

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

Michael D. Barnes  
Nancy Carter  
Warren Cooksey  
Andy Dulin  
Anthony Foxx

Patsy Kinsey  
John Lassiter  
James Mitchell, Jr.  
Edwin Peacock III  
Warren Turner

**CITY COUNCIL MEETING  
Monday, October 27, 2008**

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In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
19	20	Alexander Road Improvements
29	32	Airport Security Fence
30	33	Airport Taxiway Bridges Material Testing
32	35	Third Parallel Runway Light Equipment
35	38	Proprietary Bus Parts
36	39	LYNX Blue Line Extension Preliminary Engineering Railroad Corporate Review Agreements
38	41	Cold Case DNA Grant
40	42	Police Computer-Aided Dispatch Maintenance
42	44	Little Sugar Creek Sewer Line Repair
51	52	Marsh Road Storm Drainage Repair
59	64	Property Transactions A & B

**CITY COUNCIL AGENDA  
Monday, October 27, 2008**

**TABLE OF CONTENTS**

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
<b>5:00 P.M. Dinner Briefing Conference Center</b>		
1. Mayor and Council Consent Item Questions	1	
2. Street Resurfacing Update	1	
3. Street Car Economic Impact Study Update	1	
4. Answers to Mayor and Council Consent Item Questions	2	
<b>6:30 P.M. Citizens' Forum</b>	3	
<b>7:00 P.M. Awards and Recognitions Meeting Chamber</b>	3	
<b>Consent</b>		
5. Consent agenda items through 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.	3	
<b>Public Hearing</b>		
6. Public Hearing on a Resolution to Abandon Two Alleyways Located off of East 8th Street	4	1
7. Public Hearing on a Resolution to Abandon a Portion of Old Nations Ford Road	5	2
8. Public Hearing to Amend the Soil Erosion and Sedimentation Control Ordinance	7	3
9. 2009 Annexation Public Hearings	9	4
<b>Policy</b>		
10. City Manager's Report	11	
11. Scaleybark Transit Station Area Plan	11	5

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>12.</b>	Woodlawn Transit Station Area Plan	13	6
<b>13.</b>	Water Submetering for Apartments	14	7
<b>Business</b>			
<b>14.</b>	Mayor's International Cabinet and Charlotte Sister Cities Merger	16	8
<b>15.</b>	Appointments to Boards and Commissions	17	9-10
<b>16.</b>	Nominations to Boards and Commissions	17	11-19
<b>17.</b>	Mayor and Council Topics	19	
<b>18.</b>	Closed Session	19	
<b>Consent I</b>			
<b>19.</b>	Various Bids		
	A. Alexander Road Improvements	20	
	B. Cindy Lane Extension Landscaping	21	
	C. FY2009 Contract 1, Street Main Extensions - Water and Sewer Main Construction	21	
	D. FY2009 Sanitary Sewer Pipe Cleaning	22	
	E. Vest Water Treatment Plant Yard Piping Modifications	22	
<b>20.</b>	Refund of Business Privilege License Taxes	23	20
<b>21.</b>	In Rem Remedy	24	21-29
<b>22.</b>	Resolution of Intent to Abandon Victoria Avenue and Two 10-foot Alleyways	26	30
<b>23.</b>	Resolution of Intent to Abandon Plymouth Street	26	31
<b>24.</b>	Resolution of Intent to Abandon Portions of Palmer Street, S. College Street and a Residual Portion of Carson Street	27	32
<b>25.</b>	Resolution of Intent to Abandon Residual Portion of Lancaster Street	27	33

<b><u>Item No.</u></b>	<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>Consent II</b>		
<b>26.</b> Seneca Woods Loan Extension	28	34
<b>27.</b> Weed and Seed Grant	29	35
<b>28.</b> Airport Revenue Bonds	31	36
<b>29.</b> Airport Security Fence	32	37
<b>30.</b> Airport Taxiway Bridges Material Testing	33	38
<b>31.</b> Airport Baggage Handling System Professional Services	34	39
<b>32.</b> Third Parallel Runway Lighting Equipment	35	40
<b>33.</b> Airport Janitorial Contract Extension	36	
<b>34.</b> Airport Grant Funds Transfer	37	41
<b>35.</b> Proprietary Bus Parts	38	
<b>36.</b> LYNX Blue Line Extension Preliminary Engineering Railroad Corporate Review Agreements	39	
<b>37.</b> Cooperative Agreement for DNA Analysis	40	
<b>38.</b> Cold Case DNA Grant	41	42
<b>39.</b> Gang of One Grant	42	
<b>40.</b> Police Computer-Aided Dispatch Maintenance	42	
<b>41.</b> Sanitary Sewer Rehabilitation Program Professional Services Contract	43	
<b>42.</b> Little Sugar Creek Sewer Line Repair	44	
<b>43.</b> Professional Design Services for Utility Projects Within NCDOT Projects	45	
<b>44.</b> 2008 State Homeland Security Grants	46	43

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>45.</b>	2008 Urban Area Security Initiative Grant	47	
<b>46.</b>	2008 Metropolitan Medical Response System Grant	48	
<b>47.</b>	Companion Animal Mobile Equipment Trailers	48	
<b>48.</b>	Hawthorne Lane Pedestrian Bridge Air Rights Easement	49	44
<b>49.</b>	Declaration of Withdrawal for an Alleyway Connected to N. Irwin Avenue	50	45
<b>50.</b>	Beaverdam Creek Watershed Monitoring Study	51	
<b>51.</b>	Marsh Road Storm Drainage Repair	52	
<b>52.</b>	Edwards Branch Stream Restoration Phase III	53	
<b>53.</b>	Solid Waste Services Facility – Contract B	55	
<b>54.</b>	Fire Station #16 Renovations	56	
<b>55.</b>	2008 Council Meeting Schedule Amendment	58	46
<b>56.</b>	Property Transactions for Enclave Subdivision at Steele Creek Road	58	47
<b>57.</b>	Exchange of Land Rights along the South Corridor Light Rail Project with Colonial Properties Trust	60	48
<b>58.</b>	Exchange of Land Rights along the South Corridor Light Rail Project with Citiline Resortline, Inc.	62	49
<b>59.</b>	Property Transactions	64	
<b>60.</b>	Meeting Minutes	66	

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

### 1. Mayor & Council Consent Item Questions

**Resources:** Curt Walton, City Manager

**Time:** 5 minutes

#### Synopsis

- Mayor and Council may ask questions about Consent I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

### 2. Street Resurfacing Update

**Resource:** Layton Lamb, CDOT Street Maintenance

**Time:** 30 minutes

#### Synopsis

- In September, the City Council referred street resurfacing to the Transportation Committee to review the status of the program. The Committee discussed the issue on October 8, and requested that a summary presentation be made to the City Council. The presentation will review:
  - The goals of the program and the method of prioritizing streets for resurfacing.
  - The status of the program in light of the increase in funding in FY2007 and the severe escalation of asphalt prices.
  - Strategies to supplement resurfacing through alternate street treatments that extend street pavement life.

#### Future Action

This presentation is for information only at this time.

### 3. Street Car Economic Impact Study Update

**Resources:** David Carol, CATS  
George Berger, Engineering & Property Management  
Jim Schumacher, City Manager's Office

**Time:** 30 minutes

## **Synopsis**

- In July, the City Council approved an Economic Impact Study to assess the justification for accelerating the Beatties Ford/Central Avenue Streetcar project.
- The study is underway by Bay Area Economics and their sub-consultants. The consultants' work is approximately 50% complete; they will review the progress and address the following:
  - Data collection methods
  - Data analysis methods
  - Scope of Work completed to date
  - Remaining Scope of Work to be completed
  - Format of final data and findings
- The presentation is an opportunity for City Council feedback to the Consultant to ensure the study is meeting Council's expectations.

### **Future Action**

The Consultant will present the final report with projected economic impacts and funding alternatives to the City Council in January 2009.

## **4. Answers to Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

### **Synopsis**

- Staff response to questions from the beginning of the dinner meeting.

**6:30 P.M. CITIZENS' FORUM**

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

**CONSENT**

- 5. Consent agenda items 19 through 60 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 a Resolution to Abandon Two Alleyways Located off of East 8<sup>th</sup> Street

**Action:**   **A. Conduct a public hearing to close two alleyways located off of East 8<sup>th</sup> 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 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.
- This abandonment does not impact the City's ability to keep East 8<sup>th</sup> Street open or the design options for it.

#### **Petitioner**

Ninth Street Investors, LLC/ John Carmichael

#### **Right-of-Way to be abandoned**

Two alleyways located off of East 8<sup>th</sup> Street

#### **Location**

Located within the First Ward Community

Alleyway (1) an 18-foot alleyway beginning from East 8<sup>th</sup> Street continuing in an easterly direction approximately 163-feet to its terminus.

Alleyway (2) a 11-foot alleyway running off of alleyway 1 continuing in a northerly direction approximately 90-feet to its terminus at the City owned rail corridor.

#### **Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for a future uptown development

#### **Notification**

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

#### Neighborhood/Business Associations

Edwin Towers (CHA) – No objections

Elizabeth Community Association – No objections

First Ward Community Fund, Inc. – No objections

First Ward Neighbors, Inc. – No objections

Friends of Fourth Ward, Inc. – No objections  
 Hall House Residents Association (CHA) – No objections  
 Optimist Park – No objections  
 Tryon North Business Corridor Coalition – No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- 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  
 Resolution

**7. Public Hearing on a Resolution to Abandon a Portion of Old Nations Ford Road**

**Action: A. Conduct a public hearing to close a portion of Old Nations Ford Road, and**

**B. Adopt a Resolution to Close**

**Staff Resource:** Jeff McSwain, Transportation  
 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 received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes the dedication from public right-of-way status and attaches it to the abutting parcels.

**History**

- Old Nations Ford Road (between Nations Ford Road and Westinghouse Boulevard) is part private and part public right-of-way. The proposed area to be abandoned begins at the northern end of the private portion and continues approximately 860 feet north. This will leave approximately 1,000 feet of Old Nations Ford Road as public right-of-way connecting to Nations Ford Road (see attached map).

**Background**

- The petition to abandon this portion of Old Nations Ford Road was first submitted by Vulcan Materials Company in 2003. A public hearing was conducted by the City Council on February 9, 2004. Vulcan Materials Company withdrew the petition because individual residents within the surrounding community presented concerns.

- On June 18, 2008 Vulcan Materials Company submitted a new petition for abandonment.
- City staff circulated the abandonment petition to internal City departments, utility companies, abutting owners and surrounding neighborhood associations for comments.
- City staff received several comments of concern from the Ramblewood Neighborhood Association and individual residents. City staff requested the petitioner to schedule a meeting to address these concerns prior to proceeding with the abandonment process.
- The petitioner hosted a meeting on July 10, 2008 at the Pineville Quarry with representatives of the surrounding community to discuss concerns presented.
- After the meeting, City staff received comments from the Ramblewood Neighborhood Association and individual residents that their concerns had not been met.
- Staff understands the Ramblewood Neighborhood's concerns to be:
  - The plant operations will move closer to their homes.
  - There will be more dust on their cars/homes.
  - Their homes will be further damaged by vibration from blasting.
  - There will be increased truck traffic off Nations Ford Road.
- City staff has no objection to the closure of this portion of Old Nations Ford Road because this portion would not provide any future connectivity opportunities.
- In efforts to address residents' concerns regarding increased truck traffic entering/exiting off of Nations Ford Road, a turn-around for the public, i.e. cul-de-sac, will be required.
- Staff recommends that this abandonment be contingent upon the construction of a cul-de-sac and gate at the southern end of the remaining public portion.
- Abandonment will be void if the above conditions are not met within one year of City Council approval.
- A representative from Vulcan Materials Company will make a presentation to Council at the public hearing.

**Petitioner**

Vulcan Materials Company/Denise Hallett

**Right-of-Way to be abandoned**

A portion of Old Nations Ford Road

**Location**

Located adjacent to the Ramblewood Community beginning from the private portion of Old Nations Ford Road continuing north approximately 860 feet to its terminus at the proposed cul-de-sac located at the property line of a parcel owned by S&S Properties

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner in order to better utilize the area for the Vulcan Materials plant processing operations

**Notification**

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

Adjoining property owners  
 S & S Properties - No objections

Neighborhood/Business Associations  
 Ramblewood Neighborhood Association – Has concerns  
 Southwest Area Neighborhood Coalition – No objections  
 Windsong Trails HOA – No objections

Private Utility Companies – No objections

City Departments  
 Review by City departments identified no apparent reason this closing would:  
 - Be contrary to the public interest  
 - 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  
 Resolution  
 Vulcan Materials Presentation

**8. Public Hearing to Amend the Soil Erosion and Sedimentation Control Ordinance**



**Action:**

- A. Conduct a public hearing on changes to Chapter 17 of the City Code, Soil Erosion and Sedimentation Control Ordinance, and**
- B. Adopt changes amending Chapter 17 of the City Code, Soil Erosion and Sedimentation Control Ordinance, effective immediately.**

**Staff Resource:** John Geer, Engineering and Property Management

**Policy**  
 Charlotte will become a national leader in environmental initiatives to preserve our natural resources while balancing growth with sound fiscal policy.

