

**Mayor Anthony Foxx**

John Autry  
Michael D. Barnes  
Warren Cooksey  
Andy Dulin  
Claire Fallon

**Mayor Pro Tem Patrick D. Cannon**

David L. Howard  
Patsy Kinsey  
LaWana Mayfield  
James Mitchell, Jr.  
Beth Pickering

**CITY COUNCIL MEETING**  
**Monday, January 9, 2012**

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**CITY COUNCIL AGENDA**  
**Monday, January 9, 2012**

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

### 1. Fiscal Year 2011 Financial and Audit Reports

**Resources:** Greg Gaskins, Finance  
Eddie Burke, Partner, Cherry, Bekaert & Holland, LLP

**Time:** 30 minutes

#### **Synopsis**

- Staff will present highlights of the fiscal year 2011 Comprehensive Annual Financial Report (CAFR).
- Cherry, Bekaert & Holland, LLP, external auditor, will present the Audit Report, which includes a clean audit opinion.
- Staff will recognize the City's receipt of the 26<sup>th</sup> consecutive Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the FY2010 CAFR.
- The FY2011 CAFR will be included in the Friday, January 6 Council-Manager memo and will be available on the City's website, charmeck.org, January 10, 2012.

### 2. Closed Session

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

## **6:30 P.M. AWARDS AND RECOGNITIONS MEETING CHAMBER**

### **3. Police Athletic League Recognition**

<b>Action:</b>	<b>Mayor Foxx will recognize the Police Athletic League (PAL) Midgets and the PAL Junior Midgets football teams who competed in the POP Warner League. Also, the PAL cheerleading teams, who competed in the Mid-South POP Warner Sectional Cheerleading Competition, will be recognized.</b>
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## **CONSENT**

- 4. Consent agenda items 12 through 27 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 or City Manager during the noon agenda briefing.**

**Consideration of Consent Items shall occur in the following order:**

- a. Consideration of Consent Items that have not been pulled**
- b. Consideration of Consent Items that have been pulled for which responses are sufficient to allow a vote without further discussion**
- c. Consideration of Consent Items with citizens signed up to speak to the item**

## PUBLIC HEARING

### 5. Public Hearing on Proposed DNC-Related Ordinances

**Action:** Hold a public hearing on proposed amendments to Chapters 2, 15, and 19 of the City Code.

**Staff Resources:** Harold Medlock, Deputy Police Chief  
Mark Newbold, Police Attorney  
Bob Hagemann, City Attorney

#### Explanation

- After Charlotte was awarded the 2012 Democratic National Convention (DNC), the Charlotte-Mecklenburg Police Department, the Police Attorney's Office, and the City Attorney's Office began reviewing the Charlotte City Code and researching other cities' regulations pertaining to large scale events.
- Based upon this review and research, staff prepared a number of proposed amendments intended to give CMPD and the City Manager additional tools intended to assist in maintaining public order and the safety of citizens and the community while at the same time respecting and protecting citizens' First Amendment rights.
- The draft ordinances were presented to the Mayor and City Council at the Council's January 3, 2012 workshop.
- Following the workshop presentation, the Council requested a public hearing on the proposed amendments.
- Unless the Council directs differently, the ordinances will be on Council's January 23, 2012 agenda for action.

#### Proposed Amendments

##### Chapter 2

- Authorizes the City Manager to:
  - Designate events in the City of international or national significance as an Extraordinary Event
  - Establish the time period and location of the Extraordinary Event
  - Establish deadlines for specified permit applications and a content-neutral process for issuing permits

##### Chapter 15

- Prohibits camping on City property
- Prohibits obstruction devices (e.g., "lock boxes", "sleeping dragons", tripods) in the right of way
- Prohibits the possession and dispersal of "noxious substances" to interfere with a lawful assembly or emergency services
- Authorizes CMPD to establish police lines and barricades
- Prohibits bonfires in the right of way or on public property
- Prohibits unauthorized attachments to public and private property

##### Chapter 19

- Makes technical changes to public assembly and picketing ordinances
- Prohibits certain dangerous conduct at a public assembly or picket

- Prohibits the possession of specified dangerous items at a public assembly or picket

**Attachment 1**

Ordinance Amending Chapter 2 of the City Code  
Ordinance Amending Chapter 15 of the City Code  
Ordinance Amending Chapter 19 of the City Code

## **POLICY**

### **6. City Manager's Report**

## BUSINESS

### 7. Business Corridor Loan to Charlotte Mecklenburg Development Corporation

**Action:** Approve a loan in the amount of \$658,000 to the Charlotte Mecklenburg Development Corporation (dba Rozzelles Ferry LLC) for the Greenway Business Center.

**Staff Resource:** Brad Richardson, Neighborhood & Business Services

#### Policy

The City will take a leadership role in supporting the revitalization of the business corridors and stabilizing the local economies present in these areas.

