

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

Michael Barnes

Nancy Carter

Andy Dulin

Anthony Foxx

Patsy Kinsey

John W. Lassiter

Don Lochman

James Mitchell, Jr.

Patrick Mumford

Warren F. Turner

CITY COUNCIL MEETING

Monday, October 9, 2006

CITY COUNCIL AGENDA

Monday, October 9, 2006

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Arts and Cultural Facilities

Resources: Debra Campbell, Planning
Bob Bertges, Wachovia

Time: 60 minutes

Synopsis

- On September 11th, Council approved the Development Agreement between the City, Mecklenburg County, Wachovia and R. B. C. Corporation to move forward on construction of several cultural arts facilities.
- This briefing will provide an update on the following:
 - Process to review and refine the building architecture and conceptual site plan design
 - Discuss any other outstanding building design and development issues

Future Action

- None is required at this time. Staff will provide another update in December 2006.

2. Utility Survey and Mapping Project

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Time: 10 minutes

Synopsis

- This presentation will give an overview of a proposed contract with Dewberry and Davis, Inc. to perform extensive surveying of the existing water and sewer system.
- The presentation will focus on:
 - Volume of work to be accomplished by the project
 - How the project will facilitate the continued development of the Utilities GIS
 - How it will improve customer service

Future Action

- The contract with Dewberry and Davis will be on the October 23rd Council agenda.

3. Irwin Creek Relief Sewer Project

Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Time: 15 minutes

Synopsis

- This presentation will explain the change order that will be recommended for approval on the October 23rd Council agenda. Information will also be provided on rock related issues on the Irwin Creek Project and on future pipeline construction projects.

Future Action

- Council will be asked to approve change order #2 for the Irwin Creek Relief Sewer Project at the October 23rd Council meeting.

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

CONSENT

- 4. Consent agenda items 18 through 35 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

5. Public Hearings on Annexation

Action: Hold public hearings for the annexation of five areas: Ardrey, Mallard Creek Church East, Moores Chapel, Providence Pointe and Tom Short.

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

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- The purpose of the public hearings is to obtain community input on the annexation proposals.
- State annexation statutes require City Council to hold public hearings on annexation qualifying areas.
- During each hearing, staff explains how each annexation area qualifies and plans for City services in the annexation areas.
- Following the explanation, residents and property owners will be given an opportunity to be heard by City Council.
- On July 24, 2006, City Council passed Resolutions of Intent, describing boundaries of the five areas under consideration for annexation, and established the dates for the public informational meeting and the public hearing on the annexation issue.
- In late July, approximately 3,000 letters were sent to owners of properties in the five annexation qualifying areas, notifying them of the date and location of the public hearing.
- On July 24, 2006, City Council approved Annexation Reports for each of the areas.
- The annexation Public Informational Meeting was held on September 14, 2006 and approximately 10 citizens participated.
- Consideration of the annexation ordinances for the five areas will be scheduled for the November 27, 2006 City Council meeting.
- Copies of maps of the annexation qualifying areas and the Annexation Reports are available from the Planning Commission.

Funding

Service costs and anticipated revenues are provided in the Preliminary Annexation Report and in the Annexation Reports for each of the five areas; these products have been furnished to City Council and additional copies are available upon request.

Attachment 1

Summary of September 14, 2006 Annexation Public Information Meeting

6. Public Hearing on Resolution to Close Two Portions of Dunbar Street

Action: **A. Conduct a public hearing to close two portions of Dunbar Street, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Beazer Homes – John Carmichael/Kennedy Covington

Right-of-Way to be abandoned

Two portions of Dunbar Street

Location

Located within the Third Ward Community

Tract 1: beginning from S. Clarkson Street continuing northwestwardly approximately 530 feet to its terminus

Tract 2: beginning from S. Cedar Street continuing southwestwardly approximately 607 feet to its terminus

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner in order to redevelop a contiguous parcel of land and return the parcel of land to a more productive use. This abandonment will be contingent upon the petitioner/developer in future development plans dedicating/recording the right-of-way needed for the construction of Dunbar Street on a new alignment, posting a construction bond to include the cost of the new roadway and completing construction of the new alignment within one year.

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations

- Westover Hills Community Watch – No objections
- Bibleville Wellness Association – No objections
- Biddleville Residents & Friends – No objections
- Biddleville/Five Points Community – No objections
- Charlottetown Terrace (CHA) – No objections
- Dilworth Community Development Association (DCDA) – No objections
- Friends of Fourth Ward, Inc. – No objections
- Hall House Residents Association (CHA) – No objections
- Neighborhood Leadership Program, NCCJ – No objections
- Olmstead Park HOA – No objections
- Revolution Park Neighborhood Association – No objections
- Seversville Community Organization – No objections
- Third Ward (Committee to Restore and Preserve) – No objections
- Third Ward Neighbors Association – No objections
- Wesley Heights Community Association – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 2

Map
Resolution

7. Public Hearing on Resolution to Close a Portion of McNinch Street

Action: **A. Conduct a public hearing to close a portion of McNinch Street, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Beazer Homes – Collin Brown/Horack Talley

Right-of-Way to be abandoned

A portion of McNinch Street between Morehead Street and Dunbar Street

Location

- Located within the Third Ward Community beginning from Morehead Street continuing southwestwardly approximately 158 feet to its terminus at Dunbar Street

Reason

- To incorporate the right-of-way into adjacent property owned by the petitioner in order to redevelop a contiguous parcel of land and return the parcel of land to a more productive use. This abandonment will be contingent upon the petitioner/developer providing in future development plans a 10-foot pedestrian/bicycle passageway easement and obtaining a building permit for construction within one year.