**Public Hearing**

- Mecklenburg County held a public hearing for similar revisions to its Soil Erosion and Sedimentation Control Ordinance on October 7, 2008. The County Ordinance was then approved with no objections and amended on October 7, 2008.
- Council received information regarding changes to the Soil Erosion and Sedimentation Control Ordinance in the September 17 Council Manager Memo.

**Ordinance Amendments**

- The State of North Carolina has amended the North Carolina Soil Erosion and Sedimentation Control Act. This mandates local agencies to update their local ordinances to incorporate the following revisions:

- Changed construction site stabilization requirements from a range of 15-30 calendar days to 21 calendar days
- Added language for plan approval as required by the State of North Carolina "if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the application to submit a draft erosion and sedimentation control plan and to conduct the anticipated Land Disturbing Activity."
- In addition to state changes, a stakeholders group, consisting of representatives from the development community, Real Estate and Building Industry Coalition (REBIC), the environmental community and City and County staffs, reached consensus to make changes to correct sequencing, clarify existing practices and strengthen their local ordinances. REBIC supports the revisions. The following items are included in the amendments to the Ordinance:
  - Added the definition of a "competent person" as a person that has obtained an approved certification that is recognized by the City Engineer and maintains good standing.
  - Added the requirement that a competent person maintain the erosion control log book.
  - Added the requirement that erosion and sedimentation control inspections be completed within 24 hours after rain events of ½ inch or greater.
- All of the proposed amendments have been reviewed and recommended by the Storm Water Advisory Committee and the Subdivision Steering Committee and REBIC.

**Attachment 3**

Summary of the Proposed Revisions

Revised Soil Erosion and Sedimentation Control Ordinance

## 9. 2009 Annexation Public Hearings

- Actions:**
- A. Amend the Eastfield annexation report to show the revised boundaries for the Eastfield North and Eastfield South areas and other associated changes pursuant to the City Council action taken on September 22, 2008,**
  - B. Open and close the public hearing for the annexation of Hood Road North,**
  - C. Open and close the public hearing for the annexation of Hood Road South,**
  - D. Open and close the public hearing for the annexation of Spring Park,**
  - E. Open and close the public hearing for the annexation of Providence/I-485,**
  - F. Open and close the public hearing for the annexation of Berewick, and**
  - G. Open the public hearing for the Eastfield qualifying area (now known as the Eastfield North and Eastfield South qualifying areas) and continue it to the December 8, 2008 City Council meeting at 4 pm.**

**Staff Resource:** Jonathan Wells, Planning

### **Policy**

City Annexation Policy and State Annexation Statutes

### **Explanation**

- On July 28, 2008 City Council adopted annexation qualifying areas with the Resolution of Intent for Hood Road North, Hood Road South, Spring Park, Eastfield, Providence/I-485 and Berewick.
- The annexation Public Informational Meeting was held on September 18, 2008 and approximately 60 citizens participated.
- At its September 22 meeting Council directed staff to exclude certain properties from the Eastfield qualifying area, effectively dividing it into two separate areas, each of which qualifies separately for annexation.
- The annexation report must be amended to reflect the new Eastfield North and Eastfield South qualifying areas created through the exclusion of the identified property. Because there are now two separate portions of the former Eastfield area that each qualify for annexation, a separate section in the amended annexation report has been prepared for each area. The annexation of each of these areas is a continuation of the original proceeding to annex the Eastfield area, since both of these areas were included in the boundaries of the original Eastfield area.
- Official Annexation Reports may be viewed by Council in either the City Clerk's office or the Planning Department.
- The purpose of the public hearings (required by state annexation statutes) is to obtain community input on the annexation proposals.
- During each hearing, staff explains how each annexation area qualifies and plans for City services in the annexation areas.

- Following the explanation, residents and property owners will be given an opportunity to be heard by City Council.
- After holding the public hearings on each area, Council is asked to close the public hearings with the exception of the public hearing for the Eastfield qualifying area (now known as the Eastfield North and Eastfield South areas with the exclusion of the identified properties). The Eastfield North and Eastfield South area public hearings should be continued to the December 8 meeting to provide the public an opportunity to review the amended Eastfield annexation report that separately addresses the proposed annexation of the Eastfield North and Eastfield South annexation areas.
- Consideration of the annexation ordinances for the qualifying areas will be scheduled for Council meetings during November through January 2009.

#### **Consistency with City Council Policies**

- Annexation process and proposed annexation areas are consistent with City-initiated annexation policies approved by City Council on June 23, 2003.
- Annexation effective date is recommended to be June 30, 2009.
- The City will provide reasonable and timely annexation information to owners of affected properties.

#### **Background**

- North Carolina Statutes govern the specific manner in which annexations are to be undertaken in order to ensure effective implementation of the provisions in the statutes that state "that which is urban, should be municipal".
- Sound urban development (augmented by extension of municipal services enabled by annexation) contributes to the health and vitality of North Carolina's cities and towns, and ensures that residents and property owners immediately beyond the city's limits who benefit from that adjacency will share financial responsibility for the provision of those benefits.
- Revenue and expenditure projections for the 2009 annexation qualifying areas show that the City's initial investment in personnel and equipment to provide services to these areas will be fully recovered by FY2013, the fourth year of this annexation. This payback period compares favorably to the typical three to five years in prior annexations.
- The annexation statutes dictate specific timeframes throughout the annexation process, making it impractical to defer or delay steps in the middle of the process without the need to repeat significant portions of the annexation process.
- Timely consideration of annexations by City Council has historically enabled successful and effective implementation and extension of services to annexation areas; a deferral beyond the current schedule could affect the City's ability to extend services upon the June 30, 2009 effective annexation date.

#### **Attachment 4**

Summary of September 18, 2008 annexation public information meeting  
Citizen questions and staff responses from the September 18 public meeting  
Powerpoint presentation  
Revised Eastfield annexation report

## POLICY

### 10. City Manager's Report

- Impact of the Economy on the City's Financial Portfolio

### 11. Scaleybark Transit Station Area Plan



**Action:** Approve the Transportation Committee recommendation to adopt the Draft *Scaleybark Transit Station Plan Volume I: The Concept Plan* and receive *Volume II: The Implementation Plan* as information.

**Committee Chair:** Anthony Foxx

**Staff Resource:** Alberto Gonzalez, Planning

#### Explanation

- An interdepartmental team led by Planning Department staff has been working with residents and stakeholders to develop a transit station area plan for approximately 622 acres surrounding the Scaleybark Transit Station.
- The Scaleybark Transit Station is the ninth station along the South Corridor Light Rail Transit (LRT) line, also known as the LYNX Blue line.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two joint public meetings for the Scaleybark and Woodlawn Transit Station areas were held, one on March 13 and the other on April 3, 2008. Approximately 210 citizens attended those meetings.
- Based on input received through surveys and additional discussions with citizens as well as CDOT, staff developed the attached Proposed Revisions to the Draft Document. One key revision was the addition of a possible Scaleybark Road crossing of the rail corridor, as an alternative to the proposed Freeland Lane crossing.

#### Plan Recommendations

##### Land use

- Recommendations are divided into three distinct geographies consistent with the *Centers, Corridors, and Wedges Growth Framework*.
  - Transit Station Area: Recommendations within the Transit Station Area promote a mix of transit supportive land uses, generally within 1/2 mile of the station. This area surrounding the station will include a mix of moderate to high intensity office, residential and neighborhood serving retail; at the same time preserving the existing single family neighborhood just west of the Scaleybark Park & Ride lot on Elmwood Lane.
  - General Corridor Area: Recommendations primarily maintain the retail, office and industrial-warehouse-distribution uses between I-77 and S. Tryon Street. The plan includes the preservation of the existing residential character of the York/Cama neighborhood, and to ensure a good transition for new adjacent developments.

- Wedge Neighborhood Area: Recommendations to preserve the existing residential character of the Colonial Village and Collingwood neighborhoods.

Transportation/Streetscape Design

- Recommendations include a proposed transportation network that will increase safety and connectivity for all users. The plan also provides future cross sections of streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines.

Infrastructure and Environment

- Recommendations make street trees a feature of all streets, and reduce impervious surfaces. The plan also recommends that buildings be designed to reduce stormwater runoff and improve water quality.

**Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments on the plan at their May 20 meeting. Comments centered around recommended street connections for Old Pineville Road and Dewitt Lane, and their impact on existing land uses. There were also comments about the land use recommendations for the Southgate Apartments.
- The Committee toured the area on June 2.
- At their June 17 meeting, the Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

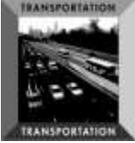
**Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their July 16 meeting and voted unanimously (Council members Barnes, Burgess, Carter, and Foxx) to forward the plan to Council for public comment on September 8.
- On September 22 the Transportation Committee unanimously (Foxx, Turner, Barnes, Burgess, and Carter) recommended adoption of the draft Scaleybark Station Area Plan with the changes recommended by staff.

**Attachment 5**

Proposed Revisions to March 2008 Draft Document

## 12. Woodlawn Transit Station Area Plan



**Action:** Approve the Transportation Committee recommendation to adopt the *Woodlawn Transit Station Plan Volume I: The Concept Plan* and receive *Volume II: The Implementation Plan* as information.

**Committee Chair:** Anthony Foxx

**Staff Resource:** Alysia Osborne, Planning

### Explanation

- An interdepartmental team led by Planning Department staff has been working with residents and stakeholders to develop a transit station area plan for approximately 602 acres surrounding the Woodlawn Transit Station.
- The Woodlawn Transit Station is the tenth station along the South Corridor Light Rail Transit (LRT) line, also known as the LYNX Blue line.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two joint public meetings for the Scaleybark and Woodlawn Transit Station areas were held, one on March 13 and the other on April 3, 2008. Approximately 210 citizens attended those meetings.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to the Draft Document.

### Plan Recommendations

#### Land use

- Recommendations are divided into three distinct geographies consistent with the *Centers, Corridors, and Wedges Growth Framework*.
  - Transit Station Area: Recommendations within the Transit Station Area promote a mix of transit supportive land uses, generally within 1/2 mile of the station. The area west of the light rail line will have a strong office orientation while the area to the east will include a mix of moderate to high intensity office, residential and neighborhood serving retail.
  - General Corridor Area: Recommendations primarily maintain the retail, office and industrial-warehouse-distribution uses between I-77 and South Boulevard. The plan seeks to ensure a good transition between new development in the General Corridor Area and the adjacent Collingwood and Madison Park neighborhoods.
  - Wedge Neighborhood Area: Recommendations preserve the existing residential character of the Madison Park and Collingwood neighborhoods.

#### Transportation/Streetscape Design

- Recommendations include a proposed transportation network that will increase safety and connectivity for all users. The plan also provides future cross sections of streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines.

Infrastructure and Environment

- Recommendations make street trees a feature of all streets, and reduce impervious surfaces. The plan also recommends that buildings be designed to reduce stormwater runoff and improve water quality.

**Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments on the plan at their May 20 meeting. Comments included concerns about recommended street connections and their potential impact on existing neighborhoods. There were also comments about the land use recommendations for residential properties fronting Woodlawn Road, and rezoning the Auto Bell and other properties along Inwood Drive.
- The Committee toured the area on June 2.
- At their June 17 meeting, the Planning Committee voted 5-0 to recommend adoption of the plan with the Proposed Revisions provided.

**Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their July 16 meeting and voted unanimously (Council members Barnes, Burgess, Carter, and Foxx) to forward the plan to Council for public comment on September 8.
- On September 22 the Transportation Committee unanimously (Foxx, Turner, Barnes, Burgess, and Carter) recommended adoption of the draft Woodlawn Station Area Plan with the changes recommended by staff.

**Attachment 6**

Proposed Revisions to March 2008 Draft Document

**13. Water Submetering for Apartments**

**Action: Approve the Government Affairs Committee recommendation to send a letter to the N.C. Utilities Commission supporting use of Hot Water Capture, Cold Water Allocation metering of water for apartment residents.**

**Committee Chair:** Patsy Kinsey, Government Affairs Committee

**Staff Resource:** Barry Gullet, Utilities

**Explanation**

- Submetering involves placing a meter on each apartment unit's hot water heater. This allows apartment owners to allocate a percentage of the total water bill, for the entire apartment complex, to each individual unit, based on the unit's hot water usage.
- Effective 1996, state statutes were changed to provide for submetering water used in apartment complexes. Apartments built since then have plumbing configured to facilitate this. Older apartments would require very expensive plumbing modifications to submeter individual units.
- The Greater Charlotte Apartment Association requested City support of a hybrid method of water submetering for apartment residents that measures the amount of hot water used by individual apartment units to determine water charges. This method allows a form of submetering to take place without the requirement for expensive plumbing modifications.

- Submetering of apartment units is regulated by the N.C. Utilities Commission which has a policy against using hybrid methods of submetering.
- Submetering individual apartment units supports the City's water conservation programs by making residents more accountable for their water usage.
- The type of submetering proposed is between the apartment owner and the apartment resident. The City bills the apartment owner for the total amount of water used by the entire apartment complex; the owner would pay the bill to the City and would be reimbursed by the apartment residents based on the submetered usage.
- If traditional submetering was required, excessive costs would be incurred by the owners of older apartment units.
- Staff supports the Apartment Association's request to the Utilities Commission to change their policy against hybrid methods of submetering by sending the proposed letter to the Commission.

