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Michael Barnes  
Nancy Carter  
Andy Dulin  
Anthony Foxx  
Patsy Kinsey

John W. Lassiter  
Don Lochman  
James Mitchell, Jr.  
Patrick Mumford  
Warren F. Turner

# **CITY COUNCIL MEETING**

**Monday, August 28, 2006**

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# CITY COUNCIL AGENDA

Monday, August 28, 2006

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## **3:00-6:00 P.M. CITY MANAGER'S EVALUATION**

### **6:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

#### **1. Crescent Development at City Boulevard and I-85**

**Resources:** Tom Flynn, Economic Development  
Tracy Finch, Economic Development

**Time:** 5 minutes

##### **Synopsis**

- Staff requests referral of this proposal to the Economic Development and Planning Committee.
- Crescent Properties is working on the development of their 165 acres at City Boulevard and I-85 in University City.
- They have requested assistance from the City in building the connector road from City Boulevard to McCullough Drive. Constructing this connection sooner than later would offer some relief to the already congested N. Tryon Street and Harris Boulevard intersection. Without public assistance, only a small portion of the connector road would be constructed to accommodate an upcoming big box tenant.
- The Urban Boulevard Study and the 29/49 Weave Study have been ongoing studies to investigate options for improving land uses and connectivity within the area.
- This study has identified two vital connections for improving connectivity within the Crescent property. First, a connector road that extends from City Boulevard north to McCullough Drive. This connection provides an alternative to north south travel beyond N. Tryon Street and I-85. Second, a future road has been identified as an east/west connection from N. Tryon Street west across I-85.
- Building the road connection also helps demonstrate the City's commitment to achieving an at grade 29/49 intersection.
- Crescent Properties has proposed to build and pay for the new road and be reimbursed by the City from incremental property taxes over a ten year period.
- Projected City tax revenues could provide an estimated \$4 million towards constructing this road.
- Crescent is also in conversations with County staff to determine if County participation is possible.

##### **Attachment 1**

Map

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

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

**CONSENT**

- 2. Consent agenda items 15 through 50 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

### 3. Public Hearing on Resolution to Close a Portion of Perimeter Parkway Located Between Perimeter Woods Drive and W.T. Harris Boulevard

- Action:**
- A. Conduct a public hearing to close a portion of Perimeter Parkway located between Perimeter Woods Drive and W.T. Harris Boulevard, 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.

**Petitioner**

Perimeter Woods Land, LLC and Perimeter Woods Business Park, LLC -  
John Carmichael/Kennedy Covington

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

A portion of Perimeter Parkway located between Perimeter Woods Drive and W.T. Harris Boulevard

**Location**

Located within the Northlake Community beginning from Perimeter Woods Drive continuing north approximately 1,400 feet to its terminus at W.T. Harris Boulevard.

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed mixed use development containing a Lowe's Home Improvement and miscellaneous retail and office/residential. Rezoning petition 2005-11 was approved City Council on July 18, 2005. This abandonment will be contingent upon the developer dedicating/recording the right-of-way needed for the realignment of Perimeter Parkway, posting a construction bond to include the cost of the new roadway and approval of the subdivision plan.

**Notification**

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

Adjoining property owners - None

Neighborhood/Business Associations

Windsor at Wedgewood – No objection

Wedgewood II HOA – No objection

Braemar Community – No objection

Private Utility Companies – No objections

City Departments

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

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

**Attachment 2**

Map

Resolution

#### **4. Public Hearing on Resolution to Close a Portion of Perimeter Parkway Located Between Perimeter Woods Drive and Reames Road**

**Action:**    **A. Conduct a public hearing to close a portion of Perimeter Parkway located between Perimeter Woods Drive and Reames Road, 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.

**Petitioner**

Perimeter Woods Land, LLC and Perimeter Woods Business Park, LLC -  
John Carmichael/Kennedy Covington

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

A portion of Perimeter Parkway located between Perimeter Woods Drive and Reames Road

**Location**

Located within the Northlake Community beginning from Reames Road continuing eastwardly approximately 1,408.5 feet to its terminus at Perimeter Woods Drive

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed mixed use development containing a Lowe's Home Improvement and miscellaneous retail and office/residential. Rezoning petition 2005-11 was approved City Council on July 18, 2005. This abandonment will be contingent upon the developer dedicating/recording the right-of-way needed for the realignment of Perimeter Parkway, posting a construction bond to include the cost of the new roadway and approval of the subdivision plan.

**Notification**

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

Adjoining property owners - None

Neighborhood/Business Associations

Windsor at Wedgewood – No objection

Wedgewood II HOA – No objection

Braemar Community – No objection

Private Utility Companies – No objections

City Departments

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

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

**Attachment 3**

Resolution

Map

## POLICY

### 5. City Manager's Report

### 6. Homicide Task Force Report

**Action:** A. Accept the report of the Homicide Task Force, and  
B. Refer the report to the Community Safety Committee for further discussion and development of action steps.

**Staff Resource:** Keith Parker, City Manager's Office

#### Explanation

- Council approved the formation of a Homicide Task Force at its February 28, 2005 meeting.
- Task Force was formed in response to concerns over increasing homicide rates and the disproportionate victimization of African Americans.
- Task Force was composed of representatives from major stakeholders including Charlotte-Mecklenburg Schools, the Chamber of Commerce, NAACP and Victim's Advocates.
- Task Force has met for a year and has prepared a report which will be presented to the City Council at its August 28 meeting.
- The City Manager recommends that the report be referred to the Community Safety Committee for discussion and development of action steps that can be taken by the City.

### 7. Cultural Facilities Agreements Update



**Action:** Receive an update briefing on the status of the Cultural Facilities Plan and the draft Development Agreement.

**Committee Chair:** John Lassiter

**Staff Resources:** Ron Kimble, City Manager's Office  
Robert Hagemann, City Attorney's Office  
Tom Flynn, Economic Development Office  
Bob Bertges, Wachovia

#### Explanation

- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities and a Memorandum of Understanding for the Development

of the South Tryon Street Cultural Facilities. The cultural facilities include a new Afro-American Cultural Center, the Bechtler Art Museum, a new Mint Museum, a new Performing Arts Theater, and the renovation of Discovery Place.

- In July the General Assembly gave Mecklenburg County the authority to levy up to a 5% increase in the car rental tax.
- The Economic Development and Planning Committee has reviewed the various agreements associated with the Cultural Facilities Plan. At its meeting on August 16, the Committee recommended approval of the draft Development Agreement between the City, Mecklenburg County, Wachovia and R.B.C. Corporation.
- The purpose of the briefing is to provide an update on the Development Agreement, and the scope of the various developments, interlocal, and lease agreements which City Council will consider for approval on September 11.
- The Charlotte-Mecklenburg Cultural Facilities Master Plan Draft Agreements (bound booklet) was sent to Council on August 17, 2006.

#### **Committee Discussion**

- On August 16 the Economic Development and Planning Committee voted 4 to 1 (Lassiter, Dulin, Carter, and Mitchell – for; Lochman – against) to approve the draft Development Agreement between the City, Mecklenburg County, Wachovia and R.B.C. Corporation.

#### **Next Steps**

- September 6 Economic Development & Planning Committee – Review of all agreements
- September 6 County Commission – Proposed action
  - Rental Car Interlocal Agreement
  - Set Public Hearing on Rental Car tax for Sept 19
- September 11 City Council – Proposed action
  - Development Agreement
  - Interlocal Agreements
  - Other Agreements
- September 19 County Commission – Proposed action
  - Development Agreement
  - Cultural Facility Interlocal Agreement
  - Public Hearing and vote on Rental Car tax

#### **Attachment 4**

PowerPoint Overview of Development Agreement and Visuals  
 List of Agreements for September 11<sup>th</sup> Council Action  
 Updated Development Agreement

## 8. Neighborhood Liaison



**Action:** Approve the Housing and Neighborhood Development Committee's recommendation for the Neighborhood Liaison function.

**Committee Chair:** Mayor Pro Tem Susan Burgess

**Staff Resource:** Stanley Watkins, Neighborhood Development

### Policy

On March 27, 2006, the City Council approved the Housing and Neighborhood Development Priority Action Plan, which included examination of a "Neighborhood Ombudsman (Liaison)" function. City Council charged the Housing and Neighborhood Development Committee with examining the concept and reporting back to Council.

### Explanation

- This Neighborhood Liaison initiative would proactively address the needs of declining neighborhoods outside of the City's nine revitalization areas.
- The work would be performed by a Neighborhood Development Specialist who would work proactively with declining neighborhoods to assist in complex problem solving and organization development training.
- The Neighborhood Specialist in this role will work closely with Police and other City and County agencies to address major or multiple neighborhood problems. This position will also help organize and sustain neighborhood organizations (*i.e., Homeowner and Neighborhood Associations, Crime Watches, etc.*) through mentoring, education, recruitment and training.
- Neighborhood Development will assign the three new positions approved in the budget for this initiative and serve 150 neighborhood organizations annually.
- Success for the Neighborhood Liaison initiative will be measured by:
  - Number of organizations served
  - Number of complex problems solved
  - Number of residents attending leadership training
  - Percentage of neighborhoods undertaken initiatives to improve neighborhoods after training
  - Percentage of effective neighborhood organizations meeting minimum criteria of staff's Effective Neighborhood Organization Guide Summary (2006.)

