*Council-Manager Memo #54*
*Friday, July 23, 2010*

CHARLOTTE.

## WHAT'S INSIDE:

**Page**


Calendar Details ..... 2

**Agenda Notes:**
Agenda Item #11 – Sustainable Communities Initiative Planning Grant..... 2
Agenda Item #13 – S. Crigler Street and Marvin Smith Road Closings..... 3
Agenda Item #36 – Fleet Vehicles and Equipment Towing, Recovery, and Related Services ..... 4-5
Agenda Item #54 M-N – Property Transactions (Hidden Valley NIP)..... 5
Agenda Item #54 X-Y – Property Transactions (CATS Blue Line Extension) ..... 5-6

**Information:**
Drive-In Theater at Tyvola and South Tryon..... 6


## WEEK IN REVIEW:

| Mon (July 26) | Tues (July 27) | Wed (July 28) | Thurs (July 29) | Friday (July 30) |
|---|---|---|---|---|
| 3:30 PM<br>Transportation and Planning Committee, Room 280<br><br>5:00 PM<br>Council Business Meeting,<br>Room 267<br><br>6:30 PM<br>Citizens' Forum,<br>Meeting Chamber | | | | |

# CALENDAR DETAILS:

**Monday, July 26**

3:30 pm Transportation and Planning Committee Meeting, Room 280
**AGENDA:** Centers, Corridors, and Wedge Growth Framework; Area Plan assessment process; Urban Street Design Guidelines

5:00 pm Council Business Meeting, Room 267

6:30 pm Citizens' Forum, Meeting Chamber

**July and August calendars are attached.** *(see left side table of contents for attached file)*

# AGENDA NOTES:

**Agenda Item #11 – Sustainable Communities Initiative Planning Grant**

*Staff Resources: Robert W. Cook, Planning, 704-336-8643, rwcook@charlottenc.gov*
*George Berger, E&PM, 704-432-5216, gberger@charlottenc.gov;*

At their meeting on July 21, 2010, the Board of the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) unanimously endorsed the submittal of a Sustainable Communities Regional Planning Grant application. The MUMPO Board also agreed to nominate portions of their programmed planning funds that could be used as part of the HUD-required 20% "leveraged resources" (match) for the grant.

Current partners in the regional application (along with the City of Charlotte and Centralina Council of Governments) include the Catawba Regional Council of Governments, the Charlotte Regional Partnership, and UNC Charlotte. The MPOs and RPOs in the metropolitan, bi-state region are being invited to join as partners, and other municipal and county jurisdictions (including Mecklenburg County) are also considering joining this effort.

MUMPO's endorsement represents significant progress, as this action marks the second regional transportation body to join the regional effort. More importantly, MUMPO is responsible for preparing the Long Range Transportation Plan (LRTP) for the region's central city and county. Preparation of the next LRTP will, therefore, proceed directly from the regional initiative to define an integrated vision for land use, transportation, economic development, and other types of planning.

**Agenda Item #13 – S. Crigler Street and Marvin Smith Road Closings**

*Staff Resource: Veronica Wallace, CDOT, 704-336-7401, vwallace@charlottenc.gov*

At the July 26 meeting, City Council will be asked to close the Crigler Street railroad crossing, and a portion of Marvin Smith Road. These closings are part of the CSX Railroad Corridor Improvement project.

CSX Railroad is proposing to add a railroad track parallel to the current track from Interstate 85 to the Pinoca Yard intermodal terminal to improve capacity and efficiency at the yard. The Pinoca Yard is located next to Rozzelles Ferry Road between Hovis and Hoskins Roads. Population and business growth in the Charlotte region over the past several years have generated demand for more intermodal freight movements than the terminal has capacity to provide. Currently, trains arriving at the Yard block one or more of the Hoskins Road, Goff Street, and Crigler Street crossings for several minutes while switching operations occur.