**Committee Discussion**

On October 6, 2008 the Government Affairs Committee voted unanimously (Kinsey, Dulin, Lassiter, Burgess) to recommend the endorsement of a letter to the NC Utilities Commission supporting the use of Hot Water Capture, Cold Water Allocation metering of water for apartment residents.

**Attachment 7**

Proposed letter to N.C. Utilities Commission

## BUSINESS

### 14. Mayor's International Cabinet and Charlotte Sister Cities Merger

**Action: Approve the merger and implementation plan of the Mayor's International Cabinet and Charlotte Sister Cities to create the Charlotte International Cabinet.**

**Staff Resource:** Dennis Marstall, City Manager's Office

#### Explanation

- At the August 27 Dinner Meeting, Alan Gordon, Chair, Mayor's International Cabinet and Terri DeBoo, Chair, Charlotte Sister Cities, made a presentation to City Council outlining their request on behalf to the two boards to merge their boards, staffing, and operations.
- Charlotte Sister Cities was created by City Council Resolution in 1978 to foster relations with cities across the globe and the Mayor's International Cabinet was created in 1992 as an Advisory Board to the Mayor and City Council on international issues.
- Both organizations' Boards are composed of Mayor and City Council appointees, are incorporated entities of the State of North Carolina, and receive a majority of their funding from the City as financial partners.
- Merging the two organizations is proposed as a way to better address the growing needs of a more global Charlotte due to the increase in the City's foreign-born population, foreign-owned firms, and international organizations.
- Benefits of the merger include:
  - Leveraging resources (volunteers and funders)
  - Better connect community resources through both organization's volunteers
  - Eliminate overlap of citizen calls
  - Maximize the co-location and staffing of both organizations
- Outcomes of the merger include:
  - Strengthen the operations and activities of both organizations
  - Focus effort with other international groups around a Global Charlotte concept
  - Provide one voice for the City on international issues
  - Serve as the central source for international visitors
- The merger would create a new organization called the Charlotte International Cabinet.
- The Implementation Plan outlines an eight-month transition plan to allow for incorporation papers to be developed, address Mayor and City Council appointments to be consolidated, and establish a new staffing structure and work plan of operations for the new organization. The Plan also includes the combined budget and organization chart for the new organization.

#### Funding

Both organizations are presently Financial Partners with the City of Charlotte and the merger will be funded by combining the existing FY2009 funding allocation of both organizations totaling \$152,054.

**Attachment 8**

Implementation Plan for the Merger of the Mayor's International Cabinet and Charlotte Sister Cities creating the Charlotte International Cabinet.

**15. Appointments to Boards and Commissions**

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

**A. HOUSING AUTHORITY**

- One appointment for an unexpired term beginning immediately and ending December 17, 2008 and continuing for the next full three year term.
  - Joel Ford by Council members Burgess and Carter
  - Carrie White-Gibson by Council member Barnes
  - Mary Harrisonranson by Council member Cooksey
  - Jonathan Pullin by Council member Kinsey

**Attachment 9**

Applications

**B. NEIGHBORHOOD MATCHING GRANTS FUND**

- One appointment for a business representative for a two-year term beginning immediately and ending April 15, 2010.
  - Wendy Hartley by Council member Dulin
  - \*Tina McFarland by Council member Mitchell
  - Joseph Rambert, Jr. by Council member Barnes

\*No application received.

**NOTE:** Nominee who is not appointed may be considered for nomination for recent vacancy included on page 18, item 16, F.

**Attachment 10**

Applications

**16. Nominations to Boards and Commissions**

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

**A. AIRPORT ADVISORY COMMITTEE**

- Two appointments for two year terms beginning October 31, 2008 for members recommended by the Executive Board of the Charlotte Regional Partnership.
  - The recommendations from Charlotte Regional Partnership are Joe Carpenter and William Taylor.
- One appointment for an unexpired term beginning immediately and ending July 31, 2010.
  - Diane Carter resigned.

**Attachment 11**

Applications

**B. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION**

- One appointment for a three-year term beginning immediately and ending June 30, 2011.
  - Kenneth Gjertsen resigned.

**Attachment 12**

Applications

**C. COMMUNITY RELATIONS COMMITTEE**

- One appointment for a three-year term beginning immediately and ending June 30, 2011.
  - Chandra Green resigned.
- Two appointments for unexpired terms beginning immediately and ending June 30, 2010.
  - Tammy Chappell Proctor failed to meet the attendance requirements.
  - Michael Keith Proctor failed to meet the attendance requirements.

**Attachment 13**

Applications

**D. DOMESTIC VIOLENCE ADVISORY BOARD**

- One appointment for an unexpired term beginning immediately and ending September 21, 2009.
  - Keith Smith resigned.
- One appointment for an unexpired term beginning immediately and ending September 21, 2010.
  - Rona Karacaova resigned.
- One appointment for an unexpired term beginning immediately and ending September 21, 2011.
  - Kris Andrew Wampler resigned.

**Attachment 14**

Applications

**E. HISTORIC DISTRICT COMMISSION**

- One appointment for an unexpired term for a resident of Fourth Ward beginning immediately and ending June 30, 2010.
  - Amy Clark resigned.

**Attachment 15**

Applications

**F. NEIGHBORHOOD MATCHING GRANTS FUND**

- One appointment for an unexpired term beginning immediately and ending April 15, 2009.
  - Melanie Marston resigned.

**Attachment 16**

Applications

**G. PASSENGER VEHICLE FOR HIRE BOARD**

- One appointment for an unexpired term beginning immediately and ending July 1, 2009.
  - Dianne Sapu Mason resigned.

**Attachment 17**

Applications

**H. SMALL BUSINESS ENTERPRISE LOAN FUND**

- One appointment for a three year term beginning immediately and ending October 1, 2011.
  - Nigel Long is eligible and would like to be reappointed.

**Attachment 18**

Applications

**I. TREE ADVISORY COMMISSION**

- One appointment for an unexpired term beginning immediately and ending December 13, 2009.
  - Landrum Henderson, Jr. resigned.

**Attachment 19**

Applications

**17. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

**18. Closed Session**

**Staff Resource:** Mac McCarley, City Attorney's Office

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling and settlement of claims which are reasonably likely to be litigated within the foreseeable future but are not yet in litigation.**

## 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. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

## CONSENT I

### 19. Various Bids

#### A. Alexander Road Improvements

**EPM**

**Staff Resource:** Becky Chambers, Engineering & Property Management

#### **Action**

Award the low bid of \$349,282.45 by Carolina Cajun Concrete. This project will add right turn lanes to Alexander Road, construct three concrete pedestrian refuge islands and construct sidewalk on the north side of Alexander Road between Summer Darby Lane and Woodshed Circle and on the south side from Benning Wood Drive to Shaftshury Road and from Belmeade Lane to Harrison Road in southeast Charlotte. Construction completion is scheduled for second quarter of 2009.

**Deferral Consequences**

Construction schedule commitment made to citizens through the public input process (public meetings and mail correspondence) will not be met. Excellent low bid price will expire. Eleven firms responded to the Request for Bids, representing a high level of competition; the low bid of \$349,282.45 is 38% lower than the highest bid of \$568,373.85, and is 15% lower than the engineer's estimate of \$411,000.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.46%

Carolina Cajun Concrete committed 6.46% (\$22,560.20) of the total contract amount to the following SBE firms: Bana Corporation (\$4,950), Ground Effects Inc. (\$7,110.20), and Union Paving Contractors (\$10,500). Carolina Cajun Concrete is also an SBE firm.

**B. Cindy Lane Extension Landscaping**

**Staff Resource:** Imad Fakhreddin, Engineering and Property Management

**Action**

Award the low bid of \$128,641.70 by The Metrolina Landscape Company. This project will landscape Cindy Lane between Statesville Road and Lake Road/Nevin Road Intersection and Nevin Road between Cindy Lane and Fincher Boulevard. Construction completion is scheduled for first quarter of 2009.

**Deferral Consequences**

Landscaping will be delayed, currently a two year backlog of landscaping projects. Due to the 2007 drought, all landscaping projects were delayed until 2008.

**Small Business Opportunity**

Under the revised SBO Policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process; therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy).

**C. FY2009 Contract 1, Street Main Extensions - Water and Sewer Main Construction**

**Staff Resource:** Donnell Wilson, Utilities

**Action**

Award the low bid of \$1,267,025.55 to UW2 Contractors for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

**Deferral Consequences**

Water and sewer services for the new developments will be delayed. Utilities would be unable to provide service within the six month period outlined in the extension policy.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.13%

UW2 Contractors exceeded the SBE goal for this project and have committed \$65,000 to the following SBE firms: Allegience Staffing, Union Paving, C & D Utilities and Jaamco.

**D. FY2009 Sanitary Sewer Pipe Cleaning**

**Staff Resource** Doug Bean, Utilities

**Action**

Award the low bid of \$781,937.10 by Video Pipe Services, Inc. Project includes sewer line cleaning of approximately 43,000 linear feet of sanitary sewer lines, plus any necessary by-pass pumping, and Closed Circuit Television inspection.

**Deferral Consequences**

If large sewer lines are not cleaned, grease and debris will accumulate in the pipes and increase the likelihood of sewer overflow.

**Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

**E. Vest Water Treatment Plant Yard Piping Modifications**

**Staff Resources:** Doug Bean, Utilities

**Action**

Award the low bid of \$1,568,253.28 by Sanders Utility Construction Co., Inc. for modifications to the yard piping at the Vest Water Treatment Plant. The modifications involve replacement of all the large valves and pipelines, some of which date back to 1927.

**Deferral Consequences**

Since many of the pipes are 80 years old, if they are not replaced the possibility of a pipe leak or valve failure increases.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.53%

Sanders Utility exceeded the SBE established goal and committed \$102,410 to the following SBE firms:  
B & B Concrete, Union Paving, Hazel Holmes Trucking, and Perry's Lawn & Landscape Services

## 20. Refund of Business Privilege License Taxes

**Action:** Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$1,720.33.

**Staff Resource:** Dan Pliszka, Finance

### **Attachment 20**

Resolution

List of business license refunds

## 21. In Rem Remedy

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

**Public Purpose:**

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

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

**Public Safety:**

- A. 1805 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- B. 101 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

**Field Observation:**

- C. 1421 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- D. 1724 Merriman Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood)
- E. 2525 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)
- F. 2028 Russell Avenue (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood)
- G. 3919 N. Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood)
- H. 1427 West Blvd. (Neighborhood Statistical Area 16 – Revolution Park Neighborhood)
- I. 2119 Wilmore Drive (Neighborhood Statistical Area 15 – Wilmore Neighborhood)

**Public Safety:**

**A. 1805 Beatties Ford Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at**

**1805 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).**

**Attachment 21**

**B. 101 Goff Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 101 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 22**

**Field Observation:**

**C. 1421 Kennon Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1421 Kennon Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 23**

**D. 1724 Merriman Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1724 Merriman Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood).**

**Attachment 24**

**E. 2525 Rebecca Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2525 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).**

**Attachment 25**

**F. 2028 Russell Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2028 Russell Avenue (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).**

**Attachment 26**

**G. 3919 N. Sharon Amity Road**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3919 N. Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood).

**Attachment 27**

**H. 1427 West Boulevard.**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1427 West Boulevard. (Neighborhood Statistical Area 16 – Revolution Park Neighborhood).

**Attachment 28**

**I. 2119 Wilmore Drive**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2119 Wilmore Drive (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

**Attachment 29**

**22. Resolution of Intent to Abandon Victoria Avenue and Two 10-foot Alleyways**

**Action:** A. Adopt the Resolution of Intent to abandon Victoria Avenue and two 10-foot alleyways, and  
B. Set a public hearing for November 24, 2008.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 30**

Map  
Resolution

**23. Resolution of Intent to Abandon Plymouth Street**

**Action:** A. Adopt the Resolution of Intent to abandon Plymouth Street, and  
B. Set a public hearing for November 24, 2008.

**Staff Resource:** Linda Poissant, Transportation

**Attachment 31**

Map

Resolution

**24. Resolution of Intent to Abandon Portions of Palmer Street, S. College Street and a Residual Portion of Carson Street**

**Action:**   **A. Adopt the Resolution of Intent to abandon portions of E. Palmer Street, S. College Street and a residual portion of Carson Street, and**  
**B. Set a public hearing for November 24, 2008.**

**Staff Resource:**   Linda Poissant, Transportation

**Attachment 32**

Map  
Resolution

**25. Resolution of Intent to Abandon a Residual Portion of Lancaster Street**

**Action:**   **A. Adopt the Resolution of Intent to abandon a residual portion of Lancaster Street, and**  
**B. Set a public hearing for November 24, 2008.**

**Staff Resource:**   Linda Poissant, Transportation

**Attachment 33**

Map  
Resolution

## CONSENT II

### 26. Seneca Woods Loan Extension

**Action:** Approve extension of the maturity date of an existing \$640,000 loan to become due and payable in 2049 to meet requirements stipulated by U.S. Department of Housing Urban Development (HUD).

