreement and / or when the streets are within an annexed area and not part of the NCDOT primary road system.
- The streets included on this list are currently located in the City limits and are maintained by NCDOT.
- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.
- This resolution requests NCDOT transfer maintenance responsibility for the attached list of 15 streets (1.83 miles) to the City effective June 30, 2006.
- Upon completion of the transfer, the City will receive Powell Bill funding for the newly maintained streets.

Funding

Powell Bill

Attachment 28

Street listing

Resolution

37. Traffic Signal Communications Cable Design for WT Harris/North Lake Phase II

Action: Approve an amendment to the existing CBW Communications Engineers Contract for the design and construction administration of fiber optic cable routes and traffic signal interconnections for a total amount of \$125,000.

Staff Resource: Liz Babson, Transportation

Explanation

- The CBW Communications Engineers contract for traffic signal communications cable design was originally approved by Council on February 21, 2005 in the amount of \$850,000.
- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals to instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.
- CBW Communications Engineers provide design, construction administration and inspection services for fiber optic cabling and traffic signal interconnections.
- CDOT is requesting approval of an amendment in the amount of \$125,000 to the existing contract with CBW Communications Engineers. Within the section covered by this contract, additional projects have been identified which require design work in order to begin. One of these additional projects is the WT Harris/North Lake Phase II project.

Small Business Opportunity

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following federal and state requirements. NCDOT did not establish goals for participation by minority and women owned businesses because of the specialized nature of the work.

Funding

Transportation Capital Investment Plan

38. Building Maintenance, Repair and Operation Supplies

Action: Approve a unit price contract for one year with Grainger, Inc. for building maintenance, repair and operation supplies to the City, and authorize the City Manager to renew the agreement for three additional one-year terms.

Staff Resource: Daniel Edes, Business Support Services

Explanation

- Procurement Services and Internal Audit developed a Request for Proposal (RFP) for building maintenance, repair and operating (MRO) supplies.
- Examples of building maintenance, repair and operation supplies are building materials, flooring, hardware, heating-ventilation-air conditioning, paints, plumbing, tools and janitorial items.
- A comparison of paid invoice and bid pricing indicates a cost savings potential of 23% annually on items routinely purchased with implementation of the contract. This will offer the City a contract approved according to the North Carolina General Statutes to provide its MRO requirements.
- Pricing for items purchased through Grainger will be discounted 10% off the general catalogue price, with larger discounts (e.g., 35%-58%) for tools depending on the brand.
- Two proposals were received in response to the RFP. The two proposals were evaluated based on the criteria including: qualifications, experience and approach, cost effectiveness and value and acceptance of the contract terms. Grainger is the recommended service provider.
- Annually, the City spends approximately \$300,000 on MRO supplies.

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

Various Operating Budgets

39. **Automotive Parts and Accessories for Light Duty Vehicles**

Action: Approve a contract with Auto Zone for automotive parts and accessories for light duty vehicles for use by Charlotte-Mecklenburg and other eligible public agencies on behalf of U.S. Communities for a term of five years in the estimated annual amount of \$600,000 and authorize the City Manager to approve two, one-year renewals.

Staff Resource: Chuck Robinson, Business Support Services
Karen Ruppe, Business Support Services

Explanation

- U.S. Communities Government Purchasing Alliance selected Charlotte-Mecklenburg Procurement Services as a Lead Public Agency to solicit proposals from qualified companies to enter into a Master Agreement to provide a complete line of automotive parts and accessories for light duty vehicles on a national level.

- Combining the volumes of government agencies nationwide achieves cost effective pricing and reduces the administrative and overhead costs of suppliers and government agencies alike.
- All suppliers awarded contracts must sign a commitment that the U.S. Communities pricing is the lowest available to local agencies nationwide.
- By providing a comprehensive and competitively solicited Master Agreement through a single bid process, over 87,000 government agencies, school districts, and institutions of higher education or authorities in 50 states may use the subsequent contract without the need for further solicitation. The Master Agreement shall be interpreted in accordance with and governed by the laws and the applicable policies of the state and locality where the participating agency exists.
- Three proposals were received in response to the Request for Proposals issued by BSS/PSD and evaluated by a local and national team consisting of procurement and fleet maintenance officials from Charlotte-Mecklenburg, the City of Denver, CO; Los Angeles County, CA; the City of Houston, TX; Greensboro, NC and Seattle, WA.
- Evaluation criteria included the quality and extensiveness of product lines offered, price, warranties, compliance with the technical and business qualifications and the ability of the company to distribute, service and market to all 50 states.
- This is a non-exclusive contract and can be utilized as much or as little as desired at no cost by participating agencies.
- The City currently has three contracts for providing hundreds of various automotive parts for maintenance and repair of fleet equipment that will expire in November 2006. The combined expenditures for automotive parts in FY2006 exceed \$1,200,000. BSS/Equipment Management may use the Auto Zone contract in addition to the current contracts as needed and elect to contract with additional sources upon expiration of current contracts as may be required.

Small Business Opportunity

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

Funding

Various KBU operating budgets

40. South Corridor Light Rail Project Additional Compensation

Action: Approve additional amount of \$206,000 in condemnation case captioned *City of Charlotte v. Benjamin Horack, Jr., et al*, 04-CVS-13192, Mecklenburg County Superior Court.

