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CITY COUNCIL MEETING

Monday, November 12, 2007

Key Businesses have asked that the time sensitive items listed below not be deferred.

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CITY COUNCIL AGENDA

Monday, November 12, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. Public Art Program Update

Resources: Dawn Blobaum, Chairman, Public Art Commission
Jean Greer, Vice President, Public Art, Arts & Science Council

Time: 10 minutes

Synopsis

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On January 10, 2005 Council approved improvements to communications related to the Public Art Program, including a requirement for updates to the Council by November 30th and June 30th of each fiscal year.
- On June 11, 2007 City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- In accordance with the annual agreement and Council direction, this is the FY08 mid-year reporting to Council on the status of projects as well as an audit report of the program activities for FY07.
- Council will consider a separate agenda item regarding administrative guidelines for the Public Art Ordinance under the policy portion of the agenda (item 15, page 16).

Action

This presentation is for information only.

3. US National Whitewater Center Update

Resources: Ron Kimble, City Manager's Office
Jeff Wise, USNWC Executive Director

Time: 20 minutes

Synopsis

- In 2003 the City Council approved an Agreement with US National Whitewater Center (USNWC).
- This Agreement pledges up to \$285,714 each year for seven years, based on the annual operations results.
- Mecklenburg County, Gaston County, Belmont, Gastonia and Mount Holly also pledged funds each year for seven years.
- There is no carry forward of unused amounts from year to year, and the City's allocation must be used for capital.
- The first full year of operation concluded on October 31, 2007, and USNWC will share their preliminary first year results.
- USNWC will also describe their future plans for keeping costs as low as possible, while maximizing revenues.
- USNWC will also cover other items of interest, including road access and signage.

Future Action

- A first year audit will be submitted by USNWC, along with an official request for funds.

4. City Park Redevelopment (Former Tyvola Coliseum Site)

Resource: Tom Flynn, Economic Development

Time: 20 minutes

Synopsis

- Pope and Land plans for the total development of this site include the following elements:
 - Phase I: 150,000 square feet of office; 80,000 square feet of retail; 175 hotel rooms and 750 dwelling units
 - Phase II: 250,000 square feet of office; 129,000 square feet of retail; 175 hotel rooms and 1,000 dwelling units
- In order to develop Phase II of this development plan, a north-south connector road must be built from Billy Graham Parkway to Tyvola Road along the east side of the site as well as the reconfiguration of Yorkmont Road (see attached site plan).
- Besides serving this redevelopment, this connector road has the following public benefits:
 - Implements key connection between Tyvola Road and Billy Graham Parkway

- Provides opportunity to avoid congestion at the existing Billy Graham and Tyvola Road interchange and surrounding intersections
- Provides a direct connection from Tyvola Road to the Billy Graham Library
- Pope and Land has requested that the City participate in the cost of this road, currently estimated at \$4.4 million, plus the cost of the Yorkmont Road reconfiguration. They have also requested that the City construct a median on Tyvola Road, currently estimated at \$1.6 million and signalization, estimated at \$500,000. The median redesign will improve traffic circulation and safety of motorists and pedestrians.
- Pope and Land requested that the City fund this request through an Infrastructure Grant using the tax increment generated by their development.
- Based on Pope and Land's build out schedule, the incremental City property taxes generated by Phase II would generate approximately \$14.2 million over 10 years.

Action

- Staff requests Council refer this issue to the Economic Development and Planning Committee for review and a recommendation back to City Council.

Attachment 1

City Park Site Plan

Letter from Pope and Land

5. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

CONSENT

- 6. Consent agenda items 23 through 46 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on Post Construction Controls Ordinance



Action: Conduct a public hearing on the Environment Committee's recommendation for a Post Construction Controls Ordinance, effective July 1, 2008.

Committee Chair: Anthony Foxx

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- State and federal regulations require Charlotte to adopt an ordinance that requires development sites to mitigate water quality impacts of impervious surfaces.
- The recommended ordinance is a comprehensive water quality and flood protection ordinance that includes use of structural storm water controls, stream buffers, and undisturbed open space to achieve local management goals. The ordinance strikes the preferred balance between environmental protection and costs.
- A public hearing is required pursuant to NCGS 160A-364 prior to ordinance adoption.
- The proposed ordinance was provided in a workbook on November 2, 2007 in the Council-Manager Memorandum packet.

Committee Action

- The Committee discussed the ordinance and its objectives during five meetings between June 2007 and October 2007.
- On October 23, the Committee unanimously approved all the changes recommended by the staff and the reconvened stakeholder committee. Committee members present: Foxx, Mumford, Burgess, Carter and Lochman.

Ordinance Review Process

- In the Fall of 2005, a representative local stakeholders committee reached consensus on a recommended ordinance after more than 30 committee meetings. The stakeholders committee included representation from single-family and commercial development, homebuilder, environmental and property owner interests.
- Questions related to costs arose after this consensus, Council directed staff to study costs in more detail. The detailed cost analysis was completed in early 2007.
- In the summer of 2007 the Environment Committee reviewed the ordinance. At the September workshop, Council directed the stakeholder committee to briefly reconvene to provide a supplemental report to help Council better understand the major issues of debate and to consider the draft ordinance in light of new cost analysis information.

- Consensus was again achieved based on the revisions, and all stakeholders have agreed to stand before Council at the hearing and show their support for the ordinance.
- Many of the surrounding local jurisdictions have adopted similar post construction controls regulations, including, but not limited to the six towns within Mecklenburg County, Mecklenburg County, Gaston County and Harrisburg. Several others are currently developing local regulations.

Background

- Approximately three-fourths of Charlotte streams are impaired, and therefore are not fit for prolonged human contact, or for propagation of aquatic life.
- The Clean Water Act mandates that States, and ultimately municipalities provide certain programs to stop the creation of such conditions, and require the restoration of watersheds.
- About 100 communities statewide are required to enact regulations that prevent environmental and water quality degradation.
- Charlotte has over 6,000 citizen service requests for flooding, stream erosion, and related drainage problems.
- This list is expanding faster than the ability of the Storm Water Utility to keep up. Many of these problems are avoidable through the use of storm water controls and stronger protection measures than the state requires.

Future Action

- Council will be asked to adopt the ordinance on November 26, 2007.

POLICY

8. City Manager's Report

- Drought Update
- Overview of the Lynx Blue Line Grand Opening

9. Environment Chapter of General Development Policies



Action: Approve the Environment Committee's recommendation to adopt the Environment Chapter of the General Development Policies, effective upon adoption.

Committee Chair: Anthony Foxx

Staff Resource: Gareth Johnson, Planning

Explanation

- When the City Council adopted Phase I of General Development Policies (GDP) in November of 2003, staff was directed to develop the second phase, consisting of policies for the Environment, Infrastructure, and Economic Development.
- Work on the Environment policies began in late 2004 with a Citizen Stakeholder Committee and a Staff Interdepartmental/agency Technical Team.
- The process included extensive public participation, including approximately 16 stakeholder meetings, two community-wide meetings, two public comment sessions and an on-line survey. (Survey results are attached.)
- The purpose of Environment GDP is to minimize negative environmental impacts of land use and land development. The policies focus on:
 - Gaining a better understanding of existing natural resources
 - Ensuring impacts to resources are acknowledged and minimized during development
 - Using available land efficiently
 - Balancing environmental and other land development considerations
- City Council received an overview of the draft policies at their September 4th workshop and referred it to the Environment Committee. City Council received public comments at their October 8th business meeting. The staff response to the October 8th public comments is attached.

Committee Recommendations

- The Planning Committee of the Charlotte-Mecklenburg Planning Commission began reviewing the draft Environment Chapter of the General Development Policies in September. At their October 16th meeting, the Planning Committee voted unanimously (6-0, with Commissioner Walker absent for the vote) to recommend adoption of the draft Environment Chapter with eight specific changes to address concerns raised during the review and adoption process.

- Council's Environment Committee began reviewing the draft Environment Chapter of the General Development Policies in September. At their October 23rd meeting, the Committee voted unanimously (5-0, Foxx, Mumford, Burgess, Carter and Lochman) to recommend adoption of the draft Environment Chapter and supported the eight specific changes recommended by the Planning Committee and added one additional change to address concerns raised during the review and adoption process. (Recommended changes are attached.)

Attachment 2

Environment Committee Recommended Changes to the August 2007 Draft Environment GDP document

Citizen Comments and Staff Responses

General Development Policies – Environment: Final Survey Results

The draft document was provided as part of the October 8, 2007 meeting package and additional copies are available from the Planning Department or at www.charlotteplanning.org.

10. Independence Boulevard Land Use and Infrastructure Study Phase II



Action: Approve the Economic Development and Planning Committee's recommendation to direct staff to negotiate a contract for the Independence Boulevard, Phase II Study with Glatting Jackson Kercher Anglin and bring the contract back to Council for approval.

Committee Chair: John Lassiter

Staff Resources: Tom Warshauer, Economic Development
Garet Johnson, Planning
Norm Steinman, CDOT
Danny Rogers, CATS

Explanation

- In response to questions about the transitional setback, staff contracted with Glatting Jackson in early 2007 to examine the issues surrounding the setback on Independence Boulevard. The study focused on the following:
 - Assessment of the impacts of the transitional setback on redevelopment
 - Analysis of access to parcels
 - Market sizing for retail, office, flex and residential
- In July 2007 the City Council referred this issue to the Economic Development and Planning Committee.
- In August 2007 the findings of the Phase I study were presented to the Economic Development and Planning Committee. Key findings were:
 - Transitional setbacks are not the major issue holding back redevelopment on Independence
 - Elimination of the setback is not recommended at this time, in the event the setback is needed for traffic safety and access

- Freeway-level traffic volume and design will not allow Independence to function as it has in the past
- Redevelopment market is limited due to access
- Retail will need access to local markets
- Residential can expand from adjacent neighborhoods
- Phase II study is needed to provide more detailed transportation and land use analysis and to define area and parcel specific recommendations on access and setback requirements.