**Staff Resource:** Stan Wilson, Neighborhood Development

#### Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The FY2009 U. S. Department of Housing and Urban Development Annual Action Plan adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

#### Explanation

- On April 30, 1991, City Council approved a city loan in the amount of \$640,000 to the Charlotte Housing Authority (CHA) for the development of 49 new multi-family apartments financed with tax credits and located at 1509 Seneca Place in Neighborhood Statistical Area 197 (Madison Park).
- The CHA purchased the project when the tax credits expired in order to preserve and enhance affordability. CHA developed a refinancing plan which includes Housing Trust Fund, HOPE VI and State funds, but HUD will not approve the refinancing until all loan terms are for a 40 year term.
- On June 23, 2008, City Council approved an additional \$750,000 loan to the CHA through the Housing Trust Fund for Seneca Woods.
- The current City loan has an interest rate of 2% per annum, payable at maturity, (30 years), making the loan due in 2021.
- To meet HUD's requirement the City's original \$640,000 loan term must be extended an additional 28 years. This means that the City's loan would become due in 2049 as opposed to 2021.

#### Background

- The approved restructuring makes 17 of the 49 units available to households earning 24% or less than area median income, 14 units will serve 31% to 50% and 18 units will serve households earning 51% to 60% of the area median income.
- The terms of the new City loan (\$750,000) is a deferred forty-year, 1% interest only loan.
- The City's total investment in Seneca Woods is \$1,390,000 or \$28,367 per housing unit.
- Other partners providing loans to the project are the CHA (\$1,791,880) and the North Carolina Housing Finance Agency (\$300,000).

**Attachment 34**

CHA Request Letter  
 Project Summary Sheet & Map  
 Sources and Uses  
 Project Proforma

**27. Weed and Seed Grant**

**Action: A. Accept grant award of \$150,000 in federal funds for the Weed and Seed Initiative; and**

**B. Adopt a budget ordinance appropriating the grant.**

**Staff Resources:** Stephanie Small, Neighborhood Development  
 Kim Barnes, Weed and Seed Site Coordinator

**Explanation**

- On September 9, 2008, the U.S. Department of Justice awarded the City of Charlotte a Weed and Seed Grant in the amount of \$150,000.
- The Weed and Seed strategy is a multi-agency approach to law enforcement, crime prevention and community revitalization.
- The strategy involves a two-pronged approach: Law Enforcement and Prosecutors cooperate in "weeding out" the negative community influences and "seeding" the community with prevention, intervention, treatment and neighborhood revitalization services.
- The City has received Weed and Seed Grants since 1998 and the new grant, in accordance with the Department of Justice policy, will be allocated between the Central Avenue Corridor/Eastland Mall Corridor (75%) and the West Boulevard Corridor (25%). (See attached maps)
- The Weed and Seed Program goals are:
  - Reduce armed robberies
  - Expand awareness and access to community policing efforts
  - Decrease truancy through school-based truancy programs
  - Raise awareness in the international community of existing social services
  - Improve relations among residents and diverse populations
  - Support programming that educates and empowers residents along the corridor
- The Weed and Seed Initiative represents a collaborative effort among the U.S. Justice Department, the Charlotte Mecklenburg Police Department and Neighborhood Development. The Weed and Seed Office is located in Eastland Mall.
- A Steering Committee composed of residents and business owners along the Central Avenue and West Blvd Corridors will continue working with the City to implement the program (See attached list).

**Background**

- In 1998, the Charlotte Weed and Seed Initiative began in the West Boulevard Corridor and received total funding of \$980,000 for the area.
- Initially, the Weed and Seed Strategy targeted nine neighborhoods along the West Boulevard Corridor.
- The "weeding" activities saw a 57% reduction in the overall crime rate along West Boulevard. Activities included targeting drug activity hot spots, closing nuisance locations and bike patrols to reduce property crimes.

- The “seeding” activities included employment training, drug intervention and treatment programs, nuisance abatement and youth enrichment opportunities. The City also provided West Boulevard Streetscape Improvements, supported Arbor Glen Hope VI, supported housing development in Reid Park and Wingate neighborhoods and developed the City West Commons Shopping Center.
- On July 25, 2005, the Weed and Seed Strategy was expanded to the Central Avenue/Eastland Mall Corridor with Council’s adoption of a \$175,000 budget ordinance. In accordance with the Justice Department policy, 75% of the focus was on the new area and 25% on the previous area.
- The City of Charlotte has received \$600,000 since 2005 to support the Weed and Seed Initiative along the Central Avenue/East Mall corridor.
- Some of the “weeding” accomplishments along the Central Avenue/East Mall Corridor have included 32% reduction in robberies.
- Some of the “seeding” accomplishments have included:
  - 50% decrease in unexcused absences among students completing the Truancy Intervention and Prevention program.
  - Conducted 10 resource neighborhood fairs in which over 1,000 residents received information on community resources and neighborhood safety which emphasized and promoted cultural diversity.
  - Created and distributed 1,575 neighborhood resource guides to residents providing information on prevention, intervention, and neighborhood restoration programs along the targeted area.
  - Provided small business counseling to 18 Latino business owners through a partnership with the Latin American Coalition.
  - Substance Abuse Prevention Services provided prevention services to 1000 residents along Central Avenue Corridor through the Luces en la Comunidad (Lights in the Community) program.
  - Epic International served as a Safe Haven to the target area, serving the communities youth, seniors and families. Epic provided food to 7,344 residents in need along the Central Avenue Corridor. Also provided English as a second language classes, parenting classes, and pre-employment training to 24 residents. Epic International made 6,000 referrals for service for clients.

**Funding**

U.S. Justice Department Weed and Seed Grant

**Attachment 35**

Budget Ordinance

Weed and Seed Steering Committee

Map

## 28. Airport Revenue Bonds

**Action:** Adopt a resolution authorizing the issuance of up to \$441,000,000 in Airport Revenue Bonds and the execution of agreements in connection with their sale.

**Staff Resource:** Scott Greer, Finance  
Jerry Orr, Aviation

### Explanation

- On August 25 the City Council set a public hearing date of September 22 on the issuance of Airport Revenue Bonds. The public hearing was held to satisfy an IRS requirement to permit the Airport Revenue Bonds to be issued on a tax-exempt basis.
- On September 22, 2008 the City held a public hearing after which staff was authorized to make an application to the Local Government Commission (LGC) for issuance. There were no speakers at the public hearing.
- The LGC approved the Airport Revenue Bond application.
- Bonds will be sold in 4 series (A,B,C and D) with A being new money, B and C being fixed rate refunding bonds and D being variable rate refunding bonds.
- The A bonds, B&C bonds and D bonds can be sold separately, and with current adverse market conditions staff has the flexibility to delay the sale of the fixed rate bonds until conditions improve. Variable rate bonds will be sold on schedule and should not be impacted by the market conditions.
- Debt is being considered to fund capital improvement initiatives at the Airport and to refund several prior issues of Airport Revenue Bonds.
- Repayment of this debt is supported by Airport revenues.

### Funding

Airport Revenues

### Attachment 36

Resolution

## 29. Airport Security Fence

**Action:**   **A. Award the low bid contract of \$277,600 to Long Fence for security fencing for the New Third Parallel Runway, and**

**B. Adopt a budget ordinance in the amount of \$277,600 from the Airport Fund Balance to be replaced with future federal grants and proceeds of the upcoming 2008 General Airport Revenue Bond issue.**

**Staff Resource:**   Jerry Orr, Aviation

### **Explanation**

- Federal Aviation Administration regulations require a chain link security fence around the airport.
- This contract will provide a portion of the new fence that will be required when the new runway opens.
- The balance of the required fencing will be bid later in 2009.

### **Deferral Consequence**

Delaying the security fence will delay the runway opening, which is scheduled for February 2010.

### **Disadvantage Business Enterprise**

Established DBE Goal: 20%

Committed DBE Goal: 0%

Long Fence did not meet the goal, however, they met the good faith efforts and provided all required DBE documentation.

### **Funding**

Airport Fund Balance

### **Attachment 37**

Budget Ordinance

## 30. Airport Taxiway Bridges Material Testing

- Action:**
- A. Approve a contract in the amount of \$350,000 with S&ME, Inc. of Charlotte, NC for material testing services during construction of the taxiway bridges, and**
  - B. Adopt a budget ordinance in the amount of \$350,000 from the Airport Discretionary Fund to be repaid from proceeds of the 2008 General Airport Revenue Bonds.**

**Staff Resource:** Jerry Orr, Aviation

### Policy

Airport Master Plan

### Explanation

- In August 2008, City Council approved a contract in the amount of \$18,901,768 with E.S. Wagner Company, LLC to construct two taxiway bridges as part of the Third Parallel Runway construction.
- This contract will provide for material testing services during construction of the bridges.
- Material testing is required to ensure the strength of the concrete and steel structure throughout the construction process.
- S&ME, Inc. was selected through a Request For Qualification (RFQ) submittal process in which a selection committee reviewed qualification submittals and chose this firm based on specific criteria identified in the RFQ.

### Deferral Consequences

Delaying the materials testing will delay the opening of the new runway.

### Disadvantaged Business Opportunity

Professional services contracts are not required to have a DBO goal. However, S&ME committed to using a certified DBE for 5% of the contract.

### Funding

Funding for this contract will come from the proceeds of the 2008 General Airport Revenue Bonds, the debt service of which will be paid for from Passenger Facility Charge (PFC) revenues.

### Attachment 38

Budget Ordinance

## 31. Airport Baggage Handling System Professional Services

**Action: A. Approve a contract with BNP Associates, Inc. in the amount of \$136,000 for design services to modify and expand the baggage handling system.**

**B. Adopt a budget ordinance in the amount of \$136,000 from the Airport Discretionary fund to be repaid with proceeds from upcoming 2008 General Airport Revenue Bond issue.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- BNP Associates performed the planning services to expand the airport baggage and conveyor systems. To provide design continuity throughout the system, the airport staff recommends that BNP provide the design services.
- Under this contract, BNP Associates will:
  - Study and recommend modifications to the existing baggage system to accommodate recent operational changes by the airlines.
  - Develop plans to install a baggage check-in conveyor in the proposed terminal expansion project that will create space for an additional checkpoint on the east end of the main terminal.
  - Develop plans to enhance the baggage system serving the International Arrivals Hall, which handles bags that are re-checked by passengers that continue on to other destinations after arriving in Charlotte from an international flight.
  - Develop checked baggage processing and inspection system requirements and concepts to accommodate existing and future projected baggage volumes. Required space and order of magnitude cost estimates will be part of the study.
- Funding for this contract will come from proceeds of the upcoming 2008 General Airport Revenue Bond Issue, the debt service of which will be paid for by airline rates and charges.

### Deferral Consequences

There are no short term impacts if the contract is delayed.

### Small Business Opportunity

The City negotiated an SBE goal with BNP Associates, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) BNP committed 3.00% (\$4,080) of the total contract amount to the following SBE firm: Richa Graphics.

### Funding

Airport Fund Balance

### Attachment 39

Budget Ordinance

## 32. Third Parallel Runway Lighting Equipment

- Action:**
- A. Approve a purchase of computer hardware without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143–129 (e) (6), and**
  - B. Approve a contract with Siemens Airfield Solutions, Inc. in the amount of \$558,999.91 for computer hardware and software for the Third Parallel Runway Airfield Lighting Vault, and**
  - C. Adopt a budget ordinance in the amount of \$558,999.91 from the Airport Discretionary fund to be repaid from proceeds of the 2008 General Airport Revenue Bonds.**

**Staff Resource:** Jerry Orr, Aviation

### Policy

Airport Master Plan

### Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary since the equipment must be interchangeable and compatible with the existing computer hardware already in place.
- Purchases made under the sole source exemption require City Council approval.

### Explanation

- The airfield lights are controlled by a computer interface system with terminals in the electrical vaults and in the Air Traffic Control Tower (ATCT).
- The addition of the Third Parallel Runway requires additional hardware for the new electrical vault and software upgrades to the existing system located in the existing two vaults and the ATCT.
- This system must be purchased under a sole source contract because the computer systems must be integrated with the existing airfield lighting control system, which was also provided by Siemens.
- Funding for this contract will come from proceeds of the 2008 General Airport Revenue Bonds, the debt service of which will be paid for by Passenger Facility Charge (PFC) revenues.

### Deferral Consequences

If this contract is deferred, the electrical contractor will not be able to complete the lighting work, which will delay the opening of the new runway.

### Disadvantage Business Enterprise

DBE Goals do not apply to this sole source transaction.

### Funding

Airport Fund Balance

**Attachment 40**  
Budget Ordinance

### 33. Airport Janitorial Contract Extension

**Action: Approve a one year contract extension to Gali Services Industries, Inc. of Bethesda, MD estimated at \$4,924,800 based on unit cost to provide janitorial services at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Policy**  
Airport Master Plan

**Explanation**

- On November 22, 2004, Gali Services Industries, Inc. was awarded a three year contract with two one-year extensions to provide janitorial services at the Airport.
- On March 26, 2007, Council approved a contract amendment for providing restroom attendants.
- On September 10, 2007, Council approved a one year extension.
- This is the last of two, one year contract extension options for the City.
- Under this contract, the contractor is responsible for providing all personnel management, supervision, equipment and janitorial supplies necessary to perform cleaning tasks.
- The contract identifies cleaning specifications that describe performance and staffing standards.
- Payment for personnel is at a fixed rate per worker and payment for consumables is a 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 (1 of 2 City employees supervising the janitorial effort) 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 extension provides cleaning for an additional 25,000 square feet on E concourse along with an additional food court.
- There has been a 13% increase in passengers for which janitorial supplies are paid on a per passenger cost as stated in the contract. Approximately 50,000 passengers per day are in the terminal.
- The extension will remain at the same unit cost as the original contract.

