

Mayor Patrick L. McCrory

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

Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING

Monday, October 10, 2005

CITY COUNCIL AGENDA

Monday, October 10, 2005

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Update on Development of the Post Construction Controls Ordinance

Staff Resources: Daryl Hammock, Engineering and Property Management
Tim Richards, Engineering and Property Management

Time: 20 minutes

Synopsis

- A post construction controls ordinance will help mitigate the effects of added impervious surfaces. These effects can include degraded water quality, stream erosion, and flooding. An 18-month joint City-County stakeholders process concluded in September. The stakeholders committee has reached a consensus recommendation for elected officials of the City and Towns on performance criteria and on specific ordinance language.
- This briefing will summarize the ordinance drivers, key stakeholder discussions and issues, and a potential implementation schedule.

Future Action

This briefing is for information only at this time. Staff anticipates additional interaction with Council and the public through Spring 2006 and prior to an expected Council approval in Spring 2006.

2. Open Display of Firearms Ordinance

Staff Resources: Chief Darrel Stephens
Bruce McDonald, CMPD

Time: 20 minutes

Synopsis

- The Police Department will introduce an ordinance amendment that would prohibit a pedestrian from displaying a firearm on the public streets and sidewalks in the uptown business district. State law allows the city to adopt a local ordinance to “regulate the display of firearms on the streets, sidewalks, alleys, or other public property.”
- The Police Department is recommending the ordinance because large crowds tend to gather in the center city and the open display of firearms by individuals can result in public safety concerns.

Future Action

The Police Department is requesting that the ordinance be referred to the Community Safety Committee and then be placed on the October 24 Council agenda.

3. University City Partners Report

Staff Resources: Tom Flynn, Economic Development
Brad Richardson, Economic Development
Spencer Lilly, Chairman, University City Partners

Time: 15 minutes

Synopsis

- On July 1, 2003, Council adopted a resolution to create the University City Municipal Service District, a special tax district within the City of Charlotte. The district is managed by a non-profit organization called University City Partners (UCP). The current scope of work for UCP includes:
 - Working collaboratively with CATS, CDOT, Planning and NCDOT to increase transportation options for University City
 - Addressing key planning and land development issues in the greater University City area
 - Promoting economic development by enhancing communication, visibility, and identity for University City.

- Council will receive an update on the progress made by UCP since the district was created and the program of work they are currently undertaking.

Future Action

No action required; information purposes only

4. Committee Reports by Exception

Community Safety: False Alarm Ordinance

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

CONSENT

- 5. Consent agenda items 14 through 30 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

6. Public Hearing on Resolution to Close East 20th Street between North Brevard Street and North Caldwell Street

Action: **A. Conduct a Public Hearing to close East 20th Street between North Brevard Street and North Caldwell Street, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation 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

Alan Pressley

Right-of-Way to be abandoned

A portion of East 20th Street between North Brevard Street and North Caldwell Street.

Location

Located within the vicinity of the Belmont Community beginning from North Brevard Street continuing southeastwardly approximately 372 feet to its terminus at North Caldwell Street.

Reason

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

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
Belmont Generations – No objection
Belmont Neighborhood Strategy Force – No objection
Belmont Tenant Organization – No objection
Chantilly Neighborhood Association – No objection
Plaza-Midwood Neighborhood Association – No objection
Elizabeth Community Association – No objection
First Ward Neighbors – 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 1

Map

7. Public Hearing on Resolution to Close a Portion of Elaine Drive

**Action: A. Conduct a Public Hearing to close a portion of Elaine Drive, and
B. Adopt a Resolution to Close.**

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation 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

Eastwood Development Corporation – Cynthia Meadows

Right-of-Way to be abandoned

A portion of Elaine Drive

Location

Located within the vicinity of the Derita Community beginning from Ernie Drive continuing south approximately 143 feet to its terminus at the southern property line of tax parcel 045-291-10 owned by the petitioner.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of a new single-family subdivision called Belmar Place. The subdivision was approved by the Charlotte-Mecklenburg Planning Commission on July 15, 2005.

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

Louis Keels, Jr. – No objections

Neighborhood/Business Associations

Mallard Creek Community – No objections

Derita/Tanglewood 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 2

Map

8. **Public Hearing on Resolution to Close a residual portion of right-of-way located at the corner of Waterhaven Drive and Ridge Lane Road**

Action: **A. Conduct a Public Hearing to close a residual portion of right-of-way located at the corner of Waterhaven Drive and Ridge Lane Road, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation
 Tom Ferguson, Engineering and Property Management

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.

