

Mayor Patrick L. McCrory

Nancy G. Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Monday, December 10, 2001

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

7:00 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Charlotte Housing Authority Board Report and First Ward Project Update

Resources: Dick Van Dyke, Chair, Charlotte Housing Authority Board
Harrison Shannon, President, Charlotte Housing Authority
Tom Flynn, Economic Development Office

Time: 45 minutes

Attachment 1

2. Uptown Multi-Modal Station

Resources: Ron Tober, Charlotte Area Transit System
Pat Simmons, North Carolina Department of Transportation

Time: 30 minutes

Attachment 2

3. FY2001 Annual Financial Report

Resources: Greg Gaskins, Finance
Rich Bovard, Deloitte & Touche LLP

Time: 20 minutes

Attachment 3

4. Federal Courthouse Briefing

Resource: Jim Schumacher, Engineering & Property Management

Time: 15 minutes

Attachment 4

5. Committee Reports by Exception

Restructuring Government: Multifamily Solid Waste Collection
Service Policy

Restructuring Government: Convention Center Marketing

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

CONSENT

- 6. Consent agenda items 16 through 34 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on Residential Subdivision Tree Ordinance Policy



Action: Receive public comment on proposed Residential Subdivision Tree Ordinance policy as prepared by Stakeholders Group.

Staff Resource: Lisa Hagood, Engineering & Property Management

Explanation:

In August 2000, Council requested that staff develop an ordinance that would limit clear cutting of trees in single-family developments.

A stakeholders group was formed and began meeting in January 2001. Representatives from the development community, as well as the environmental community were included in the group. The recommended policy, which includes tree preservation as well as tree planting, will be presented during the public input forum at the December 10, 2001 Council Meeting.

Highlights of the key recommendations made by the stakeholders for the policy are:

- Areas of the existing tree canopy equaling 10% of the total property area must be saved during single-family subdivision development.
- Incentives can be earned for saving trees in dedicated common open space or saving additional trees above the minimum requirement.
- Special trees defined as Heritage Trees must be protected from removal.
- Street trees will be planted in all new single-family subdivisions.

The Tree Advisory Commission has reviewed the Policy Document and is in support of the Stakeholders' recommendations. With the comments received from the public input forum, staff will prepare the text amendment based on the Stakeholders recommendation and present the proposed Residential Subdivision Tree Ordinance at a Public Hearing on January 14, 2002.

Council will be asked to adopt this ordinance on January 28, 2002.

Community Input:

A diverse group of neighborhood and environmental representatives, developers, designers, and staff from Planning and Engineering & Property Management have gathered to work on this project. The Residential Tree Ordinance Stakeholder Committee has been meeting on an ongoing basis since January 2001 to create a Residential Subdivision Tree Ordinance Policy.

Public Notice:

The Tree Advisory Commission began review of the Residential Subdivision Tree Ordinance Policy document on November 20, 2001. After review and discussion, the Tree Advisory Commission voted in support of the policy document on December 4, 2001.

The Policy document was sent to approximately 400 stakeholders via the Land Development Fast Fax Database, to approximately 500 Neighborhood Associations, and was posted on the Land Development web site.

Attachment 5

Residential Subdivision Tree Ordinance Policy

POLICY

8. City Manager's Report

9. Multifamily Solid Waste Collection Service Policy



Action: Approve the Restructuring Government Committee recommendations to:

- A. Adopt a resolution ratifying City policy to provide dumpster collection to all multifamily dwellings and planned multifamily developments containing 30 or more units as defined in the Zoning Ordinance, and**
- B. Authorize staff to file Zoning Ordinance text amendments to 1) require future multi-family developments to provide dumpster space and 2) permit use of parking spaces for dumpster service in existing multi-family developments. The amendments would be reviewed and considered under the normal text amendment process.**

Committee Chair: Joe White

Staff Resource: Wayman Pearson, Solid Waste Services

Explanation:

Staff recommends that the Council adopt a resolution ratifying the Solid Waste Services policy to provide dumpster collection to all multifamily dwellings and planned multifamily developments containing 30 or more units as defined in the Zoning Ordinance. Developments not meeting this definition will be eligible to receive rollout collection service. Further, it is recommended that Council authorize staff to file Zoning Ordinance text amendments to 1) require future multifamily developments to provide dumpster space and 2) permit use of parking spaces for dumpster service in existing multifamily developments. The amendments would be reviewed and considered under the normal text amendment process.

Background:

In 1996 the City established a policy to provide multifamily garbage collection service through dumpsters or compactors to complexes having 30 or more units. Related to that action, the City awarded a five-year multi-family dumpster collection contract to Container Corporation of Carolina (CCC). (This contract was recently re-bid and is on the December 10, 2001 Consent Agenda for Council action to award a new contract to CCC.)

Dumpster/compactor service is the most efficient and least costly method of collection for multi-family developments due to the physical and operational challenges they present (varying layout and width of streets, number of units, configuration of buildings and parking areas.) The average cost of City rollout collection is \$8.00 per unit per month while the cost of multi-family collection provided through the current CCC contract is \$33.21 per 30 units per year.

There are 81,095 units served as part of the multifamily collection contract. In addition to these units, another 10,367 multifamily units currently receive City semi-automated rollout service as a result of being “grandfathered” in the 1994 transition from backyard to rollout service.

Since it is not required at this time, some current and proposed multifamily developments have not provided space for dumpster/compactor garbage service. These developments instead have chosen to receive rollout collection service through private solid waste collection agreements. City staff estimates that 9,446 multifamily units receive private rollout service. If the City were to take over solid waste collection in these developments, the developments would fall under the City’s policy for providing dumpsters/compactors for these developments. Shortly after being annexed into the City on June 30, 2001, some of these developments, including Towne Meadows, Elizabeth Townes, and the Glen at Highland Creek, requested a review of the City’s policy for the purpose of receiving City rollout collection service instead of dumpster/compactor collection.

Due to these requests and the new configurations of multifamily developments fueled by infill and other “smart growth” development, City staff has conducted an extensive review of the City’s policy on multifamily solid waste collection. An important element of this review was clarifying the definitions of multifamily developments and the implication of these definitions. Part of this clarification was to reconfirm that dumpsters/compactors are the most efficient method to serve both “multifamily dwellings” (more than four dwelling units attached to one another) and “planned multifamily developments” (multi-unit buildings or groups of buildings included in the same development).

Staff has reviewed all multifamily developments currently receiving private rollout service and determined that only Towne Meadows is not classified as a planned multifamily development because it has 1) individual lots of record, 2) public streets that meet City standards and requirements, and 3) buildings that have four or fewer dwelling units. Since it is not considered multifamily, Towne Meadows would be eligible for rollout service rather than dumpster service.

Committee Discussion:

On August 30, 2001, Council referred the issue of multifamily solid waste collection to the Restructuring Government Committee for review and

recommendation of the appropriate method of collection. The Committee was briefed on this issue at its October 8, 2001 and October 23, 2001 meetings. These briefings included information on the following topics:

- Various collection service categories used by the City and number of units for each category
- Zoning Ordinance definitions for multifamily and planned multifamily developments and the service implications
- Potential text amendments to the Zoning Ordinance that would help prevent similar issues from arising from future developments
- The process by which the 10,367 multifamily units receiving City rollout service were “grandfathered”
- Service and budgetary impact of providing City rollout service to current and future multifamily developments that do not meet the Zoning Ordinance’s definition of multifamily dwellings

Staff presented six service options for Council consideration to the Restructuring Government Committee. These options included:

1. Maintain current City collection policy (no cost impact).
2. Use the current City dumpster contract to provide funding to multifamily developments to help offset the cost of private rollout service (annual cost impact of \$313,000).
3. Convert the 9,446 multifamily units now receiving private rollout service to City rollout service (annual cost impact of \$2.7 million).
4. Convert 6,724 of the 9,446 units to City rollout service and place 2,722 units where dumpster service is feasible under the multifamily dumpster contract (annual cost impact of \$2.3 million).
5. Provide City rollout service to multifamily developments that do not have locations for dumpsters (cost impact not determined).
6. Provide City rollout service to all developments that do not fit Zoning Ordinance definitions of “multifamily dwellings or “planned multifamily developments.” All developments that do fit into these two definitions will receive dumpster/compactor service.