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations

Westover Hills Community Watch – No objections

Bibleville Wellness Association – No objections

Biddleville Residents & Friends – No objections

Biddleville/Five Points Community – No objections

Charlottetown Terrace (CHA) – No objections

Dilworth Community Development Association (DCDA) – No objections

Friends of Fourth Ward, Inc. – No objections

Hall House Residents Association (CHA) – No objections

Neighborhood Leadership Program, NCCJ – No objections

Olmstead Park HOA – No objections
Revolution Park Neighborhood Association – No objections
Seversville Community Organization – No objections
Third Ward (Committee to Restore and Preserve) – No objections
Third Ward Neighbors Association – No objections
Wesley Heights Community Association – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 3

Map

Resolution

POLICY

8. City Manager's Report

9. Metropolitan Transit Commission Vote

Action: Discuss the Mayor's vote on the Metropolitan Transit Commission.

Policy

Interlocal Agreement between the City of Charlotte, Mecklenburg County, and the Mecklenburg Towns regarding governance of the Metropolitan Transit Commission

Explanation

- At the September 25 Charlotte City Council meeting, Council voted to discuss "their ability to direct the vote of the Metropolitan Transit Commission." Attached is an email from Councilmember Foxx asking for discussion of the Metropolitan Transit Commission governance structure, which includes the method whereby the Mayor votes. Also attached is a memo from Mayor McCrory detailing information about the process by which the Metropolitan Transit Commission voting structure was established.

Attachment 4

Interlocal Agreement
Email from Councilmember Foxx
Memo from Mayor McCrory

10. Cultural Facilities Financing

Action:

- A. Adopt a budget ordinance appropriating \$3,843,000 of 5% Vehicle Rental Tax proceeds for transit in FY2007,**
- B. Adopt a resolution amending the FY2007-2011 Capital Investment Plan providing for the construction of cultural facilities, and**
- C. Adopt a budget ordinance amending the Pay-As-You-Go Capital Fund in FY2007 and appropriating \$153,080,000 in Certificates of Participation and Private Contributions for construction of cultural facilities.**

Staff Resource: Ruffin Hall, Budget & Evaluation

Explanation

- In July 2006 the North Carolina General Assembly approved the authority for Mecklenburg County to enact a Vehicle Rental Tax (VRT) up to 5% for transit.
- On September 19, 2006, the Board of Mecklenburg County Commissioners approved the 5% VRT to become effective December 1, 2006. The VRT revenues shown in Action A of this agenda item are based on collections estimated for the remaining seven months of FY2007.
- Action A: This budget ordinance appropriates estimated proceeds from the 5% VRT in FY2007 of \$3,843,000 to the Pay-As-You-Go Capital Fund for transit. The General Assembly approved the legislation for the Vehicle Rental Tax with the revenues entirely dedicated to transit.
- Action B: The Resolution amends the FY2007-2011 Capital Investment Plan to include funding of \$153,080,000 in cultural facility construction.
- Action C: This budget ordinance transfers a portion of Pay-As-You-Go Sales Tax (\$3,843,000) initially used as partial funding for the City of Charlotte’s \$18.4 million transit maintenance of effort (MOE) agreement. The revenues generated from the VRT for the remainder of FY2007 releases the same amount of Sales Tax to be used for other Pay-As-You-Go projects as follows:
 - \$248,000 for Mecklenburg County and Towns VRT Equivalent
 - \$2,826,000 for cultural facilities construction
 - \$769,000 for purpose(s) to be designated by the City Council
- Of the City’s portion of the VRT equivalent, 4% is dedicated to cultural facilities and 1% is undesignated at this time. The funds will be transferred to the appropriate account when Council designates a use of the funding in a future Council action.
- The budget ordinance in Action C also estimates and appropriates revenues of \$153,080,000 as follows:

Revenues	Amount
Certificates of Participation	\$143,080,000
Bank of America	8,200,000
Arts and Science Council	1,800,000
Total	\$153,080,000

The ordinance also appropriates funding to the following projects:

Project	Amount
Discovery Place	\$31,600,000
Mint Museum	53,926,000
Bechtler Art Museum	16,892,000
Performing Arts Center	32,711,000
Afro-American Cultural Center	17,951,000
Total	\$153,080,000

Attachment 5

Budget Ordinances
Resolution

11. National League of Cities “Inclusive Communities for All” Resolution

Action: Consider a resolution affirming Charlotte’s commitment to inclusiveness and the efforts of the National League of Cities’ (NLC) “Partnership for Working Toward Inclusive Communities” and pledging active efforts to achieve those goals.