Background

- The Derita-Statesville Road Community has expressed strong opposition to the proposed abandonment of the residual portion of right-of-way located at the corner of Waterhaven Drive and Ridge Lane.
- The neighborhood feels that the approval of this abandonment would further impact the existing drainage run-off problems that they have already encountered from the construction of the approved subdivision (see attachment dated September 23, 2005).
- A meeting has been scheduled for Thursday, October 6, 2005 with the Developer, Derita-Statesville Road Community representatives and City staff to address additional concerns/issues.
- The developer of the Waterhaven Subdivision has met all ordinance requirements and has constructed the required improvements in accordance with approved plans.
- The increased flows from the construction of the new subdivision have created a situation that now qualifies the surrounding area for Storm Water Services assistance.
- Storm Water Services has determined a new pipe system is needed along Ridge Lane Road to meet current drainage design standards.
 - The work will be done in conjunction with other existing needs in the area.
 - Due to current commitments and anticipated environmental permitting, construction should begin within the next 6-12 months.

- City staff recommends the Council's approval of this abandonment.

Petitioner

Waterhaven Developers, LLC – Jack Joyce

Right-of-Way to be abandoned

A residual portion of right-of-way located at the corner of Waterhaven Drive and Ridge Lane Road.

Location

Located within the vicinity of the Derita Community beginning approximately 260 feet from Rumble Road and continuing east 84 feet to the corner radius then turning southwest and continuing approximately 1,050 to its terminus on Waterhaven Drive.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of a new single-family development called The Waterhaven Subdivision. The subdivision was approved by the Charlotte-Mecklenburg Planning Commission on April 4, 2005.

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-Statesville Road Community Organization – Not in support

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

Derita-Statesville Road Community Organization Response

POLICY

9. City Manager's Report

10. Amendment of False Alarm Ordinance



Action: Approve the recommendation of the Community Safety Committee to adopt an ordinance amending Chapter 15, Article 8 of the City Code, entitled "False Alarms."

Staff Resource: Capt. Teresa McNally, CMPD

Explanation:

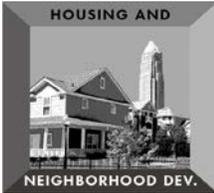
- False alarm ordinance adopted in 1996
- Ordinance has reduced number of alarm calls from 106,061 (20% of all police calls) in 1995 to 51,724 (7.7% of all police calls) in 2004
- Changes needed in ordinance to improve efficiency of false alarm program
- Ordinance would require alarm owners to pay a fee when initially registering an alarm and an annual renewal fee
- Registration and renewal fees would result in more accurate alarm data base, including contact information on the responsible party for each alarm
- Currently, there are over 120,000 permitted sites in the database; updated alarm renewals would likely show fewer alarm systems
- City Manager would be authorized to set registration and renewal fees; initial fees for registration and renewal would be \$5.00
- Ordinance would include a no response policy if renewal is not updated
- Alarm owners will receive a renewal notice 30 days prior to expiration of alarm permit, if permit not renewed, they will receive a second notice, giving them 30 more days to pay; if permit not renewed after second notice, owner will receive notification that alarm is in no response
- Most major cities charge registration and renewal fees
- Ordinance would require alarm systems to have a four hour battery back up
- Ordinance would be effective January 1, 2006
- A public information campaign on the ordinance changes will begin in November
- Community Safety Committee discussed the proposed changes at its September 22 meeting
- The Committee endorsed the proposed changes with a 3-1 vote (Cannon, Kinsey, and Tabor for the changes; Turner opposed)

Attachment 4

False Alarm Ordinance

BUSINESS

11. Arrowood Apartments Housing Development Loan



Action: Approve a \$514,339 increase in the City Council approved loan to the Charlotte Mecklenburg Housing Partnership from \$3,767,300 to \$4,281,639 to develop the Arrowood Apartments.