Recommendation

On November 29, 2001, the Committee voted 4-1 to recommend Option 6 (Councilmembers White, Lochman, Graham and Spencer voted in favor with Councilmember Burgess voting against). Councilmember Mitchell was also present at this meeting.

The recommendation for Option 6 clarifies the definition of multifamily for garbage collection policy in light of changes in the types of multifamily properties being developed. At the same time, the recommendation keeps intact the established policy for dumpster collection for the vast majority of multifamily units.

While the Committee expressed concern that the recommended option is not the perfect solution, the majority of the Committee believes it is the best

under the circumstances. The City Attorney's Office has advised that expanding City rollout service to only those multifamily developments now receiving private rollout service would raise equal protection concerns. That is, doing so would also require offering City roll-out service to all 81,095 units now serviced under the dumpster contract. The cost to provide City rollout to virtually all multifamily complexes and developments is estimated to cost several million dollars per year.

This option would provide rollout service to the Towne Meadows development projected to begin the first week of January 2002. The budgetary impact for the six months remaining in FY02 to provide service to Towne Meadows would be \$6,607. Also, Lions Gate (167 units), a new development to be located in the West Collection Zone and scheduled to open in late spring or early summer 2002, would qualify for rollout service at a cost of \$3,016. The long-term budgetary impact will be determined by the rate of development of multifamily complexes that meet the revised standard. It is anticipated that this impact can be absorbed through the normal increases for growth in the number of units served. The remaining 9,260 units currently receiving voluntary private rollout service would also be eligible for the City's multifamily dumpster contract.

The Committee also recommends taking additional steps to prevent similar situations in the future through two Zoning Ordinance text amendments. These amendments will encourage greater use of dumpsters/compactors in both future and current multifamily developments even if the development initially chooses private rollout service. Solid Waste Services will also work with individual developments which opt in the future for City dumpster service to minimize the number of parking spaces required for dumpsters. In some cases, that might require additional pick-ups for these developments.

Community Input:

Representatives from the listed multifamily communities have addressed the City with their concerns on numerous occasions since June 30, 2001.

Funding:

Solid Waste Services Operating Budget

Attachment 6

- Resolution ratifying multifamily collection policy
- November 29, 2001 Restructuring Government Committee meeting summary
- November 29, 2001 multifamily presentation slides to Restructuring Government Committee
- October 23, 2001 multifamily presentation slides to Restructuring Government Committee

10. Convention Center Marketing



Action: Approve the Restructuring Government Committee recommendations to:

- A. Realign flow of funding for Convention Center marketing to provide all funds directly to the Auditorium-Coliseum-Convention Center Authority (Authority);**
- B. Mandate the Authority to contract with the Charlotte Convention and Visitors Bureau for at least 70% of the Convention Center marketing funds; and**
- C. Create a Marketing Advisory Committee to review the budgets and performance goals and measures involving both Convention Center and tourism marketing.**

Committee Chair: Joe White

Staff Resource: Ron Kimble, City Manager's Office

Explanation:

This action realigns the flow of funds for Convention Center marketing beginning on July 1, 2002. This realignment would provide all Convention Center marketing funds directly to the Auditorium-Coliseum-Convention Center Authority (Authority). The Authority would then be required to contract with the Charlotte Convention and Visitors Bureau (CCVB) for at least 70% of the Convention Center marketing funds. A Marketing Advisory Committee would also be created and charged with reviewing the budgets and performance goals and measures for both Convention Center and tourism marketing.

The primary advantage of this action is to increase the accountability for Convention Center marketing and bookings. As a result of this action, the Authority would become a "financial partner" of the City and enter into a contract with the City for these funds beginning in FY03. The City will continue to contract directly with the CCVB for tourism marketing.

Background:

The City's current method of distributing funds for Convention Center marketing is to allocate 70% of the funds directly to the CCVB and 30% directly to the Authority. This funding split was originally recommended through a study conducted by an outside consultant in 1993. The marketing funds are provided through occupancy tax and prepared food/beverage tax revenue in the Convention Center Tax Fund. The projected total funds to be

distributed in FY02 are \$3,086,463, with \$2,290,524 allocated to the CCVB and \$1,130,939 allocated to the Authority.

The City Manager's Office initiated a study in November 2000 to assess the current allocation of Convention Center marketing funds and explore and recommend alternatives to this current structure. The study was initiated due to falling occupancy rates, underbooking of the Convention Center in future years, and hospitality industry concerns about marketing efficiencies and input. The study involved consulting with approximately 40 stakeholders, evaluating key performance indicators, and analyzing various options for increased accountability. The key recommendations of the study were:

- Realign the flow of funds for Convention Center marketing from the current 70% from the City direct to the CCVB and 30% from the City direct to the Authority to a model where 100% of these funds are made directly to the Authority.
- Mandate that the Authority contract with the CCVB for at least 70% of the Convention Center marketing funds. This requirement would ensure that the total funding allocations would not change even though the reporting relationships would be modified.
- Create a Marketing Advisory Committee that would review the budgets and performance goals and measures involved in Convention Center marketing.

Committee Discussion

On September 10, 2001, this study was presented to Council and referred to the Restructuring Government Committee. The Committee was charged to review options for contract funding for Convention Center marketing and recommend a preferred option to Council.

The Committee reviewed information on this issue at its October 29, 2001 and November 8, 2001 meetings. The October 29th meeting provided an overview of the issue and included presentations by the CCVB and the Authority on the current Convention Center marketing activities in their respective organizations. The November 8th meeting provided information on the current marketing arrangement in place since 1993 and on various structural options to this current arrangement. These options included the recommendations proposed in the City Manager's Office study and alternative proposals from Councilmember Mitchell and the hospitality industry.

At its November 29, 2001 meeting, the Committee voted unanimously to recommend a proposal that incorporates elements of the City Manager's Office study and Councilmember Mitchell's proposal (Councilmembers White, Lochman, Burgess, Graham, and Spencer present). Key provisions in this recommendation are:

- Realignment of Convention Center marketing funding that flows through the Authority (City Manager's Office study)

- Mandatory subcontracting by the Authority of at least 70% of Convention Center marketing funding to the CCVB (City Manager's Office study)
- Creation of a Marketing Advisory Committee that addresses performance goals, performance measures, and budget review for both Convention Center and tourism marketing funding (Councilmember Mitchell's proposal)

Key discussion points of the Committee included having the funding accountability be with the organization responsible for the outcomes of the Convention Center; the importance of taking action now in preparation for FY03 due to the extensive work conducted on this issue; and that the current funding allocation would not change with this action.

Community Input:

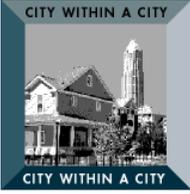
City staff has worked extensively on this issue with the CCVB, Authority, hospitality industry, and other interested stakeholders.

Attachment 7

Current and recommended Convention Center marketing arrangement
November 29, 2001 Restructuring Government Committee meeting summary

BUSINESS

11. Tyvola Crossing Apartments Housing Development Loan



Action: A. Approve a loan request in the amount of \$3,245,921 for the Charlotte Mecklenburg Housing Partnership to develop 100 rental units; and

B. Approve a waiver of the City's existing Housing Locational Policy.

Staff Resource: Stan Wilson, Neighborhood Development

Policy:

The City's Consolidated Plan identifies a need for affordable, safe and decent housing for low and moderate-income families. The FY2001–2005 Consolidated Plan, which established guidelines for the expenditure of federal housing funds, was approved by Council on April 24, 2000. Reid Park is one of the City's Action Plan neighborhoods, where housing development has been identified as a priority.

Explanation:

The Charlotte-Mecklenburg Housing Partnership (CMHP) is requesting a \$3,245,921 loan from the City of Charlotte to develop 100 rental apartments on six acres of vacant land in the Reid Park Neighborhood. The property is located in the West Boulevard Corridor at 4425 West Tyvola Road. The total project cost to develop Tyvola Crossing Apartments is \$8,087,550, which represents a development cost of \$80,876 per unit.