Staff Resource: Julie Burch, City Manager’s Office

Explanation:

- “Partnership for Working Toward Inclusive Communities” is an NLC-sponsored effort to encourage cities to promote inclusiveness.
- Council agreed at the September 25 meeting that this item be considered.
- NLC focuses on two issues of inclusiveness: promoting equal opportunity and fairness; promoting citizen participation and engagement.
- The work of the Community Relations Commission, including the dispute settlement programs, fair housing efforts, and the police community relations efforts all promote equal opportunity and fairness. The CRC was formalized through a Memorandum of Understanding between the City of Charlotte and Mecklenburg County in 1969.
- The City solicits feedback and input on a variety of issues from stakeholders groups, task forces, citizen committees and extensive stakeholder involvement in the development of the general development policies.
- By participating in the NLC effort, the City will receive access to materials library and an updated list of ideas, on issues such as affordable housing, race and ethnic relations, and equal citizen participation in community decision-making.
- The NLC will also publicize and celebrate our work towards these goals in their publications.
- From the Carolinas, Creedmoor, Sylva, Winston-Salem, Rock Hill and Walterboro have joined the effort.
- Other participating cities include Nashville, Richmond, St. Louis, Baltimore, Indianapolis, and Atlanta.
- The proposed resolution mirrors that passed by other communities.

Attachment 6

Resolution

“NLC Partnership for Working Toward Inclusive Communities”

BUSINESS

12. Druid Hills Revitalization Acquisition Grant



Action: Approve an acquisition grant for up to \$350,000 to the Charlotte Mecklenburg Housing Partnership, Inc. for the acquisition of property in the Druid Hills neighborhood for affordable housing development.

Staff Resource: Stan Wilson, 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.
- The Plan reaffirmed the three basic goals of the City's Housing Policy; preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.
- The Statesville Corridor Area Plan was adopted by City Council in May 2001.

Explanation

- The Druid Hills neighborhood is one of the City's targeted revitalization neighborhoods.
- Since 1999, the City has been working collaboratively with the Charlotte Mecklenburg Housing Partnership (CMHP) to redevelop the Druid Hills neighborhood and the Statesville Avenue Corridor.
- The acquisitions are consistent with the Statesville Avenue Corridor Area Plan.
- CMHP is requesting a grant up to \$350,000 to acquire approximately 10 additional parcels in Druid Hills to continue the revitalization effort.
- This project will serve households earning 60% or less than the area median income (\$38,640 for a household of four).
- The funds expended to acquire the properties cannot exceed the appraised value.
- Over time, CMHP is proposing to acquire 39 parcels and about 53 units in three key areas in Druid Hills (The Gables, Olando-Rachel and the Park Areas) estimated to cost approximately \$2.5 million.

Background

- CMHP and the City have invested approximately \$12.3 million to acquire approximately 97 properties in support of the Statesville Avenue Corridor Plan.
- In addition, CMHP has constructed a 63-unit elderly apartment complex and renovated 39 rental units.
- Habitat for Humanity has constructed more than 30 for-sale single-family homes.

Funding

Federal Community Development Block Grant (CDBG) and HOME Funds

Attachment 7

Map – Druid Hills Property Acquisition Focus Area
Proposed Druid Hills Acquisitions

13. Belmont Revitalization Acquisition Grant

Action: Approve a grant in the amount of \$270,000 to the Charlotte Housing Authority for the acquisition of property in Optimist Park/Belmont neighborhood to support the Piedmont Courts HOPE VI Project.

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- On May 12, 2003 City Council approved the Belmont Revitalization Plan, which addresses housing, infrastructure and other improvements in the Belmont neighborhood.
- On January 12, 2004 City Council approved a \$1.2 million set-aside to be made available to the Charlotte Housing Authority (CHA) for the acquisition of vacant property.

Explanation

- The CHA is requesting reimbursement of \$272,368.29 for three parcels it acquired for the 940 Brevard Senior's project.
- This is 100 unit senior rental projects being developed as part of the Piedmont Court's Hope VI grant.
- This project will serve households earning 30% or less than the area median income (\$19,320 for a household of four).
- The appraised value of the property is \$270,000.
- HUD guidelines limit acquisitions using federal funds to pay the appraised value.
- The CHA has already used \$296,111 of the set aside to acquire 11 parcels in the Belmont neighborhood for housing development.
- The balance left for future property acquisition is \$633,889.
- The acquisition funds will be issued to the CHA upon receipt of the environmental clearance. Clearance is due within the next 30 days.

Funding

Federal Community Development Block Grant (CDBG) Funds

Attachment 8

Project Summary

14. The Crossing at Seigle Point-HOPE VI Project



- Action:**
- A. Approve financial commitment of \$1,819,579 to the TCG Development Services, LLC and the Charlotte Housing Authority (CHA) for the development of a 204-unit apartment complex in the Belmont Neighborhood, and**
 - B. Approve a waiver of the Assisted Multi-Family Housing Locational Policy for the Crossing at Seigle Point development.**

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- On May 12, 2003 City Council approved the Belmont Revitalization Plan, which calls for housing, infrastructure, open space and other improvements in the Belmont Neighborhood.
- On January 12, 2004 City Council approved a \$5,000,000 allocation from the Housing Trust Fund to finance housing for the Piedmont Courts HOPE VI development.

Development Financial Commitment

- The Community Group (TCG) Development Services, LLC and the Charlotte Housing Authority are requesting \$1,819,579 to develop the Crossing at Seigle Point, a 204-unit rental apartment development, as part of the Piedmont Court's HOPE VI revitalization.
- The project application was submitted, reviewed and evaluated based on Loan and Grant Guidelines established for the Housing Trust Fund Advisory Board.
- The project is 100% affordable with 102 units serving households earning 60% or less of the area median income, (\$38,640 for a household of four) and the remaining 102 units will serve households earning 30% or less of AMI, (\$19,320 for a family of four).
- The monthly rents will range from \$243 – \$789 per month.
- The loan terms are 20 years – 1% interest only.
- The total development cost is \$21,362,482 resulting in a leverage ratio of \$1:\$9.
- Affordability period will be 30 years (secured by deed of trust).
- The funding is from the City Council approved \$5 million Housing Trust Fund HOPE VI set-aside. This approval will deplete the set-aside fund.