Committee Recommendation

- In August 2007 the Committee requested staff to identify key aspects of a Phase II Study to bring back to the Committee. In October 2007 the key components of Phase II Study were described to the Committee:
 - An Adopted Area Plan from Briar Creek to Conference Drive. Options will be developed to respond to various land use and transportation scenarios.
 - A Conceptual Plan from Conference Drive out to the City limits at Sardis Road North
 - Identification and cost estimating for streets and infrastructure needed to implement the plan
 - Involvement of stakeholders, neighborhoods and NCDOT in the creation of the plan
 - Develop an implementation plan for preferred alternative(s)
 - Develop response actions with developers where needed
- The Economic Development and Planning Committee approved the following recommendation to the City Council at their October 3rd meeting by a vote of 3-0. (Lassiter, Dulin, Carter): Recommend directing staff to negotiate a contract for the Independence Boulevard Phase II Study with Glatting Jackson Kercher Anglin and bring contract back to Council for approval.
- In making this recommendation, the Committee discussed the following:
 - Glatting Jackson Kercher Anglin is familiar with corridor, including road and transportation plans, having worked on the Phase I study as well as previous CATS study along Independence.
 - Using Glatting Jackson Kercher Anglin will allow Phase II to proceed in a timely and cost efficient manner with an estimated time savings of 6 months.
 - Cost is estimated at \$250,000 to \$350,000. Funds will come from Economic Development, CDOT and Planning.
- If Council approves this recommendation, staff would work to bring a contract to the City Council for consideration by January 2008.

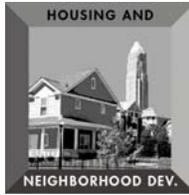
Funding

Economic Development Capital Investment Plan

Attachment 3

Independence Boulevard Land Use & Infrastructure Assessment Report –Phase I
Proposed Phase II Scope and Schedule

11. Sign Ordinance Amendment



Action: Approve the Housing and Neighborhood Development Committee's recommendation to adopt an ordinance to amend Chapter 10 Section of the Charlotte City Code entitled "Signs Within Public Rights-of-Way and On Public Property", effective January 1, 2008.

Committee Chair: Susan Burgess

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- The intent of the proposed ordinance amendment is to impose higher penalties on sign violators as an incentive for greater compliance with the regulations.
- The current City Code imposes a \$25 penalty for signs posted illegally within the public rights-of-way and on public property.
- Proposed changes to the Charlotte City Code would:
 - Provide for escalating penalties:
 - First through fifth violations are \$100 per sign
 - Sixth through tenth violations are \$500 per sign
 - Eleventh and all additional violations are \$1,000 per sign
 - Provide ordinance authority for Code Enforcement staff to cite businesses or individuals who may benefit from the illegally posted signs, even though the sign(s) may not have actually been placed by the business or person cited.
- This ordinance will apply to illegally posted signs such as real estate signs, political signs, business signs, yard sale signs, sport clubs signs, church signs, lost dog signs, etc.
- The ordinance would become effective on January 1, 2008.

Committee Recommendation

- On April 23, 2007, the City Council referred the issue of illegal signs to the Housing and Neighborhood Development Committee, after hearing complaints from a citizen in a public forum. The citizen suggested higher fines and stricter enforcement to address the growing number of signs in the public rights-of-way.
- On May 23, 2007, the Housing & Neighborhood Development Committee reviewed the types of signs outlined in Chapter 13 of the Zoning Ordinance and Chapter 10 of the City Code, Section 212 "Signs within the public rights-of-way and on public property". The Committee also identified issues generated by such signs, and explored enforcement methods used by other cities. Staff presented recommendations for changes to the ordinance.
- On June 18, 2007, after discussion and review of staff's recommendations, the Housing and Neighborhood Development Committee directed staff to provide additional options for civil penalties to determine whether penalties should escalate.
- On July 23, 2007, the Housing and Neighborhood Development Committee voted unanimously to accept staff's recommendation for the ordinance

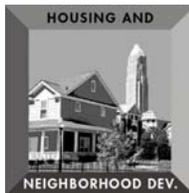
changes and to schedule a public hearing for September 24, 2007. Committee members in attendance were Barnes, Burgess and Lochman.

- Following the public hearing, the ordinance was referred back to the Housing and Neighborhood Development Committee to consider comments from the public hearing and make a final recommendation to the City Council.
- On October 24, 2007 the Housing and Neighborhood Development Committee voted unanimously to recommend approval of the ordinance amendment to Chapter 10 Section of the Charlotte City Code entitled “Signs Within Public Rights-of-Way and on Public Property”. Committee members present: Burgess, Foxx, Barnes, Lochman and Mumford.

Attachment 4

Proposed Sign Ordinance

12. Housing Charlotte 2007 Implementation



Action: Approve the Housing and Neighborhood Development Committee’s recommendation on the affordable housing solutions, process, structure, team membership and staff support for the Housing Charlotte 2007 Implementation Committee.

Committee Chair: Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- The City’s FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005. The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- On June 26, 2006, the Charlotte City Council approved the Housing and Neighborhood Development Committee’s recommendation to host a Charlotte Housing Forum.

Explanation

- On February 22, 2007, the City Council hosted the “Housing Charlotte 2007” Affordable Housing Forum at the Charlotte Convention Center.
- The event was organized and funded by the Housing Charlotte 2007 Planning Committee and brought together a cross-section of housing experts and community leaders to identify solutions to address affordable housing problems.
- Over 400 people attended the event to hear about national, regional and local housing issues and trends, explore strategies and solutions to affordable housing from across the nation, and engage in dialogue.
- The Housing Charlotte Committee produced a *Proceedings Report* to chronicle the event and an *Implementation Solutions Report*, which identified five high priority areas for attention.
- These affordable housing solution areas are:

- Education, Outreach and Advocacy – Promote ways to make affordable housing information available to consumers, producers and the general public.
 - Rental Housing Subsidy – Locally sponsored rental housing subsidy program for extremely low-income families. (Note: The City Council approved \$200,000 for the Workforce Initiative for Supportive Housing for the rental housing subsidy program in the FY08 Budget Adoption).
 - Acquisition Strategy – Provide land for affordable housing through preservation, acquisition and utilization of government owned lands.
 - Dedicated Funding Source – Identify funding sources that can be used specifically to acquire property, preserve existing affordable housing and develop new affordable housing.
 - Incentive Based Inclusionary Housing Policies – Identify private sector incentives that promote the production of affordable housing.
- The Housing Charlotte 2007 Planning Committee proposes to establish a 25 member Housing Charlotte 2007 Implementation Committee.
 - The Implementation Committee membership, which includes representatives from business, non-profit and neighborhood interests, is attached. The list was drawn from individuals who attended the forum and expressed interest in participating in the implementation phase.
 - The tenure of the Committee would last no longer than 12 months. The Committee will work on each of the five issue areas and make recommendations available for review and discussion as they are completed. The Committee will provide reports to City Council on a quarterly basis.
 - The Housing Charlotte 2007 Planning Committee requests that the City commit staff resources to the implementation phase for coordination, Committee staffing, research and report preparation.

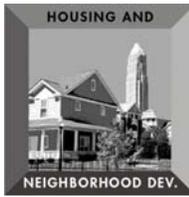
Committee Recommendation

- The Housing and Neighborhood Development Committee reviewed the Housing Charlotte 2007 Planning Committee's recommendations on October 24, 2007 and voted unanimously to recommend approval.
Members present: Burgess, Foxx, Barnes, Lochman and Mumford.

Attachment 5

Housing Charlotte 2007 Proceedings Report
 Housing Charlotte 2007 Implementing Solutions Report
 Housing Charlotte 2007 Implementation Team

13. More Than Shelter - Ten-Year Plan to End and Prevent Homelessness



- Action:** Approve the Housing and Neighborhood Development Committee's recommendation to:
- A. Adopt the Ten-Year Plan to End and Prevent Homelessness (exclusive of the Ten-Year Implementation portion of the plan),**
 - B. Establish a high-level Ten-Year Plan Advisory Board,**
 - C. Officially designate A Way Home as the manager and coordinator of the ongoing development and implementation of the ten-year plan,**
 - D. Direct staff to establish the yearly benchmarks and annual goals, starting with FY2009, by working in conjunction with A Way Home and the Advisory Board, and**
 - E. Review and approve the Ten-Year Implementation Plan goals and performance as part of the annual U.S. Department of Housing and Urban Development's Consolidated Plan and Budget process.**

Committee Chair: Susan Burgess

Staff Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy

- The City's FY2008 Consolidated Plan was approved by City Council on May 29, 2007. The Plan identified the need for affordable, safe and decent housing for low and moderate-income families. The Plan reaffirmed the three basic goals of the city's Housing Policy, which are as follows:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing
 - Support family self-sufficiency initiatives

Explanation

- The U.S. Department of Housing and Urban Development (HUD), as part of a national movement to end homelessness, has mandated that cities prepare a Ten-Year Plan to End Chronic Homelessness. In the future, the plan will become a requirement to receive federal funds.
- A Way Home was created as part of the Mecklenburg Council on Homelessness and is an outgrowth of the Out of the Shadows report, which was endorsed by the City Council and the Mecklenburg County Board of County Commissioners in early 2003.
- On February 28, 2005, the City Council approved a \$25,000 grant as the City's contribution to A Way Home to develop a Ten-Year Plan to End Chronic Homelessness in the Charlotte-Mecklenburg area.

- The Ten-Year Plan “More than Shelter” calls for a shift in philosophy from a shelter based model to a housing first approach.
- The proposed goals of the Plan are:

Goal 1: Housing: Get homeless families and individuals into appropriate and safe permanent housing as soon as possible;

Goal 2: Outreach and Engagement: Link chronic homeless to housing, treatment and services through intensive outreach and engagement; and

Goal 3: Prevention: Promote housing stability for those families and individuals most at-risk of becoming homeless.