### Committee Discussion

- At the Committee's March 28, 2006 meeting, they discussed the parameters of such a role for the City. The discussion included neighborhood advocacy, information and problem solving roles and capacity building (leadership and organization development training) functions.
- At the Committee's May 10, 2006 meeting, the Committee continued discussion about the parameters of the neighborhood ombudsman function

and asked staff to further define the role and develop a draft description of the function. The Committee felt a more accurate description of the position would be “Neighborhood Liaison” rather than “Neighborhood Ombudsman.”

- The Committee approved the proposed liaison function at their May 23, 2006 meeting by a vote of 4-1 (Barnes, Burgess, Foxx, and Mumford in support and Lochman dissenting).

### **Funding**

Neighborhood Development Operating Budget

## **9. Valet Parking Ordinance**



**Action: Approve Community Safety Committee recommendation to adopt the Valet Parking Ordinance.**

**Committee Chair:** Warren Turner

**Staff Resource:** Doreen Szymanski, Transportation

### **Explanation**

- As Charlotte has grown, so have the demands for use of the City’s rights-of-way. Because of inconsistent behaviors and noncompliance with informal guidelines by valet staff, a formal ordinance has been developed. In particular, the ordinance will assist in:
  - Protecting those who use the public rights-of-way
  - Protecting the City’s asset
  - Maximizing traffic safety around valet sites
  - Ensuring access for emergency services
  - Preparing for continued growth of restaurants in the uptown
  - Reducing impact on other business in areas of valet services
  - Providing minimum standards and clear operational guidelines with penalties for non-compliance
  - Providing cost recovery for staff review and oversight
- CDOT staff sought input from the Hospitality Forum through Charlotte Center City Partners. Major concerns expressed and addressed were:
  - Cost impacts
  - Operational consistency
  - Hold restaurant / business responsible for valet’s conduct
  - Fair access for businesses
- Penalties for non-compliance:
  - \$1000 fine per day for operating without a valid permit
  - \$100 for each violation of permit terms and conditions
  - Ability to modify and revoke a permit
- Other:
  - One-time \$200 application fee
  - \$25 annual renewal permit

- Ordinance includes an appeal process
- Effective date of ordinance is January 1, 2007, however, applications may be submitted prior to January 1.

**Committee Discussion**

- The Community Safety Committee voted 4-0 to recommend the ordinance to City Council (Turner, Kinsey, Dulin and Foxx).
- The Committee discussed costs of the program for the City and the businesses, added mandatory valet employee identification badges, and received assurance that fine levels are sufficient to deter non-compliance.

**Funding**

Transportation Operating Budget

**Attachment 5**

Valet Ordinance



## BUSINESS

### 10. General Obligation Bond Referendum

**Action:** A. Introduce three bond orders and approve a resolution to authorize a General Obligation Bond Referendum including \$85,200,000 of Street Bonds, \$25,000,000 of Neighborhood Improvement Bonds and \$10,000,000 of Housing Bonds, and

B. Set a public hearing for September 11, 2006.

**Staff Resources:** Greg Gaskins, Finance  
Scott Greer, Finance

#### Explanation

- On July 24, 2006, Council approved resolutions authorizing staff to proceed with actions necessary to conduct a general obligation bond referendum for street, neighborhood improvement and housing bonds. This is the second of three council actions required.
- The bond orders authorize the type and amount of bonds to be placed on the November 7, 2006 referendum ballot and shall take effect when approved by the voters.
- The bond orders authorize a tax sufficient to pay annual principal and interest on the bonds and confirm that a sworn statement of the City's debt is on file with the City Clerk for public inspection. The existing tax rate adopted by Council in June 2006 is projected to be sufficient to pay debt service on these bonds when they are issued.
- The City's FY2007-2011 CIP includes projects to be funded by these bonds.
- The action does the following:
  - Introduces bond orders for \$85,200,000 of Street Bonds, \$10,000,000 of Housing Bonds and \$25,000,000 of Neighborhood Improvement Bonds
  - Designates Finance Department Staff to file the Sworn Statement of Debt with the City Clerk
  - Sets the City Council meeting on September 11, 2006 as the place and time for a public hearing concerning the bond orders

#### Funding

Municipal Debt Service Fund

#### Attachment 6

Resolution

Notice of Public Hearing

List of Projects

Referendum Schedule

Excerpt from Council's Budget Adoption Agenda Item

Adopted FY07-11 Capital Investment Plan Spreadsheet

## 11. Business Investment Grant for Gerdau Ameristeel



**Action:** Approve the City share of a Business Investment Grant to Gerdau Ameristeel for a total estimated amount of \$452,000 over five years. (Total City/County grant estimated at \$1.2 million).

**Staff Resource:** Brad Richardson, Economic Development Office

### Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

### Explanation

- Gerdau Ameristeel of Tampa, Florida, is the fourth-largest steel company in North America. The company produces a wide range of steel products for the civil construction, manufacturing, automotive, mining and agriculture industries.
- Gerdau's Charlotte Mill, one of 15 similar mini-mills in North America, opened in 1961 and currently employs 266 people at its location at 6601 Lakeview Road in north Charlotte. Gerdau employees make an average wage of \$81,000, which is in the top 1.5% of wages statewide and more than double the average for the region.
- Since 2003, Gerdau has considered an expansion of the Charlotte Mill. One of the requirements for the expansion is the successful design and procurement of emerging technology to enable Gerdau to better regulate energy used for its electric arc furnace, which is used to melt recycled scrap metal for production of new steel.
- The cost for the new technology is approximately \$9 million, without which, the company has indicated there will be no further investment in the Charlotte Mill. With the new technology, Gerdau has committed to an additional investment of \$17.3 million by the end of 2008 bringing the total investment in new taxable property to \$26.3 million.
- Since 2004, staff has worked with Gerdau, the State of North Carolina and Duke Energy to position the Charlotte Mill for the expansion.
- Gerdau's expansion meets the following Council-approved criteria for an eight-year Business Investment Grant:
  - Investment: \$26.3 million (minimum of \$10 million)
  - Wage rate: \$81,000 (\$47,000 or greater)
  - Targeted Sector (manufacturing)
  - Location (within the City of Charlotte)
- The company does not anticipate a significant number of new jobs; however, the expansion preserves 266 highly-paid manufacturing jobs in Charlotte and anchors the company for future growth in Charlotte.
- Gerdau's large capital investment meets the definition of a large economic development project, but because only a nominal amount of jobs will be

created, staff recommends that Council approve a five-year grant valued at \$1.2 million rather than an eight-year grant valued at \$2.1 million.

- Gerdau is estimated to have a total direct economic impact of \$109.8 million per year on Charlotte’s economy, and generate annual tax revenues of \$638,000 to the City and \$1.1 million to the County.
- The Business Investment Grant will provide a local match for a One North Carolina Fund Grant of \$300,000.
- If approved, the following schedule is an estimate of the Investment Grant payments to Gerdau:

<b>Year</b>	<b>City</b>	<b>County</b>	<b>Totals</b>
1	\$102,520	\$183,065	\$285,585
2	\$96,489	\$172,296	\$268,786
3	\$90,458	\$161,528	\$251,986
4	\$84,428	\$150,759	\$235,187
5	\$78,397	\$139,990	\$218,388
<b>Totals</b>	<b>\$452,294</b>	<b>\$807,640</b>	<b>\$1,259,934</b>

- The general terms and conditions of this grant include:
  - A portion of the grant must be repaid if the company moves this investment from Charlotte within five years of the end of the grant term.
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - All property taxes due from the company must be paid before a grant payment is made.
  - Gerdau must retain the existing workforce of 266 employees over the term of the grant.
- The Business Advisory Committee recommended approval of a Business Investment Grant to Gerdau on August 18, 2006.
- The Board of County Commissioners will consider approval of a Business Investment Grant on September 6, 2006.

**Funding**

Business Investment Grant Account; first payment is estimated to occur in FY09

**12. Major Street Collector Map Amendment and MPO Thoroughfare Plan Amendment**

<p><b>Action:</b></p> <p><b>A. Amend the City’s Major Collector Map to delete the north-south collector from Wilkinson Boulevard to Thayer Road, and</b></p> <p><b>B. Direct the City’s Metropolitan Planning Organization (MPO) representative’s vote on amending the MPO Thoroughfare Plan to add a minor thoroughfare connecting Wilkinson Boulevard to Moores Chapel Road through the Falls Tract.</b></p>
--

**Staff Resources:** Danny Pleasant, Transportation  
Tom Flynn, Economic Development Office  
Debra Campbell, Planning

### **Policy**

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

### **Major Street Collector Map**

- Childress-Klein Properties wants to build a 360,000 sq. ft. industrial warehouse for DMSI, a local logistics company on Falls Tract, an 86-acre parcel on the north side of Wilkinson Boulevard across from Old Dowd Road. The DMSI facility will sit on approximately half the acreage. The remaining half will be used for a similar development in the future.
- DMSI currently employs 450 people in Charlotte and expects to expand to 700 employees in the next several years at this new location.
- The city's adopted Major Collector map indicates a future collector alignment running north-south through the Falls Tract connecting Wilkinson Boulevard with Thayer Road, a residential street.
- The proposed alignment for the collector road impacts Childress-Klein's ability to construct the DMSI project.
- The Falls Tract features severe topography with steep slopes and several stream crossings which will make the construction of the future collector very costly.
- After examining the site and evaluating the collector alignment, staff recommends amending the Major Collector Map to delete the north-south collector through the Falls Tract.
- Staff recommends examining the addition of collectors through the Falls Tract, possibly connecting Sam Wilson Road and Moores Chapel Road. The process for adding additional collectors to the Major Collector Map will be pursued by CDOT through a public involvement process.