A public meeting was held on Tuesday, July 20 to allow residents a third opportunity to hear about proposed plans for the expansion of CSX's Pinoca Yard and related street closures and improvements in the Hoskins community. 39 people attended this meeting, which was held at the Chappell Memorial Baptist Church. Council member Mitchell was present. Two previous public meetings on February 25 and June 3 have also been held. Collectively, these meetings have allowed CSX to demonstrate to the neighborhood how the second track will improve operations and reduce impacts to the area (primarily by reducing frequency and duration of streets being blocked by trains). Because of comments raised at the meetings, CSX has adjusted is plans by reducing the number of permanent crossing closures proposed from two (both Goff Street and Crigler Street) to just one (only Crigler Street).

At the June 28 City Council meeting, citizens indicated that there is no way out of the neighborhood when a train blocks the Hoskins Rd. crossing. What the residents were referring to is they cannot get to Rozzelles Ferry Rd. when the train blocks the Hoskins Rd. crossing for long periods of time. They can, however, go west on Hoskins Road and access Glenwood Dr. to get to I-85, use Bradford Dr. to get to Freedom Dr. or Hovis Rd. to get to Rozzelles Ferry Rd. Residents also expressed concern that trains stop short of both the Goff Street and Hoskins Road crossings, but the crossing remains blocked by the crossing gates. As part of the project, CSX will upgrade the equipment that controls the crossing gates at these intersections. The upgraded equipment allows the gates to reopen after two minutes if a train is stopped short of a crossing.

The attached map shows the area where the additional track will be built and the proposed closures. *(see left side table of contents for attached file)*

**Agenda Item #36 – Fleet Vehicles and Equipment Towing, Recovery, and Related Services**
*Staff Resource: Charles Robinson, BSS, 704-432-3539, clrobinson@ci.charlotte.nc.us*

Business Support Services (BSS) Procurement Services Division, in collaboration with the Equipment Management Division of BSS, issued a Request for Proposals (RFP) for vehicles and

equipment towing, recovery, and miscellaneous related services on June 16, 2010. The City received eight proposals in response to the RFP.

The RFP evaluation team consisted of staff from the BSS Procurement Services and Equipment Management Divisions. The team reviewed all proposals based on background and experience, method of service delivery (staffing, equipment, and other City contract work), pricing, and exceptions taken to the RFP. The evaluation team conducted site visits to inspect equipment for compliance with requirements outlined in the RFP.

After thorough evaluation, the City's evaluation team considered the following to be the service providers that best met the established requirements and were capable of performing the services:

- Hunter Auto & Wrecker Service, Inc.
    - Equipment Management Division – light vehicles, medium vehicles, heavy duty, and construction equipment (primary)
    - Asset Recovery and Disposal program – medium duty vehicles, heavy duty and construction equipment (primary), light vehicles (backup)
- A1 Thompson Towing, Inc.
    - Equipment Management Division – light vehicles (backup)
    - Asset Recovery and Disposal program – light vehicles (primary)

On Monday July 12, 2010 the City received a formal protest notice from an incumbent vendor, Southern Star of Charlotte, Inc. The notice indicated that the company felt the decision was unfair, biased, and a predetermined decision and requested a meeting to discuss the decision prior to the Council meeting on July 26, 2010.

On Friday, July 16, 2010 BSS/PSD held a debriefing session with Southern Star to review the following findings and conditions that lead to the evaluation team's decision not to award in favor of Southern Star:

- During Southern Star's equipment inspection, EMD personnel noted that 12 of 15 vehicles had expired tags:

    7 of 7 Light Duty Vehicles tow trucks
    2 of 3 Medium Duty Vehicles tow trucks
    0 of 2 Heavy Duty Vehicles tow trucks
    3 of 3 Construction Equipment Vehicles tow trucks

- Based on the volume of work, the evaluation team was concerned that Southern Star would not be able to perform all needed services with less equipment, less personnel and less years of overall experience than that of the recommended service providers.
- The evaluation team did not consider Southern Star's equipment sufficient either in capacity or capability to handle either the medium duty or heavy duty services required for fleet towing.

- With the exception of one add-on service (cable installations), Southern Star's pricing was not the lowest in any primary towing service component. The price of a tow and a cable installation cannot be awarded separately.