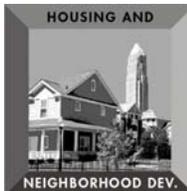
Committee Action

- The Housing and Neighborhood Development Committee voted unanimously to adopt the staff recommendations A, B, C, D and E unanimously at its October 24, 2007 meeting. Members present: Burgess, Foxx, Barnes, Lochman and Mumford. The Committee discussed the need for greater awareness in the community about the homelessness issue and the need for a financial model that would better serve the development of special needs housing.
- The Committee agreed that the goals set forth in the implementation portion of the plan (development of 2,500 units of supported services enriched housing over the next ten years, and development of a dedicated resource for funding) have financial implications and should be considered as part of the City’s budget process.

Attachment 6

More Than Shelter! Ten-Year Plan to End and Prevent Homelessness
 Ten-Year Implementation Plan (included as an attachment in the Ten-Year Plan)
 Housing and Neighborhood Development Presentation October 24, 2007

14. Johnston and Mecklenburg Mill Request for Proposals



- Action:**
- A. Receive as information an update from the Housing and Neighborhood Development Committee on the status of the Johnston and Mecklenburg Mill Request for Proposal process, and**
 - B. Provide direction on how the developer proposals should be evaluated.**

Committee Chair: Susan Burgess

Staff Resources: Stanley Watkins, Neighborhood Development
 Stan Wilson, Neighborhood Development

Policy

- City's Mixed Housing Development Policy adopted by the City Council on September 24, 2003.
- Charlotte Region Transit Station Area Joint Development Principles and Policy Guidelines: The Joint Development Policies, adopted by the Charlotte City Council in April 2003.
- The City's FY2008 Consolidated Plan was approved by the City Council on May 29, 2007. The Plan identified the need for affordable, safe and decent housing for low and moderate-income families. The Plan reaffirmed the three basic goals of the City's Housing Policy, which are as follows:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing
 - Support family self-sufficiency initiatives

Explanation

- On February 12, 2007, the City Council approved a Request for Proposals (RFP) process, which included selection criteria, to be undertaken to solicit qualified developers and/or development teams to acquire, design, develop, build and manage the redevelopment of the Johnston and Mecklenburg Mill Apartments and the adjacent properties located at the intersection of North Davidson Street and 36th Street.
- Proposals were received from four developers:
 - NoDa Mills, LLC
 - Conformity Group/Housing Partners
 - Winter Properties
 - Atlantic Development
- The RFP Selection Committee reviewed the proposals, conducted interviews and recommended the NoDa Mills, LLC.

Committee Discussion and Options

- On October 24, 2007, the Housing and Neighborhood Development Committee discussed the recommendation from the RFP Selection Committee to select NoDa Mills, LLC to redevelop the Johnston and Mecklenburg Mills and the adjacent properties. The four development proposals that were received varied considerably in terms of the number of affordable housing units, income levels served and purchase price.
- The Housing and Neighborhood Development Committee determined that it could not make a recommendation at this time and voted to send an update report to the City Council and seek direction regarding the evaluation of the proposals. Committee members present: Burgess, Foxx, Barnes, Lochman and Mumford.
- Based on the Housing and Neighborhood Development Committee's discussion, evaluation options include:
 1. Provide a weight (priority) to each of the Council-approved Selection Criteria and review the submitted proposals
 2. Provide a weight (priority) to each of the Council-approved Selection Criteria and re-issue the Request for Proposals
 3. Proceed with the Selection Committee recommendation

4. Sell the property for the maximum purchase price without affordable housing and transfer the proceeds to the Housing Trust Fund for the development of affordable housing

RFP Selection Criteria Approved by City Council

1. City's return on investment
2. Ability to meet City affordable housing goals
3. Ability to meet City policy goals (including but not limited to Transit Oriented Development, Draft 36th Street Concept Plan and other City policies)
4. Proven ability of the development team to successfully develop and manage higher-density residential projects. Proven ability shall mean successfully completed and managed at least three multi-family developments.
5. Ability to secure construction and permanent financing for the project
6. Commitment and ability to bring developer equity to the project
7. Quality of the design proposed and ability of the development team to implement a high quality project
8. A management plan for the project that maintains the affordability goals of this project
9. Proven ability and experience in managing higher-density residential properties
10. Connectivity between site and light rail station
11. Proposed density
12. Consideration of a development plan that complements and bolsters the existing artistic and historic character of the neighborhood. Concepts could include but are not limited to: an architectural design that complements the mill buildings and the surrounding mill town; housing that addresses the needs of the existing diverse community, or residential retail and commercial and diverse that meld with the existing NoDa arts and entertainment district.

Attachment 7

Background
 Overview of Developer Proposals
 Four Proposal Presentations
 RFP Selection Committee

15. Public Art Ordinance Guidelines



Action: Approve the Restructuring Government Committee's recommendation to establish administrative guidelines for the City's Public Art Ordinance.

Committee Chair: James E. Mitchell, Jr.

Staff Resource: Ruffin Hall, Budget & Evaluation

Explanation

- Over the last several years, the City Council has raised questions and discussed issues related to the interpretation of the City's Public Art Ordinance.
- During the June 4th Council Workshop, Council raised further questions and referred to the Restructuring Government Committee a review of two items:
 - Circumstances under which public art funds can be pooled, and
 - the definition of items that are eligible for public art funds.
- On August 30th, staff presented to the Restructuring Government Committee a review of public art program history, the public art ordinance, the cost calculation methodology, and Council's process and timeline. Staff also reviewed examples of project eligibility and criteria for choosing sites.
- Staff presented a list of guidelines to interpret and administer the City's Public Art Ordinance for the Committee's consideration.

Proposed Guidelines

- The proposed guidelines include the following criteria for choosing sites for public art projects:
 - On City property
 - On property of funding source (Example - Aviation)
 - Highly visible locations
 - Association with specific facility/corridor
 - Pooling of funds
 - Geographic distribution
- The proposed guidelines specify that funds may be pooled when funds are from a facility that is not highly visible or when funds are from small projects.

Eligible Project Examples

- Based on the Public Art Ordinance language and the proposed guidelines, the following projects are included as examples of eligible projects:
 - New or renovated buildings
 - Business corridor improvements
 - Streetscape projects
 - Pedestrian/traffic safety projects
 - Airport terminal
 - Parking decks

Ineligible Project Examples

- The following are examples of ineligible projects:
 - Airfield projects
 - Building maintenance
 - Equipment and furnishings
 - Curb and gutter
 - Pump station construction/renovation
 - Residential and thoroughfare sidewalks
 - Road construction
 - Street maintenance
 - Underground utilities
 - Traffic signal system upgrades

Committee Action

- The Committee amended the proposed guidelines by adding a requirement that staff comment on project eligibility, pooling and the calculation of the 1% for public art at the April Budget Retreat presentation of the Draft Capital Investment Plan. This staff comment would allow Council to see the proposed pooling of funds and the categories (example – pooled funds going to business corridors).
- On October 11th, the Committee unanimously recommended the attached Public Art Ordinance Guidelines as amended. (Council members Mitchell, Lochman, Kinsey, Lassiter and Turner).

Background

- The 2003 Public Art Ordinance states, “1% of construction cost at the time the project is included in the City’s CIP to be used for the selection, acquisition, commissioning and display of artwork.”
- The 2003 Public Art Ordinance also defines eligible projects to include “any capital project paid for wholly or in part for the construction or substantial renovation of any building, facility or open space to which the public is generally invited, including projects in the Business Corridor Program.”

Attachment 8

Public Art Ordinance Guidelines

Summary Public Art Projects from Adopted FY08-12 Capital Investment Plan

Public Art Program Review Presentation

BUSINESS

16. Scaleybark Redevelopment: Extension of Examination Period and Closing Date

Action: Approve a request from Scaleybark Partners LLC to extend the examination period to January 31, 2008 and adjust the closing date to February 15, 2008.

Staff Resource: Tom Flynn, Economic Development

Explanation

- As a result of the First Amendment to the Agreement between the City (as “Seller”) and Scaleybark Partners (as “Buyer”), the parties agreed to extend the buyer’s examination period to November 16, 2007 and adjusted the Closing Date to November 30, 2007.
- Scaleybark Partners has now requested a further extension of their examination period from its current expiration date of November 16, 2007 to January 31, 2008, with the closing date adjusted to February 15, 2008.
- Scaleybark Partners has been diligently completing their inspection of the property, including the taking of additional soil borings at the site. Some of this soil investigation work could not be completed until the City completed the demolition of the structures on the site. Those structures have since been removed and Scaleybark Partners can now complete their soil investigation and can evaluate the existing soil conditions in light of their conceptual site plan and conceptual construction methodology.
- Staff recommends approval of Scaleybark Partners’ request to extend the examination period and the closing date for the following reasons:
 - This does not impact the South Corridor schedule or the Full Funding Grant Agreement.
 - Work on the temporary park and ride lot at this location has commenced as scheduled.
 - Adjustment of the examination period and the closing date are standard practice in redevelopment of large tracts of land.

Attachment 9

Letter from Scaleybark Partners (October 29, 2007)

17. Engineering Services for Transportation Projects

Action: Approve contracts for engineering services for transportation projects under the following programs:

Farm-to-Market Road Improvement Program

- A. Dyer, Riddle, Mills & Precourt, Inc. in the amount of \$250,000 for Community House Road Improvements,
- B. RS&H Architects, Engineers, Planners, Inc. in the amount of \$285,000 for the Oakdale Road Improvements,

Intersection Capacity & Multimodal Enhancement Program

- C. Kimley-Horn and Associates, Inc. in the amount of \$610,850 for Harris Boulevard and The Plaza Intersection,
- D. PBS&J in the amount of \$535,000 for Brookshire Boulevard/ Hovis Road/ Oakdale Road Intersection,

Thoroughfare and Street Projects

- E. PB Americas, Inc. in the amount of \$583,099 for Auten Road Extension,

Center City Transportation Program

- F. Mulkey, Inc. in the amount of \$325,000 for Brevard and Caldwell,
- G. Gannett Fleming, Inc. in the amount of \$274,000 for Johnson & Wales and Fourth Street,
- H. HNTB, in the amount of \$70,000 for Fifth Street Extension,

Road Planning/Design/Right-of-Way Program

- I. STV/Ralph Whitehead Associates, Inc. in the amount of \$309,528 for the Ballantyne Commons Parkway and Elm Lane Intersection.

