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Susan Burgess
Nancy Carter
Malcolm Graham
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Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING

Monday, November 22, 2004

CITY COUNCIL AGENDA

Monday, November 22, 2004

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4:00-5:00 P.M. CITY ATTORNEY'S EVALUATION CH-14

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Proposed 2005 North Carolina Legislative Agenda

Resource: Boyd Cauble, City Manager's Office

Time: 20 minutes

Synopsis

- Council will review the proposed North Carolina Legislative Agenda to be pursued during the 2005 legislative session.

- The following items have been requested by Council and/or recommended by staff to help address local needs:
 - Crime Lab Cost Recovery
 - Speed Camera Sunset Extension
 - Auto Theft Prosecution Penalties for Juveniles
 - Death by Distribution of Drugs Penalty
 - Beer Keg Identification
 - Destruction of Firearms Regulations
 - Power of Attorney in Nursing Home Situations
 - Potential Transit Operation Issues
 - Potential Cultural Facilities Task Force Recommendations
 - Potential Highway Funding Revisions

Future Action

Council will be asked to adopt the final legislative agenda at the December 13 business meeting and present our requests to the Mecklenburg Delegation in early January.

Attachment 1

Draft 2005 North Carolina Legislative Agenda

2. Committee Reports by Exception

Community Safety Committee: Fencing Requirement for Carnivals Amendment to City Code

Economic Development & Planning Committee: Regional Comprehensive Economic Development Strategy

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

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

CONSENT

- 3. Consent agenda items 18 through 45 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

4. Public Comment on Request to Amend the Albemarle Road/I-485 Interchange Study

Action: Receive public comment on the request to amend the Albemarle Road/I-485 Interchange Study.

Committee Chair: John Lassiter

Staff Resource: Gareth Johnson, Planning Commission

Explanation

Planning staff has reviewed a request from AAC Acquisitions, LLC to amend the Albemarle Road/I-485 Interchange Study that was adopted in February 2003.

Applicant Request Overview

- Allow an additional 385,000 square feet of retail development adjacent to the interchange ramps, for a total of 465,000 square feet within the study area.
- Reduce the office component from 200,000 square feet to 15,000 square feet.
- Increase residential densities adjacent to the retail center from up to 4 and 8 dwelling units per acre to up to 9.4 dwelling units per acre.
- Move the proposed collector road west of an existing pond, closer to the interchange ramps.

Staff Recommendation

- Staff does not support the requested amendment. After reviewing the petitioner's request, staff concluded that none of the conditions that the petitioner noted had changed over the past year to warrant an amendment to the adopted plan. Staff continues to support the adopted plan as the most appropriate future land use plan for the interchange area. The detailed staff recommendation is attached.

Plan Amendment Review Process

- An interdepartmental team reviewed the request and prepared the staff recommendation.
- Staff held a public meeting on May 13, 2004 to introduce the Plan Amendment and gather initial public input. Approximately 70 people attended the meeting. (Staff sent approximately 1400 meeting notices.)
- The Planning Committee heard public comment on the requested amendment at their July 20th meeting and again on October 19th due to the change in the application.
- On November 16th the Planning Committee voted (4-3) to deny the plan amendment request.
- The Economic Development and Planning Committee began discussing the amendment at their August 18th meeting and received an update on November 3rd. Staff will provide the Committee with additional information

in response to questions raised at the November 3rd meeting, prior to the Committee making a recommendation in December.

- City Council was scheduled to receive public comment at their August 23rd meeting. The item was deferred due to the petitioner revising the amendment request.
- City Council is tentatively scheduled to take action on the requested amendment on December 13th.
- Notices of all public input opportunities have been sent to property and business owners in the study area, business and neighborhood association leadership, and those who have attended past community meetings on the Plan.
- The Board of County Commissioners and the School Board have been notified of the requested amendment and the revised request and invited to comment.

Attachment 2

Staff Recommendation: Albemarle Road/I-485 Interchange Study Requested Plan Amendment #2004-01

Plan Amendment Request

Citizen Comments on the Requested Amendment

5. Public Hearing and Resolution to Close a Residual Portion of Barclay Downs Drive

Action: **A. Conduct a public hearing to close a residual portion of Barclay Downs Drive, and**

B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

John G. Pribas

Right-of-Way to be abandoned

A residual portion of Barclay Downs Drive at the corner of Barclay Downs Drive and Scofield Road

Location

- Located within the Barclay Downs Community
- Beginning from the southeast corner of petitioners property at the corner of Barclay Downs Drive and Scofield Road, continuing approximately 90 feet east to the existing right-of-way of Barclay Downs Drive and extending north approximately 120 feet north to its terminus.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner in order to increase the square footage of his parcel in which he is currently maintaining.

Notification

- In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – None

Neighborhood/Business Associations

Barclay Downs HOA – No objections

Southpark Coalition – No objections

Spring Valley – No objections

Heatherstone Neighborhood Association – No objections

Myers Park HOA, Inc. – No objections

Madison Park Neighborhood Association – No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 3

Map

6. Public Hearing and Resolution to Close a Portion of Crescent Executive Drive

Action: A. Conduct a public hearing to close a portion of Crescent Executive Drive, and

B. Adopt a Resolution to Close.

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Time Warner Cable Incorporated –Robert Brinkley (Helms MullisWicker)

Right-of-Way to be abandoned

A portion of Crescent Executive Drive

Location

- Located within the Yorkmont Community.
- Incorporates the entire existing cul-de-sac.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner as part of the construction of a roundabout in place of the existing cul-de-sac in order to extend Crescent Executive Drive to accommodate the new Crescent Ridge Subdivision. The Charlotte-Mecklenburg Planning Commission approved this plan on July 9, 2004.

Notification

- In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – None

Neighborhood/Business Associations

Yorkmont Park Association – No objection

Yorkwood Neighborhood Association – No objection

Colony Acres HOA – No objection
Windsong Trails Neighborhood Association – No objection
Montclair South HOA – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 4

Map

7. Public Hearing and Resolution to Close Pinestream Drive

Action: **A. Conduct a public hearing to close Pinestream Drive, and**
B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Mintworth Commons, LLC – Cameron W. Penfield, P.E.

Right-of-Way to be abandoned

Pinestream Drive

Location

- Located within the Idlewild Community.
- Beginning from Idlewild Road continuing approximately 350 feet southwestwardly to its terminus.

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner as part of the proposed development of both commercial and single family projects. The rezoning of this property was approved by City Council on March 23, 2004 (#04-068).

Notification

- In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – None

Neighborhood/Business Associations

- Derita Woods/Tanglewood Association – No objection
- Derita/Statesville Road Community Organization – No objection
- Derita/Tanglewood Neighborhood Association – No objection
- Northwood Estates Community Organization (NECO) – No objection
- University Park Improvement Association – No objection
- University Park North Community Organization – No objection
- Biddleville Residents & Friends – No objection
- Biddleville/Five Points Community – No objection
- Oaklawn Community Improvements Organization – No objection
- Lincoln Heights Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 5

Map

8. Public Hearing on General Obligation Refunding Bonds

Action:

- A. Hold a public hearing on the bond order of the General Obligation Refunding Bonds,**
- B. Adopt a Bond Order Authorizing the Issuance of up to \$48 million in General Obligation Refunding Bonds, and**
- C. Approve a resolution authorizing the approval, execution and delivery of various documents in connection with the sale of General Obligation Refunding Bonds, Series 2004.**

Staff Resource: Greg Gaskins, Finance

Explanation

- On November 8, 2004, Council approved a resolution authorizing staff to take the necessary action to complete the bond sale. This action was the first of two required to initiate the bond sale.
- This second action approves the bond order and bond resolutions, which are legal documents that Council is required to approve before the City can sell bonds and conducts a public hearing on the bond sale.
- Notification of the public hearing was placed in the Charlotte Observer on November 11, 2004. A sworn statement of outstanding debt is on file in the City Clerk's office.
- Estimated net present value of the savings is up to \$3.7 million.
- 19% of the savings will be realized in the Municipal Debt Service Fund and 81% of the savings will be realized in the Water Sewer Debt Service Fund.

