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Agenda Notes:

Agenda Item #60 - Lawyers Road Extension Project Change Order

Staff Resources: Geen Khoo, E&PM, 704-336-4492, gkhoo@charlottenc.gov

Bryan Tarlton, E&PM, 704-336-3170, btarlton@charlottenc.gov

On August 23, Council will be asked to approve a change order for the Lawyers Road Extension Project, which extends from Albemarle Road to East WT Harris Blvd. The change order is necessary due to an earlier contract amount miscalculation, needed plan modifications and unforeseen circumstances. Construction is anticipated to be complete in September 2010.

After the project was bid, additional utility work was added and funded by Charlotte-Mecklenburg Utilities. This work was not added to the contract correctly. This resulted in the roadway portion of the contract being approximately \$200,000 less than the actual amount. The unbalance did not become clear until the end of the project when final quantities resulted in a contract overrun. Part of this change order is to correct the originally planned contract amount for the roadway portion of the project funding.

After construction began, the project plan was modified to include additional work and compensate for unforeseen circumstances. The additional work was requested by the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation and other City groups due to conditions discovered after final plans were approved and bid. These changes were not apparent during the original review. However, they were necessary, would have been part of the original plans, and cost the same now as they would have if discovered during the planning stage.

The unforeseen circumstances included unsuitable soil requiring dig out and replacement and, in the center of the roads where the new islands were proposed, the asphalt was much thicker than test coring showed, causing increased pavement removal.

A change order of approximately \$250,000 will be required as a result of the additional work and unforeseen circumstances. It is anticipated the final contract amount will be less than \$3,500,000, which is available in the current contract budget.

INFORMATION:

Rescheduled - Public Hearing on Revisions to the Tree Ordinance

Staff Resource: Dave Weekly, E&PM, 704-336-4103, dweekly@charlottenc.gov

On July 26, staff briefed City Council on revisions to the tree ordinance and indicated that the public hearing would be held August 23. However, staff has not yet advertised the public hearing as required by state statute in order to have the public hearing in August. Staff regrets this oversight, and will reschedule the public hearing for the September 13 Council meeting and advertise accordingly. Staff will notify interested stakeholders of this change in schedule.

Johnston & Mecklenburg Mills Update

Staff Resource: Patrick T. Mumford, N&BS, 704-336-4213, pmumford@charlottenc.gov

On August 2, 2010, the Housing & Neighborhood Development Committee (H&ND) unanimously voted to recommend a private sale process designed to solicit the highest bid for the purchase of the Johnston & Mecklenburg Mills properties (the Mills) with the following stipulations:

- Preserve the mill buildings and include a minimum of 10 affordable units in each building and at least 20% affordable units overall.
- If building permits have not been issued and construction financing has not been secured within three years of date of sale, City will have a 120 day option to repurchase the property at 100% of sales price.
- The winning bidder will be required to provide at least 10 affordable units in each building and at least 20% of the total rental units as affordable to households earning at or below 60% of the area median income. In the event that affordable units are not maintained at the agreed upon conditions, the developer shall pay an annual liquidated damage for each unit not in compliance.

The H&ND Committee schedule proposed receiving bids for the Mills by September 27, 2010. However, since the August 2 meeting, staff realized that an issue involving the encroachment of a small portion of the Mill property into the North Carolina Railroad right-of-way has not been resolved. As a result, there are title concerns that may delay the start of the bidding procedure. Staff continues to work with the North Carolina Railroad to resolve this issue and will provide an update the H&ND Committee at its August 25 meeting.

Update on TIGER-II Grant Applications

*Staff resources: Danny Pleasant, CDOT, 704-336-3879, dpleasant@charlottenc.gov
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History/Summary of TIGER-II Objectives

On June 28, 2010, Council authorized the City Manager to submit 6 pre-applications to the United States Department of Transportation (USDOT) for National Infrastructure Investment Grants. Subsequently, staff recognized an opportunity to apply for a seventh grant to study alternative modes within selected activity centers in Charlotte. On July 30, 2010, USDOT confirmed receipt of all seven of the City's pre-applications, and provided instructions for staff to begin submission of the City's full proposals due by August 23.