Staff Resources: Mike Davis, Transportation
 Tim Greene, Engineering and Property Management
 Jim Keenan, Engineering and Property Management

Explanation

- On May 22, 2006, the Charlotte City Council adopted the 25 year Transportation Action Plan (TAP). The TAP is a comprehensive transportation plan developed to integrate and refine existing transportation polices and to identify long-range transportation improvements.
- The TAP identifies \$3.57 billion of improvements over the next 25 years to create better and more travel choices for motorists, pedestrians and bicyclists, to create livable neighborhoods and to advance the City's Centers, Corridors and Wedges strategy.
- On June 11, 2006 the City Council adopted a resolution approving the FY2008-2012 Capital Investment Plan.
- On November 6, 2006 the voters approved \$85.2 million in Street Bonds, which provides funding for these contracts.

- The projects funded through these bonds will be implemented in accordance with the “three year vote-to-drive” policy adopted by the City Council in 2000.
- The policy provides for the planning and design of a project prior to the voter referendum on construction funding and provides a more accurate estimate of construction cost for the City Council and the voters to consider. Early planning and design will typically allow projects to be completed three years or less from the time of voter approval of construction.
- Several projects listed below are scheduled for the 2008 and 2010 Transportation Bond referendum. Staff needs sufficient time prior to the bond vote to work through design issues and impacts with neighborhoods and property owners.
- These firms were selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- Additional planning and design contracts will be on a forthcoming Council Agenda.

Farm-to-Market Road Improvement Program

- This program provides improvements to farm-to-market roads located within the Charlotte city limits that serve as the primary routes for developing areas. These roadways quickly become overburdened by traffic resulting in significant congestion and unsafe conditions.

A. Dyer, Riddle, Mills & Precourt, Inc.

- The Community House Road Farm-to-Market project will upgrade a section of South Community House Road to urban street standards to improve safety and traffic flow to two new schools between Bryant Farms Rd and Ardrey Kell Road. Improvements may include new curb-and-gutter, new sidewalks, additional lane width, and turning lanes to improve traffic flow.
- Contract will be for planning only with design to be added later by amendment as appropriate.
- Funding for right-of-way acquisition and construction is proposed for the 2008 Transportation Bonds.

B. RS&H Architects, Engineers, Planners, Inc.

- The Oakdale Road Farm-to-Market project will upgrade Oakdale Road to urban street standards to improve safety and traffic flow.
- Contract will be for planning only with design to be added later by amendment as appropriate.
- Funding for right-of-way and construction is proposed in the 2010 Bonds.

Intersection Capacity/Multimodal Enhancement Program

- This program will improve travel conditions for vehicles, pedestrians, bicyclists, and transit users at intersections to include pedestrian signals, crosswalks, sidewalk, wheelchair ramps, bicycle lanes and other design features.

C. Kimley-Horn and Associates, Inc.

- The Harris Boulevard/The Plaza Intersection Improvements project will improve travel conditions through the intersection for vehicles, pedestrians, bicyclists, and transit users.

D. PBS&J

- The Brookshire Boulevard/ Hovis Road/ Oakdale Road Intersection is a major intersection located in the northwest section of the city that connects the Thomasboro Hoskins Community to the Oakdale Community. This project will improve the level of accommodations for vehicles, pedestrians, bicyclists, and transit users.

Specific Thoroughfare and Street Projects Program

- The goal for this program is for the City to advance transportation projects that improve safety, support neighborhoods, enhance livability, promote transportation choices and meet land use objectives.

E. PB Americas, Inc.

- The Auten Street Extension project will construct a new road from Chesapeake Drive to Plumstead Road. The extension will provide for connectivity in the northwest area of Charlotte, creating an east-west connection between Brookshire Boulevard and Statesville Road.
- Construction funds are proposed for the 2010 Bonds.

Center City Transportation Program

- This program is supported by the Center City Transportation Study (CCTS), which was developed as the implementation program for several initiatives, including the Center City 2010 Vision Plan, the master plans and vision plans for the First, Second, and Third Wards, the 2025 Transit System Plan, and a variety of facility plans or initiatives. The program includes pedestrian, bicycle, vehicular and transit systems within Center City.

F. Gannett Fleming, Inc.

- The Johnson & Wales Way/4th Street project is a combination of two planned, contiguous improvements. The adopted Center City Transportation Plan (CCTP) includes a project to realign Johnson & Wales Way to improve pedestrian safety in and between the intersections with Trade Street and 4th Street. Pedestrian, bicycle, vehicular and transit system operations will be considered.
- Improvements to 4th Street Extension were identified in the Johnson & Wales Small Area Study and are consistent with the general policies of the CCTP.
- Contract will be for planning services only with design to be added later by amendment as appropriate.

G. HNTB

- The extension of Fifth Street from McDowell Street to Kings Drive is part of the Center City Transportation Plan (CCTP) noted above.

- Contract will be to engage stakeholders in an expanded needs analysis and feasibility study, considering three major planning processes: CDOT's CCTP, CATS SE Corridor, and CPCC's Master Plan.
- Funding for planning and design was included in the 2006 Bonds and additional funding for right-of-way and construction is proposed for the 2008 and 2010 bonds.

H. Mulkey, Inc.

- The Brevard Street/Caldwell Street Two-Way conversion project is part of the Center City Transportation Plan noted above. It will convert Brevard and Caldwell Streets to two-way streets from Trade Street to 12th Street. Both roads are currently being converted to two-way south of Trade Street in work related to the NASCAR Hall Of Fame.
- Contract will be for planning services only with design to be added later by amendment as appropriate.
- Funding for planning and design was approved in the 2006 bonds and funding for right-of-way and construction is proposed for the 2008 bonds.

Road Planning/Design/Right-of-Way Program

- This program provides funding for planning, design, and right-of-way acquisition for future road projects.

I. STV/Ralph Whitehead Associates, Inc.

- The Ballantyne Commons Parkway/Elm Lane Intersection will study improving accommodations for vehicles, pedestrians, bicyclists, and transit users.
- This contract will be for planning services only and may be included in a future Capital Investment Plan.
- Funding for this project is from FY2008-20012 CIP – Road Planning/Design/Right-of-Way.

Small Business Opportunity

- Pursuant to the SBO Program Policy for professional services contracts, the City negotiated a Committed SBE goal with each successful proposer.
- Five of the selected firms are using SBEs for initial planning phase services and three of the selected firms expect to use SBEs identified on their project teams in later phases of the project.
- The Small Business Office has reviewed and concurred with the SBE commitment of each of the nine firms.

A. Dyer, Riddle, Mills & Precourt, Inc.

Dyer, Riddle, Mills & Precourt, Inc. committed 9.1% (\$22,805) to the following SBE firms: Estes Design, Inc., Joel E. Wood & Associates, PLLC, and Richa Graphics.

B. RS&H Architects, Engineers, Planners, Inc.

RS&H Architects, Engineers, Planners, Inc. included SBE firms on their project team which will be used if the contract is amended for design services.

C. Kimley-Horn and Associates, Inc.

Kimley-Horn and Associates, Inc. committed 10.72% (\$65,525) to the following SBE firms: Boyle Consulting Engineers, PLLC, Hinde Engineering, Inc., and On Target Utility Locate Services, Inc.

D. PBS&J

PBS&J committed 5.23% (\$27,970) to the following SBE firms: Carolina Wetland Services, Inc., Capstone Civil Group, P.A., and On Target Utility Locate Services, Inc.

E. PB Americas, Inc.

PB Americas, Inc. committed 9.1% (\$53,086) to the following SBE firms: Summit ECS and Bruce Clodfelter Landscape Architecture.

F. Gannett Fleming, Inc.

Gannett Fleming, Inc. included SBE firms on their project team which will be used if the contract is amended for design services.

G. HNTB

This contract is for an informal amount and complies with Appendix 1 to Part A: Section 29 for informal contracts.

H. Mulkey, Inc.

Mulkey, Inc. included SBE firms on their project team which will be used if the contract is amended for design services.

I. STV/Ralph Whitehead Associates, Inc.

STV/Ralph Whitehead Associates, Inc. committed 3.9 % (\$12,151.48) to the following SBE firms: Geological Resources, Inc. and Richa Graphics.

Funding

Transportation Capital Investment Plan (2006 Voter approved bonds)

Attachment 10

Project Descriptions

18. Engineering Services for the City Boulevard Extension Road Project

Action: Approve a contract with URS Corporation – North Carolina in the amount of \$247,305 for engineering services for the City Boulevard Extension Road Project.

Staff Resources: Mike Davis, Transportation
Tim Greene, Engineering and Property Management

Explanation

- The City Boulevard Extension project was included in CDOT's FY 2007-2016 Recommended Capital Needs Assessment, but was not funded in the City's FY2008-FY2012 Capital Investment Plan. This project is also included in the MUMPO Long Range Transportation Plan as State-funded, with construction anticipated by 2020. Funding for this project, however, is not included in the FY2008-FY2014 Transportation Improvement Program.
- At the June 11th City Council meeting, Council requested information on options to accelerate construction of the City Boulevard Extension road project.
- The City has accelerated other projects for completion that were originally identified to be completed by the State.
- Approval of this Contract will provide public involvement, road planning and conceptual design in preparation for next year's capital program budget process. Council would have to consider approval of additional design, right-of-way and construction funding in next year's budget for this project to proceed beyond this contract.
- The City Boulevard Extension road project would be constructed between Neal Road and Mallard Creek Road (Graham Street Extension). This new roadway would provide access to the southernmost portion of the University Research Park and would complete a new east-west route between Derita and the University area.
- URS Corporation was selected using the Council-approved selection process for professional services.
- Funding for this contract is from the Council approved road planning, design and right-of-way funding in the Pay-As-You-Go (PAYG) capital program, approximately \$1.3 million.