**Deferral Consequences**

If the contract extension is delayed, the Airport will not have janitorial sources after February 2009.

**Small Business Opportunity**

All additional work involved in this extension will be performed by the current contractor and their existing subcontractors. (Part D: Section 6 of the SBO Policy) Gali has committed 1.94% (\$95,553) of this extension to Always Better Cleaning, Inc., an SBE brought onto the contract during the previous extension.

**Funding**

Airport Operating Budget

**34. Airport Grant Funds Transfer**

**Action: Adopt a budget ordinance in the amount of \$2,882,878 to transfer grant funds from the Ramp E Expansion project to the Third Parallel Runway Paving and Lighting project.**

**Staff Resource:** Jerry Orr, Aviation

**Policy**

Airport Master Plan

**Explanation**

- In August 2005, City Council adopted a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$15,089,209 for multiple projects including the expansion of the air carrier ramp for Concourse E.
- The ramp expansion project was recently completed and was well under budget.
- Because the FAA issued the grant based on an engineer's cost estimate, the project is overfunded with FAA grant funds.
- In order to allow the Airport to earn the full amount of the grant, the FAA has amended the grant description to include funding a portion of the Third Parallel Runway paving and lighting project.
- Using these grant proceeds on the runway project increases the amount of federal participation in the project, which reduces the amount of Airport funding needed to complete the construction.
- This action will adopt a budget ordinance to re-appropriate the remaining grant funds from the Ramp E project to the runway paving and lighting project.

**Funding**

FAA Grant

**Attachment 41**

Budget Ordinance

## 35. Proprietary Bus Parts

**Action:**   **A. Approve contracts for proprietary bus engine parts without competitive bidding per G.S. 143-129 (e) (6), to the following firms in the estimated annual amounts as shown:**

- Rush International Truck Center	<b>\$525,000</b>
- Covington Power Services	<b>\$480,000</b>
- Cummins Atlantic, Inc.	<b>\$375,000</b>

**B. Authorize the City Manager to approve up to two, one-year renewals for each of the three contracts with price adjustments.**

**Staff Resource:**   John Trunk, Charlotte Area Transit System

### Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
  - Performance or price competition is not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary since the parts must be interchangeable and compatible.
- Purchases made under the sole source exemption require City Council approval.

### Explanation

- CATS' Bus Operations Division uses proprietary Original Equipment Manufacturer for bus engine parts in the daily maintenance and repair of the CATS Bus Fleet.
- The proprietary OEM bus engine parts meet the required specification standards to keep the buses in the proper operating condition and to maintain the bus engine warranties. The only source of supply for these bus engine parts is the bus engine manufacturer.
- Bus engine parts will be ordered on an as needed basis. Contract amounts are based on prior usage and required inventory stock levels.
- These contracts include discount pricing off the fleet list pricing. Prices will remain firm for the first year of the contract. Price adjustments, after the first year, will be addressed on a case-by-case basis requiring manufacturer supporting documentation.
- By establishing approved contracts with these vendors, CATS will improve operating efficiency and decrease administrative costs.
- The City Manager is authorized to terminate or modify these agreements on behalf of the City.

### Deferral Consequences

These contracts are critical to the delivery of transit services. The parts are necessary to keep the bus fleet operational.

### Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix Section 23.2 of the SBO Policy).

**Funding**

Transit Operating Fund

**36. LYNX Blue Line Extension Preliminary Engineering Railroad Corporate Review Agreements**

- Action:**
- A. Approve a reimbursement agreement with North Carolina Railroad (NCRR) for review of the LYNX Blue Line Extension Preliminary Engineering plans at the 15%, 30% and 65% Milestones, in an amount not to exceed \$240,000, and**
  - B. Approve a reimbursement agreement with Norfolk-Southern Railroad (NSRR) for review of the LYNX Blue Line Extension Preliminary Engineering plans at the 15%, 30% and 65% Milestones, in an amount not to exceed \$240,000.**

**Staff Resource:** Keith Parker, Charlotte Area Transit System  
 Danny Rogers, Charlotte Area Transit System

**Policy**

Centers & Corridors, the 2030 Corridor System Plan, Focus area Initiatives (1 & 3), Transportation Action Plan Goals (1 & 2).

**Explanation**

- On January 28 2008, City Council approved the Preliminary Engineering Professional Services contract for the LYNX Blue Line Extension (LYNX BLE) with STV/Ralph Whitehead Associates.
- The NCRR and NSRR agreements are necessary to validate the LYNX BLE plans and specifications while they are being developed. NCRR and NSRR must approve planned alterations to their tracks and right-of-way during these early design phases. Delay would require additional costs to modify the existing plans and specifications to meet the requirements of the two railroad corporations.
- The inner part of the LYNX BLE project is primarily located within railroad right-of-way.
  - Generally, the LYNX BLE project enters North Carolina Railroad (NCRR) right-of-way north of 12th Street, where Norfolk-Southern Railroad (NSRR) primarily operates.
  - The LYNX BLE is planned to operate adjacent to Norfolk-Southern Railroad inside NCRR right-of-way until the project enters into the median of North Tryon Street.
- As part of the Preliminary Engineering contract, STV/Ralph Whitehead associates will prepare engineering drawings and specifications for the LYNX BLE. These deliverables will be produced at 3 (three) major milestones 15%, 30%, and 65% for review by City staff, local stakeholders and other third parties, including railroads.
- The NCRR and NSRR will employ engineering consultant firms to review, comment and approve the Preliminary Engineering Milestone deliverables that the LYNX BLE project will prepare.
  - The review will include approximately three miles of parallel Light Rail Transit, which will include all necessary utilities, systems, drainage, civil work, bridges, and walls.

- These agreements will cover reimbursements to North Carolina Railroad and Norfolk-Southern Railroad for the cost of the review and approval of the preliminary engineering drawings.
- The City Manager is authorized to terminate or modify these agreements on behalf of the City.

#### **Deferral Consequences**

Delay would require additional costs to modify the existing plans and specifications to meet the requirements of the two railroad corporations.

#### **Disadvantaged Business Enterprise Opportunity**

Pursuant to DOT DBE Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities are available.

#### **Funding**

Transit Capital Investment Plan

CATS will seek reimbursement of 50% from the federal government and 25% from the North Carolina Department of Transportation.

### **37. Cooperative Agreement for DNA Analysis**

**Action: Accept a grant for \$362,548 from the National Institute of Justice for DNA Backlog Reduction.**

**Staff Resource:** Roger Thompson, Police

#### **Explanation**

- Police received funds from the National Institute of Justice's FY2008 Forensic DNA Backlog Reduction Program.
- \$177,025 covers the salaries and fringe benefits for two DNA Criminalist II positions currently funded under previous DNA grants from the Department of Justice.
- Positions associated with the grant are only funded for the grant period. Continued funding beyond the grant period will require a future, separate request for resources.
- \$6,590 covers training for each of the two analysts and their DNA Proficiency Test cost.
- \$115,500 will cover two new pieces of equipment for the DNA Lab.
- \$63,433 will cover supplies for DNA testing.
- The grant revenue was anticipated and included in the FY2009 budget.
- No matching funds are required from the City.

#### **Funding**

National Institute of Justice

## 38. Cold Case DNA Grant

- Action:**   **A. Accept a grant from the U.S. Department of Justice for the analysis of DNA evidence in homicide and sexual assault cold cases, and**
- B. Adopt a budget ordinance appropriating \$197,245 in grant funds from the U.S. Department of Justice**

**Staff Resource:**   Major Dale Greene, Police

### **Explanation**

- In February 2008, CMPD applied for funding from the Department of Justice to assist in processing DNA evidence in cold homicide and sexual assault cases.
- Police received notification on October 17, 2008 that the City had received the funds and would have to accept them within 10 days.
- The funds cover hiring of a management analyst who would:
  - Work with homicide and sexual assault cold case teams to identify those cases with potential solvability factors
  - Coordinate the work of the cold case detectives with the Crime Laboratory
  - Maintain a case management data base
  - Assist in locating victims and witnesses and preparing background information on them
  - Use law enforcement and intelligence resources to identify possible offenders and serial crimes
- The position associated with this grant is only funded for the period of the grant. Continued funding beyond the grant period will require a future, separate request for resources.
- Funds will also cover the purchase of a Maxwell 16 and GeneMapper software. This equipment performs automated DNA extraction from sample sets and will allow the Lab to test an additional 500 DNA samples per year.
- The grant period is for 18 months from January 1, 2009 to June 30, 2010.
- No matching funds are required from the City.

### **Funding**

U.S. Department of Justice

### **Attachment 42**

Budget Ordinance

### 39. Gang of One Grant

**Action: Accept a grant of \$1,162, 653 in funds from the U.S. Department of Justice for the Gang of One program.**

**Staff Resource:** Fran Cook, Police

**Explanation**

- CMPD's Gang of One Program has received a \$1,162,653 grant from the U.S. Department of Justice for the Gang of One program.
- \$380,542 will cover the cost of two new positions - one for programs and one for intervention. A previous grant funds the cost of the Gang Analyst and some overtime funds for Gang Unit detectives.
- \$33,348 will fund travel and training for the professional development of Gang of One, the Gang Unit and some of Gang of One's community partners.
- \$627,052 will fund consultants and contracts to expand Gang of One programs including No Easy Walk, Crossroads Teen Theatre Project, Youth Violence Prevention Conference, and the Steele Creek Youth Network.
- \$27,305 will fund computers, cameras, and projectors for Gang of One and the Gang Unit.
- \$79,355 will fund supplies for all of the gang prevention and intervention programs.
- \$15,050 will fund cell phone services for Gang of One volunteers.
- Funding covers a two-year period from July 1, 2008 to June 30, 2010.
- The grant revenue was anticipated and included in the FY2009 budget.
- No matching funds are required from the City.

**Funding**

U.S. Department of Justice

### 40. Police Computer-Aided Dispatch Maintenance

**Action: Approve an agreement with Intergraph Corporation for maintenance, support and system upgrades for CMPD's 911 Computer Aided Dispatch System (CAD) in an amount not to exceed \$1,029,050 for three years.**

**Staff Resource:** Ron Horton, Police

**Explanation**

- The current Police Department emergency dispatch system is the Intergraph Public Safety Computer Aided Dispatch (CAD).
- This is a proprietary system that was approved for purchase by Council on September 26, 2001. A three-year maintenance agreement, with an option for a fourth year, was approved by Council on December 10, 2004.
- Due to the proprietary nature of the system, CMPD is contractually obligated to have Intergraph Corporation perform the maintenance.
- CMPD wishes to continue the maintenance and support agreement for an additional three years.
- The agreement includes an estimated annual increase not to exceed 8% per year for maintenance and support in the second and third years.

- The annual increase amount is competitive and similar to other computer maintenance contracts.

#### **Deferral Consequences**

Without Intergraph maintenance, support, and system upgrades the 911 CAD systems could fail.

#### **Small Business Opportunity**

Contracts entered into without a competitive bidding proposal process are considered exempt (Appendix Section 23.2 of the SBO Policy).

#### **Funding**

911 Surcharge Fees

## **41. Sanitary Sewer Rehabilitation Program Professional Services Contract**

- Action:**
- A. Approve a professional services contract with Frazier Engineering, P.A. for professional engineering and construction management services for the Sanitary Sewer Rehabilitation Program. The contract is for a not to exceed amount of \$750,000, and**
  - B. Authorize the City Manager to renew the contract for four additional one-year terms. Contract allows a unit price adjustment, at the time of renewal, based on the Engineering News Record Construction Price Index.**

**Staff Resource:** Douglas Bean, Utilities

#### **Explanation**

- This Contract provides for professional engineering services for the Sanitary Sewer Rehabilitation Program focusing in the following areas:
  - Sewer system evaluation surveys
  - Planning and design
  - Construction drawings and specifications
  - Construction management
- Frazier Engineering was selected using the Council approved qualifications-based selection process.

#### **Deferral Consequences**

If deferred, the daily evaluation, repair and rehabilitation of defective sewer lines and manholes will be significantly impacted. The Administrative Order with the EPA requires Utilities to continue with this process at the current level of commitment or greater.

#### **Small Business Opportunity**

The City negotiated an SBE goal with Frazier Engineering, P.A. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) Frazier committed 5.00% (\$37,500) of the total contract amount to the following SBE firms: Mahnaz, Inc. and Survey & Mapping Control, Inc.