Attachment 6
Resolution

POLICY

9. City Manager's Report

10. 2005 Annexation Ordinance and Resolutions

- Action:**
- A. Adopt seven resolutions amending the seven annexation reports,**
 - B. Establish the effective date for the annexations and adopt the seven annexation ordinances,**
 - C. Adopt a resolution amending the FY2005-FY2009 Capital Investment Plan,**
 - D. Adopt an annexation budget ordinance, and**
 - E. Adopt a resolution stating the intent of the City to pay economic loss to qualified solid waste collection firms.**

Staff Resources: Jonathan Wells, Planning Commission
Mike Boyd, City Attorney's Office
Bill Parks, Budget and Evaluation

Annexation Report Resolutions

- Annexation Reports approved by Council on July 26, 2004 require minor revisions and the seven resolutions will amend the annexation reports for each of the following annexation areas to incorporate those revisions:
 - Caldwell area (1,306.9 acres, 2,589 population)
 - Withrow Downs area (151.8 acres, 382 population)
 - Brookshire East area (306.1 acres, 391 population)
 - Brookshire West area (1,125.5 acres, 1,980 population)
 - Steele Creek North area (976.0 acres, 1,796 population)
 - Steele Creek South area (3910.5 acres, 7743 population)
 - Community House Road area (257.5 acres, 528 population)
- Minor typographical corrections will be made
- Changes to the qualifying criteria will be made to reports for the Caldwell, Withrow Downs and Community House Road Qualifying Areas to reflect development that occurred in those three areas prior to July 26, 2004.
- A clarification will be made in the manner in which utilities will serve a small portion of the Caldwell Qualifying Area.

Effective Date of Annexation

- State annexation statutes require Council to adopt an ordinance extending the corporate limits to include all, or such part, of the area described in the notice of the public hearing and which Council has concluded should be annexed.

Council must also establish the effective date for the annexations which may not be less than 70 days nor more than 400 days from the date of passage of the ordinance. The recommended date for the eight annexation areas to become effective is June 30, 2005.

Capital Investment Plan Resolution

- The resolution amends the FY2005-2009 Capital Investment Plan by accelerating the appropriation of \$4,000,000 from FY2006 to FY2005 to provide for design and construction of two new fire stations and one temporary fire station in order to maintain fire response times commensurate with the rest of the City.
- Funding for the installation of water and sewer lines in the annexation areas is already included in the FY2005-2009 Capital Investment Plan.
- One-time costs in the first year of annexation (FY2006) include \$3,400,000 for remaining construction costs of two new fire stations. Funding for these costs will be included in the FY2006-FY2010 Capital Investment Plan.

Budget Ordinance

- The annexation budget ordinance indicates the start-up costs and funding sources required in the current fiscal year. The ordinance is necessary to prepare for the extension of City services into the areas to be annexed effective June 30, 2005.
- Start-up funding of \$5,429,562 is necessary to hire staff and buy equipment in order to provide services on the first day of annexation. \$3,481,632 will be funded from annexation reserves in the General Fund. The remaining \$1,947,930 will need to be appropriated from fund balance of the General Fund.
- The balance in the General Fund available for these appropriations is approximately \$58.3 million and represents 15.1% of the FY2005 operating budget (unaudited). Council's reserve goal is 16%. Following a \$2.0 million appropriation the remaining fund balance will be \$56.3 million, or 14.6%.
- Full year expenditures and revenues for the combined seven annexation areas will be included as part of the FY2006-FY2007 Operating and FY2006-FY2010 Capital Budget Plans. For a summary of these expenditures and revenues, see attachment.
- The 2005 annexation requires the addition of 78 positions. For a summary of these positions by department/service area, see attachment.
- The City's initial total (non-enterprise) investment in the seven annexation areas is projected to be fully repaid by the eighth year of this annexation, in FY2013.

Economic Loss Resolution

- The resolution states the intent of the City to pay economic loss to qualified solid waste collection firms operating in the annexation areas in lieu of a contract. A sum equal to the economic loss has been determined under subsection (f) of G.S. 106-A49.3. The total amount of the economic loss payment is \$879,744.

Background

- Council adopted Resolution of Consideration on June 23, 2003, creating 2005 annexation study areas
- Staff determined areas within study areas that qualified for annexation in Spring 2004
- Council was briefed on 2005 Annexation Qualifying Areas on July 19, 2004
- Council approved Annexation Reports and Resolutions of Intent for eight Annexation Qualifying Areas on July 26, 2004
- A public informational meeting for owners of properties within the Annexation Qualifying Areas was held on September 9, 2004
- Council held an Annexation Public Hearing on October 11, 2004
- Discussion was held at November 15, 2004 dinner meeting at which time Council endorsed staff recommendation to defer action on annexation of the Mallard Creek Church East area

Attachment 7

Resolutions and Maps
 Annexation Budget Ordinance
 Annexation Ordinances
 Summary of Revenues and Expenses
 Summary of Positions
 Amended Annexation Report Pages

11. Fencing Requirement for Carnivals Amendment to City Code



Action: Approve the Community Safety Committee's recommendation to adopt an ordinance amending Chapter 15 of the City Code to allow a fencing requirement for carnivals.

Committee Chair: Patrick Cannon

Staff Resource: Bruce McDonald, Charlotte-Mecklenburg Police

Explanation

- On October 11, 2004, Council adopted an ordinance requiring traveling carnivals to obtain an operating permit from CMPD.
- This action would allow CMPD to require a carnival operator to provide perimeter fencing for a carnival.

Committee Discussion

- Community Safety Committee discussed the fencing provision at its October 28 meeting.
- CMPD wants to require fencing as a way to allow officers to control crowds and potential crime victimization at carnivals.

- Mayor Pro Tem Cannon expressed concerns that the fencing could create a potential safety hazard if an incident were to take place and patrons were trying to leave the area.
- The fencing that would be required would be in panels that could be removed if necessary.
- Fencing requirements would be based on location, time, estimated attendance, etc. of the carnival.
- Committee voted three (Kinsey, Mitchell, Tabor) to one (Cannon) to recommend adoption of the ordinance. Council member Turner was absent.

Attachment 8

Ordinance Amendment

Community Safety Committee Minutes-October 28, 2004

12. Regional Comprehensive Economic Development Strategy



Action: Approve a resolution endorsing the Regional Comprehensive Economic Development Strategy (RCEDS), and authorizing Centralina Council of Governments to create an Economic Development District (EDD) as stipulated by the Economic Development Administration (EDA).

Resources: Al Sharpe, Centralina Council of Governments, Director
A.C. Shull, Economic Development Office

Explanation

- Centralina Council of Governments is seeking endorsement of “*NO BOUNDARIES*” from Centralina’s nine counties and the City of Charlotte.
- The “*NO BOUNDARIES*” Strategy:
 - Pulls the Greater Charlotte Region together, increasing regional collaboration and cooperation
 - Provides a regional strategy that embraces transformation and change, expands entrepreneurship and new business efforts and focuses on key target industries in the region.
 - Qualifies for a reduction in the amount of local dollars required to match grants, from EDA, as an Economic Development District.
 - Creates the Centralina Economic Development Commission (CEDC). It will be organized as a public non-profit {501©(3)}.
 - The governing body of the CEDC will be its Board of Directors to be comprised of one elected official from each of the nine counties, three individuals to represent specific municipalities, including Charlotte, and seven private sector citizens. At this time, Mecklenburg, Rowan, Cabarrus and Gaston Counties have approved a resolution endorsing the RCEDS.