Small Business Opportunity

Pursuant to the SBO Program Policy for professional services contracts, the City negotiated a Committed SBE goal with the successful Proposer. URS Corporation - North Carolina committed 13.5 % (\$33,268) to the following SBE firms: Neighboring Concepts PLLC and Summit ECS.

Funding

Transportation Capital Investment Plan

19. Elizabeth Avenue Business Corridor

- Action:**
- A. Adopt a budget ordinance appropriating \$5,443,000 from CATS Operating fund balance,**
 - B. Award the construction contract for Elizabeth Avenue Business Corridor to United Construction for \$8,988,053.03, and**
 - C. Approve an amendment with HDR Engineering, Inc. of the Carolinas for \$256,380 for construction administration services for the Elizabeth Avenue Business Corridor.**

Staff Resources: John Muth, CATS
Tom Russell, Engineering and Property Management

Project Description

- The Elizabeth Avenue Business Corridor project is a joint venture between the City of Charlotte, Central Piedmont Community College, and Grubb Properties to facilitate current and future development in a collaborative approach minimizing construction impacts.
- The project will construct various improvements to Elizabeth Avenue from Kings Drive to Hawthorne Lane. The improvements include streetcar tracks, overhead catenary poles, planting strips, street trees, irrigation, sidewalks, decorative street lighting, crosswalks, on street parking, bike lanes, relocate overhead utilities to underground, replace waterline/sewer line, install new mast arms, storm drainage and roadway improvements.
- The project will provide streetscape improvements, new water lines and sewer lines, relocation of overhead utilities to underground, streetcar tracks and catenary poles, street lighting, roadway and storm drainage improvements.
- These improvements will accommodate pedestrians, bicycles, streetcar, and bus transit options.
- In preparation for this construction, the City Council approved the purchase of the street car steel tracks in the amount of \$276,884 on July 25, 2005.
- The advantages of this collaborative project includes:
 - Minimize construction impacts to CPCC/Grubb Properties new development
 - Reduce construction schedule by combining all public/private projects into one
 - Avoid future cost escalation
- The Streetcar project was a key factor in the decisions made by CPCC and Grubb Properties to redevelop Elizabeth Avenue.
- Construction completion is scheduled for second quarter of 2009.

A. Budget Ordinance

- The budget ordinance appropriates \$5,443,000 from CATS Operating Budget fund balance. The funding is needed to cover streetcar related expenses as part of the project. Remaining funds associated with the construction contract will come from existing appropriated funds in the Transportation Capital Investment Plan.

B. Construction Contract with United Construction

- Award the construction contract to United Construction as the lowest responsive and responsible bidder.

C. Amendment #4 with HDR Engineering, Inc.

- HDR Engineering, Inc. did the project design and will supplement Engineering and Property Management's Construction Administration for review of specialty item construction submittals for approval that relate to the streetcar.
- They will perform this task on an as needed basis as directed by Engineering and Property Management.
- HDR was selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- City Council approved the original contract for \$305,700 on July 28, 2003.
- City Council approved Amendment #1 for \$122,395 on June 28, 2004, which provided funds for additional water line design, streetscape design and conduit system coordination and design.
- The City Manager approved Amendment #2 for \$90,114 on April 27, 2006, which provided updated base mapping and surveys, traffic control plan, final design revisions, and additional project administration for coordination.
- The City Manager approved Amendment #3 for \$80,100 on May 30, 2007, which provided funds for additional water and sewer line upgrades, storm drainage cross section design change to meet storm water ponding requirements, and finalize traffic control plans.
- The total contract amount including amendments 1 through 4 will be \$854,689.
- Funds are available in the project budget to cover this amendment.

Disadvantaged Business Enterprise

Established DBE Goal: 12%

Committed DBE Goal: 13.12%

Per the Municipal Agreement with NCDOT the federal DBE program must be followed. United Construction, Inc. exceeded the DBE goal and committed 13.08% (\$1,179,268.50) to the following firms: ACS Pavement Marking, Inc., Bullock Construction, Inc., Carolina Cajun Concrete, Inc., George Daniels Landscaping, Stay Alert Safety Services, Inc. and Streeter Trucking.

Small Business Opportunity

All additional work involved in this amendment will be performed by HDR Engineering, Inc. and their existing subcontractors. This amendment complies with Section 10.3 of the SBO Program.

Funding

Transit and Transportation Capital Investment Plans

Attachment 11

Budget Ordinance

20. December 17, 2007 Zoning Meeting

Action: Consider amending the 2007 Council calendar by adjusting the time to begin the December 17, 2007 Zoning Meeting.

Staff Resource: Curt Walton, City Manager

Explanation

- The approved Council calendar for 2007 establishes 6:00 p.m. as the time to begin Zoning meetings. The meetings are preceded by dinner at 5:00 p.m.
- The December 17, 2007 currently contains 40 petitions scheduled for public hearing, whereas the usual number is 16 petitions. The agenda will also include a yet to be determined number of Zoning Decisions from earlier hearings.
- Council may wish to consider beginning the December 17, 2007 Zoning meeting earlier to accommodate this much heavier than usual schedule.
- Options for the December 17, 2007 meeting include:
 - Beginning the December 17, 2007 meeting at 5:00 p.m., rather than 6:00 p.m., preceded by dinner at 4:00 p.m.
 - Beginning the meeting at 3:00 p.m. and breaking for dinner at 5:00 p.m. or 6:00 p.m.
 - Other options as Council may prefer
- Sufficient time is available to do public notifications of any action the Council may take to begin earlier.

21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

22. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(1) to go into closed session to consider whether to concur in the release of certain personnel information as authorized by NCGS 160A-168(c)(7) if the City Manager determines that the release of such information is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

23. Various Bids

A. Bristol Drive Channel Improvements

EPM

Staff Resource: Matthew Gustis

Action

Award the low bid of \$409,970 by Ferebee Corporation of Charlotte, North Carolina. This project will enhance approximately 1,650 feet of existing stream channel within Westerly Hills Park. Improvements include channel relocation and grading, placement of in-stream structures, and replacement of an existing pedestrian footbridge. The project area is inside a 126 acre watershed area, and is bound by Wilkinson Boulevard to the south, Carlyle Drive to the north, Wilson Avenue to the east, and Alleghany Street to the west. It is an urbanized watershed primarily consisting of single and multi-family residential land uses. Construction completion is scheduled for first quarter of 2009.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 7.8%

Ferebee exceeded the 6% established SBE goal and committed 7.8% (\$31,993.64) of the total contract amount to the following SBE firms: Barry D. Davis Surveying, Bullington Construction and George Daniels Landscaping.

B. Sidewalks and Accessible Ramps FY2008**EPM****Staff Resource:** Becky Chambers**Action**

Award the low bid of \$260,218.75 by Carolina Cajun Concrete of Charlotte, North Carolina. This contract will construct sections of sidewalk to fill in areas where there are gaps and it will construct accessible ramps where missing or not built to current standards. Construction completion is scheduled for fourth quarter of 2009.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.61%

Carolina Cajun Concrete, a certified SBE firm, met the established SBE goal and committed 4.61% (\$12,000) of the total contract amount to the following SBE firms: M.H. Graves Construction Co. and Muddrunners, Inc.

**C. FY08 Contract A, Street Main Extensions –
Water and Sewer Main Construction****CMU****Staff Resource:** Doug Bean**Action**

Award the low bid of \$1,581,060.80 to State Utility Contractors, Inc., Monroe, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5%

State Utility Contractors, Inc. committed 5% (\$79,120) of the total contract amount to the following SBE firms: Spears Trucking, Capstone Civil Group, Union Paving Contractors, Inc., and Best Rate Tree & Landscaping.

D. Northeast Davidson Pump Station Replacement CMU**Staff Resource:** Doug Bean**Action**

Award the low bid of \$569,236.50 by Gilbert Engineering Company, Inc. of Statesville, North Carolina for construction of the new Northeast Pump Station in Davidson, North Carolina. Work is to be completed by May 2008.

Small Business Opportunity

Established SBE Goal: 5.0%

Committed SBE Goal: 10.19%

Gilbert Engineering Company committed 10.19% (\$58,000) of the total contract amount to the following SBE firms: Vector Electric Company, The Carolina Landworks and Martin Landscaping.

E. 24 Inch Water Main Along Nations Ford Road CMU**Staff Resource:** Doug Bean**Action**

Award the low bid of \$1,382,137.89 by RF Shinn Contractor, Inc., Concord North Carolina for construction of the 24" Water Main along Nations Ford Road. Project is scheduled for completion by May 2008.

Small Business Opportunity

Established SBE Goal: 4.0%

Committed SBE Goal: 8.14%

R.F. Shinn Contractor, Inc. committed 8.14% (\$112,500) of the total contract amount to the following SBE firms: Tarpon Construction, Conmat Development, Ms. Sybil's Seeding and D.E Walker Construction.

24. Resolution of Intent to Abandon Street and Set Public Hearing for an unopened right-of-way running off of Foster Avenue

Action: A. Adopt the Resolution of Intent to abandon an unopened right-of-way running off of Foster Avenue, and

B. Set a public hearing for December 10, 2007.

Staff Resource: Linda Poissant, Transportation**Attachment 12**

Map

Resolution

25. Resolution of Intent to Abandon Street and Set Public Hearing for Conway Avenue running off of Annlin Avenue

- Action:**
- A. Adopt the Resolution of Intent to abandon a Conway Avenue running off of Annlin Avenue, and**
 - B. Set a public hearing for December 10, 2007.**

Staff Resource: Linda Poissant, Transportation

Attachment 13

Map

Resolution

CONSENT II

26. Lynx Blue Line-Operational Support

- Action:** **A. Approve a contract amendment with STV, Inc. in an amount not to exceed \$522,716 for Lynx Blue Line operational support, and**
- B. Approve a budget ordinance in the amount of \$522,716.**

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation

- This contract amendment will allow STV, the Construction Management Consultant for the South Corridor Light Rail Project, to continue to provide systems engineering support to CATS Rail Operations from Project completion in late November 2007 to June 2008.
- STV personnel will provide needed technical expertise and support during the critical initial six to eight month period as City Staff becomes familiar with the complex systems inherent in the South Corridor Light Rail Line.
- STV will also assist in monitoring systems reliability and tracking warranty issues. Retaining consultant engineering personnel during the initial startup period to support operational needs is typical of New Start light rail projects.
- Four STV, Inc. employees will assist CATS staff with remaining startup activities until December 2007. These individuals will be on duty full time during this period. From January 2008 through July 2008, they will be on duty on an as-needed basis. Time will be charged for specific tasks when needed and defined by CATS.