#### Explanation

- Charlotte Mecklenburg Development Corporation (CMDC) is a not for profit public-private development entity that assists the City with redevelopment in its priority business corridors. Members are appointed by the City, County and Charlotte Chamber.
- Rozzelles Ferry LLC is a North Carolina limited liability company created by CMDC to assist in the development of Greenway Business Center at the site of the former Belvedere Homes public housing project on Rozzelles Ferry Road.
- In 2007, the City contributed \$950,000 for acquisition of the land and gap financing to the project, which was matched by Mecklenburg County. CMDC financed the project, in part, with a \$1.5 million loan from Wells Fargo, which has a current balance of \$658,000.
- In 2009, the City Council approved an additional \$500,000 grant to assist with renovation of two existing vacant buildings along the frontage of the business park, the Belvedere Theater building located at 2734 Rozzelles Ferry Road and 2732 Rozzelles Ferry Road.
- In May 2011, the City advanced \$250,000 of the \$500,000 grant for the Belvedere Theater building renovation, and in September 2011, CMDC completed a full rehabilitation of the building. The building is 100% leased to Dest Family Dentistry, which provides adult and pediatric dental care to the community. The grant balance of \$250,000 remains for renovation of the vacant 2730 building.
- CMDC is currently seeking financing to renovate the one additional building; however, the existing terms of the Wells Fargo loan use the entire business park as collateral, which prevents CMDC from securing financing for additional parcels. Attempts to restructure the Wells Fargo loan have not been successful.
- CMDC has requested a \$658,000 loan from the City to pay off the balance of the Wells Fargo loan, removing the encumbrances that currently exist under the terms of the loan and enabling CMDC to secure construction project financing through additional lenders.
- Staff recommends that Council consider a five-year term on the loan, with the following general terms:
  - Interest at 4.25 (prime +1%) would accrue over the term of the note, and upon the sale or refinancing of any of the encumbered land or buildings the City would first be paid all principal owed and then would be paid any and all remaining interest.

- The loan would be secured by a first mortgage on approximately 25 acres of I-2 land located at the Greenway Business Center valued at \$3.4 million and a first mortgage on 2732 Rozzelles Ferry Road which is a new 5,500 square foot office building valued at \$1 million.
- Repayment will be made from the future sale of parcels in the business park.
- Staff proposes that the loan be made from the City's Business Corridor Revitalization Strategy Fund, which has a current balance of \$15 million.

### **Funding**

Business Corridor Revitalization Fund

### **Attachment 2**

Belvedere Business Park Site Map

## **8. Façade Improvement Grant at Four Seasons Plaza**

**Action: Authorize the City Manager to negotiate and execute a contract with Neighborhood Revitalization Group (NRG) to renovate the façade and parking lot of the Four Seasons Plaza Shopping Center for an amount not to exceed \$175,000.**

**Staff Resources:** Peter Zeiler, Neighborhood & Business Services  
Chris Hemans, Neighborhood & Business Services

### **Policy**

The City will take a leadership role in supporting the revitalization of the business corridors and stabilizing the local economies present in these areas.

### **Explanation**

- In 2007, Council approved the Business Corridor Strategic Plan (the Plan) as a framework for improving the five priority business corridors: Wilkinson/Freedom/Morehead, Rozzelles Ferry, Beatties Ford, North Tryon, and Eastland Mall area.
- The Plan calls for establishing partnerships between the public and private sectors to leverage City dollars to meet the City's revitalization goals.
- The Plan includes a Façade Improvement Program that provides matching grants up to \$65,000 to remove blight and renovate building facades.
- In November 2008, Neighborhood Revitalization Group (NRG) purchased Four Seasons Plaza Shopping Center consisting of three separate buildings, located at 6319-6455 Albemarle Road.
- In August 2009, NRG approached the City with interest in a Façade Improvement Grant to make exterior improvements to the shopping center. Since that time, staff has worked with NRG to develop a project scope that meets the goals of NRG and the Plan.
- NRG's current application includes new facades on the three buildings and new signage to comply with current sign standards, as well as a parking lot renovation, including the addition of trees.
- The estimated project cost is \$350,000, and NRG has confirmed that their ability to complete the project is contingent upon receiving matching funds.
- The current program limit of \$155,000 would allow three matching grants. A 50% City match for the project requires \$175,000. Staff recommends a \$175,000 grant based on the following factors:

- The owner has worked collaboratively with staff to add elements to the application that were not originally intended (e.g., new signage to replace current non-conforming, but grandfathered, signage).
- The shopping center consists of three separate building facades and a large common parking area.
- Staff is currently working with the Economic Development Committee to update the City's Business Corridor Strategy, including a recommendation to increase the maximum grant amount.

### **Funding**

Business Grant Program Fund

## **9. Conclusion of the Consent Agenda**

**Action: Approval of Consent Items which Council members pulled for discussion or additional information after the noon briefing meeting.**

## **10. Nominations to Boards and Commissions**

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

### **A. FIREMEN'S RELIEF FUND BOARD OF TRUSTEES**

- One appointment for a two-year term beginning January 19, 2012
  - Henry Donaghy is not eligible for reappointment as he has completed his terms of service.

### **Attachment 3**

Applications

### **B. HISTORIC DISTRICT COMMISSION**

- One appointment for an unexpired term for a business owner in Dilworth beginning immediately and ending June 30, 2014
  - Dominic Ristaino has not met the attendance requirement.

### **Attachment 4**

Applications

### **C. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

- Three appointments for two-year terms beginning March 2, 2012
  - Randall Scott Miller is eligible and would like to be reappointed.
  - Trent Gustafson is not eligible for reappointment as he has completed his terms of service.
  - Edward Smith is eligible, but does not wish to be reappointed.