The grant program, commonly called TIGER-II, is a discretionary grant program for which Congress authorized USDOT to award up to \$400 million nationally for construction projects in urban areas, with a minimum grant award of \$10 million and maximum award of \$200 million. An additional \$35 million is available for planning grants. TIGER-II grants will cover up to 80% of the construction (or planning) cost of a project.

Schedule

Pre-applications were due on July 26 and full applications are due on August 23. USDOT will begin notifying applicants of the results of their applications on September 15. All funds must be obligated by September 30, 2012.

Projects & Funding

Details of all seven projects are listed on the attachment. Local matches are coming from existing transportation and transit programs within the CIP.

The North Carolina Department of Transportation has endorsed the City's original six applications, with Secretary Gene Conti writing letters of support for them. Staff has received letters of support from Representative Sue Myrick (9th District) for projects in her district, and is expecting to receive letters of support from Representative Mel Watt (12th District) this week for the projects in his district. Staff is working with the office of Representative Larry Kissell (8th District) for letters of support for projects in his district and should receive those letters this week.

Potential Future Actions

Should one or more projects receive a grant(s), Council action will be requested to receive the grant(s) and appropriate the funds. Transit projects also will require MTC approval for acceptance of grant funds.

ATTACHMENT:

Tiger II Grant Projects *(see left side table of contents for attachment)*

Staff Response to Affordable Charlotte Cabinet

Staff Resource: Jim Schumacher, CMO, 704-336-3656, jSchumacher@charlottenc.gov

Representatives of the Affordable Charlotte Cabinet made a presentation to the City Council in March addressing the impact of local government regulations on housing. As requested by the City Council, attached is a staff response and discussion of issues raised in the Affordable Charlotte Cabinet presentation and materials.

One of the regulations addressed in the report is the Tree Ordinance. Following a lengthy stakeholder process, changes to the Tree Ordinance will be the subject of a public hearing on September 13. Another subject of the report, the Urban Street Design Guidelines, is in the public meeting and stakeholder process, with consideration by the City Council expected in December.

ATTACHMENT:

Affordable Charlotte Response *(see left side table of contents for attachment)*



Stimulus Information:

Stimulus Grant to Fund Development of CharMeck Connect

Staff Resource: Charles Robinson, BSS, 704-432-3539, crobinson@charlottenc.gov

The City of Charlotte was recently notified by the United States Department of Commerce that it is being awarded \$17 million in economic stimulus funds to develop CharMeck Connect, a broadband infrastructure project that will provide enhanced communications services to public safety agencies. City Council voted to approve the application at its March 8 meeting.

The City of Charlotte, Mecklenburg County and the communities of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville are partnering to develop a state of the art broadband interoperable network based on technology that will enable the 21st century tools such as wireless broadband, multimedia applications, enhanced voice and data interoperability.

The new technology to be deployed will provide the public safety community with connectivity to applications with reliability not currently available, and will significantly improve the public safety response to incidents through:

- Mobile data and high speed internet connection in every police and fire vehicle
- Live Incident Video - ability to stream on-scene video to responding units, communication centers and supervisors
- Broadband Data Dispatch - ability to transmit broadband data to field units
- Automatic Vehicle Location - allow dispatch to monitor the exact whereabouts of each vehicle through a sophisticated AVL tracking device
- Transmission of suspect/vehicle photographs
- Broadcast of blueprints and building plans
- Transmission of patient data to medical personnel
- Enhanced surveillance and monitoring capabilities

The CharMeck Connect project will also serve as the foundation for a future regional public safety wireless broadband network throughout the Charlotte Urban Area Security Initiative region made up of 10 counties surrounding Charlotte in North and South Carolina.

City Council will be asked to take action to accept the grant at an upcoming Council meeting.