The Tyvola Crossing property consists of two tax parcels and is zoned multifamily for all lots under the City's zoning ordinance. The site plan consists of three buildings containing the 100 apartment units and one building containing a community center. The approximate size of each rental unit will range from 892 sq. ft to 1088 sq. ft. and consist of 2 and 3 bedroom units with 2 baths. Each unit will include a dishwasher, laundry room, energy efficient HVAC, decks/porches, outside storage rooms, and walk-in closets in the master suites. It is anticipated that the project will "lease up" quickly based on a market study prepared by Keystone Consulting Group, Inc.

Of the 100 units, 30 units will serve households earning at or below 30% of the area median income (AMI), which is \$18,120 for a family of four. The remaining 70 apartment units will be rented to households earning at or below 60% of the AMI, which is \$36,240 for a family of four. The City plans to contract for 30 units to serve relocation clients in the transitional housing program and public housing residents.

The rent structure will range from \$519-\$600 per month for 70 of the units. The remaining 30 units will rent for \$300 per month to serve clients in the

City's Relocation Program. The 30 units at the reduced rents (\$300 per month) will assist the City in reducing its relocation costs and provide housing for households earning 30% or less than the area median-income. The annual cost to the City to rent the 30 units is \$108,000. It would cost about \$252,000 to rent similar units in the private market.

The City's loan in the amount of \$3,245,921 will be a twenty year deferred payment/non-amortizing loan with a 1% interest rate. The City will have a second lien position. The 1% interest charge will be paid monthly. The City loan will be contingent upon the award of Tax Exempt Bonds with Tax Credits.

CMHP has committed to submitting an application for Tax Exempt Bond financing in the amount of \$1,185,000 for the construction of the Tyvola Crossing Apartments by December 2001. The term of the bond loan is twenty years at 6.0%. The Tax Exempt Bond funds will be in first lien position. The monthly loan repayments are principal and interest over twenty years. The Tax Exempt Bond award will also provide Tax Credit Equity in the amount of \$2,656,629.

CMHP has also committed to provide a loan to the project in the amount of \$1,000,000. The term of the loan is twenty years at 1% interest, non-amortizing with monthly interest only payments. The CMHP loan, the Bond financing, and the Tax Credit financing are contingent upon approval of the City loan. The sources and uses of funds for the project are as follows:

Sources

Tax Exempt Bonds	\$1,185,000
Tax Credit Equity	2,656,629
City of Charlotte Loan	3,245,921
CMHP Loan	<u>1,000,000</u>
Total	\$8,087,550

Uses

Acquisition (\$2,989 per unit)	\$ 298,889
Site Work	612,000
Landscaping	60,000
Construction Hard Cost	4,418,760
Construction Soft Cost	996,407
Construction Contingency	154,373
Community Center Furnishings/Equipment	115,000
Engineering/Architecture	156,000
Survey/Appraisal	7,500
Market Study	3,500
Legal	40,000
Accounting	3,000
Environmental Report	3,500
Financing Fees	235,500

Title and Recording	15,000
Developer's Fee	680,000
Rent up Reserve/Expense	55,121
Operating Reserve	<u>233,000</u>
Total	\$8,087,550

The projected project schedule is shown below:

December 2002	Obtain Permits
January 2003	Construction Start
January 2004	Construction Completion
July 2004	Project Lease up/Stabilization

The proposed development exceeds the 50-unit cap for assisted projects and is located in a Prohibited Census Tract based on the City's existing Housing Locational Policy. A waiver of the existing Housing Locational Policy is needed for this development to move forward. A new Housing Locational Policy was approved by Council on November 26, 2001. The new policy, which takes effect January 1, 2002, allows for the development of 100 units of new assisted multifamily housing. The new policy also provides guidelines for on-site property management. CMHP will comply with the guidelines by providing full-time, on-site property management for the project. In addition an impact report, as required by the new policy, is included as an attachment. (Assisted Multifamily Evaluation Criteria Report)

Information about this development was presented at the November 26, 2001 Dinner Briefing.

MWBD:

CMHP will meet the City's MWBD requirements. CMHP has an internal goal of 15% MWBD participation.

Funding:

Affordable Housing Two-Thirds Bond Funds

Attachment 8

- 15-Year Pro-forma/Project Cash Flow
- CMHP Commitment Letters
- Location Map
- Site Plan/Floor Plan
- Assisted Multifamily Evaluation Criteria Report
- November 26, 2001 Council Dinner Briefing Presentation slides

12. Sycamore Green Apartments – Development Authorization

Action: Approve a resolution authorizing Mecklenburg County to exercise its power within the City of Charlotte to issue Multifamily Housing Revenue Bonds to finance a portion of the development of the Sycamore Green Apartments.

Staff Resource: Stan Wilson, Neighborhood Development

Policy:

The City's FY2002 Consolidated Plan identifies a need for affordable, safe and decent housing for low-income families. The Plan was approved by Council on May 14, 2001 and reaffirmed the three basic goals of the City's Housing Policy: *preserve the existing housing stock, expand the supply of low and moderate-income housing, and support family self-sufficiency initiatives.* The Center City 2010 Vision Plan also promotes the construction of workforce housing in the downtown area.

Explanation:

On October 22, 2001, Council approved a resolution authorizing the City Manager to sell 2.9 acres of City owned land between Waccamaw and West Trade Streets to the Bank of America Community Development Corporation (BACDC) and The Committee to Preserve and Restore Third Ward (The Committee) for \$1,409,419 to develop a 190 unit mixed-income housing development (Sycamore Green Apartments). Seventy-six (76) of the units will be made affordable for households earning less than 60% (\$36,240) of the area median income.

BACDC and The Committee received approval on September 12, 2001 from the North Carolina Housing Finance Agency for tax-exempt bond financing in the amount of \$16,481,315 for the Sycamore Green Apartments for a total development cost of \$22,900,850. The development would combine the 2.9 acres owned by the City and 2.4 acres owned by The Committee.

Mecklenburg County has agreed to issue the Multifamily Revenue Bonds for the project. However, N.C.G.S. § 157-39.1(a) provides that a county may not undertake any housing project within the boundaries of any city unless a resolution shall have been adopted by the governing body of such city declaring that there is a need for the county to exercise its power within such city.

Attachment 9
Resolution

13. Water and Sewer System Revenue Bonds

Action: Approve a resolution authorizing the issuance of up to \$195,000,000 of Water and Sewer System Revenue Bonds for the purpose of funding projects approved in the City's Capital Investment Plan

Staff Resource: Greg Gaskins, Finance

Explanation:

Approval of this resolution authorizes application to the North Carolina Local Government Commission (LGC) for approval of the bonds, the financing team and trustee and the steps necessary to complete the bond sale.

Funding for the projects will be \$175,000,000. Council is asked to approve up to \$195,000,000 to fund issuance expense and a reserve. Debt actually issued will probably be less than \$195,000,000. Since the market actually determines the final amount of bonds necessary to fund \$175,000,000 of project expenditures, the exact amount will not be known until the sale date of January 23, 2002.

On January 14, 2002 Council will be asked to approve a resolution and bond order that is required before the City can sell bonds. The LGC is expected to approve the sale by January 8, 2002.

Information about these revenue bonds was presented at the November 26, 2001 Dinner Briefing.

Funding:

Water and Sewer user fees

Attachment 10

Resolution

List of projects

14. Council Retreat Dates

Action: Choose an option for scheduling retreat:

A. Tuesday, January 29, 2002 to discuss Focus Area Plans and Council priorities; and Thursday, February 21, 2002 to discuss financial projections and FY2003 budget outlook;

OR

B. Set one date in January or February for a 2½ day retreat.

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 have met MWBD criteria.

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

Minority and Women Business Development Program (MWBD) Abbreviations:

- BBE – African American
- ABE – Asian American
- NBE – Native American
- HBE – Hispanic
- WBE – Non-Minority Women

Disadvantaged Enterprises (DBE) is a federal program primarily used for Aviation and Transit. DBE is race neutral.

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

15. Various Bids

A. Addison Drive/Robinhood Road Sidewalk Improvements E&PM

Recommendation: The City Engineer recommends the low bid of \$570,020.88 by Carolina Site Concepts, Inc. of Charlotte, North Carolina. This project will provide construction of storm drainage, concrete drives, wheelchair ramps, curb and gutter and sidewalks along Addison Drive and Robinhood Road, off Sharon Amity Road. This project was identified and prioritized under the Sidewalk Improvement Program. Curb replacement is funded by Street Maintenance.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$16,900	3%	3%
WBE	\$11,300	2%	2%
HBE	\$0	0%	1%

MWBD Compliance: Yes. Carolina Site Concepts, Inc. met the good faith effort.