- The Centralina Council of Governments Board will appoint the CEDC Board of Directors. Mayor McCrory is currently a member of the Centralina Board.
- Leverages regional strengths and focuses on development that supports public infrastructure.
- Requires Centralina COG/Economic Development Commission to update the Regional CEDS on an annual basis and monitor EDA activities in the region.
- The primary functions of the CEDC are:
 - Provide assistance in the implementation of the recommended strategies
 - Support regional capacity building and public infrastructure development
 - Help counties and communities position themselves to attract new business
 - Provide preparation and maintenance of the annual update of the Regional CEDS

Community Input

The planning process has involved advisory committee meetings and focus group discussions since July 2004.

Funding

This endorsement does not obligate the City of Charlotte to any funding, but rather endorses the RCEDS as a broad regional ED strategy that the City of Charlotte will use to work collaboratively with regional partners to help grow the regional economy.

Attachment 9

Resolution of City of Charlotte, North Carolina in support of the Centralina Regional Comprehensive Economic Development Strategy, “NO BOUNDARIES” and the formation of the Centralina Economic Development Commission.

Regional Comprehensive Economic Development Strategy Summary

BUSINESS

15. Westin Hotel Refinancing

Action: Adopt a revised resolution authorizing the City Manager to negotiate and execute amendments to the Purchase and Sale Agreement, General Development Agreement and Parking Space Management Agreement and other documents and amendments that will allow Portman Holdings to refinance the private debt on the Westin Charlotte.

Staff Resource: Tom Flynn, Economic Development Office
Greg Gaskin, Finance
Bob Hagemann, City Attorney's Office

Explanation

- On August 23, 2004 Council approved a resolution authorizing the City Manager to negotiate and execute an amendment to the City of Charlotte's Development and other Agreements relative to the Westin Charlotte. This was to allow Portman Holdings, owner of the Westin Charlotte, to refinance the \$75 million private debt on the Westin Charlotte.
- The attached August 23 Request for Council Action details the benefits of this transaction.
- These revisions lessen the City's bargaining position in the event of a financial crisis at the hotel and moves the two times debt service coverage ratio requirement from the hotel to StarPort.
- The above change is offset by improvements in collateral as follows:
 - Extension of the \$1.2 million Letter of Credit to 2013 and removal of the \$2 million cap on the Letter of Credit.
 - Extension of the Letter of Credit beyond 2013 if the debt service coverage ratio fall below 2 times.
 - The Parking Deck Escrow, to which the hotel contributes \$1.2 million per year beginning 2009, must be fully funded at \$6 million, by 2013.
- Attached is a letter from staff explaining this issue in detail.

Attachment 10

Revised Resolution
August 23, 2004 Council Action
Memorandum from Staff

14. Municipal Infrastructure Reimbursement Agreements Ordinance

Action: Adopt an ordinance authorizing municipal infrastructure reimbursement.

Staff Resource: Jeb Blackwell, Engineering & Property Management
Tom Flynn, Economic Development Office

Explanation

- In 2001, the legislature authorized the City to enter into municipal infrastructure reimbursement agreements with private developers and property owners.
- Consistent with the legislation, the proposed ordinance would
 - authorize the City to procure water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities and municipal infrastructure by contracting with the private developer or property owner who will be served by the infrastructure rather than by separately bidding the work through normal bid processes
 - require as a measure of fiscal protection, that staff determine that either: (i) the cost to the city will not exceed the estimated cost of providing for the municipal infrastructure through either eligible force account qualified labor or through a public contract; or (ii) the coordination of separately constructed municipal infrastructure with the associated private development would be impracticable
 - require the private developer to publicly advertise and open bids for the work
 - require the developer to comply with the City's SBE policy

Attachment 11
Ordinance

15. Old Convention Center Redevelopment



Action: A. Adopt a resolution amending the FY2005-2009 Capital Investment Plan providing for infrastructure improvements for the Old Convention Center, and

B. Approve a Reimbursement Agreement with EpiCenter Associates, L.P. providing \$3.2 million in infrastructure assistance and an in-kind contribution valued at \$480,000 for the redevelopment of the Old Convention Center, with certain terms and conditions, including an equal cash contribution by Mecklenburg County.

Staff Resource: Tom Flynn, Economic Development Office

Policy

Create public/private partnerships necessary to support project development in targeted areas that pass the Sustainability Index review.

Explanation

- On June 14, 2004 City Council authorized the City Manager to develop an agreement with Spectrum Properties for \$3.2 million of infrastructure assistance and an in-kind contribution values at \$480,000.
- EpiCenter Associates, L.P. is a limited liability corporation that has been established to develop and own this project. The Ghazi Company is the majority partner of EpiCenter Associates and Spectrum Properties is a minority partner.
- The City will contribute \$2.2 million in cash for infrastructure improvements and make \$1.0 million of other infrastructure improvements.
- The in-kind contributions include:
 - Permanent easement along rail line, valued at \$330,000
 - Waive rental charges for use of sidewalks during construction, valued at \$150,000
- The Reimbursement Agreement contains all of the terms and conditions that were approved by City Council in June 2004.

Small Business Opportunity

The Developer will comply with the City's SBE Program and will establish SBE goals for the infrastructure work.

Funding

- The funds for the infrastructure contribution and infrastructure improvements are:

– Sidewalk Program	\$1 million
– Business Corridors	\$500,000
– Minor Roadway	\$700,000
– CATS	\$1 million

Attachment 12

Resolution

16. 2004 Bond Referendum Certification

Action: **A. Recognize the City Clerk for the purpose of reading the results of the November 2, 2004 Bond Referendum, and**

B. Approve resolutions declaring the results of the special bond referendum held on November 2, 2004 on the question of approving \$101,800,000 of Street Bonds, \$13,800,000 in Neighborhood Improvement Bonds and \$15,000,000 in Housing Bonds.

Staff Resource: Greg Gaskins, Finance
 Brenda Freeze, City Clerk

Explanation

- After the City receives a certified copy of the results of a bond referendum from the County Board of Elections, state law requires that Council approve a resolution declaring the results of that referendum.
- The bond approval percentages were as follows:

– Street improvements	71%
– Neighborhood Improvements	69%
– Housing	62%

Attachment 13

Resolution

17. Appointments to Boards and Commissions

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

A. CHARLOTTE REGIONAL VISITORS AUTHORITY

One unexpired term beginning immediately and serving until June 2007. Applicant must represent the general travel industry. Wayne Shusko has resigned.

- Joe Hallow by Council member Burgess
- Fletcher Mayes by Council member Mitchell

Attachment 14

Applications

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

18. Various Bids

A. North Tryon Street Sidewalk Project

EPM

Action

Award the low bid of \$260,058.76 by Onsite Construction, LLC of Charlotte, North Carolina. This project is part of the Sidewalk Improvement Program and includes traffic control; grading; drainage; water system relocations and adjustments; concrete curb and gutter, drives, sidewalk and wheelchair ramps; asphalt paving and thermoplastic pavement markings. The project runs along the northwest side of North Tryon Street between W.T. Harris Boulevard and J.W. Clay Boulevard, from Barton Creek Drive to the Mallard Creek Bridge, and from the existing sidewalk north of W. Mallard Creek Church Road to existing sidewalk at the US 29 Access Road. Anticipated construction completion date is the third quarter of 2005.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 6.57%

Onsite Development committed \$17,100 (6.57%) of the total contract amount to the following certified SBEs: On Time Construction, Hazel Holmes Trucking, 7 Star Construction, and ACS Parking Area Maintenance. The Small Business Program Manager has waived good faith effort requirements pursuant to SBO Police Section 14.6.