### **Metropolitan Planning Organization (MPO) Thoroughfare Plan**

- Staff also recommends amending the MPO Thoroughfare Plan to add a new minor thoroughfare connecting Wilkinson Boulevard to Moores Chapel Road through the Falls Tract.
- With an MPO Thoroughfare Plan amendment, Childress-Klein will build a portion of the minor thoroughfare providing access to their development and reserve right of way for the remainder of the alignment to Moores Chapel Road.
- Staff will also work with the developer on adjustments to the intersection of Wilkinson Boulevard with Old Dowd Road and the new minor thoroughfare.

### **Attachment 7**

Existing Major Collector Map  
Proposed Minor Thoroughfare Alignment

## 13. Police Digital Mobile Video Recorders

- Action:**
- A. Approve a contract with GTSI for the purchase of Flashback™ digital mobile video recorders in an amount not to exceed \$4,500,000 for the term of three years, and**
  - B. Authorize the City Manager to extend the contract for one additional one-year term.**

**Staff Resource:** Ron Horton, Charlotte-Mecklenburg Police

### Explanation

- Accurate video documentation of the activity of Charlotte-Mecklenburg Police Department (CMPD) officers as they interface with the public is vital in protecting the integrity of officers' actions and citizen responses.
- Since approval by Council in 1997, CMPD patrol vehicles record specified activity such as traffic stops during each shift using analog video recorders that have become obsolete. Video recording tapes are used as evidence in court as well as internal investigations involving citizen complaints and pursuit investigations.
- The current analog equipment continues to break down and parts are difficult to acquire.
- CMPD evaluated numerous digital camera systems and associated video management software over the past two years to identify available technology before replacing the analog equipment with digital systems.
- Benefits of a digital video system include:
  - officer time savings (no handling or tracking of VHS tapes)
  - controlled access to video evidence reduces risk of inappropriate use
  - video cannot be altered (digital signature is proof of authenticity)
- New digital technology also allows activity to be recorded from the motorcycle units in addition to the vehicles.

### Selection Process and Purchase

- Five proposals were received on June 9<sup>th</sup> in response to a Request for Proposals.
- The proposal responses were evaluated by a team comprised of CMPD Computer Technology Services personnel and Patrol Officers, as well as representatives from Business Support Services Procurement Services Division.
- Evaluation criteria included system design and functionality, compliance with technical and business specifications, company qualifications and experience, cost effectiveness and value, acceptance of the terms and conditions of the contract, and references.
- The Flashback™ system offered by GTSI was determined to be the best overall solution based on the evaluation criteria, including price.
- CMPD will purchase 13 servers and approximately 250 systems in FY07 for seven motorcycles and 243 cars. The remaining 350 in-car systems will be replaced during the second term of the contract. Actual numbers may vary

slightly and the final systems may not be installed until year three of the contract.

- Digital recording is state of the art technology. This equipment will satisfy CMPD's needs for the foreseeable future and should not require an additional upgrade.

#### **Council Discussion**

- The Council deferred action on this item at the July 24<sup>th</sup> meeting in order to receive information regarding digital mobile video recorders and the Equipment Lease Purchase Program.
- Attached is a complete report responding to Council members questions regarding digital mobile video recorders and funding from the City's equipment lease purchase program.

#### **Funding**

- The City's equipment lease purchase program is used to fund capital equipment items such as police cars, fire trucks, solid waste trucks and significant technology replacements. Equipment purchased from the fund is prioritized based on an evaluation of equipment condition and departmental needs.
- Funding for the Digital Mobile Video Recorders is consistent with the City's policy to fund capital equipment over time to lessen the impact to the City's operating budget in any one fiscal year.
- \$4.5 million is the total cost of the digital mobile video recorders spread over a five-year period within the existing allocation for the equipment lease purchase program. The first year lease purchase payment for the equipment is approximately \$940,000 beginning in FY08. Equipment lease purchase payments included in the FY07 budget are for equipment purchases in prior years.

#### **Small Business Opportunity**

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

#### **Attachment 8**

Response to July 24<sup>th</sup> Council questions regarding digital mobile video recorders and Equipment Lease Purchase Program.

## **14. US National Whitewater Center**

**Action: Adopt a resolution supporting the North Carolina Department of Transportation's use of at least \$1,000,000 of State funds for the construction of access to the US National Whitewater Center.**

**Staff Resource:** Scott Putnam, Transportation

**Explanation**

- The U.S. National Whitewater Center, Inc. is developing an outdoor recreation and environmental learning center open to the public and consisting of mountain-biking trails, a climbing center, running trails, camping area, and a multiple-channel, customized whitewater river for rafting, canoeing, and kayaking, and located near the intersection of I-85 and I-485 along the Catawba River.
- While the Whitewater Parkway is being built, the desirable temporary public access to the Center is by Hawfield Road, which is maintained by the North Carolina Department of Transportation (NCDOT).
- The permanent public access to the Center will be by means of a future constructed public road known as the Whitewater Parkway.
- The State of North Carolina has allocated at least \$1,000,000 to the construction of Whitewater Parkway
- NCDOT requires this resolution in support before it will release state funds for the project.
- NCDOT Division 10 staff has stated that the allocation of these funds for this project will not be subject to the equity formula.

**Attachment 9**

Resolution

## **MAYOR AND COUNCIL TOPICS**

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



## Introduction to CONSENT

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

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

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

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

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

**Contractors and Consultants**

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

## CONSENT I

### 15. Various Bids

#### A. Sandy Porter Road Sidewalk

**EPM**

**Staff Resource:** Bette Frederick

**Action**

Award the low bid of \$163,949.50 by Econ International Corporation of Charlotte, North Carolina. This project will construct concrete sidewalk along the south side of Sandy Porter Road from west of Hillstone Court to east of Oakhaven Drive. The project was identified for construction under the ongoing City sidewalk improvement program. Construction completion is scheduled for second quarter of 2007.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 8.48%

Econ International exceeded the SBE established goal and committed 8.48% (\$13,900) to the following SBE firms: Bullington Construction and

Streeter Trucking. Econ International Corporation is a certified small business enterprise.

**B. FY07 Contract 1, Street Main Extensions – Utilities**  
**Water and Sewer Main Construction**

**Staff Resource:** Doug Bean

**Action**

Award the low bid of \$1,451,309 to R.H. Price, Inc. of Charlotte, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 3 %

Committed SBE Goal: 3.62%

R.H. Price, Inc. met the goal and committed \$52,500 to the following SBE firms: Capstone Civil Group, Brother Construction, Union Paving Contractors, On Time Construction, Reliable Woodworks and Fast Signs.

**C. FY07 Contract 2, Street Main Extensions – Utilities**  
**Water and Sewer Main Construction**

**Staff Resource:** Doug Bean

**Action**

Award the low bid of \$1,683,160.88 to State Utility Contractors, Inc. of Monroe, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 3 %

Committed SBE Goal: 2.49 %

State Utility Contractors failed to meet the goal, but met the mandatory outreach and good faith effort points. They have committed \$41,890 to the following SBE firms: Capstone Civil Group, Fernandez Construction, Best Rate Tree and Landscaping.

**D. Installation of Standby Generators at Ten Utilities**  
**Wastewater Lift Stations**

**Staff Resource:** Doug Bean

**Action**

Award the low bid of \$869,915 by Energy Erectors, Inc. of Charlotte, North Carolina. The project consists of the installation of 10 contractor furnished diesel generator sets, limited site grading, and foundations.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 8.36%

Energy Erectors exceeded the SBE established goal, but failed to met the mandatory outreach requirements. Pursuant to section 8.4 of the SBO Policy, the Program Manager waives the mandatory outreach requirement. Energy Erectors committed \$72,740 to the following SBE firms: West Enterprises and The Carolina Landworks.

**E. Franklin Water Treatment Plant Dechlorination Utilities**

**Staff Resource:** Doug Bean

**Action**

Award the low bid of \$412,063 by Gilbert Engineering Company of Statesville, North Carolina. This project will install dechlorination and spray wash facilities at the Franklin Water Treatment Plant, bringing the plant in compliance with the new requirements from the North Carolina Department of Environment and Natural Resources Division of Water Quality regarding water quality for process water discharged into streams. The Franklin Water Plant is required to meet the new regulatory requirement by February 2007 to be in compliance with the new permit.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.81%

Gilbert Engineering exceeded the SBE goal, and met the mandatory outreach requirements. They have committed \$19,800 to the following SBE firms: Southern States Rebar of SC, Inc. and Commercial Fabricators, Inc.

**F. Water/Wastewater Treatment Chemicals: Utilities  
Bulk Lime & Lime Slurry**

**Staff Resource:** Doug Bean

**Action**

Approve unit price contracts for water/wastewater chemical purchases to Burnett Lime and Chemical Lime in the estimated annual amount of \$649,632 for a term of ten months ending June 30, 2007 and authorize the City Manager to renew the contract for three, additional one-year terms. This bid establishes unit price contracts for Lime Slurry and Bulk Lime chemicals to be used for water and wastewater treatment facilities. All contracts to be awarded are to the lowest bidder meeting specifications.