Staff Resource: Stan Wilson, Neighborhood Development

Policy:

City's FY2006 Consolidated Action Plan:

- Approved by City Council on June 13, 2005;
- Identified the need for affordable, safe and decent housing for low and moderate-income families; and
- 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:

- City Council is requested to increase the loan amount approved for the development of Arrowood Apartments by \$514,339.
- On June 13, 2005, as part of the FY2005 Housing Trust Fund Project (HTF) Recommendations, City Council approved a loan in the amount of \$3,767,300 to the Charlotte Mecklenburg Housing Partnership (CMHP) to develop the Arrowood Apartments.
- City Council also approved a waiver of the Assisted Multi-Family Housing Locational Policy for the project.
- In CMHP's initial proposal submission to the Housing Trust Fund, \$4,281,639 was requested for the Arrowood project. However, based on the project scoring and the available funding, the loan amount was reduced from \$4,281,639 to \$3,767,300.
- Two other CMHP sponsored projects (Kohler Avenue and Horizons at the Park), also submitted to the Housing Trust Fund, scored higher than Arrowood. These projects were approved by City Council for funding; however they were not awarded Low Income Housing Tax Credits by the North Carolina Housing Finance and will not be moving forward at this time.
- Based on the two projects not moving forward, additional HTF funding is available to fully fund the Arrowood Apartments at the original requested level (\$4,281,639).
- Without the additional \$514,339 the project can not move forward due to the gap in financing.
- The Arrowood project is located at 7501 E. Arrowood Road and is within a ½ mile of an adopted Transit Station Area.

- The project consists of 200 housing units, 100 units will be affordable with 20 serving households earning 30% and below the area median income (\$19,230 for a household of four) and 80 serving households earning 31% to 60% of the area median income (\$19,871 and \$38,460 for a household of four). The remaining 100 units are unrestricted.

Source of Funds:

Housing Trust Fund/HOME

Attachment 5

Project Summary

Location Map

Project Sources and Uses

Project Proforma

12. Nominations to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

Two three-year appointments beginning January 2006. Joseph Scalise and Harry Johnson are not eligible for reappointment.

One appointment beginning immediately and ending December 2007. Martin Zimmerman has resigned.

Attachment 6

Applications

B. CMUD ADVISORY COMMITTEE

One appointment beginning immediately and ending June 2006; at which time they will begin serving a three-year term. Donald Ubell missed three consecutive meetings. Category requirement is for a *financial expert*.

Attachment 7

Applications

C. HOUSING APPEALS BOARD

One appointment beginning January 2006 and serving three years. Joyce Waddell is eligible and would like to be reappointed.

Attachment 8

Applications

D. HOUSING AUTHORITY

One three-year appointment beginning December 2005. Sandra Peters is eligible and would like to be reappointed.

Attachment 9

Applications

E. KEEP CHARLOTTE BEAUTIFUL

Two appointments beginning immediately and ending June 2006; at which time they will begin serving a three-year term. Parker Hayden and Tracy VanTassell have resigned.

Attachment 10

Applications

F. SISTER CITIES

One appointment beginning immediately and ending April 2006; at which time they will begin serving a two-year term. Althea Callaway has resigned.

Attachment 11

Applications

G. TREE ADVISORY COMMITTEE

Two appointments beginning December 2005 and serving three years. Pat Rogers does not wish to be reappointed. Christopher Buchanan is eligible and wishes to be reappointed.

One appointment beginning immediately and ending December 2007. David Czerr has moved out of Mecklenburg County.

Attachment 12

Applications

13. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

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

14. Various Bids

A. Refuse Truck Automated Cab & Chassis

SWS

Action

Award the low unit price bid of \$92,965 by Freightliner of Charlotte, NC for a Refuse Truck Automated Cab & Chassis. The total initial cost on this truck component for FY06 will depend on the number of units determined as required for operations; estimated at \$1,580,405. This will be a unit price contract with options to renew for two additional periods of one year. The City Manager may authorize renewals.

Small Business Opportunity:

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

Funding

FY06 Equipment Replacement Funds

**B. FY06 Street Main Extensions, Contract C –
Water and Sewer Main Construction**

CMU

Action

Award the low bid of \$1,949,191.50 to RH Price, Inc. Charlotte, NC for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 3.4 %

RH Price, Inc. committed \$66,000 to the following SBE firms:

- Huneycutt Utilities
- Pave Carolina
- On-Time Construction, Inc.
- Reliable Woodworks

Funding

Water and Sewer Capital Investment Plan

CONSENT II

15. CMPD Aviation Digital Microwave Downlink System

- Action:** A. Approve the purchase of a digital microwave downlink system without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f); and
- B. Approve a contract with Microwave Radio Communications (MRC) for the purchase and installation of a digital microwave downlink system in the amount of \$350,000.00.