### **Attachment 5**

Applications

**D. TRANSIT SERVICES ADVISORY COMMITTEE**

- One appointment for a three-year term beginning February 1, 2012 for an employee of a suburban employer served by CATS
  - Eric "Rick" Sanderson is eligible and would like to be reappointed.
- One appointment for a three-year term beginning February 1, 2012 for a neighborhood organization leader
  - Michael Warner is eligible and would like to be reappointed.

**Attachment 6**

Applications

**E. ZONING BOARD OF ADJUSTMENT**

- One appointment for a three-year term beginning January 31, 2012 for a regular member
  - Jeffrey Davis is not eligible for reappointment as he has completed his terms of service.
  
- Two appointments for three-year terms beginning January 31, 2012 for alternate members
  - C. Jennifer Coble and Mark Loflin are eligible for reappointment and would like to be reappointed.

**Attachment 7**

Applications

**11. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

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

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

#### Contractors and Consultants

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

## 12. Freedom Drive Widening

**Action: Award the low bid contract of \$13,442,624 to Blythe Construction, Inc. for the Freedom Drive (NC 27) Widening Project.**

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

### Explanation

- This project will widen Freedom Drive from two to four lanes from just north of I-85 (Edgewood Road/Bradford Drive) to Lundy Lane just north of Toddville Road.
- Construction will include a median, sidewalks, planting strips, street lighting, bicycle lanes and a new culvert.
- This work will improve the overall safety of Freedom Drive in proximity to the project area.
- The project was identified in the Mecklenburg Union Metropolitan Planning Organization Transportation Plan.
- Construction is expected to be complete by third quarter 2014.

### Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 9.40%

Blythe Construction, Inc. exceeded the established SBE goal and committed 9.40% (\$1,264,000) of the total contract amount to the following SBE firms: All Points Trucking, Inc. (asphalt hauling), MUGO Gravel and Grading, Inc. (stone hauling), TWD Enterprises, Inc. (burrow hauling), On Time Construction, Inc. (concrete), Ground Effects, Inc. (pavement marking), R.E. Sifford Utility, Inc. (utility installation).

### Funding

Transportation Capital Investment Plan

## 13. East Ford Road Sidewalk

**Action: Award the low bid contract of \$161,192.63 to W.M. Warr & Son, Inc. for the East Ford Road Sidewalk Project.**

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

### Explanation

- The East Ford Road Sidewalk Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will include construction of a new sidewalk with planting strips along East Ford Road from Matheson Avenue to Shamrock Drive (approximately 0.26 miles).
- East Ford Road is a higher volume thoroughfare with the need for sidewalk to separate pedestrians from higher traffic volumes and speeds.
- Construction is expected to be complete by third quarter 2012.

**Small Business Opportunity**

Established SBE Goal: 6.00%

Committed SBE Goal: 6.21%

W.M. Warr & Son, Inc. exceeded the established SBE goal and committed 6.21% (\$10,010) of the total contract amount to the following SBE firms: Express Logistics Services, Inc. (hauling) and P&TL, Inc. (erosion control).

**Funding**

Transportation Capital Investment Plan

## 14. Central Avenue/Medford Drive Storm Drainage Improvement Project

**Action: Award the low bid contract of \$387,648.80 to Bullseye Construction, Inc. for the Central Avenue/Medford Drive Storm Drainage Improvement Project.**

**Staff Resource:** Keith Carpenter, Engineering & Property Management

**Explanation**

- This project consists of improvements to an existing system of undersized drainage channels and pipes which run from the intersection of Central Avenue/Medford Drive to an outfall on the west side of Eastway Drive.
- Construction will include installation of drainage pipes, manholes, concrete sidewalk, curb and gutter, asphalt pavement, driveway construction and adjustment/relocation of utilities.
- These improvements are needed to conclude the upgrades of the drainage system along Central Avenue which was constructed as a part of the Central Avenue Streetscape Project.
- Construction is expected to be complete by third quarter 2012.

**Small Business Opportunity**

Established SBE Goal: 7.00%

Committed SBE Goal: 7.09%

Bullseye Construction, Inc. exceeded the established SBE goal and committed 7.09% (\$27,500) of the amount to the following SBE firms: D's Trucking Service Inc. (hauling) and On-Time Construction, Inc. (concrete work). Bullseye Construction, Inc. is also a certified SBE firm.

**Funding**

Neighborhood & Storm Water Capital Investment Plans

## 15. Sanitary Sewer Degreaser

**Action:** Award the low bid, three-year unit price contract of \$325,000 to TP Environmental Products & Services, LLC for the purchase of Bison 300 Degreaser.

**Staff Resource:** Angela Lee, Utilities

### Explanation

- Grease in sewer lines continues to be one of the most common causes of sanitary sewer overflows. In this fiscal year, 97 of 185 sanitary sewer spills reported were grease related.
- Sewer line cleaning for grease involves washing the sewer lines via a high pressure water nozzle pulled through the sewer lines. Degreasers added to the wash water have shown to aid in providing for a more effective cleaning process.
- CMUD has tested several degreasers for effectiveness in dissolving grease in sewer lines during cleaning processes. The Bison product has been effective and was the lowest cost.
- CMUD projects it will need approximately 6,600 gallons next year.
- CMUD combined solicitation efforts for this commodity with the City of Raleigh.
- Invitation to Bid was advertised on November 1, 2011 and bids were opened and read publicly on November 29, 2011.
- TP Environmental Products and Services, LLC was the lowest bid at \$15.95 per gallon.