**Funding**

Utilities Capital Investment Plan

**42. Little Sugar Creek Sewer Line Repair**

- Action:**
- A. Approve a contract with Rain for Rent for \$198,112 for sewer line by-pass pumping.**
  - B. Approve a contract for \$246,900 with State Utility Contractors for the repair of the Little Sugar Creek Sewer line.**

**Staff Resource:** Doug Bean, Utilities**Explanation**

- In September 2008 a hole was discovered in a 36 inch sewer line crossing Little Sugar Creek in Pineville. This pipe is part of a three pipe system that takes flow from an incoming 54 inch sewer line and routes it under the creek.
- Further investigation of the pipe failure determined that a short section of the pipes and the junction box connecting the pipes have sustained severe corrosion damage.
- Utilities staff solicited and received informal bids from two vendors to provide temporary pumping and piping for approximately 4-6 weeks while the section of pipes and box can be replaced. Rain for Rent provided the lowest quote based on a six week rental.
  - Rain For Rent \$198,112
  - Godwin Pumps \$252,770
- Informal bids were also obtained from four utility contractors to replace the junction box and pipe sections:
  - State Utility Contractors \$246,900.00
  - Rockdale Pipeline Inc. \$250,400.00
  - BRS, Inc. \$323,977.50
  - Sanders Utility Construction \$356,281.42

**Deferral Consequences**

If not repaired, there could be a significant sewage spill into Little Sugar Creek.

**Small Business Opportunity**

Informal contracts are not subject to establishing SBE subcontracting goals, and are considered exempt contracts (Appendix Section 23.1 of the SBO Policy).

**Funding**

Utilities Capital Investment Plan

### 43. Professional Design Services for Utility Projects Within NCDOT Projects

- Action:**
- A. Approve a professional services contract with Hinde Engineering, Inc., Charlotte, NC in the not-to-exceed amount of \$400,000, and**
  - B. Authorize the City Manager to renew the contract for one additional term.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- Contract provides for professional engineering services on an as-needed basis, for design of water and sewer infrastructure within NCDOT roadway projects.
- Hinde Engineering, Inc. was selected using the Council approved selection process, based on their prior experience and expertise with the inspection of all aspects of utility engineering.

#### **Deferral Consequences**

If deferred, NCDOT would withhold Powell Bill funds in an amount NCDOT deems necessary to recover present and future value of time and mobilization costs and breach of municipal agreement.

#### **Small Business Opportunity**

The City negotiated an SBE goal with Hinde Engineering, Inc. after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) Hinde committed 5.00% (\$40,000) of the total contract amount to the following SBE firm: Barry D. Davis Surveying, LLC. Hinde Engineering, Inc. is also a certified SBE firm.

#### **Funding**

Utilities Capital Investment Plan

## 44. 2008 State Homeland Security Grants

**Action:**   **A. Authorize the Fire Chief to accept four grants from the North Carolina Division of Emergency Management totaling \$675,714 as a part of the 2008 State Homeland Security Grant program to be used to assist with the preparation for a response to terrorism-related events, other emergency situations and with conducting an exercise in response to a terrorist event, and**

**B. Adopt a budget ordinance appropriating \$675,714 in funding.**

**Staff Resource:**   Jeff Dulin, Fire

### Explanation

- The U.S. Department of Homeland Security has made funds available through the State Homeland Security Grant to implement the goals and objectives of the 2007-2009 State Homeland Security Strategy. This program was established to provide federal reimbursement to state and local governments for the costs associated with preparing for and responding to an act of terrorism or natural disasters.
- The North Carolina Division of Emergency Management (NCEM) administers this program for the U. S. Department of Homeland Security.
- The City of Charlotte has been awarded four separate grants that address a different goal or objective of this strategy.
- Funding in the amount of \$205,714 has been awarded for Regional Response Team 7 of the Charlotte Fire Department.
  - Region 7 consists of 11 North Carolina counties: Cleveland, Gaston, Lincoln, Catawba, Alexander, Iredell, Rowan, Stanly, Union, Cabarrus, and Mecklenburg.
  - Grant funds will be used to purchase items such as chemical, biological, radiation and explosive detection equipment and an area surveillance monitoring robot.
- Funding in the amount of \$350,000 has been awarded for NC USAR (Urban Search and Rescue) Task Force 3 of the Charlotte Fire Department.
  - Grant funding will be spent on a tractor trailer unit to be used for carrying equipment purchased with previous grants. This purchase will increase the mobility of this equipment for deployments to situations such as a building collapse or different types of rescues such as high angle, confined space, or swiftwater.
- Funding in the amount of \$60,000 has been awarded for an USAR (Urban Search and Rescue) Exercise that will be held in the spring.
  - Grant funds will be used to purchase items such as meals, supplies for the exercise, and expendables such as wood and concrete panels, nails, tools and fuel.
- Funding in the amount of \$60,000 has been awarded for the NC Helicopter-Aquatic Rescue Team (HART).
  - NCHART is a highly specialized team consisting of North Carolina National Guard, North Carolina Emergency Management and local emergency services personnel.
  - The team can respond at the request of a local emergency management coordinator or NCEM Area Coordinator. Examples of

NCHART missions include: Swiftwater/Flood Rescue, Search for Lost Persons, and Urban or Wilderness High Angle Rescue.

- Grant funding will be spent on items such as search and rescue equipment, air to ground communications equipment and hoisting equipment.
- No matching funds are required with any of these four grants.

### **Funding**

State Grants

### **Attachment 43**

Budget Ordinance

## **45. 2008 Urban Area Security Initiative Grant**

**Action: Authorize the Fire Chief to accept a grant from the U.S. Department of Homeland Security in the amount of \$4,176,370 for the 2008 Urban Area Security Initiative (UASI) Grant Program.**

**Staff Resource:** Jeff Dulin, Fire

### **Explanation**

- The 2008 Urban Area Security Initiative program allowed sixty applicants to apply for funding to aid in the prevention, protection, response and recovery from terrorist attacks.
- The City of Charlotte was awarded the grant by Homeland Security based on the risks and threats for our community. In developing a regional approach, as mandated by the grant guidelines, the following counties were included as part of the regional council for grant implementation: Cabarrus County, NC; Catawba County, NC; Gaston County, NC; Iredell, NC; Lincoln County, NC; Mecklenburg, NC; Stanly County, NC; Union County, NC; Lancaster County, SC; and York County, SC.
- The total amount of the grant awarded to Charlotte was \$4,821,000. The North Carolina Division of Emergency Management will be retaining \$644,630 of these funds which equates to approximately 13%.
- Funds will be used for terrorism preparedness activities such as equipment acquisition, planning, exercise and training activities.
- Grant revenue was anticipated and included in the FY2009 budget.
- No matching funds are required with this grant.

### **Funding**

2008 UASI Grant

## 46. 2008 Metropolitan Medical Response System Grant

**Action:** Authorize the Fire Chief to accept a grant in the amount of \$321,221 from the U.S. Department of Homeland Security for the 2008 Metropolitan Medical Response System (MMRS) Grant Program.

**Staff Resource:** Jeff Dulin, Fire

### Explanation

- The 2008 Metropolitan Medical Response System Grant Program provided funding to 124 identified cities to aid in the medical response to an act of terrorism or natural disaster.
- The City of Charlotte was awarded the grant by the US Department of Homeland Security due to population and metropolitan center status. The other cities that were awarded funds in the State of North Carolina were Greensboro and Raleigh.
- The grant total awarded to Charlotte was \$321,221. The North Carolina Division of Emergency Management is required to pass the entire grant through to Charlotte without retaining any funds.
- Funds will be used to purchase equipment, personal protective equipment, and to provide training for the disaster medical specialist personnel that will respond to CBRNE (Chemical, Biological, Radiological, Nuclear, and Explosive) incidents.
- Grant revenue was anticipated and included in the FY09 budget.
- No matching funds are required with this grant.

### Funding

2008 MMRS Grant

## 47. Companion Animal Mobile Equipment Trailers

**Action:**

**A. Approve the purchase from federal funds of companion animal mobile equipment trailers without competitive bidding as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**

**B. Approve a contract with North Carolina State Animal Response Team for the purchase of these trailers in the amount of \$136,000.**

**Staff Resource:** Jeff Dulin, Fire

### Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source of supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary since the equipment package is the standard adopted by North Carolina Emergency Management and North Carolina Department of Agriculture. This allows for standardization of these assets

across the state so that they are compatible when called on for a mutual aid response.

- Sole source purchases require City Council approval.

#### **Explanation**

- Companion Animal Mobile Equipment Trailers were developed in response to the Pet Evacuation and Transportation Act of 2006. These trailers provide all the necessary mobile infrastructure, technical support and standardized forms that are required for co-location sheltering.
- The Pet Evacuation and Transportation Act of 2006 requires states seeking Federal Emergency Management Agency (FEMA) assistance to accommodate pets and service animals in their plans for evacuating residents during a disaster.
- The Charlotte Urban Area was awarded funds to purchase eight Companion Animal Mobile Equipment Trailers.
  - The trailers will be distributed to Cabarrus County, NC; Catawba County, NC; Iredell, NC; Lincoln County, NC; Stanly County, NC; Union County, NC; Lancaster County, SC; and York County, SC. These trailers will house approximately 60 animals.
- The 2007 UAS/grant also provides funds for a companion animal mobile unit for the Charlotte-Mecklenburg Animal Care and Control division. Due to the large animal population, the Charlotte-Mecklenburg unit must be larger and include sheltering capability. The unit is being designed now and will house approximately 100 animals.

#### **Small Business Opportunity**

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of SBO Policy).

#### **Funding**

2007 UASI Grant

## **48. Hawthorne Lane Pedestrian Bridge Air Rights Easement**

**Action:**      **Adopt a resolution that approves the granting of air rights over Hawthorne Lane to Providence Road Land Partners, LLC. for \$20,160.02.**

**Staff Resource:**      Linda Poissant, Transportation

#### **Explanation**

- Staff recommends the granting of air rights to Providence Road Land Partners, LLC. for the construction of a new pedestrian bridge across Hawthorne Lane connecting the proposed Medical Office Building to Presbyterian Hospital. The pedestrian bridge will be located on Hawthorne Lane between Elizabeth Ave and Park Drive.
- The design of the pedestrian bridge is in conformance with the City's Overstreet Connections Policy and is recommended by Transportation, Engineering and Property Management, and Planning.
- The air rights easement cost is equal to 50% of the tax value of the adjacent private property ( $\$24.00 \text{ per sq. ft.} \times 1,680 \text{ sq. feet} = \$40,320.04 \times .5 = \$20,160.02$ ).

**Attachment 44**  
Resolution  
Declaration of Withdrawal

**49. Declaration of Withdrawal for an Alleyway Connected to N. Irwin Avenue**

**Action:** Adopt a resolution stating that a 10-foot alleyway running off of N. Irwin Avenue is not part of the adopted street plan (thoroughfare plan).

**Staff Resource:** Linda Poissant, Transportation

**Policy**

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

**Explanation**

- North Carolina General Statute 136-96, states that a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan.
- These unused and unopened rights-of-way are not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution.
- Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

**Petitioner**

Mr. Thomas Blue

**Right-of-Way to be withdrawn**

A 10-foot alleyway connected to N. Irwin Avenue

**Location**

Beginning N. Irwin Avenue continuing northwest approximately 137 feet to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for private maintenance

**Attachment 45**

Map  
Resolution

## 50. Beaverdam Creek Watershed Monitoring Study

- Action:**
- A. Approve a contract with North Carolina State University (NCSU) for \$29,801 for research services FY2009,**
  - B. Authorize the City Manager to amend the NCSU contract in an amount not to exceed \$193,163 to complete the study,**
  - C. Approve a contract with the University of North Carolina at Charlotte (UNCC) for \$24,066 for research services for FY2009, and**
  - D. Authorize the City Manager to amend the UNCC contract with in an amount not to exceed \$274,620 to complete the study.**

**Staff Resource:** Daryl Hammock, Engineering and Property Management

### Explanation

- The Beaverdam Watershed Monitoring Study will evaluate the effects of development on streams in the Beaverdam Creek watershed and Brown's Cove on Lake Wylie.
- Study results will help evaluate the effectiveness of post-construction storm water controls, erosion control practices and other federally required best management practices. Study results will also reveal how streams change physically and biologically as a result of development.
- Data acquired through this study will enable the City to evaluate and make any necessary changes to existing ordinances related to flood control and water quality.
- A Memorandum of Understanding was signed in 2002 between the City, Mecklenburg County and Dixie River Land Company, LLC to allow property access and share costs of pre-development monitoring of the streams and Brown's Cove.
- Two years of pre-development data were collected in 2002 and 2003, and limited active development data has been collected annually since 2003.
- This portion of the study will continue evaluation of the watershed during the active development phase.

### Clean Water Management Trust Fund Grant

- A \$161,223 grant from Clean Water Management Trust fund has been awarded for this study. The grant will fund up to 50% of study costs for three years (\$72,669).
- City Council approved and accepted this grant on January 30, 2008 through a resolution and budget ordinance.
- The grant will fund up to 50% of study costs for the next three years. Additional grant funds will be sought for the remainder of the study at the end of year three (\$72,669).
- It is expected that grants will fund 50% of the \$467,783 total cost of the study.

### Contracts with NCSU and UNCC

- Contract approvals (Actions A and C) will fund monitoring services through June 30, 2009.

- Contract amendments not to exceed a combined value of \$467,783 will be needed to continue the study through December 31, 2012 and are represented by actions B and D.

#### **Deferral Consequences**

- Staff could not evaluate the costs and effectiveness of post-construction storm water controls, erosion control practices and other best management practices.
- The gap in data collection from a prolonged delay would threaten the validity of the study.
- The costs of field surveying would increase by 30-50% if survey is not conducted in the winter due to the presence of leaves.
- Arrangements with the universities for the continued use of graduate students on this project will adversely affect research already in progress.
- Over the last year, staff actively urged the grant agency to fund studies of this nature that have statewide implications. The agency ultimately created a new, specialized funding category for similar studies in response to this request.
- If the grant awarded by the State is not accepted in the near term, the grant will likely be retracted and awarded to another municipality. This loss would create a financial impact.