<u>Chemical Type</u>	<u>Unit Price</u>
Lime Slurry	\$290.00/ton
Bulk Lime	\$128.44/ton

**Small Business Opportunity**

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

**G. Airport Painting Contract****Aviation**

**Staff Resource:** Jerry Orr

**Action**

Approve a contract to A&K Painting Company, Incorporated of Charlotte, North Carolina in the amount of \$159,120 for painting services at the Airport.

**Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO goal was set for this contract because there are no sub-contracting elements in the scope of work.

**H. Airport Water Main Extension****Aviation**

**Staff Resource:** Jerry Orr

**Action**

Award the low bid of \$343,797.90 by Allied Resources of Huntersville, North Carolina for construction of an additional water main to the Airport. Utilities is constructing a new water main through the Airport. This contract is for the construction of a connection from the new water main to the Airport terminal to add flow capacity.

**Small Business Opportunity**

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

**I. Airport Concourse E Building Phase V****Aviation**

**Staff Resource:** Jerry Orr

**Action**

Award the lowest, responsive bid to Edison Foard of Charlotte, North Carolina in the amount of \$9,038,000 for construction of six additional gates on Concourse E. The lowest bidder withdrew its bid.

**Small Business Enterprise**

Established SBE Goal: 10%

Committed SBE Goal: 8.54%

Edison Foard complied with the mandatory outreach criteria and met good faith efforts. They have committed 8.54% (\$771,750) of the total contract amount to the following SBE firms: Cochrane Steel and Superior Mechanical Systems.

## 16. Refund of Property Tax and Business License Tax

**Action:** Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$5,297.15.

**Staff Resource:** Greg Gaskins, Finance

**Attachment 10**  
Resolution  
List of refunds

## 17. In Rem Remedy

**For In Rem Remedy #A-D, 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. 2900 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

**Field Observation:**

- B. 631 Bradford Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- C. 4344 Eagle Chase Drive (Neighborhood Statistical Area 117 – Mountain Island Neighborhood)
- D. 8425 Old Concord Road (Neighborhood Statistical Area 138 – College Downs Neighborhood)

**Public Safety**

**A. 2900 Rozzelles Ferry Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2900 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).**

**Attachment 11**

**Field Observation**

**B. 631 Bradford Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 631 Bradford Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 12**

**C. 4344 Eagle Chase Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4344 Eagle Chase Drive (Neighborhood Statistical Area 117 – Mountain Island Neighborhood).**

**Attachment 13**

**D. 8425 Old Concord Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8425 Old Concord Road (Neighborhood Statistical Area 138 – College Downs Neighborhood).**

**Attachment 14**

## CONSENT II

### 18. South Corridor Light Rail Project-I 485 Parking Garage

- Action:**
- A. Authorize the CATS CEO to negotiate and execute a contract amendment with Crowder Construction Co. for the ongoing construction and completion of the South Corridor Light Rail project-I-485 Parking Garage for an amount not to exceed \$1,500,000, and**
  - B. Adopt a budget ordinance appropriating \$1,500,000.**

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

#### **Explanation**

- This contract provides for the construction of an 1,100 space parking garage, utilities, drainage, earthwork, paving, fencing, elevator and play area roof for use by the local elementary school. The original contract value is \$21,389,000 and included \$800,000 in contingency and a \$349,000 allowance for sales tax to be reimbursed.
- This action will amend the existing contract in the amount of \$1,500,000 and authorize the CATS CEO to execute the amendment with the contractor.
- This contract amendment is necessary due to unforeseen soil conditions not discovered until after the project was underway. The soil and rock at below grade level is not sufficient to support the columns that must be constructed which in turn support the garage. This requires the contractor to drill much deeper than had been originally planned. There are 108 support columns to be constructed at the site and all of them require additional drilling.
- This change order will be funded in part through the Full Funding Grant Agreements (FFGA) issued by the Federal Transit Administration and by NCDOT.

#### **Budget Ordinance**

- This action will appropriate \$1,500,000 for the I-485 garage project budget, \$429,595 FFGA and \$1,070,405 CATS funded.

#### **Disadvantage Business Enterprise Participation**

Established DBE Goal: 16%

Committed DBE Goal: 9.35%

All additional work involved in this amendment will be performed by the current prime contractor and its existing subcontractors. Crowder Construction has committed 9.35% (\$1,999,871) to the following firms: National Erectors, Inc., Carolina Environmental and various DBE suppliers.

#### **Funding**

Transit Capital Program

**Attachment 15**  
Budget Ordinance

**19. Agreement with Bank of America for Funding of the Trade Street Light Rail Station Canopy**

**Action:** Approve an agreement with the Bank of America to for the City to receive a \$250,000 contribution toward the Trade Street Station signature canopy.

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

**Explanation**

- On June 12, 2006 City Council approved a \$1,250,000 amendment to the contract with Archer Western for the installation of a signature canopy at the Trade Street Station on the Lynx Blue Line.
- Because of the prominent location of the Trade Street Station in the Uptown area, Charlotte Center City Partners (CCCP) requested construction of the more architecturally significant canopy at this Station and agreed to provide a \$500,000 contribution toward the extra cost of this canopy.
- Bank of America agreed to provide \$250,000 of the contribution from CCCP. The remaining \$250,000 will be provided by CCCP and five other of its member organizations. The City is entering into individual agreements with each of the funding partners to provide for the funding to occur. Because the amount of the Bank of America Agreement exceeds \$100,000, City Council approval is required.
- The Agreement with Bank of America provides that for a period of ten years the Bank shall have the right, but not the obligation, to install an ATM in the Trade Street Station at fair market rental rates. Should the Bank decide not to install an ATM in the Station, the City has the right to offer the ATM location to any other financial institution at a rate at least equal to what the Bank was offered. The Agreement also provides that for a period of ten years the City will not allow advertising for another banking institution other than Bank of America to be placed in the Trade Street Station.

**20. Airport Terrazzo Maintenance Contract**

**Action:** Award a three-year service contract totaling \$1,107,425 to Stone Restoration of America of Charlotte, North Carolina for cleaning and maintenance of terrazzo flooring.

**Staff Resource:** Jerry Orr, Aviation



**Explanation**

- This is a three-year service contract that will provide trained personnel to perform specialized cleaning, repair and preventative maintenance services for approximately 125,000 square feet of flooring.
- Terrazzo flooring is located in the ticketing lobby area, atrium and other areas in the main terminal.
- The airport installed Terrazzo flooring because it is more cost effective than replacing and maintaining carpet.
- The contractor will be paid a fixed monthly fee.

**Small Business Opportunity**

Pursuant to Section 5 of the SBO Program, no SBO goal was set for this contract because there are no sub-contracting elements in the scope of work.

**Funding**

Airport Operating Budget

**21. Airport Vehicle Maintenance System**

**Action:**   **A. Approve a revision to the agreement with Genuine Parts Company to change the term to a three-year term with 2 one-year extensions, and**

**B. Authorize the Manager to grant the extensions.**

**Staff Resource:**       Jerry Orr, Aviation

**Explanation**

- On February 27, 2006, Council approved an agreement with Genuine Parts Company doing business as NAPA Auto Parts (“NAPA”), pursuant to which NAPA operates an on-site parts warehouse at the Airport.
- The Council Action stated that the agreement was for one year, with the option to renew for four additional one-year terms.
- Prior to executing the agreement, the parties agreed to change the term to an initial three-year term, with the option to renew for two additional one-year terms.
- The payment terms and all other terms remain unchanged.

**Small Business Opportunity**

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

**Funding**

Aviation Operating Budget

## 22. Runway Safety Area Improvements

**Action:** Approve a contract with Kimley-Horn & Associates, Inc. of Charlotte, North Carolina in the amount of \$115,140 to conduct a feasibility study for improving the Runway Safety Area for Runway 36R.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Runway 18L/36R is one of the original runways at Charlotte Douglas International Airport.
- Current Federal Aviation Administration (FAA) standards require that runways have a safety area of 1,000 feet off the ends of the runway to provide an area for aircraft to stop without hitting obstructions, if it were to run off the end of the runway.
- The safety area for the end of Runway 36R is 486 feet, which does not meet current FAA standards. The safety area cannot be extended due to the proximity of the railroad tracks that run just north of the Airport.
- In August 2005, the Airport accepted an FAA grant in the amount of \$4,875,000 for the design and installation of an Engineered Material Arresting System (EMAS) for the overrun of Runway 36R.
- In October 2005, the Airport received qualifications from interested engineering firms for the design of safety area improvements and selected Kimley-Horn based on experience on similar projects.
- Under this contract, Kimley-Horn will conduct a feasibility study to determine if an EMAS system will provide the proper safety margin for aircraft that could overrun the runway since the safety area cannot be extended by normal means.

### Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 8.7%

Kimley-Horn has met the good faith efforts of the DBE program and will contract with Accutech Surveying, Inc. for topographical survey needs in this contract.