### Small Business Opportunity

No SBE goals are established for purchases of goods & equipment. (Section 18 of the SBO Policy).

### Funding

Utilities Operating Budget

## 16. Briar Creek Relief Sewer Phase II Construction

**Action:** Award the low bid contract of \$17,634,280 to Oscar Renda Contracting, Inc. for construction of the Briar Creek Relief Sewer Phase II.

**Staff Resource:** Barry Shearin, Utilities

### Explanation

- Relief sewer is a term that describes sewer lines that are built generally parallel to an existing sewer line that has reached its carrying capacity or the end of its service life.
- The Briar Creek Relief Sewer Project extends from the Sugar Creek Wastewater Treatment Plant to The Plaza, and is being designed and constructed in phases. This relief sewer in some locations replaces and in other locations parallels existing sewer pipes that are more than 50 years old.

- Construction on Phase I of the project from Sugar Creek Treatment plant up to Randolph Road is complete.
- This phase involves the construction of approximately 16,000 linear feet of relief sewer, extending from the end of Phase I at Randolph Road to Country Club Road near the Plaza-Midwood area.
- Construction is scheduled to be completed by mid-January 2014.

#### **Small Business Opportunity**

Established SBE Goal: 4 %

Committed SBE Goal: 2.59%

Oscar Renda Contracting failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). In their bid, they committed 2.59% (\$456,079) of the total contract amount to the follow SBE firms: D's Trucking, (hauling); P&TL, Inc. (erosion control); and Abram Construction (concrete).

Subsequent to bid opening, Oscar Renda Contracting committed an additional \$37,050 to Surveying & Mapping Control, Inc. (surveying) increasing the overall SBE utilization to 2.80%.

Since bid opening on November 10, 2011, Utilities' Chief Engineer asked Oscar Renda to make additional efforts to meet or exceed the established SBE goal. Oscar Renda responded that there isn't enough profit margin in their bid to allow additional subcontracting.

The bids ranged from \$17.6 million to \$26.9 million. The second lowest bid was \$3.9 million more than the low bid.

#### **Funding**

Utilities Capital Investment Plan

#### **Attachment 8**

Good Faith Efforts Summary

## **17. Airport Exterior Areas Cleaning Service Contract**

**Action: Award the low bid, three-year contract of \$643,901 to Sunshine Cleaning Service, Inc. for cleaning of the airport exterior areas such as parking lots, decks, and terminal roadways.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- This contract will provide cleaning and trash removal services for the airport's exterior areas including: parking lots, parking decks, passenger drop off and pick up areas at the terminal, delivery dock, airport overlook and terminal roadways.
- The contract shall be for a period of three consecutive years beginning February 1, 2012 with a total cost of \$643,901.
- The Invitation to Bid (ITB) was advertised on October 12, 2011 and a pre-bid meeting was held on October 19, 2011. Five bids were received on November 1, 2011, however, due to an ambiguity in the bid documents, all of the bids were

rejected. The project was re-advertised on November 17, 2011 and four bids were received on December 1, 2011.

#### **Small Business Opportunity**

Established SBE Goal: 20%

Committed SBE Goal: 20%

Sunshine Cleaning Services met the established SBE goal, and committed 20% (\$128,780.20) of the total bid amount to the following SBE firm: GDC Supplies (supplies).

#### **Funding**

Airport Operating Fund

### **18. FY2012 Goodwill Youth Services Training Contract**

**Action: Approve a \$150,000 contract with Goodwill Industries of the Southern Piedmont for Mayor's Youth Employment Program job readiness training and youth work experiences for FY2012.**

**Staff Resources:** Tom Warshauer, Neighborhood & Business Services  
Dawn Hill, Neighborhood & Business Services

#### **FY2011 Training Contract**

- Since 2008, the City has partnered with Goodwill Industries of the Southern Piedmont to provide job skills training and job placement assistance through its Youth Job Connection (YJC).
- Youth ages 14-18 years receive courses in resume writing, customer service, financial literacy and interview skills, as well as career counseling and job placement services.
- The YJC operated by Goodwill employs a part-time job developer and four certified training professionals, also leveraging the relationships of Goodwill's in-house staffing agency, GoodWorks Staffing. Goodwill seeks to build relationships with local employers to create work experiences and find work opportunities for its participants.
- On August 23, 2010, Council approved a FY2011 contract of \$200,000 with Goodwill for FY2011's services.
- In FY2011, the Goodwill Industries YJC accomplished the following:
  - Provided job training to 444 youth
  - Provided career counseling to 215 youth
  - Assisted 126 youth in getting a paid seasonal or permanent job
  - Hosted four job fairs with Carowinds, Bi-Lo, Auto Bell and Harris Teeter

#### **Economic Development Committee Review**

- On March 24, 2011, Mayor Foxx addressed the Economic Development Committee regarding the collaborative work of those who provide youth services, and suggested that staff develop strategies to expand services to youth. The Economic Development Committee reviewed options to reduce and/or redirect the \$200,000 in funding allotted for youth training to provide assistance with paying stipends.