B. Cathey Road Sidewalk and Drainage Improvements **E&PM**

Recommendation: The City Engineer recommends the low bid of \$499,290 by Kip Corporation of Charlotte, North Carolina. This project will provide construction of storm drainage, road widening, concrete drives, wheelchair ramps, curb and gutter and sidewalks along Cathey Road, between Gum Branch Road and Tom Sadler Road in the Paw Creek Community. This project was identified and prioritized under the Sidewalk Improvement Program. The drainage work is funded by Storm Water Services.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$8,820	2%	4%
WBE	\$46,302	9%	2%
HBE	\$0	0%	1%

MWBD Compliance: Yes. Kip Corporation met the good faith efforts.

C. Spirit Square Partial Roof Replacement **E&PM**

Recommendation: The City Engineer recommends the low base bid of \$481,800 and Alternate 1 of \$30,000 for a total of \$511,800, by Carolina Roofing of Lincolnton, North Carolina. The existing roof has exceeded its serviceable life causing excessive leaks. This project will include the removal and replacement of approximately 4,800 square feet of architectural shingles, underlayment, gutters, and flashing along with the removal of approximately 20,600 square feet of low slope roofing flashing systems and the installation of a modified bitumen roof system with sheet metal flashing.

MWBD Compliance: Yes. Carolina Roofing will self-perform.

D. Hope Park Branch Stream Restoration **E&PM**

Recommendation: The City Engineer recommends the low bid of \$606,677.19 by T. K. Browne Construction Company, Inc. of Charlotte, North Carolina. This project consists of stream restoration and stream enhancement. Hope Park Branch is a highly degraded stream system that will be restored to a naturally functioning stable system. This will allow for water quality and ecologic benefits as well as reducing property damage and serving as stream mitigation credit.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	5%
WBE	\$136,834	24%	4%

MWBD Compliance: Yes. T. K. Browne Construction Company met the good faith efforts.

E. Furniture for the New Police and Fire Training Academy E&PM

Recommendation: The City Engineer and Procurement Services Director recommend award of contract to the low bidder, Forms & Supply, Inc., of Charlotte, North Carolina in the amount of \$696,095. This will be a one-time, lump-sum contract for supplying furniture to the new Charlotte Police and Fire Training Academy.

Brice-Morris-Berg Architects, Inc. was selected to develop and prepare the furniture specifications and plans for the new Charlotte Police and Fire Training Academy on Shopton Road. The architects supplied all product requirements, approved manufacturers, substitutions, furniture plan layouts, and product delivery, storage and handling requirements. Bids were submitted as a single lump sum for providing all products, materials, labor, delivery, installation and clean up as specified by the architects.

After evaluating all bids, Brice-Morris-Berg Architects recommends award to Forms and Supply, Inc. Bids from three firms (John Miller & Associates, Office Environment, Inc. and Commercial Movers, Inc.) were deemed non-responsive in this evaluation.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	10%
NBE	\$0	0%	5%
ABE	\$0	0%	10%
WBE	\$696,095	100%	10%

MWBD Compliance: Yes. Forms and Supply is a certified WBE.

F. Water Main Construction–12-inch Water Main along Wilkinson Boulevard–from Sam Wilson Road to Old Dowd Road CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$216,994.58 by Propst Construction Company, Inc. of Concord, North Carolina. This project consists of approximately 4,105 linear feet of 12-inch water pipe, 100 feet of 8-inch water pipe, 3 fire hydrants and various other appurtenances and erosion controls to be installed within the rights-of-way of Wilkinson Boulevard, Sam Wilson Road, and Old Dowd Road.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$12,000	6%	6%
WBE	\$11,000	5%	5%

MWBD Compliance: Yes. Propst Construction has made the good faith effort.

G. Sanitary Sewer Construction – Reverdy Glen Pump Station and Force Main CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$138,250.65 by Foster Utilities, Inc. of Pineville, North Carolina. This project consists of approximately 124 linear feet of 8-inch sanitary sewer pipe, 120 feet of 4-inch force main, 2 four-foot manholes, and various other appurtenances and erosion controls to be performed within rights-of-way or within various permanent and temporary construction easements along Arborfield Drive, Elmsford Lane and Reverdy Lane.

MWBD Compliance: Yes. Foster has the capacity and will self-perform this work.

H. Sanitary Sewer Rehabilitation–Steele Creek Receiving Outfall CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$733,074 by Jones Brothers, Incorporated of Mt. Juliet, Tennessee. This project consists of approximately 4,700 feet of pipe lining in existing 30-inch diameter sewer, rehabilitation of 16 five-foot diameter manholes, installation of coating systems, and all preparatory work such as sewer cleaning and television inspection of the Steele Creek Outfall. The 30-inch sewer is routed along and in Granite Street, Westinghouse Boulevard and Continental Boulevard and in easement areas.

MWBD Compliance: Yes. Jones Brothers made the good faith effort. No MWBD firms are available which could perform the portion of subcontracting work available.

I. Sanitary Sewer Construction–Coffey Creek Tributary to Shopton Road–Phase 1 CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$542,624.83 by Sanders Constructors, Inc. of Belmont, North Carolina. This project consists of approximately 5,440 linear feet of 24-inch sewer pipe, 209 feet of 8-inch sewer pipe, 24 five-foot manholes, and various other appurtenances and erosion controls beginning at an existing sanitary sewer line on Coffey Creek and extending northwesterly along the tributary of Coffey Creek, with varying temporary construction easements.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$7,745	1%	6%
WBE	\$20,659	5%	6%

MWBD Compliance: Yes. Sanders Constructors has made the good faith effort.

CONSENT II

16. Adam Two Office Lease and Upfit

Action: A. Approve a 10-year lease for \$622,968.28 with the Charlotte-Mecklenburg Development Corporation (CMDC) Westover No 1 2000 LLC for the Adam Two District Office at the Westover Shopping Center; and

B. Adopt a budget ordinance appropriating \$250,000 in police assets forfeiture funds for the upfit of the Adam Two office space.

Staff Resources: Major Kevin Wittman, Police
Major Dennis McCrary, Police
A.C. Shull, Neighborhood Development
Diane Carter, Engineering & Property Management

Explanation:

One of the City's goals is to revitalize Westside business corridors and provide quality shopping opportunities for residents in neighborhoods such as Reid Park, Wilmore, Dalton Village, and Wingate.

One of the critical components of the revitalization of the West Boulevard Corridor is the redevelopment of the Westover Shopping Center. The U.S. Department of Justice took control of the original Westover Shopping Center in June 1991 when the center was seized as the result of a criminal investigation.

In February 2001, Council accepted the Westover Shopping Center from the United States Attorney as part of the Weed and Seed Program with the West Enterprise Community and the Reid Park Community Development Corporation. The Memorandum of Understanding between the City and the United States Attorney stipulated that the property must: (a) be redeveloped within two years of transfer of title; (b) provide cash flow for the Weed and Seed Program; (c) include a police district office on site; and (d) provide community services and benefits.

The City, in partnership with the Chamber of Commerce, established a limited liability corporation (LLC) comprised of the Charlotte-Mecklenburg Development Corporation (CMDC), West Enterprise Community, and Reid Park CDC. The LLC was tasked with demolishing the old buildings and constructing a new shopping center on the 4.6-acre site.

The CMDC has demolished the old structure, identified new tenants, and finalized construction plans for a new shopping center. Construction is

scheduled to start in December 2001 and be completed in December 2002. The total project cost for the shopping center is currently estimated to be \$4,641,596. Approximately \$3,261,596 of the construction cost must be covered through bank financing with other costs covered by a \$480,000 U.S. Health and Human Services Grant to the Reid Park CDC and a \$900,000 Economic Development Loan from the Community Development Block Grant program. The bank financing requires that the CMDC show evidence of lease commitments, most of which are contingent upon signing of the police district office lease.