#### **Small Business Opportunity**

Interlocal contracts are considered exempt (Appendix Section 23.8 of the SBO Policy).

#### **Funding**

Storm Water Capital Investment Plan

## **51. Marsh Road Storm Drainage Repair**

**Action: Approve change order #1 to the contract with OnSite Development in the amount of \$373,148.75.**

**Staff Resource:** Jennifer Smith, Engineering and Property Management

#### **Explanation**

- A 2004 Storm Water project made improvements to the storm drains in the Marsh Road area, bounded by South Boulevard, Scaleybark Road, Hartford Avenue, Selwyn Farms Lane, and Marsh Road.
- The contractor at that time did substandard work, which resulted in pavement settlement/failure and other problems with the storm drains. The City sued the contractor and recovered monetary damages for the substandard work.
- Repairs to the original work are being made through a contract awarded by City Council to OnSite Development on March 24, 2008 for \$1,496,706.25.
- The original scope of the OnSite Development contract was based on repairs that were observable on the surface and through video inspection of the pipes, but further repair needs have been identified as the problem areas have been excavated.
- Change order #1 provides for additional unit prices to complete the extra work. It also includes milling and repaving of the areas where excavation has occurred.

- The new contract amount is \$1,869,855, and construction completion is scheduled for the fourth quarter of 2008.

#### **Deferral Consequences**

- Failures of the original work will continue, requiring emergency repairs that would likely be more costly to address on an individual basis.
- The streets that have been cut and excavated twice in four years would be patched, not repaved, increasing the possibility of long-term damage.

#### **Small Business Opportunity**

All additional work involved in this change order will be performed by the current Contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy). OnSite Development committed 21.76% (\$81,198) of this change order to the following SBE firm: Union Paving Contractors (\$81,198).

#### **Funding**

Storm Water Capital Investment Plan

## **52. Edwards Branch Stream Restoration Phase III**

**Action: Approve contract amendment #1 with CH2M Hill for stream restoration engineering services in the amount of \$313,200.**

**Staff Resource:** Jennifer Smith, Engineering and Property Management

#### **Stream Restoration**

- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition.
- The Clean Water Act requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Federal and State regulations require mitigation for impacts to streams and wetlands caused by public projects.
- In 2004, Storm Water Services secured approval from Federal and State Agencies for the creation of a Stream and Wetland Mitigation Bank (the Bank).
- The Bank allows the City and other local jurisdictions the flexibility to mitigate stream impacts locally, rather than paying into a statewide fund.
- This project supports the City's Bank, which provides compensatory mitigation credit to public projects that impact streams and wetlands.
- Mitigation credits are currently sold by the Bank to individual projects at the statewide market rate (currently \$323 per linear foot), which allows the Storm Water Program to recoup approximately 75% of the cost associated with restoring streams.

#### **Edwards Branch Stream Restoration Project - Phase 3**

- The Edwards Branch watershed is bounded by Central Avenue to the north, Sharon Amity Road to the east, Independence Boulevard to the south and southwest and Norland Road to the northwest.
- The Edwards Branch project is a watershed-wide water quality and flood control project. The project was split into three phases:
  - Phase I included stream restoration and a constructed wetland designed by CH2M Hill in conjunction with Mecklenburg County and was completed in 2002.

- Phase II included stream restoration and flood control components designed by Kimley-Horn. The original construction was completed in 2005.
- Phase III includes stream restoration and BMP's (Best Management Practices) *to reduce storm water pollution and improve our water quality*. This project provides State and Federally required compensatory mitigation for City projects, and will potentially generate 4,800 linear feet of mitigation credit. This amendment provides additional funding for the design phase, as well as construction administration support services.

### **Contract History**

- Council approved a master contract with CH2M Hill for \$125,000 on March 27, 2000 for unspecified stream restoration services.
- The contract was amended on March 25, 2002 for an additional \$125,000, making the total contract amount \$250,000, which was used for the Edwards Branch Phase I project.
- Council approved a new contract for \$458,319 on June 13, 2005 with CH2M Hill for the Edwards Branch Stream Restoration Phase III. Funding included the planning phase and some monies to begin the design phase.
- Amendment of the Phase III contract was anticipated at the time the original contract was approved, contingent on consultant performance. The consultant has been a strong performer and continued work with the firm is desired.
- This contract amendment will complete work for projects that have already been scoped.

### **Deferral Consequences**

- If this project is delayed, City construction projects will likely not have stream mitigation credits available at the time they are needed.
- In that case, there would be two choices: City projects would be required to perform the stream mitigation on-site, which would likely be more expensive or impractical, or the City could choose to pay into a statewide fund that would be used to restore streams outside the Charlotte area.
- Environmentally, restoring resources locally helps improve local water quality whereas sending those dollars to the state helps improve the water quality of other jurisdictions.
- Financially, the Edwards Branch project is anticipated to be as much as 35% less expensive than paying into the statewide fund due to recent changes in mitigation fees.

### **Small Business Opportunity**

All additional work involved in this Amendment will be performed by CH2M Hill and their existing sub-consultant (Part D: Section 6 of the SBO Policy).

### **Funding**

Storm Water Capital Investment Plan

## 53. Solid Waste Services Facility – Contract B

**Action:** Award the low bid of \$5,617,880 to Edison Foard, Inc. for construction of a new Solid Waste Services facility. The low bid includes Alternate No. 3 (finish all areas of the building) and Alternate No. 4 (high-energy efficiency mechanical system).

**Staff Resource:** Michelle Haas, Engineering and Property Management

### Explanation

- This award is the second of three contracts associated with the construction of a new administration and ready room facility for Solid Waste Services at Otts Street. The facility consists of a 37,360 square foot, two-story administrative building and a 4,400 square foot storage building, with associated parking.
- The existing Solid Waste Services building is in poor condition. The new facility is adjacent to the existing heavy vehicle maintenance facility and truck parking area, and will result in five acres of surplus property that can be sold for development as approved by the City Council in January 2007.
- Due to the uncertainty of the bidding climate this year, the bid included alternates that provide flexibility in managing the project budget. Current economic conditions have resulted in very positive bids, allowing selection of the add alternates, which finish all areas of the building and add a high-efficiency mechanical system, while staying within the budget for the building portion of the project.
- The building and base bid include a roof structure capable of supporting a green roof, should the City Council adopt a green roof policy in the future. A lighter roof structure was bid as a deduct alternate, should that be necessary to maintain the budget.
- Bids were received on September 25, 2008, in which Shelco, Inc. submitted the lowest base bid and Edison Foard, Inc. submitted the second lowest base bid. When alternate #3 and #4 are added to the base bid, Edison Foard becomes the recommended, low, overall bid (shaded in the table below).
- While the base bid includes the stronger roof structure to allow a future green roof, selecting alternate #5 for a lighter structure would result in a cost reduction and would make Shelco the overall low bidder.

Bidders	Base Bid	Alternate #3	Alternate #4	Total Bid w/ Alt. #3 & #4	Alternate #5	Total Bid w/ Alt. #3, #4 & #5
Shelco, Inc.	\$5,346,730	\$91,900	\$189,800	\$5,628,430	-\$108,165	\$5,520,265
Edison Foard	\$5,351,880	\$80,000	\$186,000	\$5,617,880	-\$ 95,000	\$5,522,880

- Construction of the buildings is scheduled for completion in the fourth quarter of 2009.
- Contract B is within the overall project budget of \$9 million.

### Deferral Consequences

- This project is a phase of the Central Yard Master Plan. It supports the City Council's commitment to redevelop the Central Yard to make land available for redevelopment as part of the overall revitalization of the Belmont Community.

- Very competitive and excellent low bid prices would expire; the project would have to be re-bid.

<b>Summary of Bids</b>	<b>Base Bid plus Alternate No. 3 and 4</b>
Edison Foard, Inc.	\$5,617,880.00
Shelco, Inc	\$5,628,430.00
R.L. Casey, Inc.	\$5,683,275.00
Beam Construction, Inc	\$5,703,905.00
Sorensen Gross, Inc	\$5,736,888.88
D.R. Mozeley, Inc	\$5,741,700.00
LeChase Construction	\$5,817,441.06
TK Browne Construction	\$5,860,597.60
Hunter Roberts Constr.	\$5,892,100.00
PCL Construction	\$5,907,392.00
Mainline Contracting	\$5,919,220.00
J.F. Schultze Constr.	\$5,934,525.31

**Small Business Opportunity**

Established SBE Goal: 9%

Committed SBE Goal: 1.2%

Edison Foard, Inc. failed to meet the SBE goal, but earned the required number of Good Faith Efforts Points. (Part B, Section 2.1 of the SBO Policy). They committed 1.2% (\$62,679.00) of the total contract amount to the following SBE firms: Union Paving - \$20,679.00, Carolina Fire Dogs, LLC - \$42,000

**Funding**

Government Facilities Capital Investment Plan

**54. Fire Station #16 Renovations**

**Action: A. Reject the low bid from Olympia Development Group for failure to comply with the Small Business Program Policy, and**

**B. Award the construction contract for Fire Station #16 Renovations to H. C. Rummage, Inc. for \$225,236.**

**Staff Resources:** Rich Granger, Fire  
Bruce Miller, Engineering and Property Management

**Explanation**

- Fire Station #16 is located at 6623 Park South Drive.
- The project includes constructing bathroom and shower for females, an exercise facility, and bringing the station’s mechanical and electrical systems up to current standards in size and function.
- Firefighters are required to pass a physical fitness requirement each year which requires an appropriate fitness program. The exercise facility allows firefighters to exercise and remain close to the fire truck for emergency response.
- Providing separate and adequate female bath facilities protects the City from employment discrimination claims.
- The Renovation of this 1966 facility will provide appropriate space for continued operations and prevent future building replacement.

- City Council approved funding for renovation for existing Fire Stations in FY2005.
- Construction completion is scheduled for third quarter of 2009.

### **Reject the Low Bid from Olympia Development Group**

- Reject the low bid of \$219,458 from Olympia Development Group.
- Olympia Development Group failed to meet the SBE utilization goal and good faith efforts of the Small Business Development Program established for this project. The SBE Utilization Goal for the project was 7.00%, for which Olympia committed 0.94% and they achieved only 35 points out of the 155 minimum required good faith effort points.

### **Deferral Consequences**

- If this item is deferred, the lowest responsive bid being 21% (\$59,764 savings) below the Engineer's estimate would expire. Construction materials may escalate, thereby increasing future bids.

### **Summary of Bids**

Olympia Development Group, Inc.	\$219,458.00
H.C. Rummage, Inc.	\$225,236.00
M.V. Momentum Construction, LLC	\$243,100.00
Pinnix, Inc.	\$250,800.00
Gais Construction, Inc.	\$251,615.00
T.K. Browne Construction Company	\$258,344.00
Ladd Construction, Inc.	\$259,187.00
R. Black & Associates	\$262,900.00
Ponder & Company, Inc.	\$263,025.00
H & H Remodeling, LLC	\$268,491.60
Vanderhall & Alexander Constructors, LLC	\$272,699.30
Prism Construction, Inc.	\$273,766.00
D.E. Brown Construction, Inc.	\$285,670.00
T.A. Hudson Construction Company	\$295,170.81
Farley Associates General Contractors	\$323,400.00

### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 11.42%

H. C. Rummage, Inc. exceeded the SBE established goal and committed 11.42% (\$25,739.00) to the following SBE firms: Carolina Fire Dogs (\$2,500.00), Cochrane Steel, Inc. (\$1,350.00), E. Moore & Son Electric Inc. (\$19,084.00) and Reliable Hauling & Grading (\$2,805.00).

### **Funding**

Government Facilities Capital Investment Plan

## 55. 2008 Council Meeting Schedule Amendment

**Action:** Direct the City Clerk to amend the Mayor and Council's regular meeting schedule by changing the time of the December 8 Council Business Meeting to 4:00 p.m. instead of 7:00 p.m. in the Meeting Chamber.

**Staff Resource:** Brenda Freeze, City Clerk

### Explanation

- N.C.G.S. 143-318.12(3) requires that the City Clerk keep on file a schedule of the time and place of Council's regular meetings.
- The Clerk is required by State Statute 160A-171 to give notice of Council's Regular Meetings and does so by keeping and posting the attached schedule.
- The Carolina Panthers have a home game at Bank of America Stadium in Charlotte at 8:30 p.m. on December 8, 2008.
- December 8 is the only Council Business Meeting for the month of December, 2008.
- If Council approves changing this meeting to 4:00 p.m., the City Clerk will arrange posting the revised schedule with all media venues through Corporate Communications.

### Attachment 46

Current Council Meeting Schedule

## 56. Property Transactions for Enclave Subdivision at Steele Creek Road

**Action:** **A Adopt a budget ordinance appropriating \$88,906 in developer funding, and**

**B. Approve property transactions for Enclave Subdivision at Steele Creek Road.**

**Staff Resource:** Mike Knox, Engineering and Property Management

### Explanation

- CDOT staff has approved design and construction of a turn lane for the new Enclave Residential Development.
- Enclave Subdivision is about one-half mile south of the intersection of Tryon Street and Steele Creek Road.
- The developer is paying for all expenses associated with the construction of the turn lane with current CDOT standards.
- This turn lane follows CDOT current policies of serving subdivisions for safety standards.
- City Real Estate staff negotiated the purchase of all three parcels.