- On April 11, 2011, staff presented the Economic Development Committee with options to expand youth services, which included redirecting funds paid to Goodwill for the YJC.
- The new \$150,000 contract is less than previous contracts due to the efficiencies in training delivery (Carowinds and Goodwill providing training in schools). The remaining \$50,000 will be used for stipends of \$1,280 per student to companies offering student internships. Staff will review student applications and match students to available interships.

#### **FY2012 Training Contract**

- The City's FY2012 contract with Goodwill Industries addresses key issues and opportunities for Mayor's Youth Employment Program (MYEP) participants.
  - Provides in-school job skills trainings to 800 youth in 10 schools. Training will be given at the schools, rather than at Goodwill.
  - Creates enhanced training curriculum, requiring three sessions required to earn a MYEP Certificate. Preparing youth for interviews and for work is critical to their success.
  - Assists 100 youth in obtaining paid seasonal or permanent jobs. Goodwill will continue to leverage its resources for job placement.
  - Provides 200 career day, job shadowing or field trip experiences with major employers. Goodwill and the City will expand the opportunities for both youth and employers to engage in work experiences.

#### **Small Business Opportunity**

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

#### **Funding**

Neighborhood and Business Services Operating Budget

## **19. Community Link Contract Amendment**

**Action: Approve an amendment to the Community Link contract adding \$122,316 for the post home ownership counseling activities previously performed by United Family Services. The new contract amount for FY2012 will not exceed \$332,316.**

**Staff Resources:** Richard Woodcock, Neighborhood & Business Services  
Pam Wideman, Neighborhood & Business Services

#### **Policy**

The City's Housing policy focuses on preserving the existing housing stock, expanding the supply of low and moderate-income housing and supporting family self-sufficiency initiatives.

#### **Explanation**

- United Family Services (UFS) has been a City Financial Partner for over 10 years providing post homeownership counseling. This counseling has been successful in keeping residents in their homes and avoiding foreclosure. UFS provides post homeownership counseling to over 800 clients per year.

- The UFS Board has decided to concentrate on their primary mission of helping victims of domestic violence.
- UFS will discontinue its Consumer Credit Counseling function and has reached an agreement with Community Link to transition its Consumer Credit Counseling staff to Community Link, to continue providing post home ownership services for the City.
- Community Link is a current Financial Partner providing pre-homeownership counseling for the House Charlotte Program to over 100 clients per year. Community Link is also assisting Neighborhood & Business Services with its Emergency Relocation program. The contract amount for these services is currently \$210,000.
- Community Link will assume responsibility for the Post Homeownership program with the remaining \$122,316 from the UFS contract incorporated into the Community Link contract. This change of scope will increase the Community Link contract amount for FY2012 to not exceed \$332,316.
- This contract amendment will enable Community Link to provide both pre and post homeownership counseling to Charlotte citizens with no interruption in service.
- The City's FY2011 contract with UFS will end.

#### **Funding**

Federal Innovative Housing Funds

#### **Attachment 9**

Joint Letter from Community Link and United Family Services

## **20. Charlotte Region Managed Lanes Study-Phase 3**

**Action: Authorize the City Manager to negotiate and execute a contract with Parsons Brinckerhoff for the Charlotte Region Managed Lanes Study-Phase 3 for an amount not to exceed \$500,000.**

**Staff Resources:** Norm Steinman, Transportation  
Timothy Gibbs, Transportation

#### **Explanation**

- This will be the third in a series of studies that will be used to determine where High Occupancy Toll (HOT) lanes or other types of managed lanes should be implemented in the Charlotte region to help manage congestion during peak travel periods.
  - Phase 1 screened freeways and other Strategic Highway Corridors in a ten-county region surrounding Charlotte to identify the most promising corridors for managed lanes.
  - Phase 2 included evaluations of physical designs, operational requirements, and revenues compared to costs for roadways that remained after the initial screening. I-77 North was selected as the highest priority corridor for HOT lanes as a result of those findings.
- The Objectives for Phase 3 will be to:
  - Build on the results of Phases 1 and 2
  - Familiarize the public with the concept of congestion pricing

- Develop a better understanding of policy and technical issues associated with congestion pricing
- Determine public acceptance for the next managed lane project(s). (The region’s first HOT lanes project is expected to be built on I-77 North, while US 74 and I-485 South are expected to be the corridors that will be the primary ones studied in Phase 3)
- Define the preferred managed lanes project(s) for those corridors
- The Phase 3 Study will begin in January 2012 and will take approximately one year to complete.

### **Background**

- In November 2009, the City submitted a grant application for \$400,000 from the Value Pricing Program administered by the Federal Highway Administration (FHWA). The total project cost of \$500,000, included a non-federal match of 20% (\$100,000).
- In August 2010, FHWA notified the City that this funding request was approved.
- In January 2011, the \$100,000 non-federal match was appropriated by the North Carolina Department of Transportation (NCDOT).
- A Municipal Agreement for Phase 3 of the Charlotte Region Managed Lanes Study was approved by City Council in May 2011 to allow the City to be reimbursed up to \$500,000 for managing the Phase 3 Study.
- A budget ordinance was approved by City Council in August 2011 to appropriate funding for the Municipal Agreement.
- A formal Request for Qualifications (RFQ) process was used to select the consultant for Phase 3. A selection team with representatives from CDOT, Planning and NCDOT reviewed six consultant proposals. The proposals were evaluated using the Engineering and Property Management RFQ selection process.