Staff Resource: Sgt. Benton Herring, CMPD
Karen Ruppe, BSS/PSD

Explanation

- CMPD Aviation currently operates two (2) Bell helicopter aircrafts (N406PD & N407PD).
- Installing a digital microwave downlink system in both aircrafts will allow video and audio feeds to be transmitted to the CMPD Command Center via fiber connection at the City Hall building.
- Two fixed receiver sites will be utilized as well as a portable mobile receiver for on site reception for events such as festivals, parades and organized protest events in the region.
- Purchasing Wescam equipment will allow CMPD to utilize the existing equipment in the newest aircraft and also allow one controller to control all aspects of the camera and transmission system without the purchase of additional equipment. The existing Smartlink controller (SIU 800) can be used to manage these functions. Components of this system would also be placed in the older aircraft to allow for consistency of operation and future upgrades of equipment between aircraft as needed.
- Both aircraft will utilize one shared, belly mounted GPS interfaced, high gain, pod antenna that when combined with receiver sites provide CMPD established coverage area requirements of 35 miles from Headquarters.
- Any other option would require costly purchase and placement of additional equipment. The additional equipment would also occupy the already limited space inside the aircraft.
- Microwave Radio Communications is an authorized distributor of Wescom equipment and the only company that Wescom uses. MRC offers a 2-year warranty for all parts and product support/upgrades as required and approved by Bell, the aircraft manufacturer.
- Purchasing the system from another supplier could impede future upgrades due to compatibility issues.

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.

16. Forensic Casework DNA Backlog Reduction Program Grant

Action: Adopt a budget ordinance appropriating \$40,000 from the U.S. Department of Justice for analysis of DNA evidence.

Staff Resource: Roger Thompson, CMPD Crime Lab Director

Explanation:

- CMPD received a grant from the U.S. Department of Justice, Office of Justice Programs
- Grant funds will be used to fund overtime for DNA analysts to analyze evidence from 50 sexual assault, homicide and kidnapping cases
- Grant also funds the supplies to be used in the evidence analysis
- Use of overtime will reduce the case backlog in the Crime Lab

Funding

\$40,000 from the U.S. Department of Justice; no matching funds required

Attachment 13

Budget Ordinance

17. DNA Capacity Enhancement Program Grant

Action: Adopt a budget ordinance appropriating \$69,393 (\$52,539 from the U.S. Department of Justice and \$16,854 from police assets forfeiture funds) for the salary for a DNA Analyst for CMPD.

Staff Resource: Roger Thompson, CMPD Crime Lab Director

Explanation:

- CMPD has received a grant from the U.S. Department of Justice, Office of Justice Programs
- Grant funds the salary and required training conferences for the analyst
- Additional analyst will enable the lab to do more DNA analysis in armed robbery and burglary cases as well as reduce overall case backlog

- Effectiveness of position will be evaluated at end of grant period, at that time, a decision will be made on whether to seek additional funding from the Justice Department or include the position in CMPD's budget request.

Funding

\$52,539 from the U.S. Department of Justice and \$16,854 in matching funds from police assets forfeiture funds

Attachment 14

Budget Ordinance

18. Storm Water Maintenance FY 2004-D, Renewal #1

Action: Approve Renewal #1 for \$1,051,825.00 with Blythe Development for continued construction of FY2004-D Storm Water Maintenance Contract.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #1 with Blythe Development

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,051,825 on March 22, 2004.
- Blythe committed 3.04% (\$32,000) of the original contract amount to SBE firms.
- The total contract amount for FY2004-D will be \$2,103,650.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3.04%

Blythe Development met the SBE goal and has committed 3.04% (\$32,000) of the total contract renewal amount with the following certified SBE: RC Hauling.

This renewal complies with Section 13.1 of the SBO Program.

Funding

Storm Water Capital Investment Plan

19. Storm Water Maintenance FY 2004-B, Renewal #2

Action: Approve Renewal #2 for \$1,035,325 with Blythe Development for continued construction of FY 2004-B Storm Water Maintenance Contract.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #2 with Blythe Development

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,035,325 on November 3, 2003.
- Council approved renewal #1 for \$1,035,325 on October 4, 2004.
- Blythe committed 6% (\$62,120) of renewal #1 contract amount to SBE firms.
- The total contract amount for FY 2004-B will be \$3,105,975.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3.09%

Blythe Development has met the SBO goal and committed 3.09% (\$32,000) of the total contract amount to the following certified SBE firm: RC Hauling. This renewal complies with Section 13.1 of the SBO Program.

Funding

Storm Water Capital Investment Plan

20. South Corridor Light Rail Project-I 485 Parking Garage

Action: Authorize the CATS CEO to negotiate and execute a contract with Crowder Construction Co. for the construction of the South Corridor Light Rail project I-485 Parking Garage for an amount not to exceed \$21,389,000.