### Funding

Airport Capital Investment Plan

## 23. United States Post Office Lease at Airport

**Action:** Approve an amended and restated lease for the United States Post Office Air Mail Center at the Airport.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Council originally approved a lease agreement between the City and the United States Post Office (“Post Office”) on July 14, 1986 for an Air Mail Center located at the Airport.
- The agreement provided for an initial term of ten years, renewable at the Post Office’s option for four additional five-year terms. The Post Office wishes to exercise its third option to renew the lease, pursuant to the original agreement, from 2006 until 2011.
- The original agreement provided that the rate for the current renewal period would be set at “fair market value.” Based upon an appraisal by the Post Office and on the experience of the Airport staff, the fair market value has been determined to have increased to \$71,384 annually.
- The Post Office also wishes to add a new provision allowing it to terminate the lease early. The Post Office paid to build the facility it now occupies; however, title will vest in the City upon expiration or termination of the lease.
- The proposed amended and restated agreement and lease will:
  - update the lease with terms and conditions that are now standard for airport tenants; and
  - accommodate the Post Office’s request for a termination provision; and
  - set the renewal period lease rate at \$71,384 annually

**Small Business Opportunity**

Pursuant to Paragraph 2.14 of the SBO Program, the Program does not apply to leases in which the City is the landlord.

**24. FAA Grant Acceptance**

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Airport Improvement Program grant in the amount of \$9,506,664 for various Airport projects,**
  - B. Adopt a budget ordinance appropriating \$9,506,664 in FAA grant funds and \$375,000 in Airport Discretionary Funds, to be repaid by future General Airport Revenue Bonds, or some other permanent financing, and**
  - C. Adopt a budget ordinance transferring \$3,840,000 of 1999 Series D General Airport Revenue Bonds to the Debt Service Fund.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements. The Airport’s FY2006 entitlement funds (\$8,381,664) will be used to reimburse the Airport for 75% of the costs associated with the Master Plan Land Acquisition program.

- The FAA also allocates a certain amount of discretionary funds for high priority airfield projects. The Airport’s FY2006 discretionary funds (\$1,125,000) will be used to reimburse the Airport for 75% of the costs associated with the design and construction of a new Aircraft Rescue and Fire Fighting (ARFF) Facility.
- This action will also appropriate the following funds for the projects:

Project	Grant Amount	Local Share	Total Project Cost
Master Plan Land Acquisition	\$8,381,664	*\$2,793,888	\$11,175,552
New ARFF Facility	\$1,125,000	\$375,000	\$1,500,000

\* Previously Appropriated

**Funding**

- On December 2, 1999, the City issued \$88,805,000 in variable rate General Airport Revenue Bonds (Series D).
  - Proceeds from these bonds fund the acquisition of land previously approved by Council on April 28, 1997 as part of the Airport’s 1997 Master Plan.
  - It is the intent of the City to redeem up to \$60,000,000 of these bonds upon the receipt of Federal grants.
  - To date, the Airport has allocated \$50,161,613 of grant funds to redeem these bonds.
  - This grant allocates an additional \$3,840,000 of funds to replace bond funds used to acquire land in the 1997 Master Plan.
  - Action C transfers \$3,840,000 of Bond Funds to the Debt Service Fund to redeem a portion of the outstanding debt.

**Attachment 16**  
 Resolution  
 Budget Ordinance

**26. FAA Reimbursable Agreements**

**Action:**    **A. Adopt resolution authorizing Aviation Director to execute two reimbursable agreements with the Federal Aviation Administration (FAA) for the funding, construction and installation of airfield navigational aids (NAVAIDS) at Charlotte Douglas International Airport, and**

**B. Adopt budget ordinance appropriating \$5,560,528 from Airport Fund Balance to fund City’s obligation to purchase NAVAIDS from the FAA, to be repaid from future FAA funds and Airport Revenue Bonds or other available permanent financing.**

**Staff Resource:**        Jerry Orr, Aviation

**Explanation**

- Charlotte Douglas International Airport is in the design stage of the development of the third parallel runway at the Airport.
- Presently scheduled to open in the summer of 2009, the new runway will allow triple simultaneous landings at the Airport, greatly expanding runway capacity and reducing operational delays for the air carriers serving the Airport.
- An essential component of the new runway will be electronic systems (referred to as NAVAIDS) installed at the Airport to assist pilots in navigating to and from the Airport.
- Because of the complexity of these systems and the critical importance of the role they play in operational safety of aircraft, the Airport wishes the FAA to procure and install the NAVAIDS, and to take over their maintenance and operation when the runway becomes operational.
- Procurement of NAVAIDS from the federal government without competitive bidding is legal under state bidding statutes because the federal government is the sole source.
- To achieve this, the City must approve two Reimbursable Agreements with the FAA.

<u>Agreement Number</u>	<u>Subject</u>	<u>Amount</u>
SO-0703-07P	NAVAIDS Installation and Engineering	\$1,029,060
SO-0704-07P	NAVAIDS Procurement	\$4,531,468

- The Reimbursable Agreements have the following provisions:
  - The City will pay to the FAA \$5,560,528 on delivery of the executed Reimbursable Agreements;
  - The FAA will provide technical advice and consultation to the Airport's airfield engineers on the location and design of the NAVAIDS;
  - The FAA will procure the NAVAIDS equipment and store it in a secure location at the Airport until ready for installation;
  - The FAA will install the NAVAIDS;
  - After installation, the City will transfer ownership and operational and maintenance obligations for NAVAIDS over to the FAA; and
  - After the transfer, the Airport will have no responsibility for the NAVAIDS.
- The budget ordinance appropriates \$5,560,528 from the Airport Discretionary Fund Balance to temporarily fund this obligation. This amount will be refunded to the Airport Fund Balance from FAA funds and bond proceeds as they become available.

**Funding**

Airport Fund Balance

**Attachment 17**

Budget Ordinance  
Resolution

## 26. One North Carolina Fund Grant Appropriations

**Action:** Adopt a budget ordinance totaling \$865,000 to appropriate funds received from the State of North Carolina to recipients of One NC Fund Grants.

**Staff Resource:** Brad Richardson, Economic Development Office

### Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

### Explanation

- The One North Carolina Fund (formerly the Governor's Industrial Recruitment Competitiveness Fund) was created in 1993 to help North Carolina attract and retain quality jobs in high value-added, knowledge-driven industries.
- Pursuant to the terms of the governing statute, the One North Carolina Fund shall be used to provide financial assistance to those businesses or industries deemed by the Governor to be vital to a healthy and growing State economy and that are making significant efforts to establish or expand in North Carolina.
- The fund currently consists of nonrecurring appropriations made by the General Assembly intended to be available to the Governor for use on an as needed basis.
- The legislation requires the State, the grant recipient and the local government to enter into a performance-based grant agreement.
- In addition, local governments are required to disburse funds to grant recipients.
- To date, the State has awarded One North Carolina Fund grants to six Charlotte businesses helping create 461 new jobs and an estimated \$37.6 million in new private investment. The six grants are valued at \$865,000, payable over the next three years.

### Funding

One North Carolina Fund Grants

### Attachment 18

Budget Ordinance

One NC Fund Grant Recipients

## 27. Utility Management System Software Technical Maintenance and Support Contract

**Action:** Authorize the annual renewal payment of \$247,882 for software maintenance and support to Indus Systems Inc. for the Banner Utility Billing System.

**Staff Resource:** Chip Harris, Finance

**Explanation**

- The Banner system is used to bill and collect approximately \$260 million annually for Water, Sewer, and Storm Water related services.
- The Banner software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance.
- This payment covers the contract period of September 30, 2006 through September 29, 2007.

**Funding**

Water/Sewer and Stormwater Fees

## 28. Emergency Management-Fixed Nuclear Facility Funding

**Action:** Adopt a budget ordinance appropriating \$60,000 in program funding from Duke Energy Corporation for support of the Fixed Nuclear Facility (FNF) response program.

**Staff Resource:** Wayne Broome, Fire/Emergency Management

**Explanation**

- Under an agreement with the State of North Carolina, utility companies operating nuclear power facilities, within or contiguous to North Carolina counties, provide an annual contribution to the State and respective counties to maintain an emergency planning program for radiological response. The amount of \$60,000 from Duke Energy represents funding for specialized equipment and planning in support of operations for the McGuire and Catawba Nuclear Stations.

**Funding**

Duke Energy Corporation

**Attachment 19**

Budget Ordinance

## 29. Buffer Zone Protection Program

**Action:**

- A. Accept a grant of \$679,000 from the North Carolina Office of Emergency Management, which administers the Department of Homeland Security's 2006 Buffer Zone Protection Program, and
- B. Adopt a budget ordinance appropriating \$679,000 in grant funds received from the North Carolina Office of Emergency Management.

**Staff Resources:** Luther L. Fincher, Jr., Fire Chief  
Jeff Dulin, Deputy Fire Chief

**Explanation**

- The Department of Homeland Security has identified multiple sites in Mecklenburg County that it deems as critical infrastructure. Federal law does not allow public disclosure of those sites.

**Funding**

- The North Carolina Office of Emergency Management is granting these funds from the FY05 Buffer Protection Program to purchase security equipment to protect these sites.