The lease for the Adam Two District office will cost \$622,968.28 for a period of ten years. The cost of the space, which includes the shell and basic upfit, is \$8.33 per square foot, which compares favorably to the market rate in the area. The lease costs are included in the Police Department's annual budget. The Police Department also wishes to appropriate \$250,000 from its assets forfeiture funds to cover additional upfit costs to include walls, plumbing, electrical wiring, and heating and air conditioning.

The Adam Two Office will be a 7,000 square foot facility with office space, locker rooms, a roll call room and a conference room that can also be used for community meetings. The facility will include 80 secured parking spaces adjacent to the building. Locating the Adam Two Office in the Westover Shopping Center will facilitate a major police presence in the West Boulevard Corridor and enhance the perception of safety for residents and business owners in the neighborhoods in the area around the center.

Community Input:

The redevelopment of the Westover Shopping Center and the location of a police district office in the facility have been identified as a high priority for the community at meetings regarding the Westside Strategy Plan, Charlotte Mecklenburg Development Corporation Plan, West Boulevard Plan, Enterprise Community Application and the Weed and Seed Application.

Funding:

Police Department operating budget and assets forfeiture funds

Attachment 11

Ordinance

17. Charlie Three District Office Lease

Action: Approve a ten year lease for \$419,018.28 between the Police Department and Jill S. Newton for the Charlie Three District Office

Staff Resource:

Captain Russ McElwee, Police
Diane Carter, Engineering & Property
Management

Explanation:

The growth of the Police Department's Charlie Three District requires relocation to a larger space. The department also wanted to relocate the office so that it was more easily seen from the street, and more accessible to citizens in the district. After a search of available space in the district's geographic area, the Police Department chose a new location at 5727 North Sharon Amity Road, Suite A. The space includes 17,800 square feet of office and warehouse space, locker room facilities, and secured parking for 80 vehicles.

The initial rent for the facility is \$4,000 per month which is below market rate for both office and retail facilities in the area. The rate increases 1.5% per year during years 6-10 of the lease.

Funding:

Police Department Operating Budget

18. Historic North Charlotte Neighborhood Improvement Project

Action: Approve Amendment No. 1 for \$218,103 with Woolpert LLP for engineering services for the Historic North Charlotte Neighborhood Improvement Project.

Staff Resource: Sonji Mosley, Engineering & Property Management

Explanation:

In November 2000, citizens approved the Neighborhood Improvement Bond referendum to fund the Neighborhood Improvement Program. This program was established to help maintain, stabilize and revitalize neighborhoods through comprehensive infrastructure improvements such as curb and gutter, storm drainage and sidewalks.

Historic North Charlotte was identified as one of 22 high-priority neighborhoods. On March 26, 2001, Council approved the original agreement for engineering planning and design services for the Historic North Charlotte Neighborhood Improvement Project for \$119,471. Project boundaries are North Tryon Street, The Plaza, Matheson Avenue, and Sugar Creek Road. This amendment will provide funding for:

- Water main improvements as requested by Charlotte-Mecklenburg Utilities,
- Additional design for storm water, and
- Additional curb, gutter, and sidewalk improvements.

Funding:

Neighborhood Capital Investment Plan

Attachment 12

Project map

19. Herrinwood Neighborhood Improvement Project

Action: Approve Amendment No. 1 for \$296,527 with US Infrastructure of Carolina, Inc. for engineering services for the Herrinwood Neighborhood Improvement Project.

Staff Resource: Sonji Mosley, Engineering & Property Management

Explanation:

In November 2000, citizens approved the Neighborhood Improvement Bond referendum to fund the Neighborhood Improvement Program. This program was established to help maintain, stabilize and revitalize neighborhoods through comprehensive infrastructure improvements such as curb and gutter, storm drainage and sidewalks.

The Herrinwood Neighborhood was identified as one of 22 high-priority neighborhoods. On March 26, 2001, Council approved the original agreement for engineering planning and design services for the Herrinwood Neighborhood Improvement Project for \$102,288. Project boundaries are Shamrock Drive, Sugar Creek Road, The Plaza, and Academy Street. This amendment will provide funding for:

- Water main improvements as requested by Charlotte-Mecklenburg Utilities,
- Additional design for storm water, and
- Additional curb, gutter, and sidewalk improvements.

MWBD:

ABE: 86%

Funding:

Neighborhood Capital Investment Plan

Attachment 13

Project map

20. Beatties Ford Road Widening Project

Action: Approve Change Order No. 1 to the Beatties Ford Widening contract with Ferebee Corporation of Charlotte, North Carolina for \$483,981.53

Staff Resource: Gayle Vaca, Engineering & Property Management

Explanation:

On August 27, 2001, Council awarded the original contract for the Beatties Ford Road Widening Project to Ferebee Corporation for \$1,219,178.87.

This change order will provide funds for storm drainage and street improvements in the Washington Heights Neighborhood. This work was originally scheduled to be included in a portion of the Washington Heights Neighborhood Improvement Project. Due to storm drain permitting issues and the approval process of HUD and the Charlotte Housing Authority for drainage easements, the bid phase for the Washington Heights Neighborhood project has been delayed. The Beatties Ford Road drainage system discharges into the neighborhood storm drain system. Approval of this work order will expedite completion of the neighborhood work within six months, lessen the impact to property owners, and eliminate a six-month delay to the work activities on Beatties Ford Road.

Price for this change order is based on existing contract unit prices and negotiated prices for new items.

MWBD:

Ferebee Corporation met the original contract MWBD goals. Additional MWBD participation under this change order is: 2%WBE (\$81,934)

Funding:

Neighborhood Capital Investment Plan

21. Multifamily Refuse and Recyclables Collection Services Contract

Action: Authorize the City Manager to:

- A. Negotiate and execute a contract with Container Corporation of Carolina to collect refuse and recyclables from multifamily complexes having 30 or more units. The cost of the contract is not expected to exceed \$2.5 million per year; and**
- B. Extend the current Multifamily Refuse and Recyclables Collections Contract for complexes having 30 or more units with Container Corporation of Carolina on a month-to-month basis to allow for negotiation of the new contract.**

Staff Resource:

Wayman Pearson, Solid Waste Services
John Trunk, Business Support Services

Explanation:

Staff recommends that Council authorize the City Manager to negotiate and execute a contract with Container Corporation of Carolina for the collection of refuse and recyclables from multifamily complexes having 30 or more units. The initial term of this contract shall be for three (3) years with the City's right to renew for two (2) additional one (1) year terms. The cost of the contract is not expected to exceed \$2.5 million per year. Staff also recommends an extension of the current Multifamily Refuse and Recyclables Collections Contract for complexes having 30 or more units with Container Corporation of Carolina on a month-to-month basis to allow for negotiation of the new contract.

This new contract will reflect the Restructuring Government Committee recommendation on multifamily solid waste collection on the December 10, 2001 agenda.

In November 1996, as part of the Solid Waste Services (SWS) Competition Plan, the provision of citywide multifamily refuse and recyclables collection for complexes having 30 or more units was outsourced to Container Corporation of Carolina (CCC). The current contract between the City and CCC expires December 12, 2001. To continue with the decision in the SWS Competition Plan to provide citywide service to multifamily complexes, a new Request for Proposals (RFP) was issued on October 12, 2001. The RFP contained extensive background information regarding performance requirements based upon the experiences gained from the City's last five years of using one (1) citywide vendor for providing service to multifamily complexes.

The City now desires to award a new contract for multifamily refuse and recyclables collection to Container Corporation of Carolina (CCC). CCC submitted a proposal on November 16, 2001 in response to RFP #2002-014. CCC submitted the most responsive proposal in detail and format, and the lowest, most responsive pickup rates out of the field of proposing service providers. After careful consideration, the Evaluation Committee voted unanimously to award the contract to CCC. The initial term of this contract shall be for three (3) years with the City's right to renew for two (2) additional one (1) year terms. The City may elect to exercise its renewal options one (1) year at a time.

CCC's performance over the life of the current contract has been excellent. CCC has been prompt to resolve complaints and proactive in making the City aware of situations on their routes that could become problematic. Their staff has been responsive to the City and to the multifamily complexes.

The new contract with CCC will reflect a change in the pricing structure designed to encourage CCC to increase multifamily recycling. The prior agreement paid CCC for servicing recycling stations and for collected recycling tonnage. CCC will not be paid for recycling tonnage under the new agreement, since payment for recycling tonnage produced no significant

increase in recycling over the life of the existing contract. CCC will have to place a greater emphasis on expanding recycling programs within multifamily complexes as a way to generate income from recycling.