Project History

- On June 23, 2003, City Council approved a South Corridor Light Rail project management support services contract with STV, Inc., valued at \$5,000,000.
- On February 21, 2005, City Council approved an action to remove construction management services from the previous design firm and amend STV, Inc.'s contract to include construction management, start-up, and testing services. That action had a not to exceed amount of \$15,185,337.
 - On September 24, 2007, the City Council approved a \$1,513,335 amendment. This amendment currently allows coverage for the extended project completion timeframe (from April 2007 to November 2007) and allows STV to provide construction management services and contractor claim support services as required through the construction and contract close out period for the South Corridor Project.
 - This requested action would bring the total contract amount to \$22,221,388.

Disadvantaged Business Enterprise Opportunity (STV)

Established DBE Goal: 11%

Committed DBE Goal: 11%

This is an amendment to the original contract awarded by Council dated June 23, 2003. The DBE firms identified were: GNA Design, Altura Environmental and Paco Group.

Funding

Transit Operating Fund Balance

Attachment 14

Budget Ordinance

27. South Corridor Light Rail Project Contract Change Orders

- Action:**
- A. Approve a change order with Archer Western Contractors in the amount of \$812,170 for the South Corridor Light Rail Project-Station Finishes, and**
 - B. Approve a change order with Mass Electric/Aldridge Electric, a Joint Venture (MAJV) in the amount of \$416,839 for the South Corridor Light Rail Project-Train Control.**

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation

- At the October 2, 2006 meeting, City Council was presented with a new Project Estimate at Completion (EAC) of \$462.7 million. Information was provided at that time which stated the likelihood of issuing change orders over the coming months to complete construction in time to meet the November 26, 2007 project completion date. Funds associated with this request were included in the updated project EAC. A portion of this action is being funded under the Full Funding Grant Agreement.
- **Action A- Archer Western Contractors**
 - The requested change order of \$812,170 will be combined with the existing project contingency of \$2,585,605 and will cover the \$3,397,772 in known change orders. Changes have been required in contract plans and specifications resulting from designer errors and omissions, changing field conditions, design improvements and third party requirements.
 - The revised contract value will be \$49,632,388. As of October 26, 2007 the Station Finishes contract was 91% complete. Funding for this action will be from the Transit Capital Program. This will be the last change order for AWC on this contract except for the satisfaction of any claims that may materialize from the contractor.
 - Action A is funded from:
 - FFGA Budget (Overall) Project Contingency - \$264,470
 - Council approved appropriation for betterments

- which are not covered by the FFGA Budget \$547,700
- Betterments refer to work along the South Corridor that are not covered by the scope of the FFGA. An example of a betterment is some sidewalks that connect the corridor to adjacent neighborhoods.
 - **Action B- Mass Electric/Aldridge Electric, a Joint Venture (MAJV)**
 - The requested change order of \$416,839 will be combined with the existing project contingency of \$384,020 and will cover the \$800,859 in known change orders to cover required amendments to contract plans resulting from design improvements, errors and omissions and third party requirements.
 - The revised contract value will be \$35,524,433. As of October 26, 2007 the Train Control and Communications contract was 75% complete. This action will be funded from the Transit Capital Program. This will be the last change order for MAJV on this contract except for the satisfaction of any claims that may materialize from the contractor.
 - Action B is funded from:
 - Council approved appropriation for betterments which are not covered by the FFGA Budget \$416,839
 - The \$416,839 in approved betterments covers the emergency phones on the light rail platforms (approximately \$153,000), vehicle access for local business, Blume Supply, including a dedicated left turning lane and gates (approximately \$227,000) and various miscellaneous improvements (\$36,000).

Disadvantaged Business Enterprise Opportunity (Archer Western: Station Finishes, Park and Ride Lots)

Established DBE Goal: 20%

Committed DBE Goal: 20%

The original contract was awarded by Council November 28, 2005. DBEs identified were: Regional Companies LLC, National Erectors, Inc., and The Artis Group.

Disadvantaged Business Enterprise Opportunity (Mass Electric/Aldridge Electric)

Established DBE Goal: 14%

Committed DBE Goal: 14%

The original contract was awarded by Council March 28, 2005. The DBEs firm identified was E. Moore & Son Electrical.

Funding

Existing non-FFGA funds, Transit Capital Investment Plan

28. Guaranteed Ride Home Program

- Action:**
- A. Approve a contract with Taxi USA, LLC dba Yellow Cab of Charlotte for Guaranteed Ride Home service to provide Vanpool and Express /Express-Plus Monthly pass customers with an alternative to getting home for emergencies when normal CATS services are not available, and**
 - B. Authorize the City Manager to approve and execute a use contract for two years estimated at \$240,000 and three, one-year contract options for an estimated five-year contract value of \$600,000.**

Staff Resource: Olaf Kinard, Charlotte Area Transit System

Explanation

- Guaranteed Ride Home (GRH) is a program in which vanpool riders, express/express-plus monthly pass holders, annual pass holders and eligible carpools in the Clean Air Works program receive transportation back to their cars in the event of an emergency when regular service is not operating. The existence of the GRH helps increase usage on the primary services by providing customers with the assurance that they can get back home should they need to during the day.
- Customers eligible for Guaranteed Ride Home must possess a current monthly express or express-plus pass, be a current vanpool rider with a Guaranteed Ride Home ID card that includes their name and vanpool number, or a valid carpool certificate. Each eligible customer can use the GRH Program twice a month. The program uses local taxicabs to provide the GRH services.
- CATS currently operates 78 vanpools with originations as far north as Rowan and Forsyth counties and as far south as York and Chester counties in upstate South Carolina. CATS operates 12 express routes all within Mecklenburg County and six regional express plus routes serving Union, Gaston, Iredell, Cabarrus, Lincoln and York counties. On average, the daily riders of these services eliminate 550 lbs of air pollution annually by using public transportation.
- The "Best Workplaces for Commuters", a national program sponsored by the U.S. Environmental Protection Agency and U.S. Department of Transportation, lists GRH as a key element in attracting people to ride transit, carpool and vanpool.
- In FY2006, 2,206 trips were provided by the GRH program which represents 5.6% of the eligible express and vanpool customers at an average cost of \$44.70 per trip or 6.7 cents per trip allocated across all express and vanpool riders.
- A Request for Proposals for Guaranteed Ride Home was issued and four proposals were received.
- A three member evaluation committee was formed comprised of CATS employees and one employee from CMPD's Passenger Vehicle for Hire Section. The proposals were evaluated based on the following criteria:
 - Qualifications, capacity, quality, experience and approach
 - Financial qualifications

- Cost effectiveness and value
- Acceptance of the terms of the contract
- The evaluation committee reviewed the proposals and recommends that Taxi USA, LLC dba Yellow Cab of Charlotte be selected as the most qualified vendor to provide the service.
- The contract cost for the two years is \$240,000.
- Yellow Cab currently provides GRH services for CATS.

Small Business Opportunity

Pursuant to Part C: Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

FY2008 Transit Operating Budget

29. Fire and Life Safety Control System for CATS

- Action:**
- A. Approve the purchase of security access control, fire and life safety systems without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3), and**
 - B. Approve a contract with Simplex Grinnell for the purchase of security access control, fire and life safety system in the amount of \$160,000.**

Staff Resource: Jim Zingale, Charlotte Area Transit System

Cooperative Purchasing Exemption

- A contract was let following a formal competitive bid process conducted by MedAssets.
- MedAssets operates the fastest-growing group purchasing organization and supply chain services company in the U.S. serving more than 22,000 customers with purchasing power approaching \$10 billion.
- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing programs.
- SimplexGrinnell has a national contract through MedAssets.

Explanation

- Simplex Grinnell installed and currently maintains CATS existing fire and life safety integrated systems. This proposed contract allows for the installation of compatible equipment such as monitoring devices, closed circuit television and communication devices which will make it possible for the City to maintain a safety and security presence at the Charlotte Transit Center (CTC) Police Communications Center.
- Approximately \$90,000 of the total purchase will be for new monitoring hardware that will integrate into the CATS overall surveillance system.

- Approximately \$70,000 of the total purchase amount will be for a new surveillance system in Pavilion 'B' of the CTC to monitor the public areas at the Pavilion 'B' entrance of the CTC from the new Light Rail Line.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding, this is an exempt contract.

Funding

Transit Capital Investment Plan

30. Safety and Security Fencing Along the Lynx Blue Line Right-of-Way

- Action: A. Approve the purchase of safety and security fencing without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129 (e) (3), and**
- B. Approve a contract with Hagemeyer North America for the purchase of fencing in the amount of \$236,000.**

Staff Resource: Jim Zingale , Charlotte Area Transit System

Cooperative Purchasing Exemption

- A contract was let in October 2005 following a formal competitive bid process conducted by the city of Fairfax, Virginia on behalf of federal, state and local governments through US Communities Cooperative Purchasing Alliance.
- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing program.
- Hagemeyer has a national contract with U.S. Communities purchasing cooperative that guarantees its prices to be the lowest available to a government entity.

Explanation

- Approve award of a contract for the purchase and installation of fencing at two elevated areas (bridges and overpasses) along the Lynx Blue line right-of-way. The fencing will be at the Tyvola and Archdale bridges and at trolley locations including the trolley barn, south of Tremont Road on a spur track.
- The fencing is necessary for the safety of personnel working in those areas and for protection of the public should an emergency evacuation of a light rail vehicle ever occur in those locations. The need for the fencing was identified during final safety certification activities for the Lynx Blue Line.