Locational Policy Waiver

- The project is located in a prohibited area; therefore a waiver of the Assisted Multi-Family Housing Locational Policy is requested.
- Pursuant to the Housing Locational Policy, notification letters regarding the waiver request were sent to adjacent property owners and to affected neighborhood organizations. Letters were sent to 13 property owners and to the Belmont Community Development Corporation and the Belmont Strategy Force.

Background

- On August 22, 2005 City Council approved \$3,180,421 from the Trust Fund set aside for the McAden Park Apartments (a 60 unit multi-family rental development) in the Belmont Neighborhood.

Funding

City Housing Bond Funds (Housing Trust Fund)

Attachment 9

Project Summary
 Preliminary Building Elevations
 Sources and Uses
 Project Proforma

15. Format for New Government Channel Program

Action: Approve format for the new television program, “Queen City Limits”, designed to highlight important policy issues of the day, including Council priorities and focus areas, district issues and neighborhood concerns.

Staff Resource: Julie Hill, Corporate Communications

Explanation

- The City Council approved \$74,400 in this year’s budget for a new program to be produced by and air on The Government Channel.
- The goal is to highlight for citizens important policy issues of the day, including Council priorities and focus areas, district issues and neighborhood concerns.
- The show will be produced twice a month and include a moderator, guests and videotaped segments that support and provide background on the topic being discussed.
- Each new episode will air the second and fourth Thursdays with rebroadcasts throughout the schedule. The program will also be available on line at www.charmeck.org (in much the same way City Council meetings are now being archived on line).

Funding

Corporate Communications Operating Budget

Attachment 10

Outline and set renderings
 Production schedule
 City-County Operating Agreement – Government Channel

16. Nominations to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

- One appointment recommended by Charlotte Regional Partnership for a two-year term beginning November 1, 2006.
 - James Imler is not eligible for reappointment.

Attachment 11

Applications

B. BICYCLE ADVISORY COMMITTEE

- Three appointments for three-year terms beginning January 1, 2007.
 - Daniel Faris and Ward Simmons, Jr. are not eligible for reappointment.
 - Bruce Millard failed to meet the attendance requirement.

Attachment 12

Applications

C. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION

- One appointment for an unexpired term for a representative of the Arts community beginning immediately and ending June 30, 2008.
 - Bradley Turnage resigned.

Attachment 13

Applications

D. CHARLOTTE MECKLENBURG DEVELOPMENT CORPORATION

- One appointment for a three-year term for an at-large member beginning November 1, 2006.
 - John Helms is not eligible for reappointment.
- One appointment for a three-year term for a representative of a non-profit organization beginning November 1, 2006.
 - Courtney McLaughlin is eligible, but does not wish to serve another term.

Attachment 14

Applications

E. COMMUNITY RELATIONS

- One appointment for an unexpired term beginning immediately and ending June 30, 2007.
 - John Offerdahl failed to meet the attendance requirement.

Attachment 15

Applications

F. HOUSING APPEALS BOARD

- One appointment for a three-year term beginning January 1, 2007. Nominee must be a tenant in the City within a City (CWAC) area.
 - Katherine Briggs is not eligible for reappointment as she no longer lives in the CWAC area.

Attachment 16

Applications

G. HOUSING AUTHORITY

- One appointment for a three-year term for a low income housing resident beginning December 18, 2006.
 - Montega Everett is eligible and wishes to be reappointed.
- Two appointments for three-year terms for at large representatives beginning December 18, 2006.
 - David Jones is eligible and wishes to be reappointed.
 - Lucy Bush-Carter is not eligible for reappointment.

Attachment 17

Applications

H. PASSENGER VEHICLE FOR HIRE BOARD

- One appointment for an unexpired term for a user of passenger vehicles for hire beginning immediately and ending July 1, 2009.
 - Joyce Waddell failed to meet the attendance requirement.

Attachment 18

Applications

I. PLANNING COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2007.
 - Charles David Hughes, Jr. resigned.

Attachment 19

Applications

J. SISTER CITIES COMMITTEE

- One appointment for an unexpired term beginning immediately and ending April 5, 2008.
 - Emily Fink has resigned.

Attachment 20

Applications

K. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for an unexpired term for a representative of a suburban employer served by Charlotte transit beginning immediately and ending January 31, 2009.
 - Michelle Mallard failed to meet the attendance requirement.

Attachment 21

Applications

L. TREE ADVISORY COMMISSION

- Three appointments for three year terms beginning December 14, 2006.
 - Richard Roti is not eligible for reappointment.
 - Ronald Shearin is eligible for reappointment, but does not wish to serve another term.
 - Elizabeth Browning resigned.

Attachment 22

Applications

M. WASTE MANAGEMENT ADVISORY COMMITTEE

- One appointment for a three year term beginning November 4, 2006 for recommendation to Board of County Commissioners.
 - Matthew Cowell is eligible for reappointment, but does not wish to serve another term.