Expansion of recycling programs will also direct more material from landfills and reduce landfill disposal costs.

Prior to the January 1, 2002 expected start date for the new contract there will be a three-week period in December 2001 without an approved agreement for multifamily collection services. This action would extend the current agreement to prevent a contractual lapse and also allow the City to negotiate new contract terms without the extra pressure of a pending contract expiration date. CCC has agreed to extend the agreement.

MWBD:

CCC will subcontract 14.8% of the total dollar amount of the contract with minority owned business.

Summary of Bids:

The City sent out Requests For Proposals to approximately twenty-one (21) service providers and conducted a pre-proposal conference for prospective contractors. The City received proposals from four (4) service providers that included Container Corporation of Carolina, Republic Waste Services, Waste Industries, Inc., and Waste Management of Carolinas. The proposed pickup rates are listed below:

	Current Multifamily Contract	Container Company of Carolina	Republic Waste Services	Waste Industries, Inc.	Waste Management of Carolinas
Dumpsters & Front Compactors	\$4.64 Per pick up	\$5.63 Per pick up	\$8.27 Per pick up	\$9.51 Per pick up	\$7.22 Per pick up
Rolloffs	\$76.22 Per pick up	\$79.00 Per pick up	\$104.50 Per pick up	\$124.25 Per pick up	\$99.00 Per pick up
Public Facilities	\$4.64 Per pick up	\$5.63 Per pick up	\$8.27 Per pick up	\$9.51 Per pick up	\$7.22 Per pick up
Recyclables	\$4.27 Per pick up	\$11.41 Per pick up	\$9.66 Per pick up	\$6.70 Per pick up	\$11.50 Per pick up
Recyclables Tonnage	\$59.95 Per ton	\$0	\$0	\$0	\$0

Funding:

Solid Waste Services Operating Budget

Attachment 14
Summary of Bid Evaluations

22. Storm Water Fee Revenue Refunding Bonds

Action: Approve a resolution authorizing the issuance of up to \$32,000,000 of Storm Water Fee Revenue Refunding Bonds for the purpose of refunding \$27,335,000 of existing debt.

Staff Resource: Greg Gaskins, Finance

Explanation:

Approval of this resolution authorizes application to the North Carolina Local Government Commission (LGC) for approval of the bonds, the financing team and trustee and the steps necessary to complete the bond sale.

Since the market actually determines the final amount of bonds necessary to refund \$27,355,000 of existing debt, the exact amount will not be known until the sale date of January 23, 2002. Net present value savings in excess of \$800,000 are projected. The refunding bonds will not be sold unless significant savings will be realized.

On January 14, 2002, Council will be asked to approve a resolution and bond order that is required before the City can sell bonds.

Funding:

Storm Water fees

Attachment 15
Resolution

23. Agreement for Disadvantaged Business Enterprise Program Management/Consultant Services

Action: Approve an agreement with Ken Weeden Associates, Inc./Liz Mills, Ltd. to implement the Charlotte Area Transit System (CATS) Disadvantaged Business Enterprise program and authorize the Chief Executive Officer of CATS to negotiate and execute an agreement for one year for an amount not to exceed \$150,000, with up to four additional one-year renewal options.

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation:

The Charlotte Area Transit System (CATS) receives significant capital funds from the USDOT Federal Transit Administration (FTA). FTA requires any Grantee receiving \$250,000 or more in FTA planning, capital, and/or operating assistance in a fiscal year to have a Disadvantaged Business Enterprise (DBE) Program which meets the requirements of USDOT Regulation 49CFR Part 26 dated February 2, 1999.

In FY01, CATS goal for DBE participation in Federally-funded capital projects was 13%. CATS achieved 15% participation. The DBE participation goal for FY02 is 15.6%.

The rapidly expanding CATS Capital program offers opportunities for participation by a variety of vendors, contractors and consultants. In order to provide assistance for small and disadvantaged businesses to participate, and to comply with all the DBE Program regulations, CATS needs the assistance of a specialized consultant.

The consultant will assist CATS with:

- Developing and implementing annual DBE goals for CATS.
- Monitoring contractor and subcontractor compliance with DBE commitments throughout the contract period.
- Reviewing payment records and performance evaluations.
- Conducting statistical analysis of data, site investigations, resolving disputes, and participating in pre-bid and pre-proposal meetings, designing and coordinating a comprehensive DBE community relations program.
- Certifying and registering vendors in compliance with federal and state regulations and coordinating CATS' certifications with NCDOT's Uniform Certification Program database.
- Performing desk audits to determine vendor conformance to Small Business Administration size standards and guidelines.
- Meeting FTA reporting requirements.

The Consultant team of Ken Weeden Associates/Liz Mills, Ltd. was selected pursuant to a competitive Request For Qualifications (RFQ) procurement process. There were six responses to the RFQ from the following firms:

- Contract Compliance, Inc.
- Griffin & Strong, PC
- Ken Weeden Associates/Liz Mills, Ltd.
- The Bennington Corp.
- Lambright, McHenry & Powell
- A&B Asset Management

A technical evaluation committee comprised of CATS and Business Support Services staff evaluated the proposals against the following criteria:

- Identification of the key issues and the proposer's approach and methodology to meet the scope of services
- Experience and qualifications of the proposer's project staff
- Experience and qualifications of the firms
- References

DBE:

The Disadvantaged Business Enterprise (DBE) Goal for this agreement has been set at 13%. Ken Weeden Associates is a Certified DBE Firm and under the Federal requirements will be allowed to take credit for 100% of the goal.

Funding:

CATS Capital Program funds

24. Municipal Agreement for Utility Improvements on Independence Boulevard (US 74) from Brookshire Freeway (I-277) to Briar Creek

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the utility improvements on Independence Boulevard from Brookshire Freeway to Briar Creek.

Staff Resource: Gus Jordi, Transportation

Explanation:

The improvement of Independence Boulevard requires certain utility relocations/adjustments, and a Municipal Agreement is necessary. The Municipal Agreement provides for the NCDOT contractor to perform water and sewer line adjustment and relocation work for the project with costs reimbursed by the City.

The estimated cost to the City is \$747,393.50. The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding:

Transportation Capital Investment Plan

Attachment 16

Resolution

25. Municipal Agreement for Traffic Control Center Upgrade to Accommodate HOV Operations on Independence Boulevard

Action: A. Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the Traffic Control Center upgrade to accommodate HOV operations on Independence Boulevard; and

B. Adopt a budget ordinance totaling \$300,000 to appropriate state funding for the project.

Staff Resource: Bill Dillard, Transportation

Explanation:

NCDOT plans to construct HOV lanes on Independence Boulevard (US 74) from I-277 to Albemarle Road. As part of this project the City will install computerized traffic control equipment to accommodate HOV operations in the City's Traffic Control Center and a Municipal Agreement between the City and NCDOT is necessary.

The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT not to exceed \$300,000. The total cost for the project is expected to be approximately \$450,000. The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding:

Transportation Capital Investment Plan

Attachment 17

Resolution

Ordinance

26. Interlocal Agreement for Road Improvements at the Intersection of Colony Road and Runnymede Lane

Action: A. Adopt a resolution authorizing the Transportation Key Business Executive to execute an Interlocal Agreement with the Charlotte-Mecklenburg Board of Education to share the cost of left-turn road improvements at the intersection of Colony Road and Runnymede Lane; and

B. Adopt a budget ordinance totaling \$300,000 to appropriate Charlotte-Mecklenburg Board of Education and State contributions to the project.

Staff Resource: Leon Howe, Transportation

Explanation:

The Charlotte-Mecklenburg Board of Education (CMBE) is constructing a new Selwyn Elementary School scheduled to be completed by the 2002-2003 school year. The existing Selwyn Elementary School will be used as a “swing school” for at least one year after the new school is constructed.

Construction of the new Selwyn Elementary School, along with other work on the multi-school campus will necessitate changes in the traffic patterns to and from the schools.