B. Long Creek Parallel Outfall–Contract B CMU**Action**

Award the low bid of \$5,199,203.30 by Sanders Utility Construction Co., Inc. of Charlotte, North Carolina for construction of 42 and 48-inch sewer mains to parallel with the existing Long Creek Outfall.

Small Business Opportunity

Established SBE Goal: 5.00 %

Committed SBE Goal: 5.00 %

Sanders Utility Construction Co., Inc. has committed \$260,364 (5%) to the following SBE firms: B&B Concrete, Fast Signs, Hazel Holmes Trucking, Hinson’s Pump Rental, Ms Sybil’s Seeding, Pave Carolina, Perry’s Lawn Care Service, and Uprocon.

C. Traffic Signal Controllers BSS/CDOT**Action**

Award the low bid by RGA, Inc. of Powhatan, Virginia for a unit price contract with an annual estimated value of \$250,000 for the purchase of approximately 110 traffic signal controllers over a 3 year period.

Small Business Opportunity:

Established SBE Goal: 0 %

Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. In order to establish a goal for the project, there must be SBE firms certified in the City’s Vendor Management System to perform the subcontracting opportunities identified for the project. There were no SBE firms certified to perform on this project.

19. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 3021 Melita Avenue (Neighborhood Statistical Area 22 - Oakview Terrace Neighborhood)
- B. 3323 Holt Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)

Complaint:

- C. 3834 Chandworth Road (Neighborhood Statistical Area – 182 Beverly Woods Neighborhood)

Field Observation:

- D. 4826 Ashley Circle (Neighborhood Statistical Area 3 – Jackson Homes Neighborhood)
- E. 408 Kirby Drive (Neighborhood Statistical Area 110 – Wildwood Neighborhood)
- F. 324 Cromer Street (Neighborhood Statistical Area 19 - Thomasboro/Hoskins Neighborhood)

Public Safety:

- A. **3021 Melita Avenue**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3021 Melita Avenue (Neighborhood Statistical Area 22 - Oakview Terrace Neighborhood).

Attachment 15

B. 3323 Holt Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3323 Holt Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).

Attachment 16

Complaint:

C. 3834 Chandworth Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to repair the structure at 3834 Chandworth Road (Neighborhood Statistical Area 182 – Beverly Woods Neighborhood).

Attachment 17

Field Observation:

D. 4826 Ashley Circle

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4826 Ashley Circle (Neighborhood Statistical Area 3 - Jackson Homes Neighborhood).

Attachment 18

E. 408 Kirby Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 408 Kirby Drive (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 19

F. 324 Cromer Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 324 Cromer Street (Neighborhood Statistical Area 19 - Thomasboro/Hoskins Neighborhood).

Attachment 20

20. Refund of Taxes and Licenses

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$12,832.32 and refunding business privilege license payments made in the amount of \$5,639.65.

Attachment 21
Resolution

CONSENT II

21. 2005 Council Meeting Schedule

Action: Approve the proposed 2005 Council Meeting Schedule.

Staff Resource: Brenda Freeze, City Clerk

Explanation:

- N.C.G.S. 43-318.12 requires that the City Clerk keep on file a schedule of Council's regular meetings. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.

Attachment 22

Draft Calendar

22. Adaptive Systems Corporation Professional Services Agreement Contract Extension

Action: Approve a twenty-seven month contract extension with Adaptive Systems Corporation totaling \$737,500 for professional services related to utility management system business process improvement and system upgrade. The contract amount will be expended according to the following schedule: \$163,750 in FY05, \$327,500 in FY06, and \$246,250 in FY07.

Staff Resource: Greg Gaskins, Finance
Doug Bean, Utilities
Susan Johnson, Business Support Services

Background

- In January 2002 the City entered into a contract with Adaptive Systems Corporation (ASC) to improve the business processes associated with the Utility Management Systems (UMS). Utilities, Finance and ASC have worked closely to redesign and improve the key business processes. Results of the key business process improvements are included in an attachment.

Explanation

- Utilities and Finance desire to retain ASC to assist with improvement of additional business processes and to manage the upgrade of the utility management system to the Indus Banner Advantage Suite. A 27 month contract extension totaling \$737,500 is required to complete the migration and process improvement projects.
- ASC specializes in business process improvement projects and has demonstrated the capability to assist in significantly improving Utilities and Finance key business processes and to achieve considerable savings. Because of ASC's experience with the City, and expertise in process improvement

projects, ASC is in a unique position to continue to assist with improvements to the City's business processes and to upgrade the utility management system.

- The contract includes the following improvement deliverables:
 - Improve the Banner delinquency processes. The targeted improvements will improve revenue collection, process efficiency and customer service.
 - Improve handling of the delinquency service orders in the field: The targeted improvements will automate the handling of the delinquency service orders in the field resulting in operational efficiencies.
 - Improve handling of Banner service orders process in the field: The targeted improvements will increase efficiency and consistency of using the Banner system to process all service orders.
 - Improve and normalize the days of service and the read to bill window. The targeted improvement will normalize the days of service on the utility bills and reduce the billing cycle.
 - The bill presentment processing improvements: The targeted improvements will enable utility customers to view their bills online and also receive a soft copy of their bills (upon request).
 - Upgrade the utility management system to the new version. Assist the City to develop upgrade strategy and manage the implementation of the new release.

Funding

Water and Sewer Operating Budget

Attachment 23

Results of Process Improvements

23. General Obligation Commercial Paper Program

Action: Approve a resolution making certain findings and requesting the Local Government Commission to sell General Obligation Commercial Paper Bond Anticipation Notes, Series 2004.

Staff Resource: Greg Gaskins, Finance

Explanation

- The General Obligation (GO) Commercial Paper Bond Anticipation Notes may total up to \$150 million.
- Proceeds from the bonds will support the 2005-2009 CIP for projects including Streets, Neighborhoods and Housing.
- This action states certain facts related to the refunding including the naming of the financing team.
- The voters approved these bonds in the 2000, 2002 and 2004 GO Bond Referendums.

Funding

Municipal Debt Service Fund

Attachment 24

Resolution

24. Redesignation of State Development Zone

Action: Approve submission of the State Development Zone redesignation application to the North Carolina Department of Commerce with no changes.

Staff Resource: Christi Floyd, Economic Development Office

Policy

The Economic Development Focus Area seeks to maintain, increase, and enhance the quality and number of jobs available within Charlotte, with particular attention to assuring that distressed areas are not left behind.

Explanation

- State Development Zone designation provides state tax incentives to attract quality jobs to distressed areas in Charlotte and throughout that state.
- Recommended Action
 - No change is recommended for the current zone.
 - The current zone includes census tracts with poverty rates greater than 20% and adjacent areas with lesser poverty rates where eligible businesses exist or would likely locate, as illustrated by the attached map.

Program Background

- The State Legislature amended the William S Lee Act in 1998 to attract businesses to areas of persistent distress in North Carolina cities by providing state tax incentives to certain businesses locating or expanding in designated State Development Zones.
- A list of the types of businesses that are eligible and the types of incentives available to them is attached.
- Charlotte's original State Development Zones were established in 1998. The current redesignation was approved in November 2002 and will expire on January 1, 2005.
 - This redesignation is for one year from January 1, 2005 to January 1, 2006, when the William S Lee Act expires.
- Over the past two years, 9,670 new jobs have been created and \$31,430,582 in tax credits has been generated statewide. No data is available specific to the Charlotte zone.