### Budget Ordinance

The budget ordinance appropriates \$88,906 in developer funding for the acquisition of property for Enclave Subdivision to include costs for land

acquisition (\$73,800) and expenses (\$15,106) incurred in order to process the property transactions listed below.

**Property Transactions**

Project: Enclave Subdivision At Steele Creek Road, Parcel # 1  
Owner(s): John Knox Hoover, Jr And Wife, Martha Jeanette Hoover a/k/a Jeanette S. Hoover  
Property Address: 14701 Steele Creek Road  
Property to be acquired: 16,335 sq. ft. (.375 ac.) in Fee Simple, plus 17,250 sq. ft. (.396 ac.) in Existing Right-of-way  
Improvements: None  
Landscaping: None  
Purchase Price: \$50,000  
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. Developer to pay all associated costs.  
Zoned: R-3  
Use: Rural Homesite  
Tax Code: 219-071-02  
Total Parcel Tax Value: \$243,400

Project: Enclave Subdivision At Steele Creek Road, Parcel # 2  
Owner(s): Karen Janine Hoover  
Property Address: Steele Creek Road  
Property to be acquired: 2,570 sq. ft. (.059 ac.) in Fee Simple, plus 2,526 sq. ft. (.058 ac.) in Existing Right-of-way  
Improvements: None  
Landscaping: None  
Purchase Price: \$11,900  
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. Developer to pay all associated costs.  
Zoned: R-3  
Use: Single Family Residential  
Tax Code: 219-071-20  
Total Parcel Tax Value: \$27,800

Project: Enclave Subdivision At Steele Creek Road, Parcel # 3  
Owner(s): Dena Marie Zottola  
Property Address: 14833 Steele Creek Road  
Property to be acquired: 3,049 sq. ft. (.070 ac.) in Fee Simple, plus 2,004 sq. ft. (.046 ac.) in Existing Right-of-way  
Improvements: None  
Landscaping: None  
Purchase Price: \$11,900  
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. Developer to pay all associated costs.  
Zoned: R-3  
Use: New Parcel  
Tax Code: 219-071-27  
Total Parcel Tax Value: \$27,800

**Funding**

Developer	
Acquisition Value	\$73,800
Expenses	<u>15,106</u>
Total	\$88,906

**Attachment 47**  
Budget Ordinance

**57. Exchange of Land Rights along the South Corridor Light Rail Project with Colonial Properties Trust**

- Action:**
- A. Adopt a resolution authorizing an exchange of real property with Colonial Properties Trust (Developer) involving Tax I.D. 147-017-10, and**
  - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights between the City and Developer.**

**Staff Resources:** Tim O'Brien, Engineering and Property Management  
Tina M. Votaw, CATS

**Policy**

"City Council will balance the benefits of the sale of any of its assets with other Council policies and goals" *Guidelines for Contracting Services and Asset Management, July 25, 1994, and*

The New Bern Transit Station Area Plan adopted by Council on July 28, 2008 which describes the City's vision for development along the LYNX Light Rail Corridor.

**Explanation**

- The Developer proposes to build a new residential, development, known as Colonial Grand At South End containing approximately 350 apartments slightly north of the New Bern Light Rail Station.
- The Developer's plans for Colonial Grand are consistent with the Transit Oriented Development (TOD) zoning district, the New Bern Transit Station Area Plan and are transit supportive, consistent with the City's vision for the transit corridor.
- As is the case with many properties along the light rail corridor, the Developer's property rights extend to the centerline of the rail right of way, subject to the City's charter rights for rail purposes. In order to construct Colonial Grand, the Developer has requested that the City release a portion of its charter rights within the unused right of way.
- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair compensation as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The land exchange is recommended given that the Developer's plans are consistent with the City's vision of transit supportive development along the light rail corridor. As such:

The City Receives from Developer

- "Fee" title to approximately 17,850 square feet (valued at approximately \$76,755) for land to remain in use as the rail corridor. The release of the Developer's rights will convert the City's charter right-of-way to full fee ownership.

- Developer will pay for the construction of a public corridor adjacent to the rail right of way that includes a new section of concrete trail, fire lane/emergency access, installation of deluxe acorn light fixtures and poles now required by the City as trail lighting, installation of decorative fence between the trail and the light rail tracks and landscaping.
- Indemnity related to any effects from the operation of the light rail system, including but not limited to noise and vibration.
- Secondary benefit; property tax revenues for the first phase of the new development will increase from approximately \$53,800/year to approximately \$620,000/year.

Developer will Receive from the City

- Release of charter rights to approximately 2,400 square feet (valued at approximately \$51,600).
- Easement upon the new trail (if needed) to achieve adequate separation between the new development and rail corridor ("no build easement") as required by Mecklenburg County Building Standards.
- Permanent easements and license agreements as needed to construct and maintain the improvements outside of the active light rail corridor.

**Background**

- In 1999, the City of Charlotte purchased the 130-ft wide Charter Right-of-Way formerly owned by Norfolk Southern Railroad in the South End area. The right-of-way is wider than necessary for trolley and transit purposes. Therefore, also in 1999, the City adopted an Administrative Policy with regard to utilization of the rail corridor which indicated that the City would retain approximately 70 feet in width for rail purposes and approximately 30 feet in width along both sides could be utilized for possible incorporation into adjacent properties as transit friendly development or could be retained by the City as buffer areas if needed.
- The New Bern Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right of way may be incorporated into adjacent transit friendly development. The Developer's plans incorporated the City's desired development standards along the right-of-way, in advance of those standards being imposed by Council adoption of the New Bern Transit Station Area Plan.

**Attachment 48**

Area Map

Architectural rendering of Colonial Grand Project

Resolution

## 58. Exchange of Land Rights along the South Corridor Light Rail Project with Citiline Resortline, Inc.

- Action:**
- A. Adopt a resolution authorizing an exchange of real property with Citiline Resortline, Inc. dba SouthEnd Silos LLC (Developer) involving Tax I. D. 147-017-24, and**
  - B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights between the City and Developer.**

**Staff Resources:** Tim O'Brien, Engineering & Property Management  
Tina M. Votaw, CATS

### Policy

"City Council will balance the benefits of the sale of any of its assets with other Council policies and goals" *Guidelines for Contracting Services and Asset Management, July 25, 1994*, and

The New Bern Transit Station Area Plan adopted by Council on July 28, 2008 which describes the City's vision for development along the LYNX Light Rail Corridor.

### Explanation

- The Developer proposes to build a new mixed-use development in several phases known as The Silo's District. The District is anticipated to include approximately 200,000 square feet of commercial space and 750 residential units located slightly north of the New Bern Light Rail Station.
- The Developer's plans for The Silo's District are consistent with the Transit Oriented Development (TOD) zoning district, the New Bern Transit Station Area Plan and are transit supportive, consistent with the City's vision for the transit corridor. The Developer's rezoning petition was approved by Council on February 19, 2008.
- As is the case with many properties along the light rail corridor, the Developer's property rights extend to the centerline of the rail right-of-way, subject to the City's charter rights for rail purposes. In order to construct the project, the Developer has requested that the City release its charter rights upon a portion of the unused right-of-way.
- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair compensation as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property, and other benefits.
- The land exchange is recommended given that the Developer's plans are consistent with the City's vision of transit supportive development along the light rail corridor. As such:

#### The City Receives from Developer

- "Fee" title to approximately 10,800 square feet (valued at approximately \$17,150) for land to remain in use as the rail corridor. The release of the Developer's rights will convert the City's charter right-of-way to full fee ownership.
- Developer will pay for the reconstruction of the City's public corridor

adjacent to the light rail tracks, including conversion of the City's existing asphalt pedestrian trail to concrete, costs to upgrade the existing lighting along the trail from the standard "shoebox" light fixture and pole to the deluxe acorn fixture and pole now required by the City and installation of decorative fence between the trail and the light rail tracks (replacing the City's existing chain link fence), valued at approximately \$100,595.

- Indemnity related to any effects from the operation of the light rail system, including but not limited to noise and vibration.
- Secondary benefit; property tax revenues for the first phase only of the new development will increase from approximately \$14,685/year to approximately \$498,000/year.

Developer will receive from the City

- Release of charter rights to approximately 7,485 square feet (valued at approximately \$59,000.
- Permanent easements and temporary construction easements as needed to construct and maintain the improvements including if necessary, an easement to assure adequate separation between the new development and the rail corridor if required by Mecklenburg County Building Standards.

**Background**

- In 1999, the City of Charlotte purchased the 130-ft wide Charter Right-of-Way formerly owned by Norfolk Southern Railroad in the South End area. The right-of-way is wider than necessary for trolley and transit purposes. Therefore, also in 1999, the City adopted an Administrative Policy with regard to utilization of the rail corridor which indicated that the City would retain approximately 70 feet in width for rail purposes and approximately 30 feet in width along both sides could be utilized for possible incorporation into adjacent properties as transit friendly development or could be retained by the City as buffer areas if needed.
- The New Bern Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right-of-way may be incorporated into adjacent transit friendly development. The Developer's plans incorporated the City's desired development standards along the right-of-way, in advance of those standards being imposed by Council adoption of the New Bern Transit Station Area Plan. The Developer agreed to incorporate those items in advance so that the right-of-way frontage will be consistent with future development that will be guided by the Council adopted Plan. Therefore, the Developer is being given "credit" for the cost of these items against the value of the right of way they will receive from the City.

**Attachment 49**

Area Map

Architectural rendering of The Silo's District Project

Resolution

## 59 . Property Transactions

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

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

### Acquisitions

- A. Project:** Dixie River Road Realignment, Parcel # 6  
**Owner(s):** Deborah Dwight AKA Deborah Dowling  
**Property Address:** 9417 Steele Creek Road  
**Property to be acquired:** 11,664 sq. ft. (.268 ac.) in Fee Simple, plus 32 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 1,274 sq. ft. (.029 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$115,725  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
 Use: Rural Homesite  
**Tax Code:** 201-091-04  
**Total Parcel Tax Value:** \$167,900
- B. Project:** Dixie River Road Realignment, Parcel # 7  
**Owner(s):** Robert Henry Freeman, Jr. And Wife, Louise F. Freeman  
**Property Address:** 9315 Steele Creek Road  
**Property to be acquired:** 7,851 sq. ft. (.180 ac.) in Fee Simple, plus 685 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 937 sq. ft. (.022 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$79,725  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
 Use: Rural Homesite  
**Tax Code:** 201-091-14  
**Total Parcel Tax Value:** \$166,800
- C. Project:** Southwest Water Transmission Main - Phase C, Parcel # 18  
**Owner(s):** The Inspirational Network, Inc.  
**Property Address:** 4301 Westinghouse Boulevard  
**Property to be acquired:** 13,904 sq. ft. (.319 ac.) in Utility Easement, plus 5,093 sq. ft. (.117 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$14,214

**Remarks:** Compensation was established by independent, certified appraisals related to this property.

**Zoned:** I-2

**Use:** Industrial

**Tax Code:** 199-171-05

**Total Parcel Tax Value:** \$2,871,700

- D. Project:** Southwest Water Transmission Main - Phase C, Parcel # 41  
**Owner(s):** John B. Hammond And Wife, Mary T. Hammond  
**Property Address:** 13025 Sledge Road  
**Property to be acquired:** 11,046 sq. ft. (.254 ac.) in Utility Easement, plus 4,956 sq. ft. (.114 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$15,150  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Agricultural – Commercial Production  
**Tax Code:** 199-061-10  
**Total Parcel Tax Value:** \$4,386

### Condemnations

- E. Project:** Airport Master Plan Land Condemnation  
**Owner(s):** Southern Spindle and Flyer Co. Inc.  
**Property Address:** 3721 Harlee Avenue  
**Property to be acquired:** 6.73 acres  
**Improvements:** warehouse/office building  
**Purchase Price:** \$1,191,000  
**Remarks:** Property was valued by tax office at \$545,800 in 2003 which does not reflect the current market values. The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI 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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned: I2 Use:** warehouse/office  
**Tax Value:** \$545,800  
**Tax Code:** 115-151-16
- F. Project:** South Boulevard Left Turn Lane, Parcel # 7  
**Owner(s):** Krodell, LLC And Any Other Parties Of Interest

**Property Address:** 1311 Hill Road  
**Property to be acquired:** Total Combined Area of 32,490 sq. ft. (.746 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Slope Easement, plus Guy Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$175,725  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 173-202-16  
**Total Parcel Tax Value:** \$9,488,300

- G. Project:** Southwest Water Transmission Main - Phase C, Parcel # 7  
**Owner(s):** Cabrie Family Limited Partnership And Any Other Parties Of Interest  
**Property Address:** 10510 Steele Creek Road  
**Property to be acquired:** Total Combined Area of 72,996 sq. ft. (1.676 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$52,500  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential - Rural Acreage  
**Tax Code:** 199-541-01  
**Total Parcel Tax Value:** \$1,753,400

## 60. Meeting Minutes

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

- September 2, 2008, and
- September 8, 2008