Small Business Opportunity

Pursuant to Appendix Section 23.2 of the SBO Program regarding purchases without competitive bidding, this is an exempt contract.

Funding

Transit Capital Investment Plan

31. Debit and Credit Card Contract for Light Rail Ticket Purchase

- Action:**
- A. Approve a one year contract for up to \$247,541 with NOVA Information Systems, Inc and Wachovia Bank to provide debit and credit card processing services for the Lynx Blue Line Ticket Vending Machines, and**
 - B. Authorize the City Manager to approve a one-year contract extension option.**

Staff Resources: Ron Tober, Charlotte Area Transit System
Greg Gaskins, Finance

Explanation

- On January 8, 2007, City Council approved a change order to the contract with ACS Transport Systems Inc. (formerly Ascom Transport Systems) to allow Ticket Vending Machines (TVMs) to accept debit/credit transactions.
- National research indicates that 53% of consumers use credit and debit cards for retail purchases. This type of payment is now considered a standard feature in the light rail business.
- Light rail systems that accept credit and debit cards include: New York, Chicago, Washington, DC, Philadelphia, Los Angeles, Las Vegas, Houston, Minneapolis/St. Paul, New Jersey Transit, Portland and Seattle.
- Each TVM located on the Lynx Blue Line will be fitted with debit/credit card terminals.
- All debit and credit transactions must be processed through an Automated Clearing House that governs electronic transfers between banks.
- NOVA Information Systems, Inc. offers such a clearing house, which verifies that funds are available in the customer's account and transfers the funds to the City's account with Wachovia.
- The annual contract amount is based on the estimated number of transactions (918,000) and the highest average transaction fee (26.9¢).
 - The City will incur all transaction fees and the fees will not be reflected in the cost to patrons (i.e. as a service charge). Wachovia will invoice the City monthly.
 - The individual transaction costs to the City will range from 14¢ for a 65¢ Senior One-way Ticket to 34¢ for a \$13 One-Week Pass.
- Each TVM debit/credit terminal and the supporting computer network will meet current security standards and regulations to protect consumers.
- New mandatory security requirements will be required by the industry in mid 2008. NOVA and Wachovia will allow the City to operate under the current standards until the City's software can be certified to the new 2008 standards.

NOVA and Wachovia were selected for this contract because they will allow the City to operate under the current standards and regulations.

- Once the City meets the new requirements, the City will incur a lower transaction cost through the State of North Carolina’s contract with First Data.
- Once the contract is executed, the City will be required to complete a series of compliance steps to ensure functionality and security. It is estimated that debit/credit will be available for customer use early in 2008.

Small Business Opportunity

Pursuant to Part C: Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Transit Operating Budget

32. Police Ammunition Purchase

- Action:**
- A. Approve the purchase of ammunition without competitive bidding, as authorized by the State contract exemption of G.S. 143-129(e)(9),**
 - B. Approve the purchase of ammunition, not to exceed \$250,000 annually, from Lawmen’s Safety Supply and Arrington Police Distributors per state contract for the term of two years, and**
 - C. Authorize the City Manager to extend the contract for an additional two year term.**

Staff Resources: Sgt. Cullen Wright, Charlotte-Mecklenburg Police
Michelle Littlejohn, Charlotte-Mecklenburg Police

Sole Source Exemption

- G.S. 143-129 (e)(9) provides that formal bidding requirements do not apply when:
 - Purchases from contracts established by the state or any agency of the state, if the contractor is willing to extend to a political subdivision of the state the same or more favorable prices, terms and conditions as established in the state contract.

Explanation

- Police currently purchases ammunition for duty and practice rounds under the North Carolina State Contract 680A.
- Police will spend \$210,000 on ammunition during FY08.
- Police anticipates spending no more than \$233,000 per fiscal year for ammunition, and an additional \$17,000 for training programs as needed.

- The state contracts are with Lawmen's Safety Supply and Arrington Police Distributors.

Small Business Opportunity

Pursuant to Appendix Section 18 of the SBO Program, no SBE goals are established for purchases of goods & equipment.

Funding

Police Operating Budget

33. Briar Creek Relief Sewer, Phase 2, Professional Services Contract

Action: Approve a professional services contract in the amount of \$1,323,000 with Camp Dresser & McKee (CDM) for final design of Briar Creek Relief Sewer, Phase 2.

Staff Resource: Doug Bean, Utilities

Explanation

- The Briar Creek Relief Sewer Project extends from the Sugar Creek Wastewater Treatment Plant to The Plaza and will be constructed in four phases.
- Public meetings have been held relative to the tentative route of Phase 2 and the project is ready to proceed with detailed design.
- This agreement for Phase 2 provides final route selection, detailed final design, permitting, and easement maps for property acquisitions.

Project History

- CDM was selected in 2000 for the Briar Creek Relief Sewer project, using the Council-approved qualifications-based selection process.
- Council awarded the initial contract on July 24, 2000, which provided for:
 - Environmental permitting
 - Flow monitoring and flow projections
 - Preliminary design of all four phases
- Study and permitting phase of the project was completed in late 2004.
- Final design and construction administration contract for Phase 1 was awarded on November 28, 2005.
- Phase 1 covers the Briar Creek basin from Sugar Creek Wastewater Treatment Plant at Park Road and Tyvola Road up to Randolph Road.
- Phase 1 is currently under construction, with completion scheduled for summer 2009.

Small Business Opportunity

Pursuant to the SBO Program Policy for professional services contracts, the City negotiated a Committed SBE goal with the successful proposer. Camp Dresser &

McKee committed 5% (\$66,000) to the following SBE firms: Red Dog Drilling, Avioimage Mapping Service and On Target Utility Locate Services.

Funding

Sewer Capital Investment Plan

34. Utilities Field Operations Facility

Action: Approve the professional services contract with C design, Inc. in the amount of \$1,423,900 for design and construction administration for a new Utilities Field Operations Facility.

Staff Resource: Doug Bean, Utilities

Explanation

- Charlotte Mecklenburg Utilities currently has a Field Operations facility located on Tyvola Road near Billy Graham Parkway.
- The primary function of the facility is to house the operations staff and equipment needed for the installation, maintenance, repair, and replacement of water and sanitary sewer pipelines needed within that zone.
- The existing facility has deteriorated significantly and is no longer capable of providing the space for personnel, equipment, and inventory storage.
- This contract provides for architectural design and construction administration services necessary for the design and construction of the new facility to be located on a portion of the Irwin Wastewater Treatment Plant property.
- C-Design was selected using the City Council approved qualifications-based selection process.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 6.32%

C-Design is a City of Charlotte certified SBE firm. They exceeded the goal and committed 6.32% (\$90,000) to the following SBE firms: Richa Graphics, Regenbogen Associates and Boyle Consulting.

Funding

Water and Sewer Capital Investment Plan

35. NCDOT Municipal Agreement for Relocation of Utility Lines

Action: Adopt a resolution authorizing the Charlotte Department of Transportation Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation, in the not-to-exceed amount of \$650,580 for water and sewer line work along NC16 between I-485 and the southern Mecklenburg County line.

Staff Resource: Doug Bean, Utilities

Explanation

- This Agreement is for the reimbursement to the state for the relocation and adjustment of municipally-owned water and sewer lines along NC16 from the Mecklenburg County line to south of I-485.
- The City will reimburse NCDOT for actual costs not to exceed \$650,580.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Water and Sewer Capital Investment Plan

Attachment 15

Resolution

36. Old Steele Creek Road Sanitary Sewer Outfall

- Action:**
- A. Reject the low bid of \$228,643.90 from Triangle Grading & Paving of Burlington, North Carolina for failure to meet the requirements of the Small Business Opportunity program, and**
 - B. Approve the second low bid of \$263,831.34 by Clark Ledbetter Grading & Hauling, Inc. of Shelby, North Carolina.**

Staff Resource: Doug Bean, Utilities

Explanation

- The low bidder, Triangle Grading failed to meet the 4% SBE goal and failed to earn the minimum number of good faith effort points.
- This project consists of the construction of approximately 3570 linear feet of 8-inch sanitary sewer along Irwin Creek, terminating at an existing wastewater pump station located at 2200 Steele Creek Road.
- Construction is scheduled for completion by mid-March 2008.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.55%

Clark Ledbetter Grading & Hauling committed 4.55% (\$12,000) of the total contract amount to the following SBE firms: The Carolina's Landworks and Hazel Holmes Trucking.

Funding

Sewer Capital Investment Plan

37. Municipal Agreement for Inspection of City Maintained Bridges

Action: Approve a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to share the cost of inspecting 152 qualifying City maintained bridges and culverts.

Staff Resource: Jimmy Rhyne, Transportation

Explanation

- The federal government requires that all bridge structures on public roads be inspected every two years.
- Bridges are inspected for structural adequacy, safety and functionality.
- The NCDOT will share the cost (80%) of inspecting 157 qualifying bridges.
- The City's portion (20%) is estimated to be \$64,000 and is included in the budget.

Funding

Transportation Capital Investment Plan

Attachment 16

Resolution

Bridge Inspection and Repair Program Overview

38. Surveying Services for Capital Improvement Projects

Action: Approve amendments to contracts for additional surveying services with:

- A. Post, Buckley, Schuh & Jernigan, Inc. in an amount not to exceed \$100,000,
- B. The Survey Company, Inc. in an amount not to exceed \$100,000, and
- C. McKim & Creed, P.A. in an amount not to exceed \$350,000.

Staff Resource: David Snider, Engineering and Property Management

Contracts for Surveying Services

- Typical surveying services contracts include but are not limited to: boundary, topographical, physical, and American Land Title Association Surveys, and construction staking.
- The amendments will provide additional funding for surveying services for ongoing Capital Improvement Projects.