Attachment 23

Applications

17. Closed Session

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

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

18. Various Bids

A. **Tuckaseegee Road at Burkholder Road Left Turn EPM Lane Improvements**

Staff Resource: Leon Howe

Action

Award the low bid of \$215,259 by Carolina Cajun Concrete, Inc. of Matthews, North Carolina. This project will construct a left turn lane on Tuckaseegee Road to facilitate left turns onto Burkholder Road. The construction includes; storm drainage, asphalt pavement, curb and gutter, concrete driveway, and traffic control. Construction completion is scheduled for second quarter of 2007.

Small Business Opportunity

SBE Established Goal: 5%

SBE Committed Goal: 4.05%

Carolina Cajun Concrete failed to meet the goal, but met the mandatory outreach and good faith effort points. They committed 4.05% (\$8,713.25)

to the following SBE firms: Ground Effects, Inc., Muddrunners, Inc., and Union Paving Contractors, Inc. Carolina Cajun Concrete is a certified small business enterprise.

B. General Fleet Vehicles

BSS/City-wide

Staff Resource: Mehl Renner & Wayne Davis

Action

The BSS Procurement Services Interim Director, with concurrence from the BSS Equipment Management Division Manager recommends that contracts be awarded to various vendors for low bid Items #1 through #6. The contracts established will be City-wide, unit price contracts for the potential use by any City Key Business unit. All contract terms will be for one year with options to renew for two one year periods. The City Manager may authorize renewals.

Item	Description , Vendor Awarded	Low Bid Amount
1.	Full Size Auto Town & Country Ford – Charlotte, NC	\$21,174.50
2.	½ Ton Cargo Van Young Ford – Charlotte, NC	\$15,152.00
3.	¼ Ton Standard Cab Pickup Capitol Ford – Wilmington, NC	\$12,805.00
4.	¼ Ton Extended Cab Pickup Town & Country Ford – Charlotte, NC	\$12,388.50
5.	½ Ton Standard Cab, V-6 Pickup Town & Country Ford – Charlotte, NC	\$13,359.50
6.	½ Ton, 4x4, Extended Cab V-8 Pickup Town & Country Ford – Charlotte, NC	\$19,886.50

Small Business Opportunity

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

C. White Forest Pump Station and Gravity Sewer

Utilities

Resource: Doug Bean

Action

Award the low bid of \$1,005,004.87 by Buckeye Construction Company of Canton, North Carolina for construction of White Forest pump station and gravity sewer, located in the eastern portion of Mecklenburg County near the intersection of Robinson Church Road and Hood Road.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 5.5%

Buckeye Construction failed to meet the established goal, but met the mandatory outreach and good faith effort points. They committed \$55,800 to the following SBE firms: D's Trucking, Martin's Landscaping and Badger Concrete

D. Right-of-Way Cutter/Mulcher**Utilities****Resource:** Doug Bean**Action**

Award the low bid of \$190,050 by Gyro-Trac Inc. of Summerville, South Carolina. This is a unit price contract and the FY07 requirement for the Right-of-Way Cutter/Mulcher will be two for a total of \$380,100. The contract term will be for one year with the option to renew for two, one-year periods. The City Manager may authorize renewals. Gyro-Trac Inc. submitted the lowest, most responsive bid meeting established performance criteria. This equipment is used to maintain sewer easements such as creek crossings and ravines.

Small Business Opportunity

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

19. Refund of Property Tax

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$4,995.03.

Staff Resource: Robert Campbell, Finance**Attachment 24**

Resolution

List of property tax refunds

CONSENT II

20. State Traffic Signals Budget Ordinance

Action: Adopt a budget ordinance appropriating \$4.5 million in State Department of Transportation (NCDOT) revenues for installation of State system traffic signals within City limits.

Staff Resource: Liz Babson, Transportation

Budget Ordinance

- This budget ordinance provides a funding source for the City to purchase State signal equipment, other necessary equipment and contractual services to fulfill the requirements of municipal agreements until reimbursement is provided by the State. NCDOT is committed to repay the City upon our billing of costs.

Explanation

- The NCDOT reimburses the City under municipal agreements for installation and maintenance of State signals within the City limits.
- This arrangement ensures efficient maintenance, use of compatible equipment and timely upgrades and interconnection of signals.
- On April 8, 2002, Council approved \$9 million for State reimbursement. This funding has almost been expended and additional funding is needed.

Funding

North Carolina Department of Transportation

Attachment 25

Budget Ordinance

21. Interlocal Agreements for Animal Control Services

Action: Adopt a resolution, authorizing interlocal agreements with the towns of Matthews, Mint Hill, Pineville, Davidson, Huntersville and Cornelius, for the provision of animal control services.

Staff Resource: Captain Tim Jayne, Charlotte-Mecklenburg Police

Explanation

- The City enters into agreements with the small towns in Mecklenburg County to provide animal control services.
- Under these agreements, Charlotte provides full animal control services to the towns of Mint Hill and Pineville, including enforcement of all ordinances, sheltering of animals, licensing, and responding to all animal related calls for service.

- Matthews, Davidson, Cornelius, and Huntersville receive more limited services that included sheltering of animals and response to calls for service upon request of the towns. Those requests include emergencies such as injured animals and handling calls in the absence of the town's animal control officer.
- The new agreements are retroactive to October 1, 2006 and will be in effect for five years.
- Fees are calculated on a per call for service basis and will be adjusted annually during the life of the agreements to reflect fully allocated costs.
- The fee for calls in FY07 will be \$106 per call for service.

Funding

Fees

Attachment 26

Resolution

22. Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$77,000 in assets forfeiture funds for training and equipment for the Police Department's Investigative Division.