Staff Resource: Ron Tober, Charlotte Area Transit System (CATS)
David Leard, Charlotte Area Transit System (CATS)

Explanation:

- Award a contract in the amount of \$21,389,000, which includes an \$800,000 contingency, to Crowder Construction and authorize the CATS CEO to execute an agreement with the contractor.

- This contract provides for the construction of a 1,125 space parking garage, utilities, drainage, earthwork, paving, fencing, elevator and play area roof for use by Sterling Elementary School.
- Notice to Proceed (NTP) will be issued October 27, 2005. Project completion is scheduled for March/April 2007.

Community Involvement

- CATS began working with the Sterling community in 2001 as a partner to help CATS identify an alternative location for the parking deck. The current location was suggested by a citizen during a community meeting. Through public involvement the site was chosen with a true win/win outcome. CMS and the school children gain a new play field for the school and the Sterling neighborhood will receive additional green space and walking access to the light rail station.
- In May of 2005 CATS publicly advertised for prospective bidders to participate in a competitive Invitation to Bid (ITB).
- CATS held a pre-bid conference to actively solicit participation and to share information. On bid opening date of July 26, 2005 CATS received three bids, all over budget.
- CATS immediately began negotiations with all bidders and on August 19, 2005 accepted revised bids. This contract cost has been reduced by \$2,000,000 through negotiation and scope change without compromising the safety, security or operation of the parking garage or play area.

Disadvantage Business Enterprise Participation:

Established DBE Goal: 16%

Committed DBE Goal: 9.35%

DBE's identified are: Waterproofing Specialties and National Erectors, Inc.

DBE commitment has increased through negotiation, and additional efforts will be made to reach the overall goal.

Funding

Transit Capital Program

Certificates of Participation (COPS)

Attachment 15

SCLR Project Control Worksheet

21. South Corridor Light Rail Project Condemnation Settlement - Additional Compensation

Action: Approve additional amount of \$338,175 for a final settlement amount of \$945,000 in condemnation case of City of Charlotte v. William & Lucy Myers, 04 CVS 1544.

Staff Resource: Catherine Williamson, City Attorney's Office
Diane Johnson, CATS Real Estate Program Manager

Explanation

- The 1.76-acre property acquired by this condemnation is 4800 Old Pineville Road, formerly owned by William & Lucy Myers and leased to Hajoca Plumbing. In 2003 Council authorized condemnation for the SCLRT project in the appraised amount of \$595,000. The appraisal was later updated to \$606,825. The property owner's MAI appraisal was \$895,000. A real estate broker and friend of the owner would testify to a property value of \$1,050,000, and the owner's opinion of value is \$1,275,000. A settlement was reached during court-ordered mediation.
- Settlement for the total amount of \$945,000 is recommended based on the appraisals and other opinions of value expected to be presented at trial, in addition to savings in litigation expenses, including payment of interest and expert witness fees. The US Department of Transportation, through the Federal Transit Administration, has already given official approval for this settlement as federal funds are involved.

22. South Corridor Light Rail Project – Agreement Between Lance, Inc. and the City of Charlotte

Action: Authorize the CATS CEO to negotiate and execute an agreement with Lance, Inc. along with all other necessary and appropriate documents for the transfer of donated fee and easement interest in property from Lance, Inc. to the City, for construction of the South Corridor Light Rail Project.

Staff Resource: Ron Tober, Charlotte Area Transit System (CATS)
David Leard, Charlotte Area Transit System (CATS)
Diane Johnson, Engineering and Property Management

Explanation

- The South Corridor Light Rail Project (SCLRP) includes the relocation of the existing bridge and entrance road located on the Lance Property for construction of the Crump Road extension and Sharon Road West park and ride facility.
- By mutual agreement, Lance will donate the property necessary for the relocation of the bridge and entrance road and transfer such property by warranty deed and easements to the City.
- The replacement of certain existing site improvements, and associated costs are necessary for the construction of the SCLRP. These site improvements include:
 - A new bridge south of the existing Lance Bridge which will become part of the extension of Crump Road and will become a public right of way.