**Attachment 20**

Budget Ordinance

### 30. Work and Asset Management Services

**Action: Approve a consulting services contract with GHD, LLC for Citywide Work and Asset Management Assistance in an amount not to exceed \$750,000.**

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

**Work and Asset Management Benefits**

- Utilities has identified the need to better manage its \$2 billion in fixed assets, (treatment plants, water and sewer lines, etc.), as well as to replace its nine work management processes.
- Improved asset management processes will allow for:
  - Extending the life of current fixed assets
  - Making better informed decisions on capital replacements
- Improved work management will allow for:
  - Improved customer service
  - Enhanced reliability of service delivery
  - Operating efficiencies
  - Reduction of multiple work order systems
- Other City departments identified similar needs that have been added to the Utilities scope of services.
- The new work and asset management system will:
  - manage \$7.6 billion of fixed assets (buildings, infrastructure, equipment, vehicles, etc.)
  - replace 30 work order systems
  - provide efficiencies with a single corporate solution



### **Project Explanation**

- Through a comprehensive evaluation, the process will determine if there is a business case for implementing a corporate asset management solution that provides positive benefits for both internal and external customers.
- The Work and Asset Management evaluation will:
  - Document the work and asset processes and requirements of the City
  - Document the various business process automation/information management options available; and
  - Identify the best-fit solution(s) and implementation partner(s) for the potential solution(s).
- By assessing Citywide business needs and challenges associated with work and asset management, including those of existing City systems, the Work and Asset Management Project will:
  - Provide consistent lifecycle asset management processes across the City
  - Lead to cost avoidance through more proactive asset maintenance
  - Provide a cross-KBU understanding of work and asset management system requirements
  - Highlight related work and asset management collaboration opportunities across the City
  - Form the framework upon which consistent work and asset management practices can be optimized to support ever-increasing service demands more effectively.
- This effort will also define existing information barriers between City government and its citizens, and propose mechanisms by which these barriers to appropriate information may be eliminated.

### **Selection Process**

- Proposals were solicited for consulting services to assist the project team over the next 12 to 18 months in identifying needs and requirements, and selecting an appropriate technological solution.
- Ten vendors responded and a thorough, experienced-based selection process resulted in the recommendation to select GHD, LLC. This firm is a world leader in the development of work and asset management strategies.

### **Small Business Opportunity**

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

### **Funding**

Water and Sewer Operating Budget

## **31. Steele Creek Pump Station Replacement**

**Action: Approve the award of \$521,325 to Brown and Caldwell Engineers for Professional Services for the Phase 1 Study for the Steele Creek Pump Station Replacement.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- The professional services contract provides
  - planning study for the evaluation of the Steele Creek Basin (Southwest quadrant of the County) which will determine the:
    - most economical location of the new pump station and force main
    - sizing and configuration of the new pump station and force main
    - development of an extensive hydraulic computer model of the Steele Creek, Paw Creek, Long Creek, and Lower Sugar Creek wastewater collection systems
    - planning study for the elimination of the Westhall Pump Station
- Brown and Caldwell was selected using the Council approved qualifications-based selection process
- Phase II of the project will be the completion of detailed design for the replacement station based on the outcome of the Phase I evaluation.

**Small Business Opportunity**

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

**Funding**

Sewer Capital Investment Plan

## 32. Beaverdam Creek Outfall, Pumping Station and Force Main; Professional Services and Construction Contracts

- Action:**
- A. Approve change order number 4 to the Beaverdam Creek Outfall, Pumping Station and Force Main construction contract with Bryant Electric Company. This change order reduces the final payment to Bryant Electric by \$151,327, and**
  - B. Approve amendment #4 for \$145,526 to contract with Brown and Caldwell for additional construction administration services for the Beaverdam Creek Outfall, Pumping Station and Force Main Project.**

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

**Construction Contract Explanation**

- Construction project provides utility infrastructure to an area of Mecklenburg County currently without municipal sewer service.
- The original construction contract for the Beaverdam Creek Outfall, Pumping Station and Force Main with Bryant Electric Company was approved by City Council on December 09, 2002 in the amount of \$4,028,069.73.

- Change orders 1 and 2 were for time only, increasing the contract time by 131 days primarily due to unforeseen underground soil conditions.
- Change order #3 adjusted the contract amount by \$124,958 due to various changes in the scope of service and equipment modifications.
- This change order establishes the final contract amount through a negotiated settlement with the Bryant Electric. The final contract payment will be reduced by \$151,327 due to assessed liquidated damages against the contractor for delay of the project completion.

#### **Professional Services Contract Explanation**

- Original contract awarded by Council in December 2002 for \$614,453.
- Amendment numbers 1-3 were necessary due to extended construction times resulting from unforeseen circumstances both within and beyond the Contractor's control.
- Amendment #4 provides funding for continued engineering and construction management services due to electrical and equipment modifications.

#### **Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

The professional services contract was originally awarded by Council in December 2002. Any additional work involved in this amendment will be performed by Brown and Caldwell and their current subcontractors. Therefore, this amendment complies with Section 10.3 of the SBO Program.

#### **Funding**

Sewer Capital Investment Plan

### **33. Lee S. Dukes Water Treatment Plant Dechlorination Facility Change Order**

**Action: Approve change order #5 for \$133,000 to Hickory Construction Company for additional work on the Lee S. Dukes Water Treatment Plant in northern Mecklenburg for the installation of a new required dechlorination process.**

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

#### **Explanation**

- North Carolina Division of Water Quality has implemented additional water quality requirements for water plants that discharge process water.
- The Lee S. Dukes Water Plant is required to add a dechlorination process for the discharge water to meet their new permit requirement by October 2006.
- Hickory Construction is currently completing another construction project at the plant.

- In order to meet the regulatory deadline, staff have negotiated a proposed price of \$133,000 for the installation of the dechlorination equipment with Hickory Construction.

#### **Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

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

#### **Funding**

Water Capital Investment Plan

### **34. 2005 Annexation, Professional Services Contract Amendment #1**

**Action: Approve amendment #1 to Kimley Horn professional services contract in the amount of \$498,141.**

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

#### **Explanation**

- December 2004 Council awarded a contract to Kimley Horn, in the amount of \$1,994,552, for engineering, design, surveying and construction administration for newly annexed areas.
- Amendment #1 provides funding for additional unforeseen design services, which include:
  - Redesign of several outfalls to accommodate alignment concerns from property owners
  - Negotiating with three private utility companies
  - Additional surveying activities

#### **Small Business Opportunity**

Established SBE Goal: 0 %

Committed SBE Goal: 0%

Additional design services represent no new subcontracting opportunities. Work will be performed by the engineer and their existing subcontractors. This amendment complies with section 10.3 of the SBO Program.

#### **Funding**

Water and Sewer Capital Investment Plan

### 35. Budget Ordinance to Appropriate Private Developer Funds

**Action:** Adopt a budget ordinance appropriating \$382,275 in private developer funds for Traffic Signal Improvements.

**Staff Resource:** Liz Babson, Transportation

#### Budget Ordinance

- The budget ordinance estimates and appropriates \$382,275 in private developer funding for traffic signals and work associated with developer projects. The funding is restricted to the projects described below.

#### Explanation

- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
  - Blakeney Retail, LLC contributed \$55,275 to fully fund the design and installation of a temporary signal at the intersection of Rea Road and Blakeney Greens.
  - Courtside Properties, LLC contributed \$327,000 to fully fund the design and installation of traffic signals at the intersections of 6th Street and Davidson Street and 6th Street and Caldwell Street.
- The above signals meet the same criteria (warrants) as any other new signal would. Because they are in the City, CDOT will be installing and operating these new signals as part of our existing signal systems in the area.
- The payments made by the developers are in response to estimates of work prepared by CDOT and supplied to the developer for payment.

#### Attachment 21

Budget Ordinance

### 36. Declaration of Withdrawal for a Portion of a 10-foot Alleyway Running off of East 16<sup>th</sup> Street

**Action:** Adopt a resolution stating that a portion of a 10-foot alleyway running off of East 16<sup>th</sup> Street 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**

The Housing Authority of the City of Charlotte, NC – Denise Presley (The Brockmann Law Firm)

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

A portion of a 10-foot alleyway running off of East 16<sup>th</sup> Street

**Location**

Located within the Belmont Community beginning from East 16<sup>th</sup> Street continuing northeast approximately 150 feet to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed low income multi-family housing project

**Attachment 22**

Map

Resolution

**37. Assets Forfeiture Appropriation**

**Action: Adopt a budget ordinance appropriating \$114,170 in assets forfeiture funds for Police Department expenditures.**

**Staff Resource:** Greg Crystal, Police

**Explanation**

- The budget ordinance appropriates assets forfeiture funds for the following purposes
  - \$49,170 to fund half the purchase cost of 2200 safety vests @ 44.70 each for police officers. The other half of the cost will come from the department's uniform budget.
  - \$35,000 for production costs for the CMPD Today show on the Government Channel

- \$30,000 for two bait cars and accompanying electronic tracking equipment to be used in auto theft reduction efforts

**Attachment 23**  
Budget Ordinance

### **38. Governor’s Highway Safety Commission Grant Application**

**Action:**

**A. Adopt a resolution authorizing the Charlotte-Mecklenburg Police Department to apply for a \$53,724 grant from the Governor’s Highway Safety Program for collision and fatality measures, and**

**B. Adopt an ordinance appropriating estimated grant revenues of \$53,724 and \$17,908 in assets forfeiture funds to cover the City’s required 25% local match, for a total of \$71,632.**

**Staff Resource:** Captain David Haggist, Police

**Explanation**

- CMPD is involved in efforts to reduce traffic collisions, and fatalities throughout its jurisdiction
- Grant funds to support these efforts are available through the Governor’s Highway Safety Program which requires Council to pass a resolution approving the grant application and appropriate the match prior to grant submission
- Grant funds would be used for
  - Purchasing 24 speed pad devices which, when mounted to a road surface, measure speed, volume, vehicle class, temperature, weather, etc. These pads would be used to conduct roadway analysis in areas with a high volume of traffic collisions and/or citizen complaints to determine if there is a speeding problem and, if so, what times the speeding occurs (\$34,440)
  - Purchasing 24 dual antenna radars to equip two additional cars in each patrol division with radar (\$27,192)
  - Contracting with a phlebotomist to respond to the jail to draw blood from DWI arrestees who refuse chemical analysis of their blood/breath to determine their blood alcohol content.