**Agenda Item #54 M-N – Property Transactions (Hidden Valley NIP)**
*Staff Resource: Jeff Reid, E&PM, 704-614-2122, jlreid@charlottenc.gov*
*Charles Anzalone, E&PM, 704-621-1093, canzalone@charlottenc.gov*

On July 26, Council will be asked to approve two condemnations for the Hidden Valley Phase VI Neighborhood Improvement Project, listed in the agenda as items #54 M & N. These are the last condemnations needed for sidewalk installation along Dawn Circle. The Hidden Valley NIP is funded with the 2008 NIP bonds and will provide sidewalk, curb/gutter and installation of a storm drainage culvert and a water line. Construction is scheduled to begin in November 2010 and is anticipated to be complete in April 2011.

In all, including the two below, there were seven condemnations. Of these, four were needed to clear title and three because the owners could not be located.

| Property Transaction | Property Address | Explanation |
|---|---|---|
| M | 500 Dawn Circle | This parcel is going to condemnation in order to clear title. |
| N | 436 Dawn circle | This parcel is going to condemnation because the owner has stopped responding to us and his phone has been cut off. We have tried for months to reestablish contact. |

Regarding the potential condemnation of the parcels at 601 and 602 Dawn Circle, which Council deferred action on at the June 28 meeting, the Cooks have accepted the City's counteroffer and the transaction is now settled. The concerns owner Tim Cook had at the June 28 Council meeting regarding crime in the Hidden Valley neighborhood have been referred to the North Tryon division of CMPD, which will have officers speak with and address with Mr. Cook.

**Agenda Item #54 X-Y – Property Transactions (CATS Blue Line Extension)**
*Staff Resources: Jeff Reid, E&PM, 704-614-2122, jlreid@ci.charlotte.nc.us*
*Danny Rogers, CATS, 980-230-909, drogers@ci.charlotte.nc.us*

On July 26, the City Council will be asked to approve two condemnations for the CATS Lynx Blue Line Extension Project. These are items #54 X-Y in the agenda. The properties are being acquired early under Protective Purchase approval by FTA in order to protect the project alignment from imminent development by Gateway Homes, LLC.

These condemnations are the result of five years of good faith, yet very complex negotiations by CATS staff and, more recently, E&PM's Real Estate division staff. It involves CATS'

integration of the Lynx BLE project onto two I2-zoned parcels adjacent to a MUDD development planned by Gateway Homes, LLC. Both the I2-zoned parcels and the MUDD tract are controlled by Gateway Homes, LLC. The negotiations have included disputes about survey boundaries, access issues, provisions for water quality, water and sewer access, etc.

The use of the properties for new development or for creating the alignment for the Blue Line Extension would be very complicated due to the existing Norfolk Southern and North Carolina Railroad rights of way and other encumbrances on the property. Finding agreement on how to do both the development and the rail alignment, while simultaneously establishing appropriate value for the various trade-offs involved, is doubly complex, and has resulted in difficult and sometimes contentious negotiations.

The City and Gateway Homes are extremely far apart on the primary issue of compensation, or the fair market value of the taking plus any damages. The move to condemn will place the issue into the court process, where both parties will have the benefit of an impartial hearing and adjudication of fair compensation for the taking and damages to which they are entitled under the law.

Representatives of Gateway Homes, LLC are expected to speak at the Monday Council meeting.

# INFORMATION:

**Drive-In Theater at Tyvola and South Tryon**

*Staff Resource: Walter Abernethy, NBS, 704-336-4213, wabernathy@charlottenc.gov*

On May 10, 2010, Code Enforcement issued a Notice of Violation to Tyvola Theater LLC (Nasser Razmyar and Afshin Ghazi) for operating a drive-in movie theater at 940 Tyvola Road. On May 14, 2010, the property owner appealed the Zoning Notice of Violation to the Zoning Board of Adjustment. The appeal was heard on June 29.

On June 29, the Zoning Board of Adjustment upheld the City's Notice of Violation indicating that a drive-in theater is not allowed within the current conditional rezoning approved by Council in 2007. A letter was sent to the owners of the property Wednesday, July 21, 2010 informing them of this decision. Upon receipt of this letter, the property owner has 30 days to appeal this matter to the court. Code Enforcement will continue its stay of enforcement action until the appeal period has expired.

Planning staff have indicated a willingness to meet with the property owner to consider other permitted options for the property.