- A new guardhouse with associated parking and drainage for Lance due to the necessary relocation of the existing guardhouse.
- Installation of new fencing and gate operators at Lance's spur tracks.
- A new concrete pad and electrical facilities for truck scales, which will be relocated by Lance.
- A new entrance drive into Lance's facility from the new Crump Road extension.
- Interior access drives to Lance's facility.
- Sidewalk to provide direct pedestrian access from the Lance property to the Sharon Road West transit station. The sidewalk will be maintained by Lance.
- The cost associated with the construction of the Crump Road extension and bridge, as well as the replacement of the site improvements on Lance property is already appropriated in the Roadbed, Bridges and Trackwork Contract with Archer-Western Contractors.

Funding

Transit Capital Program

23. CATS Neighborhood Shuttle Service Contract Extension

Action: Approve an 11-month Extension with MV Transportation, Inc. to operate certain CATS Neighborhood and Community Shuttle Services at an annual cost not to exceed \$950,000.

Staff Resource: Brad Miller, CATS
Larry Kopf, CATS

Explanation:

- An existing three-year contract with MV Transportation, Inc. will expire on October 27, 2005. The competitively procured contract allows CATS to exercise up to two-additional one-year options.
- MV Transportation, Inc. operates the following six neighborhood shuttle routes for CATS:
 - Rt. #231 Druid Hills/Double Oaks
 - Rt. #232 Grier Heights
 - Rt. #233 CPCC Northeast Campus
 - Rt. #234 Cityview
 - Rt. #235 Jackson Park
 - Rt. #236 Revolution Park
- These six routes service neighborhood shopping, medical, and work trip destinations as well as provide connections to CATS' line-haul routes and carried a total of 167,505 riders in FY05.
- This FY05 ridership total for these six routes is up 194% since FY02, the year prior to MV Transportation's operation of this service. Most notably, the

Route #232 Grier Heights Route, which was adjusted to service the Eastway Wal-Mart is up over 350% since FY2002.

- CATS wishes to extend this contract by 11-months to October 2, 2006 to coincide with a planned system-wide Fall Service Change that will modify these and other shuttle services to coordinate with the Spring 2007 South Corridor Light Rail service opening.

Costs:

- MV Transportation provides the management staff, bus operators, and mechanics using CATS' owned vehicles and charges CATS a rate per revenue vehicle hour. CATS pays directly for their fuel costs.
- CATS can extend the contract until October 2, 2006 by exercising one of the two available Option Years, under the current contract at a rate of \$34.98 per revenue hour. This represents roughly a 6.5% increase over their current hourly rate of \$32.83 per hour which has been fixed since the contract began in October 2002. The new rate includes the hiring of an additional mechanic to provide the necessary maintenance on CATS' provided vehicles.
- An additional \$20,000 incentive payment will be paid to MV Transportation at the end of the contract extension if their operations and maintenance performance achieves certain quantitative targets.
- The total payment for the 11-month extension, including the incentive payment if awarded shall not exceed \$950,000.

Funding: CATS Operating Budget

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.

24. Public Auction for Disposal of Equipment

Action: Declare various miscellaneous items as surplus and approve a resolution authorizing them for sale by public auction on October 19, 2005.

Staff Resource: Susan M. Johnson

Explanation

Pursuant to North Carolina G.S. 160A-270(b) approval is requested for a public auction as follows:

- On October 19, 2005 at 10:00 a.m. to dispose of designated City owned property declared as surplus (Exhibit A) at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- The City has selected the method of public auction for disposal of surplus items by utilizing an auction service chosen through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings.

Funding

The auction company will be compensated for the sale through auction proceeds. For miscellaneous items, they will receive 12% of the total gross sale price.

Attachment 16

Exhibit A (list of property to be declared as surplus).
Resolution

25. Airport FY2006 Program Management Contract

Action: Award a contract to Newton & Associates, Inc. not to exceed \$300,000 for Program Management Services during FY2006 for the continued implementation of the Airport Development program.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport is undergoing a significant, multi-year expansion program intended to provide facilities to accommodate the continuing growth of the Charlotte region and the resulting increase in the demand for aviation and related transportation services. Funding for this program thus far comprises \$165 million Series 2004 Airport Revenue Bonds, Federal funds and Passenger Facility Charges.
- Implementation of the program requires the use of specialized professional services beyond the scope of those routinely possessed by Airport staff. Such services include:
 - Evaluate economic analyses, land use plans and cost estimates prepared by others concerning the 2006 Project
 - Assistance in negotiations regarding financial, construction and leasehold terms for the 2006 Project at the Airport and participating in meeting with Federal agencies and other governmental units and agencies with respect to the need for and benefits of the 2006 Project at the Airport
 - Prepare reports to the Federal Aviation Administration on the collection and use of passenger facility charges; and prepare amendments to approved and new passenger facility charge applications
 - Continued assistance in the conversion of fixed based operations from a concession to an Airport-run operation; and assist in developing additional corporate hangars and general Aviation facilities
 - Re-development of the airline fuel storage and distribution system including negotiating the terms of the use of the fuel system by airlines serving the Airport
 - Assist in implementing an update to the Airport's Master Plan
 - Assist in the preparation of an update to the Environmental Impact statement for the third parallel runway
 - Applying to the Federal Aviation Administration for a Letter of Intent to provide federal funding for the new parallel runway
 - Update the benefit/cost analysis, if necessary, for the third parallel runway