Staff Resource: Diane Johnson, CATS Real Estate Program Manager

Explanation

- The 1.002-acre property, located at 5412 South Boulevard and formerly under lease to the Baptist Bookstore, was acquired from owner Benjamin Horack, Jr. for the South Corridor Light Rail Transit project. In 2004 Council authorized condemnation in the appraised amount of \$1,030,475.
- The property owner obtained his own appraisal in the amount of \$1,270,000. The appraisers both valued the property by the income approach and the \$239,525 difference in their opinions resulted from the different capitalization rates they chose to use.
- At court-ordered mediation the parties reached a settlement for the total amount of \$1,231,395.36. This settlement is recommended based on the expert opinions and other evidence expected to be presented at trial, as well as the likelihood of a compromise jury verdict and its increased exposure for the City in the form of interest and trial cost payment.

Funding

Transit Capital Investment Plan

41. Property Transactions

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

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

Acquisitions

- A. Project:** Cyrus/Douglas Stream Restoration, Parcel # 22
Owner(s): Jon L. McManus And Wife, Deborah S. Gilbert
Property Address: 1360 Carolyn Drive
Property to be acquired: 1,920 sq. ft. (.044 ac.) in Sanitary Sewer Easement, plus 13,689 sq. ft. (.314 ac.) in Conservation Easement, plus 1,900 sq. ft. (.044 ac.) in Abandoned S/S Easement, plus 2,182 sq. ft. (.050 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,830
Remarks: Compensation was established as a result of damages.
Zoned: R-4
Use: Single Family Residential
Tax Code: 129-084-02
Total Parcel Tax Value: \$143,600

- B. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 296
Owner(s): Panagiotis A. Kakouras And Wife, Spiridoula Kakouras
Property Address: 4572 Old Pineville Road
Property to be acquired: 577 sq. ft. (.013 ac.) in Fee Simple, plus 40 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 1,905 sq. ft. (.044 ac.) in Sidewalk and Utility Easement, plus 3,136 sq. ft. (.072 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$29,100
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 149-072-26
Total Parcel Tax Value: \$1,016,600

Condemnations

- C. Project:** Briar Creek Relief Sewer Phase I, Parcel # 43 & 44
Owner(s): Mary Dore Center For Human Potential, Inc. And Any Other Parties Of Interest
Property Address: 1727 Providence Road
Property to be acquired: Total Combined Area of 9,093 sq. ft. (.208 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$25,550
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: School, College, Private
Tax Code: 155-123-01 & 155-123-05
Total Parcel Tax Value: \$1,027,100
- D. Project:** Cyrus/Douglas Stream Restoration, Parcel # 4
Owner(s): Angelo J. Forlidas And Phillips J. Forlidas And Any Other Parties Of Interest
Property Address: 2925 Commonwealth Avenue
Property to be acquired: Total Combined Area of 11,662 sq. ft. (.268 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$6,800

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-22MF

Use: Multi Family

Tax Code: 129-081-02

Total Parcel Tax Value: \$116,600

- E. Project:** South Boulevard Median, Parcel # 24.1
Owner(s): CRIT-NC, LLC And Any Other Parties Of Interest
Property Address: 1825 Beacon Ridge Road
Property to be acquired: Total Combined Area of 23,856 sq. ft. (.548 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$97,550
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-43MF
Use: Multi Family
Tax Code: 171-141-31
Total Parcel Tax Value: \$14,924,900

Property transactions F-I were included on the June 12, 2006 Business agenda. This action corrects both square footage and price.

- F. Project:** South Boulevard Median, Parcel # 24
Owner(s): Kimco Development Of Tyvola, Inc. And Any Other Parties Of Interest
Property Address: 5601 South Boulevard
Property to be acquired: Total Combined Area of 10,882 sq. ft. (.249 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Permanent Bus Shelter Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$68,500
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Commercial
Tax Code: 171-141-35
Total Parcel Tax Value: \$2,186,700

- G. Projects:** South Boulevard Median , Parcel # 25 And Tyvola Storm Drainage Improvement, Parcel # 6 & 13
Owner(s): Nan B. Yett Heirs And Any Other Parties Of Interest
Property Address: 5421 South Boulevard And 5415 South Boulevard
Property to be acquired: Total Combined Area of 36,972 sq. ft. (.848 ac.) of Fee Simple(Front Only), plus Permanent Sidewalk Easement (Front Only), plus Permanent Storm Drainage (Front and Rear), plus Sewer R/W (Rear Only) plus Temporary Construction Easement (Front and Rear Parcel)
Improvements: None
Landscaping: None
Purchase Price: \$240,025
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Commercial
Tax Code: 171-141-33 And 171-141-34
Total Parcel Tax Value: \$799,400
- H. Project:** South Boulevard Median, Parcel # 27 And Tyvola Storm Drainage Improvement, Parcel # 9
Owner(s): Sue B. Yett Heirs And Nan B. Yett Heirs And Any Other Parties Of Interest
Property Address: 5415 South Boulevard
Property to be acquired: Total Combined Area of 22,324 sq. ft. (.512 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$85,850
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1
Use: Commercial
Tax Code: 171-141-41
Total Parcel Tax Value: \$1,228,600
- I. Project:** South Boulevard Median, Parcel # 28 And Tyvola Storm Drainage Improvement, Parcel # 12
Owner(s): Sue B. Miller Heirs And Any Other Parties Of Interest
Property Address: 5331 South Boulevard
Property to be acquired: Total Combined Area of 34,417 sq. ft. (.790 ac.) of Storm Drainage Easement, plus Sidewalk Utility Easement, plus Temporary Construction Easement
Improvements: 3 Signs

Landscaping: None

Purchase Price: \$94,450

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

Zoned: B-2

Use: Commercial

Tax Code: 171-141-30

Total Parcel Tax Value: \$186,772

42. Meeting Minutes

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

- May 22, 2006 Business Meeting
- May 31, 2006 Straw Votes
- June 5, 2006 Workshop