- Projects impacted by these contracts include Toddville Road Sidewalk, I-277/ Independence Phase 2, South Boulevard Drainage Improvements Phase 2 and I-277 at Caldwell Street.
- A. Amendment #1 with Post, Buckley, Schuh & Jernigan, Inc.**
- The City Manager approved the original contract in an amount not to exceed \$90,000 on May 23, 2002.
 - The total contract amount to date including Amendment #1 will be an amount not to exceed \$190,000.
- B. Amendment #3 with The Survey Company, Inc.**
- Council approved the original contract in an amount not to exceed \$150,000 on April 4, 2003.
 - The City Manager approved Amendment #1 in an amount not to exceed \$75,000 on April 3, 2006.
 - The City Manager approved Amendment #2 in an amount not to exceed \$80,000 on April 16, 2007.
 - The total contract amount to date including Amendments 1 through 3 will be an amount not to exceed \$405,000.
- C. Amendment #1 with McKim & Creed, P.A.**
- Council approved the original contract in an amount not to exceed \$200,000 on February 28, 2005.
 - The total contract amount to date including Amendment #1 will be an amount not to exceed \$550,000.

Small Business Opportunity

A. Post, Buckley, Schuh & Jernigan

All additional work involved in this amendment will be performed by PBS& J and their existing subcontractors. They committed 1% (\$1,000) to the following SBE Firms: On-Target Utility Locate Services, Inc. and Lyons Utility Locating, Inc.

B. The Survey Company, Inc.

All additional work involved in this amendment will be performed by The Survey Company, Inc. and their existing subcontractor: This amendment complies with Section 10.3 of the SBO Program.

C. McKim & Creed, P.A.

All additional work involved in this amendment will be performed by McKim & Creed, P.A. and their existing subcontractors. This amendment complies with Section 10.3 of the SBO Program.

Funding

Transportation Capital Investment Plan

39. Voluntary Annexation Public Hearing Date

Action: Adopt a resolution setting public hearing for December 10, 2007 for a Voluntary Annexation.

Staff Resources: Jonathan Wells, Planning Department
Mike Boyd, City Attorney's Office

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- A voluntary annexation petition has been received for property in Charlotte's extraterritorial jurisdiction immediately outside the current City limits.
- Petitioners and properties are:
 - Stafford Caldwell, LLC
 - APS Investments, LLC
- Properties are located in the Caldwell Road/I-485 area east of current City limits.
- The petition properties are vacant.
- The petitioned properties share boundaries with current City limits.
- Public hearings are required prior to City Council taking action on annexation requests.
- The purpose of the required public hearing is to obtain public input on this requested voluntary annexation.

Consistency with City Council Policies

- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not have undue negative impact on City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The resolution sets Monday December 10, 2007 as the date for public hearing on the voluntary annexation.
- City Council will be asked to take action on voluntary annexation at conclusion of public hearing.

Attachment 17

Resolution

Map

40. Airport Parking Deck and Surface Cleaning Agreement

Action: Approve a one year contract extension with Incredible Maintenance, Inc. of Charlotte, NC in the amount of \$196,492.48 to provide cleaning services for the Airport parking lots, parking decks, loading dock and curbside areas.

Staff Resource: Jerry Orr, Aviation

Explanation

- On December 8, 2003, Incredible Maintenance, Inc. was awarded a three year contract with two one-year extensions at the option of the City to provide cleaning services for the Airport parking lots, parking decks, curbside areas and loading dock. This contract's commencement date was January 1, 2004.
- This is the second of two, one-year contract extension options for the City.
- This contract will provide for sweeping, trash pickup, pulling and replacing trash liners, removing trash from underneath cars and cleaning ash urns at all airport parking decks, surface parking lots/travel lanes and commercial lane. In addition, it provides for quarterly pressure washings of the upper and lower level curbside areas.
- The extension's annual cost of \$196,492.48 represents a 4% increase from the previous year to account for increases in fuel, trash can liners and labor.

Small Business Opportunity

Pursuant to Part C: Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Airport Operating Budget

41. Resolution for North Carolina Department of Transportation Right of Way

Action: Adopt a resolution conveying a Right-of-Way to the North Carolina Department of Transportation (NCDOT).

Staff Resource: Jerry Orr, Aviation Department

Explanation

- The Airport has recently funded and constructed a ramp from Harlee Avenue onto Josh Birmingham Parkway to provide terminal access from Wilkinson Boulevard.
- Since this new ramp is a part of the Parkway, an NCDOT maintained road, it is necessary that the City of Charlotte convey a Right-of-Way to NCDOT for maintenance.

Attachment 18
Resolution

42. Charlotte Urban Area Radio Interoperability Network Upgrade

Action: Approve the purchase of radio communication equipment in the amount of \$973,797 from Motorola Inc. per unit price contract approved by Council on May 22, 2006.

Staff Resource: Dennis Baucom, Business Support Services

Explanation

- In August 2007, City Council approved a contract with Motorola, Inc. for the purchase of radio equipment.
- This equipment supports the ongoing effort to develop a regional voice radio network to support public safety first responders using federal grant funds.
- Council previously approved purchases under this contract for establishing infrastructure and basic voice interoperability within the 10 county Charlotte Urban Area Security Initiative (UASI) Region.
- This purchase of equipment will expand the Charlotte UASI network to provide additional services and bring additional government agencies into radio system. Specifically, the equipment will provide connectivity for voice interoperability with the North Carolina State Highway Patrol, the South Carolina State Highway Patrol, and upgrade the radio network to support Belmont, Mt Holly and Gastonia.
- All ongoing support and maintenance costs associated with this equipment will be paid by these agencies.

Small Business Opportunity

Pursuant to Appendix Section 18 of the SBO Program, no SBE goals are established for purchases of goods and equipment.

Funding

2005 and 2006 Homeland Security-Urban Area Security Initiative Grants

43. Shannamara Subdivision Police Services Refund

Action:

A. Authorize the City Manager to enter into a contract with Mecklenburg County for the reimbursement of \$22,426.71 of County payments for CMPD policing in unincorporated areas, and

B. The City Manager’s approval of this contract shall be contingent on receipt of an official request from Mecklenburg County regarding this matter and on agreement by the County to use the reimbursed funds to compensate affected homeowners of the Shannamara Subdivision for double payment of taxes for law enforcement services.

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- Pursuant to the 1996 City-County police consolidation agreement, citizens of unincorporated areas of Mecklenburg County are assessed a Law Enforcement Service District tax to cover the cost of CMPD providing police services in those areas. These taxes are paid on a fiscal year basis (July 1, 2006 – June 30, 2007).
- On January 1, 2007, the Town of Stallings annexed properties in the Shannamara Subdivision in a previously unincorporated area of Mecklenburg County.
- On that effective date of annexation, policing responsibilities moved from CMPD to the Stallings Police Department.
- The newly annexed residents of the Shannamara Subdivision paid the Mecklenburg County law enforcement tax for the full fiscal year through June 30, 2007 and were also charged for police services by the Town of Stallings for the period of January 1, 2007 – June 30, 2007, effectively paying both Mecklenburg County and the Town of Stallings for police services provided only by the Town of Stallings during that six month period.
- Because the City has no direct legal relationship with the residents of the Shannamara Subdivision, who are citizens of Mecklenburg County and the Town of Stallings, the City was not aware of the double payment for police services by the Shannamara residents.
- On October 2, 2007, the Mecklenburg County Board of Commissioners voted to “ask Charlotte City Council to consider issuing a refund to the affected homeowners of the Shannamara Subdivision for excess law enforcement service district taxes paid totaling \$22,426.71.”
- Since the Law Enforcement Service District taxes were levied by the County, staff recommends that City Council refund the overpayment amount directly to Mecklenburg County on the condition that the County return funds to the affected homeowners.

44. Solid Waste Services Facility

Action: Approve a contract with Morris-Berg Architects in the amount of \$611,547 for architectural services for the Central Yard Solid Waste Services Facility.

Staff Resource: Michelle Haas, Engineering and Property Management

Explanation

- This contract provides funding for the design and construction administration phases for the new Solid Waste Services facility. The facility will be located in the Central Yard and will include:
 - a building to house administrative offices and a ready room for sanitation workers and associated employee parking
 - a single story storage building to house field operations equipment
- Morris Berg was selected in March 2007, pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- On May 7, 2007, the City entered into a contract with Morris-Berg for \$67,500 for the initial programming and conceptual design phases of the project.
- This contract will continue the design work begun by Morris-Berg in May.
- Morris Berg's fees for this work are appropriate and in the acceptable range for similar projects.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 9.15%

Morris-Berg has committed 9.15% (\$56,000) of the total contract amount to the following SBE firms: Elm Engineering and Regenbogen Associates.

Funding

Government Facilities Capital Investment Plan

45. Property Transactions

Action: Approve the following property acquisitions (A-C).

Acquisitions

- A. Project:** Dixie River Road Realignment, Parcel # 9
Owner(s): William David McKee And Wife, Beth W. McKee
Property Address: 9400 Steele Creek Road
Property to be acquired: 228,559 sq. ft. (5.247 ac.) in Fee Simple (Total Take)
Improvements: House and Outbuildings
Landscaping: None

Purchase Price: \$1,482,875

Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single Family Residential - Rural Acreage

Tax Code: 199-241-02

Total Parcel Tax Value: \$250,300

- B. Project:** McAlpine Creek Relief Sewer, Parcel # 148
Owner(s): Retreat At McAlpine Creek, LLC
Property Address: Fisher's Farm Road
Property to be acquired: 42,560 sq. ft. (.977 ac.) in Sanitary Sewer Easement, plus 28,230 sq. ft. (.648 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$39,450
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned:
Use: Multi Family
Tax Code: 223-251-15
Total Parcel Tax Value: \$10,716,800
- C. Project:** Old Steele Creek Road Outfall, Parcel # 2.1 & 2.2
Owner(s): Carolina Golf Club, Inc. And Any Other Parties Of Interest
Property Address: 2415 Old Steele Creek Road
Property to be acquired: Total Combined Area of 146,323 sq. ft. (3.359 ac.) of Sanitary Sewer Easement, plus Temporary Access, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$54,350
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-1
Use: Golf Course Class 2 - Private Club
Tax Code: 117-091-01 & 117-061-42
Total Parcel Tax Value: \$6,001,700

46. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- October 8, 2007 Business Meeting
 - October 17, 2007 Zoning Meeting