- Newton & Associates, Inc. is a local firm possessing the expertise to provide the required services and has been an integral part of the airport development team throughout the formulation and implementation of the airport development program since 1996. They will be paid at an hourly rate for services.

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. Newton & Associates, Inc. is certified as a SBE, a WBE and as a DBE. Its participation will be included in the Aviation Department’s overall DBE achievement.

Funding

Airport Capital Investment Plan

26. Concourse B Roof Replacement

Action: A. Award the low bid in the amount of \$640,465 to Murton Roofing of South Carolina, Inc. of West Columbia, SC to replace a portion of the roof on Concourse B.

B. Adopt a budget ordinance appropriating \$700,000 from the Discretionary Fund Balance to be repaid through the issuance of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

The roof on Concourse B was repaired in January 1990 after Hurricane Hugo.

- Approximately 41,000 sq. ft. of the roof is being replaced under this contract due to numerous roof leaks and aging of the single membrane roofing system.
- The contract will provide the removal of existing roof and replacement.

The budget ordinance is as follows:

Roof Replacement:	\$640,465
Design:	\$ 29,000
<u>Contingency:</u>	<u>\$ 32,023</u>
Total:	\$700,000

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.

Attachment 17

Budget Ordinance

27. Airport Lease Amendment with Bank Of America

Action: Approve a lease amendment to the corporate hangar and fuel facility leases between the City and Bank of America.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1995 the City leased NationsBank 4.3 acres of land on which the bank constructed a hangar for its corporate aircraft. At the same time, the City leased NationsBank facilities in the corporate aviation tank farm. Bank of America is the successor to NationsBank.
- The amendments would:
 - Add roughly 3.7 acres to the hangar leasehold
 - Release .077 acre from the hangar leasehold (land the City needs for the object-free zone of a proposed taxiway)
 - Permit Bank of America to construct a new hangar building on the additional land
 - Require the City to add two 12,000-gallon fuel tanks and other improvements to Bank of America's fuel facilities
- The term of Bank of America's leases would remain the same. The leases expire in 2015, unless extended (at Bank of America's option) through 2035.
- Bank of America will pay an additional approximately \$115,000 per year for the additional improvements and a one time payment of \$534,314 for the fuel farm improvements.
- In addition, the new hangar will become City property at the end of the lease.

Small Business Opportunity

The SBO Program does not apply to real estate leases in which the City is the landlord.

28. Airport Fuel Farm Expansion

- Action:**
- A. Award the low bid in the amount of \$1,598,654 to Jones & Frank of Charlotte, NC for the expansion of a fuel farm located in the corporate aviation area; and**
 - B. Adopt a budget ordinance appropriating \$1,879,000 from the Excluded Center Fund balance to be repaid through facility rates and charges.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1991, the Airport constructed a new fuel farm with above-ground storage tanks to serve the Fixed Base Operator and corporate aviation area.
- Two 12,000-gallon tanks were leased to Nations Bank (now Bank of America).

The scope of work for this contract includes:

- Refurbishing the two existing tanks and installing two additional 12,000-gallon tanks, which Bank of America will lease from the City
- Installing six new 20,000-gallon tanks for use by the City's Fixed Base Operator, Wilson Air Center
- Providing all associated pumps, piping and dispensing equipment
- Constructing two additional containment dikes

The budget ordinance is as follows:

Engineering:	\$120,214
Construction:	\$ 1,598,654
Inspection:	\$ 79,940
<u>Contingency:</u>	<u>\$ 80,192</u>
Total:	\$1,879,000

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 0 %

Jones & Frank failed to meet the SBE goal, but complied with the mandatory outreach and met good faith effort criteria established for this project.

Funding

Airport Fund Balance

Attachment 18

Budget Ordinance

19. Property Transactions

Action: Approve the following property transaction(s) (A) and adopt the condemnation resolution(s) (B-H).