Attachment 25

State Development Zone Map

State Development Zone Incentives/Criteria Attachment

25. Historic North Charlotte Area Neighborhood Improvement Project

- Action:**
- A. Adopt a budget ordinance appropriating \$2,500,000 in 2004 Neighborhood Improvement Bonds, and**
 - B. Award a construction contract for Historic North Charlotte Area Neighborhood Project to United Construction, Inc. of Charlotte, North Carolina for \$3,785,729.88.**

Staff Resource: David Meachum, Engineering & Property Management

Award Construction Contract Low Bid with United Construction, Inc.

- The proposed infrastructure improvements in the Historic North Charlotte Area neighborhood are bounded by North Tryon Street, The Plaza Road, Matheson Avenue and East Sugar Creek Road.
- The project includes curb and gutter, sidewalk and storm drainage, water line improvements and related construction.

History

- This project began with the 2000 Neighborhood Improvements Bond Referendum and the award of planning and design contracts.
- Anticipated completion is second quarter 2006.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 9.6%

United Construction, the low bidder, exceeded the SBO goal and committed 9.6% (\$365,000) of the total contract amount to the following certified SBEs: Dallas 1 Construction Co., LLC, Hazel Holmes Trucking, Inc. and Ricco's Trucking.

Funding

Neighborhoods Capital Investment Plan and Water and Sewer Capital Investment Plan

Attachment 26

Budget Ordinance

Map

26. Various Sidewalks Engineering Services

- Action:** Approve amendment #2 with The LPA Group of North Carolina, P.A. for \$100,000 for engineering services for various sidewalks.

Staff Resource: David Meachum, Engineering & Property Management

Amendment #2

- Provides funds through the sidewalk program for infrastructure improvements
 - New standard sidewalk where gaps exist
 - Planting strips
 - Drainage improvements
 - Curb & gutter
- Design improvements at various additional locations
 - Kildaire Drive
 - Joyce Drive
 - Shannonhouse Drive
 - Ruth Drive
 - Other locations as identified by the Charlotte Department of Transportation (CDOT)
- The above locations are high priority and are not controversial and will not impact the results of the sidewalk program evaluation.

Sidewalk Program

- The Sidewalk Program is an ongoing program facilitated through CDOT.
- Sidewalk projects are evaluated and ranked based on safety and total need.
- Original contract amount is \$100,000 and was awarded February 24, 2003.
- Amendment #1 in the amount of \$100,000 was awarded May 7, 2004.
- Amendment #2 will bring the contract total to \$300,000.
- This program is undergoing a major evaluation as it relates primarily to residential sidewalk prioritization and implementation. A technical team of City staff and a stakeholder group of citizens and special interest groups will participate in the process over the next few months. A formal recommendation on the program will be made to the City Council by late February.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 41%

The selection process for this project took place in 2002, which preceded the implementation of the SBO Program for professional services contracts.

However, LPA has committed \$40,840 (41%) to the following certified SBEs: Survey and Mapping Control, Inc.

Funding

Neighborhood Capital Investment Plan

27. Water Quality Study Funding Agreement

Action: Authorize the City Manager to amend an existing Storm Water Funding Agreement with Mecklenburg County for \$215,000.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation

- Funding agreement provides support and computer modeling for the Post Construction Controls Ordinance Stakeholder Group.
- The current agreement totals \$160,000 and was approved by Council on March 22, 2004. This amendment increases the funding by \$215,000, with the total at \$375,000.
- Stakeholder group requests additional consultant support and education to assist in understanding water quality alternatives and in decision-making.
- Funding of amendment continues original agreement prorating of:
 - 70% City funds
 - 30% County funds
- City and County Storm Water staff are co-managing the project.

Purpose and Outcome of the Amendment

- Federal and state regulations require municipalities to develop ordinances that protect water quality within the community.
- Current strategy for meeting federal and state regulatory requirements:
 - Collect data
 - Evaluate options for improving water quality
 - Propose local regulations for development that will improve water quality through stakeholder consensus building
- Water quality modeling will evaluate options for improving water quality, such as:
 - Construction of ponds and lakes that allow pollutants to settle out
 - Installation of filtration devices
 - Enhancing natural measures such as wetlands and vegetated streams.
 - Provide technical assistance to Post Construction Controls Stakeholder Group
- This study will allow the City, Mecklenburg County and the stakeholders group to make informed decisions that guide water quality and storm water detention measures.
- Process also supports the evaluation of the existing storm water detention ordinance for commercial and single-family development.
- If not approved, the stakeholder process will not continue and state and federal mandates for the City, County, and Towns will not be met.

Small Business Opportunity:

Established SBE Goal: Not Applicable

Committed SBE Goal: Not Applicable

Funding:

Storm Water Operating Budget

28. Police Department Wireless Data Network Upgrade

Action: Authorize the City Manager to enter into a three-year agreement with Verizon Wireless for data communications to CMPD patrol car computers. The contract is not to exceed \$1,080,000 which will be paid in three annual increments of \$360,000.

Staff Resource: Ron Horton, Charlotte-Mecklenburg Police

Explanation:

- Current Police Department Cellular Digital Packet Data (CDPD) network has been in place since 1997.
- CDPD will no longer be supported by wireless vendors after December 31, 2005 because the technology is outdated.
- CMPD must upgrade to a higher speed network with more bandwidth that is licensed by the FCC.
- New service provider must also meet security requirements and equipment must be interoperable with other network components.
- Vendors must have personnel located within the Mecklenburg commuting area for rapid resolution of problems and outages to minimize any public safety impact.
- Three vendors identified that met the initial technical specifications: Sprint, AT&T and Verizon.
- Subsequent technical analyses eliminated Sprint from consideration.
- AT&T and Verizon were invited to demonstrate their equipment.
- After the demonstrations, AT&T and Verizon agreed to participate in CMPD testing of their equipment and services in patrol cars for speed, coverage and interoperability.
- Due to equipment, coverage and other technical problems, AT&T did not perform as well as Verizon during the testing period.
- Verizon selected as the vendor that met most of the specifications and could handle the required bandwidth volume/speed, security, countywide coverage, etc.
- Verizon is offering discounted costs per patrol car of \$50/month. For 600 units/cars this equals \$360,000 per year. The total cost for the 3-year agreement is estimated not to exceed \$1,080,000.
- Other city, county and law enforcement agencies will be able to take advantage of this discounted rate and will pay with their funds.
- CMPD coordinated this project with BSS-Procurement and the City Attorney's Office.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goals were set because subcontracting is not anticipated.

Funding

Charlotte-Mecklenburg Police Operating Budget

29. Undercover Vehicle Lease

Action: Approve an amendment to the master lease agreement with Wilmar Leasing for the leasing of undercover vehicles, removing the reference to a specific number of vehicles and increasing the contract value for the term of the master agreement from \$419,172 to not exceed \$794,000.

Staff Resource: Major Piper Charles, Charlotte-Mecklenburg Police

Explanation

- CMPD has used a leasing strategy for the provision of undercover vehicles since 2000. The lease strategy gives CMPD access to a wide variety of makes and models as well as the flexibility to exchange any compromised vehicle quickly. Unless compromised, each vehicle is replaced every four years.
- The current master lease agreement was approved in 2002. Vehicles are added to the master lease over the term of the contract by issuing a schedule. Unfortunately the master lease agreement language was not clear that vehicles added by subsequent schedules would carry the full four-year term. The proposed amendment will resolve this issue and increase the contractual lease amount.