### **NCDOT Business Opportunity**

This contract is subject to NCDOT’s Small Professional Service Firms (SPSF) program requirements. No goal was set because subcontracting opportunities were not identified.

### **Funding**

FHWA and NCDOT Grants

## **21. Light Rail Vehicle Overhaul Program**

**Action: Authorize the City Manager to negotiate a contract with Siemens Transportation Systems, Inc. for the five-year Light Rail Vehicle (LRV) Overhaul Program, at an estimated total cost of \$6,500,000.**

**Staff Resource:** Rocky Paiano, Transit

### **Explanation**

- The manufacturers’ required maintenance plan for the light rail vehicle (LRV) suspension, axle gear and braking systems (known in the industry as the “truck”), specifies that these systems should be overhauled at 300,000 miles or five years (whichever comes first).

- 16 of the 20 vehicles in the LRV fleet have reached four years of age.
- CATS is able to perform normal maintenance on these systems, but complete overhauls require shipping the trucks to the Siemens California facility. The cost of shipping is included in the estimate and will be factored into the agreement.
- The overhaul shipping and return schedule will be sequenced so that there will be no disruptions in light rail service.
- The overhaul program was included in the Transit Capital Investment Plan.
- In September 2011, a Request for Proposals was advertised for three weeks on the North Carolina State Interactive Purchasing Site. Siemens was the only firm to submit a proposal. CATS staff reviewed Siemens proposal and determined it was compliant with all specifications. Pricing was compared to other transit agencies and is comparable to that found within the industry.

#### **Disadvantaged Business Opportunity**

No DBE contract goal was set on this project due to limited subcontracting opportunities.

#### **Funding**

Transit Capital Investment Plan

## **22. Solid Waste Services Heavy Equipment Purchase Contracts**

**Action:**

**A. Reject low bids submitted by Amick, C.E.S., Charlotte Truck Center and GPS Marketing that did not meet service requirements for specifications or performance, as allowed by North Carolina General Statutes 143-129(b),**

**B. Award lowest responsive bid unit price contracts for the term of one year to Amick Equipment, Inc. and Southern Truck Service, Inc. for various heavy equipment items used in the delivery of solid waste services. The FY2012 expenditures are estimated to be \$1,682,075, and**

**C. Authorize the City Manager to extend the contracts for four, one-year terms with possible price adjustments as authorized in the contracts.**

**Staff Resource:** Victoria Johnson, Solid Waste Services

#### **Explanation**

- City contracts for heavy equipment purchases have expired and new contracts are needed. The equipment is used in Solid Waste Services operations to handle garbage, yard waste and bulky item collections, and servicing of the Central Business District.
- A competitive bid process was held to identify qualified vendors.
- A staff bid evaluation team recommends the award of unit-price purchase contracts to Amick Equipment and Southern Truck Services, which met required equipment specifications as follows:

#### Amick Equipment

- 20 Cubic Yard (CY) Rear Loading Bulk Refuse Body at unit price of \$68,899

- 25 CY Rear Loading Bulk Refuse Body at unit price of \$66,078
- 31 CY Automated Refuse Body at unit price of \$106,530

Southern Truck Service

- 42,000 Gross Vehicle Weight Rating Rear Loading Bulk Refuse Cab/chassis at unit price of \$136,136
- 56,000 Gross Vehicle Weight Rating Rear Loading Bulk Refuse Cab/chassis at unit price of \$144,105
- Planned equipment purchases are items included in the City’s FY2012 Approved Capital Equipment List and subsequent approved capital lists in effect during the term of the contracts.
- Replacement equipment is ranked by the Equipment Maintenance Division based on age, mileage, maintenance cost, and in some instances special conditions such as accidents. Only the oldest and most costly to maintain equipment is replaced based on available funding.
- All replacement trucks will be equipped with the most current EPA Tier Three high efficiency diesel engines that will reduce harmful emissions and where warranted, Solid Waste Services will consider other environmentally friendly alternatives in compliance with the City’s Fleet and Motorized Equipment Asset Management Policy.

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment (Appendix Section 18 of the SBO Policy).

**Funding**

Capital Equipment Lease Purchase Fund

**Attachment 10**

Low Bid Rejection Summary

**23. Solid Waste Services Vehicle Lubrication Service Contract**

**Action:**

**A. Approve a service contract with No Limits Lockwood for vehicle lubrication and related services for an initial term of three years not to exceed \$210,000 annually, and**

**B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments as stipulated in the contract.**

**Staff Resource:** Victoria Johnson, Solid Waste Services

**Explanation**

- Solid Waste Services is responsible for daily collection of residential garbage, yard waste, and bulky items throughout the City.
- A fleet of approximately 150 collection trucks regularly run Monday through Friday from 6:00 a.m. until 6:30 p.m.
- Weekly lubrication of collection vehicle lubrication points is required to keep and maintain new vehicle one year warranties. Vehicles older than one year are lubricated once every two weeks after their warranties expire. Automated vehicle arms, regardless of vehicle age, are lubricated daily per manufacturer recommendation to keep them operational.