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

Acquisitions

- A. Project:** Cindy Lane Extension, Parcel # 4
Owner(s): Grace Memorial Baptist Church
Property Address: 4600 Statesville Road
Property to be acquired: 88,215.21 sq. ft. (2.025 ac.) in Fee Simple, plus 10,841.02 sq. ft. (.249 ac.) in Storm Drainage Easement, plus 141.61 sq. ft. (.003 ac.) in Utility Easement, plus 63,103.37 sq. ft. (1.449 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$63,700
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Church
Tax Code: 045-281-03
Total Parcel Tax Value: \$219,700

Condemnations

- B. Project:** Margaret Wallace Road Widening (Developer Initiated Project), Parcel # 1
Owner(s): Lilly W. Frances And Any Other Parties Of Interest
Property Address: 4313 Margaret Wallace Road
Property to be acquired: Total Combined Area of 12,685 sq. ft. (.291 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,875
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. Developer will pay all costs.
Zoned: R-8(CD)
Use: Multi Family
Tax Code: 193-043-24
Total Parcel Tax Value: \$328,100

- C. Project:** Margaret Wallace Road Widening (Developer Initiated Project), Parcel # 2
Owner(s): Craig R. Hipkins And Rhonda Ruth Jerry And Any Other Parties Of Interest
Property Address: 4541 Margaret Wallace Road
Property to be acquired: Total Combined Area of 6,295 sq. ft. (.145 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,550
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. Developer will pay all costs.
Zoned: B-1
Use: Commercial
Tax Code: 193-043-08
Total Parcel Tax Value: \$62,000
- D. Project:** Rozzelles Ferry Road, Parcel # 1
Owner(s): James P. Hammond, Jr. And Any Other Parties Of Interest
Property Address: 3608 Rozzelles Ferry Road
Property to be acquired: Total Combined Area of 6,482 sq. ft. (.149 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,250
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-1(CD)
Use: Commercial
Tax Code: 065-125-11
Total Parcel Tax Value: \$227,900
- E. Project:** South Corridor Infrastructure Project: Arrowood Signature Package - Roadway Improvements, Parcel # 92
Owner(s): Robert Talley And Wife, Anna Marie Talley, Jennifer Talley, Accurate Staffing Consultants, Inc. And Colony South Business Condominiums And Any Other Parties Of Interest
Property Address: 1316 Starbrook Drive
Property to be acquired: Total Combined Area of 6,411 sq. ft. (.147 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,700
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: Office Condominium
Tax Code: 173-16C-99
Total Parcel Tax Value: \$33,100

- F. Project:** South Corridor Infrastructure Project: Old Pineville Road
Southern Section, Parcel # 112
Owner(s): Simpson Electric Company, Inc. And Any Other Parties Of Interest
Property Address: 6820 Old Pineville Road
Property to be acquired: Total Combined Area of 5,372 sq. ft. (.123 ac.)
of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,575
Remarks: Compensation was established by two independent, certified
appraisals and an appraisal review. City staff has yet to reach a negotiated
settlement with the property owner.
Zoned: R-4
Use: Rural Homesite
Tax Code: 169-222-04
Total Parcel Tax Value: \$127,700
- G. Project:** South Corridor Infrastructure Project: Old Pineville Road
Extension-A, Parcel # 102
Owner(s): South Boulevard Limited Partnership #1 And Any Other
Parties Of Interest
Property Address: 809 East Arrowood Road
Property to be acquired: Total Combined Area of 48,085 sq. ft. (1.104
ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility
Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$542,425
Remarks: Compensation was established by two independent, certified
appraisals and an appraisal review. City staff has yet to reach a negotiated
settlement with the property owner.
Zoned: R-15MF(CD)
Use: Commercial
Tax Code: 205-231-07
Total Parcel Tax Value: \$2,750,200
- H. Project:** South Corridor Infrastructure Project: South Boulevard /
Woodlawn Road Intersection, Parcel # 19
Owner(s): Claude Lee Hensley, Jr. And Wife, Rebecca P. Hensley And
Any Other Parties Of Interest
Property Address: 4651 South Boulevard

Property to be acquired: Total Combined Area of 10,315 sq. ft. (.237 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$169,900

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

Zoned: I-2

Use: Commercial

Tax Code: 149-151-08

Total Parcel Tax Value: \$944,900

30. Meeting Minutes

<p>Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none">- September 12, 2005 Business Meeting
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