The Charlotte Department of Transportation (CDOT) has negotiated an agreement with the CMBE to construct a left-turn lane from eastbound Runnymede Lane to northbound Colony Road, and a left-turn lane from westbound Runnymede Lane to southbound Colony Road.

CDOT and CMBE agree that the improvements will benefit not only the public at large but also the Myers Park/Alexander Graham/Selwyn campus. In addition to the safety and congestion benefits to the public at large, the left-turn lanes along Runnymede Lane at Colony Road will provide improved access to the new elementary and existing Selwyn Elementary schools that is comparable to the intersection of Barclay Downs Road and Runnymede Lane.

The estimated cost of the turn lanes is \$500,000. CMBE’s financial contribution shall be the lesser of 50% of the actual cost of planning, design and construction of the improvements, or \$200,000. The CMBE will also donate right-of-way for the project. This is considered CMBE’s fair share. In addition, the North Carolina Department of Transportation (NCDOT) will be providing \$100,000.

The City Manager authorized a contract with an engineering firm for \$96,076 to proceed with design in July 2001 based upon a good faith commitment from the school, and the need to expedite work to meet the goal of project completion, which is by the time the new school is opened.

Funding:

Transportation Capital Investment Plan

Attachment 18

Resolution

Ordinance

27. Geotechnical and Materials Testing Services

Action: Approve Amendment No. 2 to the Agreement for Geotechnical and Materials Testing Services with S&ME, Inc. for \$150,000.

Staff Resource:

Bong Vang, Engineering & Property Management

Explanation:

On March 27, 2000, Council approved the original agreement for \$150,000 with S&ME, Inc. for geotechnical and materials testing services for various City projects. On April 9, 2001, Council approved Amendment No. 1 with S&ME, Inc. for \$150,000 to provide funding to continue testing for approximately one year. This amendment will provide funding to continue testing services on an as needed basis. No future amendments are anticipated for this project.

Geotechnical and materials testing involves the testing of soil, concrete, and asphalt to ensure it meets the City's standards and that quality materials are used during construction. The contract also provides for a quick response time for testing to help keep construction projects on schedule.

Funding:

Capital Investment Plan

28. Sale of City Owned Property at Hoskins Road and Brookshire Boulevard

Action: A. Declare 0.784 acres of City owned property located at Hoskins Road and Brookshire Boulevard (tax code 039-015-01) surplus; and

B. Authorize the advertisement of an offer to purchase and contract from Jack In The Box Corporation for the purpose of receiving upset bids.

Staff Resource: Kent Winslow, Engineering & Property Management

Explanation:

The City owns 0.784 acres of vacant property at Hoskins Road and Brookshire Boulevard. The property is zoned B-1. An independent appraisal establishes the market value at \$225,000.

An offer to purchase the property has been received for the purpose of building a restaurant at that location.

Staff recommends authorizing the advertisement of the offer for the purpose of receiving upset bids.

Attachment 19

Tax map identifying property

29. Edwards Branch Watershed Improvement Project–Phase 1A

Action: Authorize the City Engineer to reimburse Mecklenburg County \$612,227 for storm water improvements completed on the City's behalf associated with wetland and storm water infrastructure work currently underway in Sheffield Park.

Staff Resource: Steve Sands, Engineering and Property Management

Explanation:

The Edwards Branch Watershed Improvement Project is a multi-agency project that includes improving flooding and erosion problems, improving water quality in the stream, and creating mitigation credits for future storm water work. These are activities included in the City's National Pollutant Discharge Elimination System Permit. Construction of a wetland is currently underway in Sheffield Park. This action would allow the current contractor to complete all of the work associated with the park, which includes restoration work on 500 feet of channel and the construction of a new bridge that will serve as the new entrance to the park. Project costs are as follows:

\$319,470	–	Channel Restoration
\$222,757	–	Bridgework
\$52,000	–	City's portion of wetland construction
<u>\$18,000</u>	–	Construction Contingency
\$612,227	–	Total

Community Input:

The Edwards Branch Watershed Improvement Project has had several public meetings and an intensive community input effort that included three neighborhood leader meetings, seven affected property owners meetings, and specific written project communications in the neighborhood's newsletter and Storm Water's newsletter.

Funding:

Storm Water Services Capital Investment Plan

Attachment 20

Edwards Branch Watershed Improvement Project Description

30. Sanitary Sewer Reimbursable Contract with Mulvaney Properties

Action: Approve a reimbursable sewer contract for \$238,000 with Mulvaney Properties for the design and construction of a portion of Reedy Creek Outfall.

Staff Resource: Doug Bean, Utilities

Explanation:

Mulvaney Properties has requested a 5-year reimbursable contract for the design and construction of a sanitary sewer outfall approved in the FY 2000-2004 Capital Investment Plan. This outfall will extend approximately 3,305 linear feet along Reedy Creek from Robinson Church Road to the southern edge of the Kingstree Subdivision property at the Harrisburg Road County Park and Recreation property.

The estimated cost of this project is \$238,000. The applicant has deposited 20% of the estimated project cost with the remaining 80% to be deposited prior to construction. The City will reimburse the applicant over a five-year period because it is an approved Capital Investment Plan project.

Funding:

Water and Sewer Capital Investment Plan

31. Water and Sewer Main Design and Inspection–Professional Service Contract

Action: Approve a contract for \$400,000 with Barbara H. Mulkey Engineering, Incorporated to provide design and construction inspection for water and sewer system improvements and relocations associated with North Carolina Department of Transportation Projects.

Staff Resource: Doug Bean, Utilities

Explanation:

This contract will facilitate design and inspection of all water and sewer improvements and relocations for future CMU needs as it pertains to North Carolina Department of Transportation (NCDOT) projects. These improvements and/or relocations involve designing future sewer service lines for all major basins that will be impacted due to highway construction and will include designing water lines to provide future service in NCDOT project limits. This work will insure that future service will be provided in a cost effective manner and will help insure that we minimize impacts to NCDOT's new highway construction.

MWBD:

All tasks will be performed by Barbara Mulkey Engineering, who is certified by the City as a WBE.

Funding:

Water and Sewer Capital Investment Plan

32. Change Order for Corporate Ramp Expansion

Action: Approve a change order in the amount of \$314,000 to Rea Construction Co. Inc. of Charlotte for taxiway paving in the Corporate Aviation Area.

Staff Resource: Jerry Orr, Aviation

Explanation:

On May 29, 2001, Council approved a ground lease agreement with Duke Energy Corporation for a Corporate Aviation Facility at the airport. This change order will pave a new taxiway and aircraft parking area to serve Duke Energy's new hangar. The cost of the change order is repaid through Duke Energy's fees and rents.

Background:

On March 27, 2000, Council awarded a contract to Rea Construction Co. Inc. in the amount of \$10,236,716.65 to construct and pave the aircraft ramp for the new Concourse E on a unit-cost basis.

The Airport Advisory Committee recommends this action.

Funding:

Aviation Capital Investment Plan

33. Property Transactions

Action: Approve the following property acquisitions (A-F) and adopt the condemnation resolutions (G-R).

Acquisitions:

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Sue O. Windham
Property Address: 7617 Newell Road
Property to be acquired: .497 acres
Improvements: Single Family Residence
Purchase Price: \$83,000
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: R3
Use: single family residence
Tax Value: \$47,910
Tax Code: 113-131-06
- B. Project:** Sharon Amity at Lyttleton Drive Intersection, Parcels 3 & 2
Owner(s): Glenn V. Mason, David T. Mason and Glenn W. Mason
Property Address: 1001 North Sharon Amity Road
Property to be acquired: 3,922 sq. ft. (0.090 ac.) of Fee Simple, plus 1,517 sq. ft. (0.035 ac.) of Permanent Easement, plus 4,263 sq. ft. (0.098 ac.) of Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$12,457.50
Remarks: This acquisition is required for the Sharon Amity at Lyttleton Drive Intersection project. Compensation was established by an independent, certified appraisal and appraisal review.