Staff Resource: Major Chuck Johnson, Charlotte-Mecklenburg Police

Explanation

- This ordinance appropriates \$77,000 in assets forfeiture funds for needed training and equipment for police detectives.
- \$28,685 will be used for training for Special Investigations detectives that will enhance drug, gun, conspiracy, and gang investigations.
- \$18,850 will be used for training for detectives in the Crimes Against Persons and Crimes Against Property Sections as well as basic bomb technician training for four officers.
- \$26,465 will be used to fund equipment including cameras for interview rooms, computer software for line-ups and the computers and equipment needed when the department's Court Liaison Unit moves into the new courthouse in January 2007.
- \$3,000 will be contributed to the Drug Treatment Court.

Funding

Police Assets Forfeiture Funds

Attachment 27

Budget Ordinance

23. Police Rifle Range Appropriation

Action: Adopt a budget ordinance, appropriating \$40,000 in funds from the Federal Bureau of Investigation (FBI), for the construction of a rifle range at the Police Training Academy.

Staff Resource: Captain Jeff Baker, Charlotte-Mecklenburg Police

Explanation

- The Police Department is upgrading its rifle range to a full service 10 lane rifle and pistol range.
- CMPD is using \$30,000 previously appropriated from the 2005 Justice Assistance grant to fund the target system for the range.
- The FBI is contributing \$40,000 for the concrete to construct firing positions and a base for the target system as well as landscaping around the range.
- The FBI, along with other federal agencies, will train its agents at the range.

Funding

FBI Grant

Attachment 28

Budget Ordinance

24. DNA Analyst Grant

Action: Adopt an ordinance, appropriating \$107,210 from the National Institute of Justice, for the salary and benefits for a DNA Analyst.

Staff Resource: Roger Thompson, Charlotte-Mecklenburg Police

Explanation

- CMPD received a grant from the National Institute of Justice to fund the salary and benefits of a DNA analyst for a second year.
- The additional analyst will enable the department to do more DNA analysis in robbery and burglary cases as well as reduce overall case backlog.
- The grant funds salary, benefits, annual training, and equipment for the analyst.

Funding

\$107,210 from the National Institute of Justice; no matching funds required

Attachment 29

Budget Ordinance

25. Mobile Data Software for Fire Apparatus

- Action:**
- A. Approve the purchase of mobile data software without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(F), and**
 - B. Approve a contract with TriTech Software Systems for \$286,028 to purchase wireless mobile software for fire apparatus.**

Staff Resource: David Duffy, Fire

Sole Source Exemption

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- This will be a sole-source purchase because compatibility and standardization are overriding considerations, as provided for by G.S. 143-129 (f). With 56 fire companies and seven battalion chiefs, the hardware and software must be uniformly available and functional. All TriTech clients who have VisiCAD use TriTech's software for mobile data computers because of the compatibility and seamless interfaces.
- Sole source purchases require City Council approval.

Explanation

- In the first phase of a long-term technology plan to upgrade its Computer-Aided Dispatching (CAD) System, the Fire Department purchased TriTech Software Systems' VisiCAD in 2002.
- The next phase of this plan was to purchase compatible wireless software to install in mobile data laptop computers in Fire response vehicles once the software was fully developed to work with the TriTech CAD System and the CAD infrastructure was in place and fully functional.
- The software is now fully developed and available, and the CAD system is installed and working well.
- The Fire Department conducted a pilot program to test the software on wireless laptops in seven Battalion Chiefs' cars. The pilot was successful and the software provide the following benefits:
 - Provide fire companies on the scene with direct access to GIS data such as routing for quickest response, location of fire hydrants, and details on premise history (including location and amounts of hazardous materials and other caution notes)
 - Decrease response time by providing automatic notification to fire companies of incident and location-finding information.
- This contract provides all of the software to be installed on mobile data laptops for response vehicles in 56 fire companies and seven battalions. Laptops will be purchased in 2007 after testing in response vehicles is completed.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding sole source purchases, this contract is exempt.

Funding

- 911 Surcharge funding will be used to purchase this software. By state law, these funds can only be used to purchase equipment and technology that supports the receipt of 911 emergency calls and the dispatch of emergency response personnel. Eligible equipment includes telephones, telephone lines, CAD systems and associated computer equipment and software.
- The law governing the use of 911 Surcharge funds specifically prohibits the purchase of fire apparatus, payment of salaries for response personnel, or the construction and refitting of emergency facilities.

26. State Funding for Medical Specialist Training

- Action:**
- A. Accept funding from the State of North Carolina's Department of Health and Human Services in the amount of \$270,000 to provide training for the Charlotte Urban Area Security Initiative Region State Medical Assistance Teams (SMAT IIIs),**
 - B. Adopt a budget ordinance appropriating \$270,000 from NCOEMS, and**
 - C. Enter into a contract with Rescue Training Associates for \$180,000 to provide training.**

Staff Resource: Jeff Dulin, Fire

Explanation

- The State of North Carolina requested that the Charlotte Fire Department serve as the administrator for all of the Urban Search and Rescue Disaster Medical Specialist Courses to be provided to members of North Carolina Office of Emergency Medical Services sponsored State Medical Assistance Team (SMAT) III's.
- The primary focus of the training will be for the five SMAT III teams located within the Charlotte Urban Areas Security Initiative Region.
- Between 120 and 150 people will be provided this specialized medical support training which meets National Incident Management System training requirements. The cost will be \$1,200 per student.
- Training will better prepare the SMAT III teams to support the Urban Search and Rescue (USAR) teams during deployments.
- The balance of the grant (\$90,000) will be used for props, equipment and supplies. Any equipment procured will be retained by the Charlotte area SMAT III's.
- Rescue Training Associates (RTA) will provide the training necessary to meet FEMA national standards.