Funding

General Fund

Attachment 27

Wilmar Leasing Cost Analysis

30. Salt Brine Manufacturing System Components

Action: A. Approve the purchase of Salt Brine Manufacturing System Components, as authorized by the sole source exception of G.S. 143-129(f), and

B. Approve the purchase of Salt Brine Manufacturing System Components from Reed Systems, Ltd. for a total cost of \$113,994.

Staff Resource: Layton Lamb, CDOT / Street Maintenance

Sole Source Exception

- G.S. 143-129(f) provides that formal bidding requirements do not apply when:
 - (1) performance or price competition are not available;
 - (2) a needed product is available from only one source of supply; or
 - (3) standardization or compatibility is the overriding consideration.
- Informal bids were solicited for salt brine manufacturing components and only one vendor is able to meet the required specifications.
- The governing board must approve purchases made under the sole source exception.

Explanation

- At the June 7, 2004 Council Workshop, Layton Lamb presented information regarding current practices for snow and proposed improvements to the Snow Response Policy. These components are part of those improvements.
- The components will be installed in three separate Street Maintenance Facilities: Sweden Rd., Orr Road and Otts Street.
- Salt brine is a proactive process of spreading salt water (23% salt) on road surfaces prior to a storm approaching to prevent the sudden freezing of the road surface as well as to prevent the ice from bonding to the pavement so that it can be plowed from the roadway much more easily with one pass. It has been proven to save salt as well as equipment and labor costs in having to apply more salt to the roadway. It has also helped us in preventing those sudden bridge freeze ups that cause many accidents. Brine will also be used to prewet the salt as it comes off the back of the truck causing the salt to stick to the road surface and work more quickly. The purchase of these new brine making/storage systems will allow us to make and truck the brine from the Southwest and Central districts. Currently all of our brine trucks are having to travel from the Central and Southwest Districts, fill up with brine, then return to their districts to spread the brine.

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

Powell Bill Fund

31. **Maintenance Agreement for Snow and Ice Removal Municipal Agreement**

Action: Approve a resolution authorizing the Transportation Key Business Executive to execute Municipal Agreements between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for annual snow and ice removal.

Staff Resource: Layton Lamb, Transportation

Explanation:

- During the threat of, or actual snow and ice accumulation on City streets, the Charlotte Department of Transportation (CDOT) Street Maintenance Division (SMD) will provide brining, salting and plowing on select North Carolina Department of Transportation (NCDOT) streets and bridges inside Charlotte city limits in conjunction with the brining, salting and plowing of Charlotte streets.
- The City is currently operating under a 30-year old agreement where the City is reimbursed 1.5 tons of salt for every 1 ton of salt spread on state streets.

- SMD representatives will meet annually with the NCDOT Engineer to review procedures and confirm select NCDOT streets for SMD coverage.
- The City will give the same priority to salting and plowing NCDOT streets that it gives Charlotte thoroughfare streets.
- NCDOT will reimburse the City at a mutually agreeable rate by June 30th of each year for seasonal snow and ice removal. SMD will invoice NCDOT by May 15th or at the conclusion of each storm season.
- The estimated cost of the agreement is \$125,000 annually based on 4 snow events with 2 road treatments each.

Funding

Powell Bill Fund

Attachment 28

Resolution

32. North Carolina Moving Ahead Initiative Municipal Agreements

- Action:**
- A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction improvements at the intersection of Steele Creek Road and Westinghouse Boulevard,**
 - B. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction improvements of Sugar Creek Road from Merlane Drive to I-85 Service Road,**
 - C. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction improvements at the intersection of Freedom Drive and Thrift Road, and**
 - D. Adopt a budget ordinance appropriating \$1,610,000 in NCDOT grant funding.**

Staff Resource: Leon Howe, Transportation

Explanation:

- These Municipal Agreements are for three projects which are part of the North Carolina Moving Ahead Initiative. The Municipal Agreements provide for the City to perform all work for the projects, with construction costs to be reimbursed by the NCDOT.

- Item A is for the construction of left turn lanes on Steele Creek Road at the intersection of Westinghouse Boulevard. The construction of the left turn lanes will improve safety and reduce congestion at the intersection. The reimbursable amount of the project is \$575,000.
- Item B is for the construction of a concrete median to prohibit left turns along Sugar Creek Road from Merlane Drive to the I-85 Service Road. The project will improve safety along Sugar Creek Road. The reimbursable amount of the project is \$172,500.
- Item C is for the realignment of Thrift Road with NC 27 (Freedom Drive) in Charlotte. The realignment will improve safety and reduce congestion at the intersection. The reimbursable amount for the project is \$862,500.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

NCDOT Grant

Attachment 29

Budget Ordinance

Resolutions

33. Street and Highway Constructions and Improvements for South Corridor Light Rail Project Municipal Agreement

Action: Approve a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for street and highway constructions and improvements to support Charlotte Area Transit System's South Corridor Light Rail Project.

Staff Resource: David Leard, CATS
Bill Dillard, Transportation

Explanation:

- The South Corridor Light Rail Project consists of approximately 10 miles of Light Rail running parallel to South Boulevard from 7th Street in Uptown Charlotte to I-485.
- Construction of this project will require work to be performed inside state-owned right-of-way.
- NCDOT is granting their approval for the City to perform work within state-owned right-of-way for the purpose of the South Corridor Light Rail project. This agreement simplifies the construction permitting process, allowing the City (CATS) to proceed with construction as each phase of the project progresses.
- The format is consistent with past municipal agreements.

Attachment 30
Resolution

34. Installation of Traffic Signals at I-77 and Harris Boulevard Municipal Agreement

Action: Approve a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the installation of a traffic signals at I-77 Northbound Ramp and Harris Boulevard and I-77 Southbound Ramp and Harris Boulevard/Reames Road.

Staff Resource: Liz Babson, Transportation

Explanation

- This agreement is for the design and installation of two traffic signals on steel strain poles at I-77 Northbound Ramp and Harris Boulevard (NC 24) and at I-77 Southbound Ramp and Harris Boulevard/Reames Road.
- This agreement also includes the installation of fiber optic communications cable along Harris Boulevard/Reames Road from the I-77 Northbound terminal to the I-77 Southbound terminal, including installation of conduit under I-77 between the northbound and southbound Ramps.
- The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT. The cost of the project is \$450,000, which has been previously appropriated.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding
NCDOT Grant

Attachment 31
Resolution

35. CATS South Tryon Bus Facility Construction Change Order

Action: Approve a change order to increase the Edifice Inc., construction contract by \$800,000 to cover costs associated with additional rock removal and unsuitable soil.

Staff Resource: Keith Parker, Charlotte Area Transit System
Brad Miller, Charlotte Area Transit System

Explanation

- Construction on CATS' new bus facility on South Tryon Street is over two-thirds complete and on schedule to be finished in February 2005.
- Council awarded the bus facility construction contract to Edifice on August 25, 2003 for \$37,795,167. Apart from the Edifice construction contract, CATS' retained another \$1,267,831 (3.4%) Project Contingency within its approved capital budget to cover any cost increases in property acquisition, design, testing, or other aspects of the overall project.
- Over \$500,000 in rock removal work has already been completed and paid for using funds already included in the Edifice contract. \$800,000 from the project contingency is needed for the Edifice contract to complete the rock removal as well as cover the recently discovered unsuitable soil removal work and any other changes needed before the project is completed next spring. At the end of the project, any balances remaining in the project contingency budget will be returned to the Transit Fund.