Zoned: R-3
Use: Single Family Residential
Tax Code: 157-202-03 and 157-202-02
Total Parcel Tax Value: \$117,520

- C. Project:** Old Statesville Road Widening, Parcel 115
Owner(s): John P. Frazer and Barbara A. Frazer
Property Address: 4401 Pete Brown Road
Property to be acquired: 4,240 sq. ft. (0.097 ac.) of Fee Simple Acquisition plus 1,158 sq. ft. (0.027 ac.) of Temporary Construction Easement
Improvements: Chain Link Fence
Purchase Price: \$15,500
Remarks: This area is required for the Old Statesville Road Widening project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I2CD
Use: Warehouse/Industrial
Tax Code: 043-241-08
Total Parcel Tax Value: \$219,680
- D. Project:** Prosperity Church Road Widening – Phase II, Parcel 104
Owner(s): Cho Hwan Chin and Wife, Hyo Chin
Property Address: 10200 Billingham Drive
Property to be acquired: 515 sq. ft. (0.012 ac.) of Fee Simple plus 1,887 sq. ft. (0.044 ac.) of Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$23,800
Remarks: This acquisition is required for the Prosperity Church Road Widening-Phase II project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 029-502-82
Total Parcel Tax Value: \$176,150
- E. Project:** Prosperity Church Road Widening – Phase II, Parcel 160
Owner(s): Charles W. Dunn, Jr. and Wife, Elnita M. Dunn
Property Address: 12510 Heritage Hills Lane
Property to be acquired: 2,665 sq. ft. (0.062 ac.) of Fee Simple, plus 47 sq. ft. (0.001 ac.) of Permanent Easement, plus 1,978 sq. ft. (0.046 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$15,800

Remarks: This acquisition is required for Prosperity Church Road Widening-Phase II. Compensation was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single Family Residential

Tax Code: 027-382-01

Total Parcel Tax Value: \$127,330

- F. Project:** Sanitary Sewer to Serve Marvin Road, Parcel 3 & 4
Owner(s): Crosland Kingsley, LLC
Property Address: 15814 Marvin Road
Property to be acquired: 10,263 sq. ft. (0.236 ac.) of Permanent Easement plus 12,589 sq. ft. (0.289 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$23,000
Remarks: This acquisition is required for the sanitary sewer to serve Marvin Road project. Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 223-091-20 and 223-091-19
Total Parcel Tax Value: \$175,060

Condemnations:

- G. Project:** Prosperity Church Road Widening – Phase II, Parcel 118
Owner(s): William G. Langley and Anne L. Dodds and Husband, Todd Dodds and Any Other Parties of Interest
Property Address: 4712 Prosperity Church Road
Property to be acquired: 27,551 sq. ft. (0.633 ac.)
Improvements: None
Purchase Price: \$18,050
Remarks: This acquisition is required for Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and review appraisal. City Staff has yet to reach a negotiated settlement with property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 029-321-21
Total Parcel Tax Value: \$193,910
- H. Project:** Prosperity Church Road Widening – Phase II, Parcel 152
Owner(s): Nuvia E. Alvarracin and Husband, Victor Alvarracin and Any Other Parties of Interest
Property Address: 4628 Mackinac Street

Property to be acquired: 1,747 sq. ft. (0.040 ac.)

Improvements: Fence

Purchase Price: \$5,400

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 027-384-05

Total Parcel Tax Value: \$149,420

I. Project: Prosperity Church Road Widening – Phase II, Parcel 162

Owner(s): Otis M. Barber and Wife, Thelma V. Barber and Any Other Parties of Interest

Property Address: 4407 Prosperity Church Road

Property to be acquired: 18,231 sq. ft. (0.419 ac.)

Improvements: None

Purchase Price: \$15,000

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 027-382-22

Total Parcel Tax Value: \$195,030

J. Project: The Plaza Pedestrian Refuge Median, Parcel 4

Owner(s): Donna Shayeghi and Amin Neel and Any Other Parties of Interest

Property Address: 3420 The Plaza

Property to be acquired: 1,844 sq. ft. (0.043 ac.)

Improvements: None

Purchase Price: \$5,000

Remarks: This acquisition is required for the Plaza Pedestrian Refuge Median project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: B-1

Use: Vacant

Tax Code: 093-051-07

Total Parcel Tax Value: \$33,750

- K. Project:** The Plaza Pedestrian Refuge Median, Parcel 15
Owner(s): William R. Wallace and Wife, Chong C. Wallace and Any Other Parties of Interest
Property Address: 3701 The Plaza
Property to be acquired: 417 sq. ft. (0.010 ac.)
Improvements: None
Purchase Price: \$250
Remarks: This acquisition is required for the Plaza Pedestrian Refuge Median project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R22MF
Use: Single Family Residential
Tax Code: 091-099-06
Total Parcel Tax Value: N/A
- L. Project:** Old Statesville Road Widening, Parcel 19
Owner(s): Lindsay D. Keith and Any Other Parties of Interest
Property Address: 6612 Old Statesville Road
Property to be acquired: 5,356 sq. ft. (0.123 ac.) of Fee Simple Acquisition
Improvements: None
Purchase Price: \$15,550
Remarks: This area is required for the Old Statesville Road Widening project. Compensation was established by two independent, certified appraisals and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R17MF
Use: Single Family Residential
Tax Code: 045-441-01
Total Parcel Tax Value: \$49,530
- M. Project:** The Plaza Pedestrian Refuge Median, Parcel 22
Owner(s): Mayes Real Estate, LLC and Any Other Parties of Interest
Property Address: 3435 The Plaza
Property to be acquired: 3,264 sq. ft. (0.075 ac.)
Improvements: None
Purchase Price: \$12,450
Remarks: This acquisition is required for the Plaza pedestrian Refuge Median project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1
Use: Commercial
Tax Code: 091-093-04

Total Parcel Tax Value: \$161,370

- N. Project:** Prosperity Church Road Widening – Phase II, Parcel 116
Owner(s): Julienne Ellis and Any Other Parties of Interest
Property Address: 4700 Prosperity Church Road
Property to be acquired: 13,261 sq. ft. (0.305 ac.)
Improvements: None
Purchase Price: \$8,800
Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 029-462-30 and 31
Total Parcel Tax Value: \$59,040
- O. Project:** Prosperity Church Road Widening – Phase II, Parcel 150
Owner(s): Household Realty Corporation and Any Other Parties of Interest
Property Address: 4620 Mackinac Street
Property to be acquired: 2,465 sq. ft. (0.057 ac.)
Improvements: None
Purchase Price: \$4,350
Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 027-384-03
Total Parcel Tax Value: \$168,330
- P. Project:** Prosperity Church Road Widening – Phase II, Parcel 158
Owner(s): Nimesh R. Patel and Wife, Mamta N. Patel and Any Other Parties of Interest
Property Address: 4508 Mackinac Street
Property to be acquired: 2,471 sq. ft. (0.057 ac.)
Improvements: None
Purchase Price: \$4,072
Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation was established by an independent, certified appraisal and an

appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 027-384-11

Total Parcel Tax Value: \$153,520

Q. Project: Prosperity Church Road Widening – Phase II, Parcel 159

Owner(s): Otto W. Anderson and Warren Smith and Any Other Parties of Interest

Property Address: 12515 Heritage Hills Lane

Property to be acquired: 5,434 sq. ft. (0.125 ac.)

Improvements: Landscaping

Purchase Price: \$25,500

Remarks: This acquisition is required for the Prosperity Church Road Widening - Phase II project. Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 027-384-14

Total Parcel Tax Value: \$128,860

R. Project: Sardis Road Sidewalk, Parcels 10 & 11

Owner(s): Bijan Vazeen and Wife, Mina Vazeen and Any Other Parties of Interest

Property Address: 8515 Sardis Road and 105 Creek Valley Road

Property to be acquired: 6574 sq. ft. (0.15 ac.) and 5445 sq. ft. of permanent drainage easement for a total of 12,019 sq. ft. (0.28 acres)

Improvements: Shrubs, Screening Brick Entrance Fences

Purchase Price: \$8,461

Remarks: The areas are needed for construction of sidewalks along Sardis Road. City Staff has yet to reach an agreement with the property owners after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.

Zoned: R-3

Use: Single Family Residential

Tax Code: 213-114-12 and 213-114-02

Total Parcel Tax Value: \$352,640 – 213-114-12 and
\$134,500 – 213-114-02

**Condemnation Resolutions are on file in the City Clerk's office.

34. Meeting Minutes

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

- **October 22, 2001 Business Meeting**
- **November 12, 2001 Business Meeting**
- **November 19, 2001 Zoning Meeting**