- RTA is the only available trainer for this discipline.

Small Business Opportunity

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

Funding

State Grant

Attachment 30

Budget Ordinance

27. Airport Fuel Farm Expansion

Action: Approve a change order in the amount of \$173,680 to the contract with Petroleum Equipment of Charlotte, North Carolina for additional fuel line piping and related work.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 28, 2005 City Council approved a contract with Petroleum Equipment in the amount of \$1,578,000 for construction of additional fuel tanks and pumping equipment on the general aviation side of the Airport.
- Airplane fueling trucks must fill from these tanks, drive across a public road and enter the secured aircraft parking area.
- This change order will provide piping to a truck fill stand in the secured aircraft parking area so that the trucks never go outside the fence.
- Using the same contractor maintains continuity in the construction and integrity of the system.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, Petroleum Equipment. This change order therefore complies with Section 10.3 of the SBO Program. The established goal on the original contract was 6% with a committed goal of 11%.

Funding

Aviation Capital Investment Plan

28. Airport Carpet Purchase

- Action:**
- A. Approve the purchase of carpet through a cooperative purchasing alliance that conducts its own competitive bidding, as authorized by G.S 143-129(e)(3), and**
 - B. Approve a contract with Bonitz Flooring, Inc. for the purchase of 11,000 square yards of carpet for \$333,923.42.**

Staff Resource: Jerry Orr, Aviation

Cooperative Purchasing Exemption

- Bonitz Flooring has a national contract through US Communities Purchasing cooperative that guarantees their prices to be the lowest offered to any governmental entity.
- The Bonitz contract was competitively bid.
- Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.

Explanation

- This contract will provide approximately 11,000 square yards of airport standard carpet to be used throughout the entire terminal complex.
- The Airport previously selected this standard carpet for the terminal complex in 1994.

Small Business Opportunity

Pursuant to Section 2.21 of the SBO Program Policy regarding purchases bought from a competitive bidding group purchase program, this contract is exempt.

Funding

Airport Capital Investment Plan

29. Traffic Tape and Reflective Sheeting Materials

- Action:**
- A. Approve the purchase of Traffic Tape and Reflective Sheeting Materials without competitive bidding, as authorized by the sole source exception of G.S. 143-129(f),**
 - B. Approve a requirements contract for the purchase of street marking materials and related commodities to 3M, Inc in the estimated annual amount of \$500,000 for a term of three years.**
 - C. Authorize the City Manager to extend the contract for two additional one-year terms.**

Staff Resource: Lawrence McKnabb, Transportation

Sole Source Exception

- G.S. 143-129(f) provides that formal bidding requirements do not apply when:
 1. performance or price competition are not available;
 2. a needed product is available from only one source of supply, or
 3. standardization or compatibility is the overriding consideration.
- 3M is the only supply source for these materials.
- Sole source exceptions require City Council approval.

Explanation

- The 3M equipment requires 3M brand Reflective Sheeting and Traffic Tape that can only be purchased directly from 3M.
- Staff recommends 3M for Traffic Tap and Reflective Sheeting for the following reasons:
 - 3M offers a 4-year warranty while competitors only offer a 16-month warranty
 - The beads in 3M Tapes are harder and have a higher crush strength than standard beads which results in superior durability and improved reflectivity;
 - 3M uses aggressive pressure sensitive adhesive, eliminating the need for a surface preparation primer, which reduces installation costs;
 - 3M Tape has a raised pattern that provides faster wet recovery than flat pavement materials
 - 3M's Reflective Sheeting matches existing component systems which insures that materials have been both designed to work together and are backed by a full replacement performance warranty
 - 3M's Sheeting warranty has a retention rate of 80% for the first seven years and 70% for the following five years, while competitors offer 70% the first seven years and 50% for the following three years
- A unit price requirements contract will be established for a term of three years, with two, one-year options for renewal in order to accommodate future purchases.

Small Business Opportunity

Pursuant to Section 2.21 of the SBO Policy regarding sole source purchases, this contract is exempt.

Funding

Transportation Operating Budget

30. Wiltshire Manor Subdivision Water System Purchase

Action: Approve a contract with Water Resources, Incorporated for the purchase of the water system serving Wiltshire Manor Subdivision for \$360,000.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- On July 1, 2005 the Wiltshire Manor Subdivision was annexed into the City of Charlotte as a part of the Steele Creek South Area. The City of Charlotte annexation policy requires basic water service be provided to the residents along publicly maintained streets.
- Wiltshire Manor currently has a private water system operated by Water Resources, Inc. After reviewing the condition and design of the existing private water system, CMUD recommends the purchase of the Water Resources system. The system will be connected to the Utilities department water system after the purchase is complete.
- Wiltshire Manor has 193 households.
- This action authorizes the Charlotte-Mecklenburg Utility Key Business Executive to authorize this agreement on behalf of the City of Charlotte.