- Routine lubrication and other preventive maintenance decrease metal-to-metal contact and wear on automated arms and hinge points. This service is unique to Solid Waste Services due to the type of equipment used in its collection operations.

**Selection Process**

- The City received four proposals in response to a Request for Proposals issued on October 25, 2011.
- Staff from Solid Waste Services and Business Support Services evaluated the proposals and recommends No Limits Lockwood as the service provider.

**Small Business Opportunity**

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

**Funding**

Solid Waste Services Operating Budget

**24. Cabarrus County Entities Radio Service Interlocal Agreement**

**Action:**    **A. Adopt a resolution approving an Interlocal Agreement with Cabarrus County, the City of Concord, and the City of Kannapolis (“the Cabarrus Entities”) for Public Safety Radio System Interoperability and Infrastructure Services, and**

**B. Adopt a budget ordinance in the amount of \$485,550, appropriating additional program revenue.**

**Staff Resource:**    Charles Robinson, Business Support Services

**Explanation**

- The radio services agreement details radio services that will be provided to the Cabarrus Entities.
- All service provided by the City within the terms of the Agreement will be fully funded by the Cabarrus Entities, including the funding of 2.25 Full-Time Equivalents (FTEs) upon execution of the agreement.
  - One FTE will provide network support for all of the Cabarrus Entities’ network equipment.
  - One FTE will provide subscriber equipment support for all radios.
  - The 0.25 FTE will represent Cabarrus Entities’ portion of a Network Asset Manager position to manage all assets using the consolidated radio system.
- Projected revenue is expected to total \$485,550 annually.
- The Cabarrus Entities approved the Agreement in November 2011. The Mecklenburg County Board of County Commissioners approved the Agreement on December 20, 2011.

**Background**

- The City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte in December of 2003. The

Interlocal Agreement anticipated the regionalization of the radio system by stating, "The City and the County shall work together to foster regional use of the Radio Network and will develop a regional plan for approval by the Radio Communications Council to promote regional participation. This plan will promote regional use of the Radio Network within the Network's present and future capacity. At all times public safety and homeland security users will have priority."

- The City is the lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative 11 County region. As the lead agency, the City has completed establishing the infrastructure necessary for regional voice communications interoperability with the support of several grants.

**Attachment 11**

Resolution

Budget Ordinance

**25. Exchange of Land Rights along the LYNX Light Rail Project with WF SILOS, LLC**

**Action: A. Adopt a resolution authorizing an exchange of real property rights between the City of Charlotte and WF SILOS, LLC or an affiliate thereof (Developer) involving Tax ID numbers 14701724 and 14701737, and**

**B. Authorize the City Manager to execute all necessary documents to complete the exchange of land rights between the City of Charlotte and Developer.**

**Staff Resources:** Timothy O'Brien, Engineering & Property Management  
Tina Votaw, Transit

**Explanation**

- Woodfield Investments, a Virginia-based developer, proposes to build a new apartment development known as Woodfield Silos, containing approximately 280 apartment units, north of New Bern Street and south of Remount Road, west of the rail corridor.
- City Council approved use of the excess right-of-way for a different development plan (and different developer) prior to the recession that began in 2008. The site has been vacant since it went into foreclosure. The Woodfield project will have a positive impact on the neighborhood, and tax revenues from the property will increase from about \$13,000 per year to about \$317,000 per year.
- As has been the case with most of the new development along the rail corridor, the City will need to release its charter rights within a portion of the unused right-of-way.
- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair consideration as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property and other benefits.
- The land exchange is recommended for the following reasons:

The City receives from Developer:

- "Fee" title to approximately 20,000 square feet (valued at approximately \$18,900) which will convert the City's charter right-of-way to full fee ownership
- Completion of streetscape improvements including decorative fence, upgrade of City trail from asphalt to concrete, planting strips, irrigation and pedestrian lights facing rail corridor in excess of \$150,000
- Easement over property being conveyed to Developer related to noise and vibration from the operation of the light rail system

Developer will receive from the City:

- Release of charter rights to approximately 6,000 square feet (valued at approximately \$28,350)
- Easement and license agreements as needed to construct and maintain the new improvements adjacent to the rail corridor

**Background**

- In 1999, the City of Charlotte purchased the 130-foot wide charter right-of-way formerly owned by Norfolk Southern Railroad. The right-of-way is wider than necessary for transit purposes. Therefore, the City issued an administrative policy regarding use of the rail corridor which states the City will generally retain approximately 70-feet in width for rail purposes while allowing approximately 30-feet in width along both sides to be used by adjacent properties as transit supportive development (or may be retained by the City as buffer if needed).
- The New Bern Transit Station Area Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right-of-way may be incorporated into adjacent transit supportive development.