DBE Compliance

Edifice, Inc. has projected a total DBE usage for the overall construction project of 14.31%.

Funding

CATS Transit Capital Improvement Plan

36. Central Business District Sanitary Sewer Rehabilitation

- Action:**
- A. Reject the low bid of \$4,058,171.25 by AM-Liner East, Inc. of Sterling, Virginia pursuant to non-compliance with the Small Business Opportunity Program, and**
 - B. Approve the next low bid of \$4,082,972.25 by Reynolds, Inc. of Orleans, Indiana for sanitary sewer rehabilitation in the Central Business District.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Reject the Low Bid by AM-Liner East, Inc.

- Reject the low bid by AM-Liner East, Inc. (AM-Liner) based on their non-compliance with the Small Business Opportunity (SBO) Program.
- The project was advertised on September 18, 2004.
- AM-Liner reportedly committed a 10% SBE goal; however, none of the firms reported were certified small business enterprises with the City of Charlotte.
- AM-Liner earned 15 good faith effort points out of 215 total available points; the established minimum points were 110.
- AM-Liner also failed to meet the mandatory outreach of contacting 15 SBEs.

- AM-Liner did not meet the established SBE goal, the good faith efforts, or the mandatory outreach requirements.

Approve the contract with Reynolds, Inc.

- Reynolds, Inc., the next low bidder, met the mandatory outreach requirement, exceeded the SBE goal with a commitment of 31.84%, and exceeded the minimum good faith efforts.

Small Business Opportunity

Established SBE Goal: 6.00 %

Committed SBE Goal: 31.84%

Reynolds, Inc. has committed \$1,300,000.00 to the following SBE firms: Melton Construction, Central Carolina Underground Services.

Funding

Water and Sewer Capital Improvement Plan

37. Fiberglass Reinforced Polyester Launder Covers for Sugar Creek Wastewater Treatment Plant

- Action:**
- A. Approve the purchase of Fiberglass Reinforced Polyester (FRP) Launder Covers without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(3), and**
 - B. Approve a contract with Warminster Fiberglass Company for the purchase and installation of FRP Launder Covers in the amount of \$540,385.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Warminster Fiberglass Company is the sole source for clarifier covers, meeting the required National Pollutant Discharge Elimination System permitting protection levels.
- North Carolina Department of Environment and Natural Resources has required improvements be made to improve the operation of the clarifiers.
- Purpose of the clarifier covers is two-fold:
 - alleviate algae growth by blocking out ultraviolet sunlight, thereby reducing operation and maintenance costs
 - alleviate potential National Pollutant Discharge Elimination System permitting violations associated with algae carry-over
- There are a total of six clarifiers at this plant.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The SBO Program Manager has waived SBE utilization goals for this contract. This project did not provide any opportunity for SBE utilization.

Funding

Water and Sewer Capital Investment Plan

38. Long Creek Parallel Sewer Phases I & II, Professional Services Contract

Action: Approve a professional services contract with Woolpert LLP in the amount of \$1,385,600 for construction administration services for the Long Creek Parallel Outfall Phase I & II.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

History

- Project design contract awarded by Council in January 1997. Project delayed due to environmental issues, Duke Power Line-crossing Agreement, and design and permitting of the Long Creek liftstation.

Next Phase

- Contract provides final phase related design activities for new parallel sanitary sewer along Long Creek in Mecklenburg County. The contract covers the following activities:
 - Final design revisions
 - Preparation of construction contract documents for bidding
 - Environmental investigations, and permitting services
 - Construction administration and inspection services

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The selection process for this project took place in 1997, which preceded the implementation of the SBO Program for professional services contracts. All work involved in this contract will be performed by the current contractor and his subcontractors.

Funding

Water and Sewer Capital Investment Plan

39. 2005 Water and Sewer Annexation, Professional Services Contract

Action: Approve two contracts, totaling \$4,957,224 for water and sewer design and construction administration services for newly annexed areas.

A. Contract with Kimley-Horn and Associates, Inc. for \$1,994,552.

B. Contract with McKim & Creed for \$2,962,672.

Explanation

- In order to meet the service level requirements for the annexation, numerous water and sewer trunks must be constructed. These contracts will provide the necessary engineering services for the construction of the required line.
- Utilities conducted a competitive, qualifications-based selection process, through which Kimley-Horn and McKim and Creed were selected to perform design and construction administration.

Small Business Opportunity

Established SBE Goal: 3.0%

Kimley-Horn Committed SBE Goal: 3.0%

McKim and Creed Committed SBE Goal: 9.91%

Kimley-Horn has committed \$59,840 to two SBE firms, Hinde Engineering, Inc. and On-Target Utility Locate Services, Inc.

McKim and Creed has committed \$293,465 to two SBE firms, Uprocon, Inc., and Carolina Wetlands Services, Inc.

Funding:

Water and Sewer Capital Investment Plan

40. EMA, Inc. Professional Services Contract

Action: Approve a twenty-two month contract with EMA, Inc. in the amount of \$983,900 for providing consulting services for Charlotte-Mecklenburg Utilities' new Field Operations Division.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Background

- In September 2003 a six-month Pilot Optimization Project began which combined the water distribution and wastewater collection divisions for one-quarter of the Charlotte-Mecklenburg Utilities service area. The project resulted in \$347,000 of productivity savings. The success of the Pilot can be attributed to:
 - Project being an employee driven process
 - Collaborative team effort between water distribution and wastewater collection

- New work processes
- Establishing key positions through reorganization
- Combining water and sewer tap installation
- Cross training
- EMA, Inc. was selected by a competitive, qualifications-based process and has provided consulting assistance and leadership to ensure that this pilot was a success.

Explanation

- Water Distribution and Wastewater Collection, Field Operation divisions are being combined to take advantage of best industry practices. Four work zones will be created within the County and will be operational by July 2005. A documented Manual of Practice for field operations will be prepared, which ensures that work is completed based on standard, tested operating procedures.
- 88 additional full time equivalent positions earmarked through 2012 for future growth will not be needed. A 5% annual customer growth rate is expected.
- 10-year investment of \$8.6 million will realize a \$28.5 million savings.
- Expectations include:
 - Realization of higher performance level from field staff with the establishment of an internal performance measurement system, better tools available, and a streamlined organization
 - Enhanced work skills resulting in more certifications
 - Positive interaction with customers due to employees working in a smaller work area, taking on more responsibility and responding to emergency situations quicker
 - Provide employees a career advancement path that is clearly defined
- Charlotte Mecklenburg Utilities will receive the following from EMA, Inc.:
 - Manual of Practice for field operations
 - Comprehensive employee training plan
 - Skill-based employee pay plan
 - Re-engineered work processes

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The qualifications-based selection process for this project precedes the SBO Program implementation for professional service contracts.

Funding

Water and Sewer Capital Investment Plan

41. McDowell Wastewater Treatment Plant Expansion

Action: Approve a contract totaling \$266,233 with Pall Corporation for increase in manufacturing costs and for upgrading membrane equipment.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- On January 8, 2001 Council approved the purchase of membrane equipment for \$2,007,259 for the McDowell Wastewater Treatment Plant. Due to delays in permitting of the McDowell Plant Expansion project, the manufacturing of the equipment was delayed beyond the time allowed in the contract. This contract covers the increase in cost and recent technology improvements for the equipment.

Funding

Water and Sewer Capital Investment Plan

42. Airport Janitorial Services Contract

Action: Award a contract on a unit-cost basis for a three-year period with two, one-year extensions to Gali Service Industries, Inc. of Bethesda, MD for janitorial services.