Funding

Water Capital Investment Plan

31. Survey and Mapping Services Contract

Action: Approve a Professional Services contract with Dewberry and Davis, Inc., in the amount of \$5,000,000 to survey water and sewer structures and convert to Geographic Information System (GIS) format.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Background

- Over the past couple years, Utilities has been working toward the development of a Geographic Information System (GIS) for all water and sewer lines within Mecklenburg County.
- This new system will provide the following:
 - Replace old existing utility mapping system

- Provide detailed system data needed to develop the wastewater Capacity Assurance Program required by the Environmental Protection Agency
- Integrate with the current water system modeling program.

Explanation

- New contract provides for the following services:
 - Extensive surveying of water and sewer facilities throughout the City and County where no records exist due to the age of the asset or where insufficient detail is available on existing drawings.
 - Adaptation of existing mapping information into a GIS format.
- Dewberry and Davis was selected using the qualifications-based selection process approved by Council.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7%

Dewberry and Davis, Inc. committed 7% (\$350,000) to the following SBE firms:
Meade Gunnell Engineering and Surveying and On Target Utility Locate Services

Funding

Water Capital Investment Plan

32. Storm Water Revenue Bonds

Action: **A. Adopt the bond order authorizing the issuance of up to \$50 million of Storm Water Revenue Bonds, and**

B. Authorize the approval, execution and delivery of various documents in connection with the issuance of up to \$50 million Storm Water Revenue Bonds.

Staff Resource: Greg Gaskins, Finance

Explanation

- On September 25, 2006 Council approved application to the Local Government Commission and set the financing team for the issuance of Storm Water Revenue Bonds.
- This is the final action required to complete the transaction which:
 - Authorizes the bond order;
 - Provides for the sale of the revenue bonds;
 - Sets forth the terms and conditions upon which the revenue bonds are to be issued;

Funding

Storm Water Debt Service Fund

Attachment 31

Resolution

Bond Order

33. Resurfacing 2006 Change Order

Action: Approve Change Order #1 with Blythe Construction, Inc. in the amount of \$907,460 for Resurfacing 2006.

Staff Resource: Layton Lamb, Transportation

Explanation

- The work consists of resurfacing city streets and includes traffic control; pavement milling; manhole and water valve adjustments; wheelchair ramps and pavement markings.
- This change order will
 - Provide funds for increases in liquid asphalt prices (+44%), which will avoid deletion of priority streets currently scheduled for resurfacing.
 - Allow resurfacing of previously deleted streets and other streets to be resurfaced under this contract.
- Resurfacing will be suspended for the winter in mid November 2006. The resurfacing work will resume in March 2007 and be completed in the second quarter of 2007.

Contract History

- Council awarded the original contract on May 8, 2006 for \$7,515,430.
- The total contract amount to date including Change Order #1 is \$8,422,890.

Small Business Opportunity

All additional work involved in this change order will be performed by the contractor and their existing subcontractors. Blythe Construction committed 9.77% (\$88,680) of this change order to the following SBE firm: All Points Trucking. This change order complies with Section 10.3 of the SBO Program.

Funding

Funding is available in the Powell Bill Fund (Contracted Resurfacing) and South Boulevard Maintenance (General CIP).

Attachment 32

Street Resurfacing Selection Process

34. Property Transactions

Action: Approve the following property acquisition(s) (A) and adopt the condemnation resolution(s) (B-E).

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

Acquisitions

- A. Project:** Fire Station # 18 Renovations, Parcel # 1
Owner(s): University Park Baptist Church
Property Address: Beatties Ford Road
Property to be acquired: 3,160 sq. ft. (.073 ac.) in Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$14,220
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: B-1
Use: Commercial
Tax Code: 069-171-21
Total Parcel Tax Value: \$529,100

Condemnations

- B. Project:** Briar Creek Relief Sewer Phase I, Parcel # 35
Owner(s): Anthony A. Little And Any Other Parties Of Interest
Property Address: 2323 Sharon Road
Property to be acquired: Total Combined Area of 3,088 sq. ft. (.070 ac.) of Sanitary Sewer Easement, plus Permanent Easement Abandoned
Improvements: None
Landscaping: None
Purchase Price: \$7,925
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 153-105-20
Total Parcel Tax Value: \$247,500
- C. Project:** Briar Creek Relief Sewer Phase I, Parcel # 36
Owner(s): Tak-Man Koo And Any Other Parties Of Interest
Property Address: 2321 Sharon Road
Property to be acquired: Total Combined Area of 1,377 sq. ft. (.031 ac.) of Sanitary Sewer Easement, plus Permanent Easement Abandoned

Improvements: None

Landscaping: None

Purchase Price: \$4,025

Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential

Tax Code: 153-105-19

Total Parcel Tax Value: \$265,600

- D. Project:** Briar Creek Relief Sewer Phase I, Parcel # 37
Owner(s): Robert S. Furr, Jr. And Wife, Crystal H. Furr And Any Other Parties Of Interest
Property Address: 2315 Sharon Road
Property to be acquired: Total Combined Area of 198 sq. ft. (.005 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,025
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 153-105-18
Total Parcel Tax Value: \$251,200
- E. Project:** Hubbard Road Sidewalk Project, Parcel # 1
Owner(s): Chiengthong Kongkham And Any Other Parties Of Interest
Property Address: 7205 Hubbard Road
Property to be acquired: Total Combined Area of 17,767 sq. ft. (.407 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,375
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 027-691-04
Total Parcel Tax Value: \$135,000

35. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- September 11, 2006 Business Meeting
 - September 14, 2006 Annexation Public Information Meeting