

**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, April 23, 2007**

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In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
8	7	Proposed Revisions to Floodplain Regulations
13	14	EpiCenter Pedestrian Bridge Change Order
19	25	Freedom Drive Widening Design Services
29	35	Release of Park Restrictions for a Portion of Veterans Park

# CITY COUNCIL AGENDA

Monday, April 23, 2007

## TABLE OF CONTENTS

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
<b>4:00 P.M. Closed Session</b>		
Room 280		
1. Closed Session	1	
<b>5:00 P.M. Dinner Briefing</b>		
Conference Center		
2. Update on Brooklyn Village, Minor League Baseball and Third Ward Park	2	1
3. Post Construction Controls Ordinance	2	
4. Police Mounted Patrol Unit	3	2
<b>6:30 P.M. Citizens Forum</b>		
Meeting Chamber		
<b>7:00 P.M. Awards and Recognitions</b>		
Meeting Chamber		
<b>Consent</b>		
5. Consent agenda items 16 through 31 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.	4	
<b>Public Hearing</b>		
6. Public Hearing on Resolution to Close Two Portions of N. Brevard Street/Caldwell Street Connector	5	3

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>Policy</b>			
7.	City Manager's Report	7	
8.	Proposed Revisions to the Floodplain Regulations	7	4
9.	Naming of Cultural Facilities	9	5
10.	Police Mounted Patrol Unit	9	2
11.	March 23 <sup>rd</sup> Council Retreat Follow-up	11	6
<b>Business</b>			
12.	Grant Agreement Amendment for New Baxter Street Bridge	13	7
13.	Epicenter Pedestrian Bridge Change Order	14	
14.	Appointment to Boards and Commissions	15	8-16
15.	Mayor and Council Topics	18	
<b>Consent I</b>			
16.	Various Bids		
	A. Edgewood Neighborhood Improvements	19	
	B. Wilson Air Center Parking Lot	20	
	C. Bus Operations Maintenance Parts	20	
17.	In Rem Remedy	21	17-25
<b>Consent II</b>			
18.	Engineering Services for Muddy Creek Stream Restoration	24	
19.	Freedom Drive Widening Design Services	25	

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>20.</b>	Resurfacing FY2007B	26	26
<b>21.</b>	Airport Parking Deck on Wilkinson Boulevard	27	27
<b>22.</b>	UNCC Shuttle Service	28	
<b>23.</b>	FY05 Annexation, Caldwell/Withrow Areas Water and Sewer Improvements	29	
<b>24.</b>	Reedy & McKee Creek Sewer Basin, Professional Services Agreement	30	
<b>25.</b>	FY2007 Annual Financial Audit Contract	30	
<b>26.</b>	FY2007 Metropolitan Planning Program Grant Municipal Agreement	31	28
<b>27.</b>	Interlocal Agreement for Historic Landmarks Commission with Mecklenburg County and Town of Pineville	32	29
<b>28.</b>	Small Business Enterprise Loan Fund Geography Change	33	30
<b>29.</b>	Release of Park Use Restriction for a Portion of Veterans Park	35	31
<b>30.</b>	Property Transactions	36	
<b>31.</b>	Meeting Minutes	37	

## **4:00 P.M. CLOSED SESSION ROOM 280**

### **1. Closed Session**

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a)(6) to go into closed session at 4:00 p.m. on April 23, 2007, to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of prospective employees for the position of City Manager.

**Staff Resource:** Tim Mayes, Human Resources

#### **Explanation**

- On February 26, 2007 the City Council approved the following items relative to the City Manager recruitment and selection process:
  - A schedule of activities for the process
  - Contracting with The Mercer Group, Inc. to lead the process
- The approved schedule of activities provides that a closed session will be held on April 23, 2007 to receive a report from The Mercer Group, Inc. regarding candidates for the City Manager position.

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

### **2. Update on Brooklyn Village, Minor League Baseball and Third Ward Park**

**Resource:** Curt Walton, City Manager's Office

**Time:** 30 minutes

#### **Synopsis**

- Staff will present an update on the process to redevelop Second Ward, build a minor league baseball stadium in the center city and develop a park in Third Ward.
- Key components of the update will be:
  - An overview of the draft City/County Interlocal Agreement
  - An overview of the draft Memorandum of Understanding with Mass Mutual and the Charlotte Housing Authority
  - An update of the process to redevelop Spirit Square

#### **Future Action**

- Anticipated Council action will be May 14, 2007.