**Funding**

\$53,724 requested from the Governor’s Highway Safety Commission; \$17,908 from assets forfeiture for match

**Attachment 24**  
Resolution  
Budget Ordinance

### 39. Gang of One Community Collaborative Strategy Grant

**Action:** Adopt an ordinance, appropriating \$75,000, from the Governor's Crime Commission for the Gang of One Community Collaborative Strategy.

**Staff Resource:** Fran Cook, Police

**Explanation**

- Gang of One is CMPD's major gang prevention, intervention, and education program.
- Program is dependent upon a network of community partners working with CMPD to provide services to affected youth and their families.
- Governor's Crime Commission has given Gang of One a grant to fund a community collaborative strategy patterned after a model from the Justice Department's Office of Juvenile Justice.
  - \$30,788 will be used for officer overtime to identify and track gang members in the Eastway, North Tryon, Metro, and Freedom Divisions
  - \$38,500 will be used to make subgrants to partner agencies for programs that benefit Gang of One clients
  - \$1,712 will be used for travel to conferences
  - \$4,000 will be used for education efforts, including printing

**Funding**

\$75,000 in funds from the Governor's Crime Commission; no matching funds required

**Attachment 25**

Budget Ordinance

### 40. Discovery Place Renovations

**Action:** Approve a contract with Little Diversified Architectural Consulting, Inc. for \$271,520 for architectural services for Discovery Place Renovations.

**Staff Resource:** David Garner, Engineering & Property Management

**Explanation**

- On June 13, 2005 City Council approved a resolution supporting the Cultural Facilities Plan and "committing to advance funds not to exceed \$600,000 for the Discovery Place design process." The purpose of this action was to allow work to proceed on the design of Discovery Place's renovation, while the rest of the Cultural Facilities Plan was refined.



- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities, and in September the City Council and County Commission will consider agreements to complete the funding process for Discovery Place and the four other cultural facilities.
- This contract is for the initial phase of master planning and programming services and would be amended in the future pending Council's action to fully fund the Discovery Place project.
- The total contract will provide project administration, master planning, programming, design, preparation of construction documents and administration of construction activities for renovations to Discovery Place

#### **Small Business Opportunity**

Established SBE Goal: 5.00%

Committed SBE Goal: 9.34%

Little Diversified Architectural Consulting has committed 9.34% (\$25,380) of the total contract amount to the following SBE firm: Elm Engineering.

#### **Funding**

Economic Development Capital Investment Plan

## **41. Arboretum Fire Station Design Services**

**Action:** Approve a contract with ADW Architects, P.A., for \$259,799 for design and construction administration of Arboretum Fire Station (#39) in the Arboretum area of southeast Mecklenburg County on Providence Road.

**Staff Resources:** Bruce Miller, Engineering & Property Management  
Jon Hannan, Charlotte Fire Department

#### **Contract with ADW Architects, P.A.**

- Fire Station 39 will be an 11,000 square foot, three apparatus-bay facility that will provide improved service for the Arboretum area of southeast Mecklenburg County.
- Fire Station 39 will be located at 8325 Providence Road.
- ADW Architects, P.A was chosen via a qualification-based selection process.
- There will be a public input process.

#### **Small Business Opportunity**

Established SBE Goal: 4 %

Committed SBE Goal: 9.24%

ADW Architects has committed 9.24% (\$24,010) of the total contract amount to the following SBE firm: Charlotte Engineers, LLP.

#### **Funding**

Government Facilities Capital Investment Plan

## 42. CMS South Park Campus Watershed Enhancement

**Action:** Approve a contract with Baker Engineering NY, Inc. for \$352,000 for engineering services for Charlotte Mecklenburg Schools (CMS) Park Campus Watershed Enhancement.

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

### Project Description

- The Project involves a collaborative effort between Charlotte Storm Water and Charlotte-Mecklenburg Schools to implement a storm water quality watershed enhancement project for the CMS South Park Campus site.
- The site includes Selwyn Elementary, Alexander Graham Middle, and Myers Park High Schools with drainage to the Briar Creek watershed, an impaired watershed.
- The project site is approximately 186 acres and is bordered by Runnymede and Colony Roads.

### Project Goals

- Project will include planning and design for the implementation of various storm water treatment structures to improve water quality and flood control in the watershed.
- Provide treatment of storm water runoff from the site and improve water quality in the watershed.
- Support efforts to benchmark costs and effectiveness for implementation of storm water controls in support of the Post Construction Controls Ordinance implementation.
- Lower flood elevations in the watershed.
- Provide outdoor educational opportunities for students and citizens.

### Small Business Opportunity

Established SBE Goal: 3.00 %

Committed SBE Goal: 6.53 %

Baker Engineering NY, Inc. has committed 6.53 % (\$23,000) of the total contract amount to the following SBEs: The Survey Company, On Target Utility Locate Services, Inc.

### Funding

Storm Water Capital Investment Plan

## 43. Cherokee/Scotland & Various Storm Drainage Improvement Projects

**Action:** Approve Amendment #1 with Dewberry & Davis, Inc. for \$1,000,000 for engineering services for various storm drainage improvement projects.

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

### **Cherokee/Scotland Storm Drainage Improvement**

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

### **Amendment #1 with Dewberry & Davis**

- Provides funding for:
  - continuation of planning and design services for Cherokee/Scotland Storm Drainage Improvements
  - planning and design services on future projects or emergency needs
- This amendment is within the original program budget

### **Contract History**

- Council awarded the original contract on January 10, 2005 for \$500,000.
- The total contract amount to date, including Amendment #1, is \$1,500,000.

### **Small Business Opportunity**

All additional work involved in this amendment will be performed by Dewberry & Davis, Inc. and their existing subcontractors. Dewberry & Davis, Inc. has committed 2% (\$20,000) of this amendment to the following SBES: Meade Gunnell Engineering, Carolina Wetland Services, On Target Utility Locate Services. This amendment complies with Section 10.3 of the SBO Program.

### **Funding**

Storm Water Capital Investment Plan

## **44. Release of Deed Restrictions for Mecklenburg County Land Swap with CPCC**

- Action:**
- A. Approve the release of 2.16 acres of land from the Little Sugar Creek area near CPCC from the City's Park and Use Restrictions and authorize the City Manager to execute the documents necessary to affect this release, and**
  - B. Approve the conveyance by Mecklenburg County of 2.16 acres of land to CPCC in exchange for 1.74 acres of land for greenway/park area.**

**Staff Resource:** Tim O'Brien, Engineering & Property Management

### **Explanation**

- In 1997, the City deeded most of the City's park lands to Mecklenburg County with the provision that if the County wanted to use any of the transferred land

for something other than park use, they would need to obtain City Council's consent.

- The County requests removal of the restriction for the parcels listed below in order that these parcels will better serve the public.
- Mecklenburg County and Central Piedmont Community College (CPCC) are seeking to trade ownership of several properties in the vicinity of Little Sugar Creek and N. Kings Drive near CPCC's main campus.
- The land exchange will benefit both agencies:
  - Mecklenburg County will receive three parcels of land totaling 1.74 acres that will mostly be assembled into the County's greenway development along both sides of Little Sugar Creek.
  - CPCC will also receive three parcels of land totaling 2.16 acres so the College can add these properties toward the construction of a Culinary Arts Facility intending to have a large lawn area that may include a plaza type amenity, water feature and/or green space to complement the Little Sugar Creek Greenway.

### **Parcel Information**

- The parcels owned by the County, to be transferred to CPCC that need to be released from the Park and Use Restriction are:
  - 080-131-09 – 1.96 acres currently an asphalt parking lot to be redeveloped as a large lawn area for CPCC's Culinary Arts Facility.
  - 080-131-08 - 0.09 acre currently undeveloped natural area to be redeveloped as lawn for the Culinary Arts Facility.
  - 080-132-02 - 0.111 acre currently a small lawn adjacent to the tunnel underneath Kings Drive and leading to CPCC's 7th Street Site. The property is to remain as a small green area for the College to maintain in conjunction with keeping the tunnel in use for access to the 7<sup>th</sup> Street Site from the Central Campus.
- The parcels owned by CPCC, to be transferred to the County are:
  - 125-096-01 – 1.19 acres currently an asphalt parking lot to be redeveloped as part of the Little Sugar Creek Greenway
  - 125-096-02 – 0.29 acre currently an asphalt parking lot to be redeveloped as part of the Little Sugar Creek Greenway.
  - 080-172-12 – 0.26 acre at the corner of Kings Drive and E. 7<sup>th</sup> Street in front of the Grady Cole Center (and currently improved with a corner of a parking lot owned by CPCC) intended to provide contiguous ownership with other parcels owned by CPCC where the majority of the parking lot resides.