Staff Resource: Jerry Orr, Aviation

Explanation:

- The Airport advertised for proposals to provide janitorial services on September 23, 2004, with a mandatory Pre-Bid meeting held October 5, 2004. Nine companies responded to the Pre-Qualification documents and five companies were found to meet those requirements.
- The current janitorial contract provides only labor resources to clean the terminal facilities and outlying facilities, while the Airport provides equipment and supplies.
- Under this contract, the successful contractor is responsible for providing all personnel management, supervision, and equipment and janitorial supplies necessary to perform cleaning tasks.
- The contract identifies cleaning specifications that describe performance standards and number of cleaners required per shift and equipment.
- Payment for personnel is at a fixed bid rate per worker and payment for consumables is at unit cost per passenger passing through the airport. Payment for equipment is also specified in the contract.
- Project work will be assigned by the Airport Janitorial Manager as needed and is paid at a bid unit cost for labor, materials and equipment.
- All outlying facilities are subcontracted to a SBE janitorial supplier for a flat rate per building.
- The first year contract is estimated at \$4,229,908.48 and will begin on January 15, 2005. This is a three-year contract with two, one-year extensions available at the Airport's sole discretion for the same unit prices.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 2.26%

Gali Service Industries, the low bidder, did not meet the SBO goal but did meet the good faith efforts set forth in this project. They committed 2.26% of the total contract to the following certified SBE firm: Ultra Clean Carpet Services.

Funding

Airport Operating Budget

43. Airport Fixed Based Operator Fuel Supplier Contract

Action: Approve a five-year contract with Eastern Aviation Fuels to provide aviation fuel for resale to general aviation customers through the Airport's Fixed Base Operator, Wilson Air Center-North Carolina, LLC.

Staff Resource: Jerry Orr, Aviation

Explanation

- On October 11, Council approved a management contract with Wilson Air Center-North Carolina, LLC (Wilson) to operate the Fixed Base Operator (FBO) facility at the Airport.
- On behalf of the City, Wilson will sell aviation fuel to general aviation aircraft owners at the FBO.
- A Request for Proposals was advertised and on June 17, 2004, five aviation fuel suppliers submitted proposals to sell the City its requirements of aviation fuel. Of these proposers, Eastern Aviation Fuels of New Bern, NC (Eastern) offered the lowest price, at \$0.069 per gallon over the Platts Gulf Coast Index (Platts). Platts is the governing index for fuel prices in North Carolina. Eastern will also lease the City fueling trucks as needed.
- The Aviation Department estimates that the City will purchase four million gallons of fuel from Eastern during the first full year of its contract. Based upon the Platts for November 1-7, the airport will pay Eastern roughly \$7,500,000 (4,000,000 gallons at \$1.88 per gallon) for fuel and approximately \$80,000 for the fueling trucks.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

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

Funding

Eastern's invoices will be paid by Wilson, who will be reimbursed under the terms of their Management Agreement.

44. Property Transactions

Action: Approve the following property acquisitions (A-E) and adopt the condemnation resolution (F-J).

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

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

Acquisitions

- A. Project:** FAR Part 150 Plan Acquisition
Owner(s): State of North Carolina
Property Address: Garrison Road
Property to be acquired: 4.06 acres
Improvements: vacant land
Purchase Price: \$53,800
Zoned: R3
Use: vacant land
Tax Value: \$44,400
Tax Code: 141-182-01
- B. Project:** FAR Part 150 Plan Acquisition
Owner(s): State of North Carolina
Property Address: 9725 Garrison Road
Property to be acquired: 3.16 acres
Improvements: vacant land
Purchase Price: \$41,800.00
Zoned: R3
Use: vacant land
Tax Value: \$31,700
Tax Code: 141-181-41
- C. Project:** Airport Master Plan Acquisition
Owner(s): Victor & Darlene Young and William & Frieda Braun
Property Address: Garrison Road
Property to be acquired: 2.15 acres
Improvements: vacant land
Purchase Price: \$180,000.00
Zoned: I1
Use: vacant land

Tax Value: \$150,200

Tax Code: 141-131-15

- D. Project:** Clear Creek Basin S/S - Force Main, Parcel # 41
Owner(s): Keziah Properties, LLC
Property Address: 8004 Blair Road
Property to be acquired: 11,315 sq. ft. (.260 ac.) in Sanitary Sewer Easement, plus 500 sq. ft. (.011 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$35,350
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-P
Use: Commercial
Tax Code: 139-011-05
Total Parcel Tax Value: \$1,136,200
- E. Project:** Prosperity Church Road Widening - Phase III, Parcel # 10, 11 & 12
Owner(s): David D. Dye
Property Address: 5101 Prosperity Church Road
Property to be acquired: 7,895 sq. ft. (.181 ac.) in Stake Slope Easement, plus 5,756 sq. ft. (.132 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,000
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 027-062-18 / 027-062-06
Total Parcel Tax Value: \$387,800

Condemnations

- F. Project:** Master Plan Land Condemnation Settlement
Owners: Patsy W. Allman, Victor R. Young, Darlene Young, William J. Braun, Frieda Braun
Property Address: Garrison Road and I-485
Property to be acquired: 6.008 acres of unimproved land
Improvements: none
Amount deposited: \$360,000
Additional settlement amount: \$130,000

Remarks: Settlement amounts are determined by reviewing the opinions of the landowner's appraisers and evaluating the costs and risks of continuing with litigation where just compensation is contested.

Zoned: I1/R3

Use: vacant land

Tax Value: \$69,400

Tax Codes: 141-131-03

G. Project: NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 1

Owner(s): The Nancy Gray Family Limited Partnership And Any Other Parties Of Interest

Property Address: 14652 June Washam Road

Property to be acquired: Total Combined Area of 33,659 sq. ft. (.773 ac.) of Water Main Easement

Improvements: None

Landscaping: None

Purchase Price: \$13,250

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: RPA

Use: Single Family Residential

Tax Code: 007-182-02

Total Parcel Tax Value: \$232,300

H. Project: NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 2

Owner(s): Nell Jenkins And Any Other Parties Of Interest

Property Address: 17440 Davidson-Concord Road

Property to be acquired: Total Combined Area of 19,641 sq. ft. (.451 ac.) of Water Main Easement

Improvements: None

Landscaping: Trees and Shrubs

Purchase Price: \$9,300

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: RPA

Use: Vacant Land

Tax Code: 007-182-03

Total Parcel Tax Value: \$271,150

I. Project: NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 7

Owner(s): Allain C. Andry, IV And Wife, Mary C. Andry And Any Other Parties Of Interest
Property Address: 16912 Davidson-Concord Road
Property to be acquired: Total Combined Area of 14,732 sq. ft. (.338 ac.) of Water Main Easement
Improvements: None
Landscaping: Trees and Shrubs
Purchase Price: \$15,375
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: RPA
Use: Single Family Residential – Rural Acreage
Tax Code: 007-191-04
Total Parcel Tax Value: \$416,900

- J. Project:** NC Highway 73 Davidson-Concord Road 24-Inch Water Main, Parcel # 8 & 9
Owner(s): Lawson F. Jenkins, III And Wife, Martha C. Jenkins And Any Other Parties Of Interest
Property Address: 16824 Davidson-Concord Road
Property to be acquired: Total Combined Area of 14,557 sq. ft. (.334 ac.) of Water Main Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,075
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: RPA
Use: Single Family Residential - Rural Acreage
Tax Code: 007-441-01 / 007-441-03
Total Parcel Tax Value: \$278,500 / \$80,800

45. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- October 18, 2004 Zoning Meeting