**Attachment 12**

Resolution

**26. Refund of Property and Business Privilege License Taxes**

**Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$5,580.33.**

**Staff Resource:** Teresa Smith, Finance**Attachment 13**

Resolution

List of property tax refunds

## PROPERTY ITEMS

### 27. Property Transactions

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

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

#### Acquisitions

- A. Project:** Allenbrook/Westridge, Parcel # 88  
**Owner(s):** East Coast Properties, LLC  
**Property Address:** 1124 Marbel Street  
**Property to be acquired:** 22,368 sq. ft. (.513 ac.) in Storm Drainage Easement, plus 4,790 sq. ft. (.110 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees  
**Zoned:** R-22MF  
**Use:** Multi Family  
**Tax Code:** 063-084-08  
**Total Parcel Tax Value:** \$2,773,300  
**Purchase Price:** \$48,700
- B. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 2  
**Owner(s):** Dublin Realty Company, Inc.  
**Property Address:** 2004 Beatties Ford Road  
**Property to be acquired:** 148 sq. ft. (.003 ac.) in Storm Drainage Easement, plus 1,345 sq. ft. (.031 ac.) in Sidewalk and Utility Easement, plus 621 sq. ft. (.014 ac.) in Temporary Construction Easement  
**Improvements:** None

**Landscaping:** Trees  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 075-036-04  
**Total Parcel Tax Value:** \$126,400  
**Purchase Price:** \$12,525

- C. Project:** Thomasboro/ Hoskins Neighborhood Improvement Project  
Phase 4, Parcel # 63  
**Owner(s):** East Coast Properties, LLC  
**Property Address:** 1124 Marbel Street  
**Property to be acquired:** 13,950 sq. ft. (.320 ac.) in Fee Simple and  
in Existing Right-of-Way  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** R-10MF  
**Use:** Multi Family  
**Tax Code:** 063-084-08  
**Total Parcel Tax Value:** \$2,773,300  
**Purchase Price:** \$16,500

#### Condemnations

- D. Project:** Farm Pond Neighborhood Improvement Project - Phase I,  
Parcel # 29  
**Owner(s):** Charles A. Norwood And Any Other Parties Of Interest  
**Property Address:** 5145 Lawrence Orr Road  
**Property to be acquired:** 318 sq. ft. (.007 ac.) in Fee Simple, plus  
4,303 sq. ft. (.099 ac.) in Existing Right-of-Way, plus 6,450 sq. ft.  
(.148 ac.) in Storm Drainage Easement, plus 2,760 sq. ft. (.063 ac.) in  
Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Trees and Various Landscaping  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 103-221-07  
**Total Parcel Tax Value:** \$129,800  
**Appraised Value:** \$6,075  
**Property Owner's Counteroffer:** \$10,000  
**Reason For Condemnation:** The property owner has concerns about  
the project. Staff and the property owner have been unable to reach  
agreement regarding the acquisition. Staff has made the following  
accommodations: Revise plans to include valley gutter extending past  
the property owner's driveway. Staff could not accommodate paying  
100% Fee Simple value for the property located in the current road  
right-of-way. A condemnation process is recommended during which  
negotiation and mediation can continue, and if necessary, just  
compensation for the property owner can be determined by the court.
- E. Project:** McDonald Avenue Sidewalk, Parcel # 22  
**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other  
Parties Of Interest  
**Property Address:** 613 McDonald Avenue

**Property to be acquired:** 216 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 456 sq. ft. (.010 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 121-093-12

**Total Parcel Tax Value:** \$274,200

**Appraised Value:** \$2,275

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff could not accommodate removing two mature trees in order to move the sidewalk approximately four feet closer to the road. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

**F. Project:** McDonald Avenue Sidewalk, Parcel # 27

**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other Parties Of Interest

**Property Address:** 525 McDonald Avenue

**Property to be acquired:** 656 sq. ft. (.015 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 121-093-07

**Total Parcel Tax Value:** \$279,500

**Appraised Value:** \$1,975

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff could not accommodate removing two mature trees in order to move the sidewalk approximately four feet closer to the road on parcel # 22 located at 613 McDonald Avenue which the property owner also owns. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

**G. Project:** McDonald Avenue Sidewalk, Parcel # 35

**Owner(s):** Boyd P. Falls and Wife, Maxine G. Falls And Any Other Parties Of Interest

**Property Address:** 421 McDonald Avenue

**Property to be acquired:** 334 sq. ft. (.008 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-5

**Use:** Single Family Residential

**Tax Code:** 121-093-81

**Total Parcel Tax Value:** \$262,600

**Appraised Value:** \$1,075

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff could not accommodate removing two mature trees in order to move the sidewalk approximately four feet closer to the road on parcel # 22 located at 613 McDonald Avenue which the property owner also owns. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

**H. Project:** Nations Ford Road Sidewalk / Bike Lane, Parcel # 29

**Owner(s):** Trustees Of Aldersgate Methodist Church And Any Other Parties Of Interest

**Property Address:** 5006 Grapevine Drive

**Property to be acquired:** 6,823 sq. ft. (.157 ac.) in Existing Right-of-way, plus 167 sq. ft. (.004 ac.) in Storm Drainage Easement, plus 3,435 sq. ft. (.079 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Zoned:** R-4

**Use:** Church

**Tax Code:** 167-012-21

**Total Parcel Tax Value:** \$99,900

**Appraised Value:** \$1,125

**Property Owner's Counteroffer:** None

**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff could not accommodate the guarantee that equipment will not be stored within the acquisition areas. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.