#### **Attachment 1**

Draft Interlocal Agreement with Mecklenburg County

Draft Memorandum of Understanding with Mass Mutual and the Charlotte Housing Authority

### **3. Post Construction Controls Ordinance**

**Resources:** Jim Schumacher, Engineering & Property Management  
Daryl Hammock, Engineering & Property Management

**Time:** 30 minutes

#### **Synopsis**

- State and federal water quality regulations require municipalities to adopt ordinances that protect stream water quality and habitat.
- Staff completed an 18 month stakeholder process with Mecklenburg County and the Towns to develop a model local ordinance that each jurisdiction could use as a guide in developing their own regulations.
- As directed by Council, staff completed a supplemental cost analysis that more closely reflected locally developed sites.
- At the August 28, 2006 business meeting, Council referred this ordinance to the Environment Committee.

- Prior to the Committee's work, Council will hear an overview of the issues surrounding the adoption of the ordinance during the April 23 dinner briefing.

**Future Action**

- Ordinance details will be discussed in the Environment Committee for their direction and recommendation.

## **4. Police Mounted Patrol Unit**

**Committee Chair:** Warren Turner

**Resource:** Keith Parker, City Manager's Office

**Time:** 25 minutes

**Synopsis**

- Staff will provide research collected on the feasibility of a Mounted Patrol Unit in Charlotte.
- Topics include:
  - Mounted Patrol Units across the country
  - Primary uses for Mounted Units
  - Advantages of Mounted Patrol Units
  - Challenges of Mounted Patrol
  - Staffing and cost estimates for a potential Mounted Unit for CMPD

**Future Action**

- Council will consider approving the Community Safety Committee's recommendation to direct staff to determine the feasibility of private sector financial support to implement a Police Mounted Patrol Unit. This is item 10, page 9 on this agenda.

**Attachment 2**  
Background

**6:30 P.M. CITIZENS FORUM  
MEETING CHAMBER**

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

**CONSENT**

- 5. Consent agenda items 16 through 31 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

### 6. Public Hearing on Resolution to Close Two Portions of N. Brevard Street/Caldwell Street Connector

- Action:**    **A. Conduct a public hearing to close two portions of N. Brevard Street/Caldwell Street Connector, 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**

- In April 2006 City Council authorized the City Manager to enter into an interlocal agreement with the Charlotte Housing Authority to fund the construction of the new Brevard-Caldwell Connector.
- The connector supports the Belmont and Optimist Park areas redevelopment plans for the Hope VI project.
- 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**

940 Brevard, LLC – Janet A. DeCreny/The Communities Group

#### **Right-of-Way to be abandoned**

Two portions of N. Brevard Street/Caldwell Street Connector

#### **Location**

Located within the Belmont Community

Portion #1: beginning from N. Caldwell Street continuing approximately 273 feet west to its terminus

Portion #2: beginning from N. Brevard Street continuing approximately 265 feet east to its terminus

#### **Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of a 100-unit low income seniors residential project. The rezoning petition #2006-96 was approved by City Council on September 18, 2006.

**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

Charlotte Housing Authority (CHA) – No objections

Neighborhood/Business Associations

Belmont Community – No objections

Edwin Towers (CHA) – No objections

First Ward Community Fund, Inc. – No objections

First Ward Neighbors, Inc. – No objections

Friends of Fourth Ward, Inc. – No objections

Hall House Residents Association (CHA) – No objections

Optimist Park – 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

### 7. City Manager's Report

- Capital Projects Public Information

### 8. Proposed Revisions to the Floodplain Regulations



**Action:** Approve the Environment Committee's proposed recommendation to adopt the proposed Floodplain Regulations revisions effective July 1, 2007.

**Committee Chair:** Anthony Foxx

**Staff Resources:** Tim Richards, Engineering & Property Management  
Dave Canaan, Mecklenburg County Land Use and Environmental Services

#### Explanation

- The current ordinance, adopted in 2003, requires revisions to:
  - Reflect new Federal Emergency Management Agency (FEMA) requirements
  - Document general administrative improvements
  - Change some local standards
  - Introduce new levee requirements
- City Council held a public hearing on the proposed revisions in July 2006. The Floodplain Regulations revisions were referred to the Environment Committee for review and recommendation.
- On April 9, 2007 Council held a public hearing on the proposed revisions. Speakers and Council members raised several concerns which included, but are not limited to the following:
  - Current floodplain modeling assumptions are too conservative
  - Continued increases in floodplain water surface elevations due to upstream development
  - Costs to comply with requirements are higher than presented by staff
  - Notification process should not rely on the Multiple Listing Service
- A Question and Answer document addressing the concerns heard at the public hearing is attached.