### **Attachment 26**

Map

## 45. Radio Tower Leases

**Action:** Approve no cost radio tower leases with Iredell County, Gaston County, Cabarrus County, and the Town of Mooresville to support regional radio interoperability project.

**Staff Resource:** Dennis Baucom, Business Support Services

### Explanation

- In August 2005 Business Support Services/Communication and Police applied for and were awarded \$5.9 million in federal grant money to implement an 11 county regional radio interoperability network.
- This network requires connecting each of the 11 counties with digital microwave.
- To support the establishment of the network each county was required to provide space on their radio towers at no cost to the City of Charlotte.
- Design of the network is complete and the necessary tower locations have been established. Equipment has been ordered and will be shipping in early September.
- These leases are necessary to begin installation of the equipment.
- The City of Charlotte will retain ownership of all equipment in the network and provide management of the network.

## 46. Lease Extension for the Auction Site and Surplus Storage Facility

**Action:** Approve a three-year extension for the lease for the Surplus Property facility located at 3301 Rotary Drive at a yearly cost of \$119,717.04, to begin on April 1, 2007.

**Staff Resource:** Tim O'Brien, Engineering & Property Management

### Explanation

- It is the City's policy to dispose of surplus goods via the auction method according to North Carolina General Statute 160 A-266.
- The City's Surplus Property Section of Business Support Services, Procurement Services Division has been operating out of this privately owned property for the past seven years.
- The current lease expires March 31, 2007. Approval of this lease will secure the current site for another three years and avoid a major cash outlay of purchasing a permanent site.
- The extension period will begin April 1, 2007, the ending date of the current lease, and will terminate March 31, 2010.
- The annual cost of this lease extension is \$119,717.04. No increases for the owner are being allowed for the three-year lease.

- The 7.6 acre site consists of 15,000 square feet of indoor storage space for housing miscellaneous surplus property (office equipment unclaimed property, computers, etc.) and a fenced area for storage of surplus vehicles and heavy equipment (backhoes, sanitation trucks, fire trucks, police cruisers, etc.).
- Surplus property is collected at the site throughout the year and auctioned in the spring and fall to the highest bidders.
- Surplus property auctions gross \$1.4 to \$1.7 million annually.
- The facility serves as a central location for reallocation of surplus property among City departments.
- The site also serves as a warehouse for reallocation of office furnishings back to City offices, which in many cases, avoids the cost of purchasing new materials, saving over \$100,000 per year.

### **Funding**

Business Support Services Operating Budget

## **47. SafeLight and SafeSpeed Civil Penalty Tolling Agreement**

**Action:** Authorize the City Attorney to enter into a tolling agreement with Charlotte-Mecklenburg Schools regarding SafeLight and SafeSpeed Civil Penalty Proceeds.

**Staff Resources:** Mac McCarley, City Attorney's Office  
Bob Hagemann, City Attorney's Office

### **Explanation**

- Pending final resolution of the *City of High Point* red light camera case, CMS has asked the City to enter into a tolling agreement regarding SafeLight and SafeSpeed civil penalty proceeds.
- A tolling agreement allows the statute of limitations to be extended.
- There is a three-year statute of limitations for local school board lawsuits seeking recover civil penalty proceeds under the North Carolina Constitution.
- Unless the City agrees to stop the running of the statute of limitations, CMS would have to sue the City now in order to avoid losing the right to recover SafeLight civil penalties collected approximately three years ago.
- This action would not create additional liability for the City since the SafeLight and SafeSpeed programs have been suspended.

## 48. 2006 Council Meeting Calendar Amendment

**Action:** Direct the City Clerk to amend the Mayor and Council's regular meeting schedule as follows:

**A. Change the Tuesday, September 5 Policy Retreat to a regular Workshop and Citizens' Forum,**

**B. Move the Policy Retreat to October 2, and**

**C. Cancel the November 13 Council Business Meeting.**

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

### Explanation

- Tuesday September 5 is currently scheduled as a Policy Retreat.
- With the summer schedule coming to a close, City staff needs workshop time with the Mayor and City Council for some pressing items.
- November 13<sup>th</sup> is on the Mayor and Council Meeting Schedule as a Business Meeting. Reports on existing projects and upcoming agenda items can be accommodated at the November 6<sup>th</sup> Workshop, the November 20<sup>th</sup> Zoning Dinner and Zoning Meeting or the November 27<sup>th</sup> Dinner Briefing and Business Meeting.

## 49. Property Transactions

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

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

### Acquisitions

- A. Project:** Briar Creek Relief Sewer Phase I, Parcel # 46  
**Owner(s):** Paul H. McArthur, III And Wife, Holly D. McArthur  
**Property Address:** 1707 Scotland Avenue  
**Property to be acquired:** 2,574 sq. ft. (.059 ac.) in Sanitary Sewer Easement, plus 1,538 sq. ft. (.035 ac.) in Right of Way to be abandoned  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$18,575  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 155-123-06

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**Total Parcel Tax Value:** \$620,200

- B. Project:** Hubbard Road Sidewalk Project, Parcel # 18  
**Owner(s):** George T. Maddox, III And Fannie Lue Maddox  
**Property Address:** 3832 Hubbard Road  
**Property to be acquired:** 3,345 sq. ft. (.077 ac.) in Fee Simple, plus 2,825 sq. ft. (.065 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,700  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 027-011-23  
**Total Parcel Tax Value:** \$194,300
- C. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 232  
**Owner(s):** Aldi (N.C), L.L.C  
**Property Address:** 5608 Old Pineville Road  
**Property to be acquired:** 270 sq. ft. (.006 ac.) in Fee Simple, plus 4,490 sq. ft. (.103 ac.) in Sidewalk and Utility Easement, plus 5,837 sq. ft. (.134 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$38,275  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** I-2  
**Use:** Industrial  
**Tax Code:** 169-082-06  
**Total Parcel Tax Value:** \$2,207,800
- D. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 288  
**Owner(s):** Ashok Ahluwalia And Wife Gurbrinder K. Ahluwalia  
**Property Address:** 250 East Woodlawn Road  
**Property to be acquired:** 3,697 sq. ft. (.085 ac.) in Fee Simple, plus 2,792 sq. ft. (.064 ac.) in Sidewalk and Utility Easement, plus 2,833 sq. ft. (.065 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$181,825  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 169-011-01



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**Total Parcel Tax Value: \$559,700**

**Condemnations**

- E. Project:** Briar Creek Relief Sewer Phase I, Parcel # 14  
**Owner(s):** Samuel R. Shirey And Laura H. Shirey And Any Other Parties Of Interest  
**Property Address:** 3521 Windsor Drive  
**Property to be acquired:** Total Combined Area of 3,843 sq. ft. (.088 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$5,500  
**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  
**Tax Code:** 175-111-85  
**Total Parcel Tax Value:** \$201,200
- F. Project:** Briar Creek Relief Sewer Phase I, Parcel # 15  
**Owner(s):** Samuel R. Shirey And Laura H. Shirey And Any Other Parties Of Interest  
**Property Address:** 3500 Windsor Drive  
**Property to be acquired:** Total Combined Area of 6,282 sq. ft. (.144 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$5,425  
**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  
**Tax Code:** 175-111-67  
**Total Parcel Tax Value:** \$60,000
- G. Project:** Briar Creek Relief Sewer Phase I, Parcel # 34  
**Owner(s):** R. Daniel Werts (a/k/a Robert Daniel Werts) And Any Other Parties Of Interest  
**Property Address:** 2327 Sharon Road  
**Property to be acquired:** Total Combined Area of 1,888 sq. ft. (.043 ac.) of Sanitary Sewer Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$12,075

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

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 153-105-21

**Total Parcel Tax Value:** \$255,000

- H. Project:** Jefferson Storm Water Capital Improvements - Phase I, Parcel # 58  
**Owner(s):** Nelson Detweiler And Wife, Jill B. Detweiler And Any Other Parties Of Interest  
**Property Address:** 1231 Brockton Lane  
**Property to be acquired:** Total Combined Area of 2,168 sq. ft. (.050 ac.) of Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,050  
**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  
**Tax Code:** 187-213-19  
**Total Parcel Tax Value:** \$199,400
- I. Project:** Rozzelles Ferry Road Streetscape, Parcel # 23  
**Owner(s):** Ronald L Pierce And Any Other Parties Of Interest  
**Property Address:** 2900 Rozzelles Ferry Road  
**Property to be acquired:** Total Combined Area of 352 sq. ft. (.008 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$150  
**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:** 069-041-20  
**Total Parcel Tax Value:** \$42,300
- J. Project:** Rozzelles Ferry Road Streetscape, Parcel # 45  
**Owner(s):** LaTonya R. Davis And Any Other Parties Of Interest  
**Property Address:** 2825 Rozzelles Ferry Road

**Property to be acquired:** Total Combined Area of 923 sq. ft. (.021 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$700

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

**Zoned:** B-2

**Use:** Commercial

**Tax Code:** 071-143-05

**Total Parcel Tax Value:** \$45,100

## 50. Meeting Minutes

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

- June 26, 2006 Business Meeting
- July 17, 2006 Zoning Meeting