#### Committee Action

- The Environment Committee discussed the proposed revisions during five meetings between September 2006 and January 2007. In addition, the Committee held a special meeting with representatives of the Chantilly neighborhood to discuss their specific concerns.
- On January 16, the Committee unanimously approved all the changes recommended by the staff and Storm Water Advisory Committee except

provisions related to Substantial Improvement and definition of New Construction.

#### Substantial Improvement

- Substantial Improvement rules determine when an existing structure is required to be raised to FEMA (current development conditions) or Community Base Flood Elevation (future build-out conditions) requirements.
- The Committee approved an exemption option for substantial improvement that means buildings with their lowest finished floor above FEMA Base Flood Elevation +1 foot, but below Community Flood Elevation +1 foot, will not be required to elevate the lowest floor above the Community Base Flood Elevation when they are substantially improved.

#### New Construction

- The Committee expanded the definition of New Construction to also mean: Construction of a replacement structure after total demolition; or renovation of an existing structure that affects two external walls and has a total cost over 50% of the building's value. This definition is important in determining if a building is a Substantial Improvement or actually New Construction in the Floodplain Ordinance.

#### Other

- The Committee added provisions related to notification of current and future owners of floodplain property, and a request to the Mecklenburg Board of County Commissioners to support the development, funding and implementation of a Floodplain Remapping program.
- Members of the committee are: Anthony Foxx (Chair), Susan Burgess, Nancy Carter, Don Lochman and Pat Mumford.
- On March 5, 2007, staff presented the proposed revisions to the City Council, which decided to proceed with the public hearing/adoption process.

#### **Background**

- The Floodplain Regulations were first adopted by the City in 1971 and are required to participate in the federal flood insurance program.
- The current ordinance was approved by the City Council in 2003.
- The Floodplain Regulations are administered by Mecklenburg County in connection with the County's responsibility for maintenance of the major streams.
- The Storm Water Advisory Committee (SWAC) evaluated these issues through a dedicated sub-committee and involved outside development and environmental interests.
- A special SWAC sub-committee involving outside parties interested in levees met to assist in developing the levee language.
- A guidance document used to assist applicants in the floodplain permitting process is being developed.

#### **Attachment 4**

Proposed Floodplain Regulations revisions

Question and Answer Document for Public Hearing Comments

## 9. Naming of Cultural Facilities

- Action:**
- A. Name the new Performing Arts Theater “The Knight Theater”, and
  - B. Re-name the Afro-American Cultural Center after Harvey Gantt, subject to completion of a successful campaign to raise additional funding for naming of the Center.

**Staff Resources:** Ron Kimble, City Manager’s Office  
Ruffin Hall, Budget & Evaluation

### Explanation

- The Arts & Science Council (ASC) requests the City name the new Performing Arts Theater “The Knight Theater”. The ASC along with the Board of the Afro-American Cultural Center requests the City re-name the Afro-American Cultural Center in honor of former Mayor Harvey Gantt, subject to a successful campaign for naming of the center.
- In September 2006 the Charlotte City Council approved numerous agreements for the funding of five cultural facilities (The Mint Museum, the Afro-American Cultural Center, the Performing Arts Theater, the Bechtler Art Museum and Discovery Place). Part of the funding plan for these facilities consisted of the agreement between the City, the Arts & Science Council and the Foundation for the Arts & Sciences to initiate an \$80+ million private-sector fundraising effort to establish an endowment for the Cultural Facilities and generate funds that can be used for operation support and maintenance.
- The ASC has raised \$5 million for the naming of the Performing Arts Theater and proposes to name it the Knight Theatre in honor of John S. and James L. Knight, founders of Knight Newspaper, which is now Knight Ridder, Inc.
- The ASC has also raised \$1 million out of a targeted \$5 million proposal for the re-naming of the Afro-American Cultural Center in honor of Harvey Gantt.
- A similar action was taken by Council when the State of North Carolina and the Blumenthal Family provided funding to the Performing Arts Center now known as the N. C. Blumenthal Performing Arts Center.

### Attachment 5

Letter from ASC

## 10. Police Mounted Patrol Unit



- Action:** Approve Community Safety Committee’s recommendation to direct staff to determine the feasibility of private sector financial support to implement a Police Mounted Patrol Unit.

**Committee Chair:** Warren Turner

**Staff Resource:** Keith Parker, City Manager's Office

### **Explanation**

- The issue was referred to the Committee in fall 2006 at the request of Council member Turner
- Staff compiled information from numerous cities, including Virginia Beach, Richmond, Atlanta, Detroit, St. Louis, Wilmington, and Orlando.
- The Fayetteville Mounted Patrol Unit visited Charlotte November 3, 2006.
- The proposed unit would be staffed with seven officers and a sergeant; there would be a total of ten horses, with two serving as alternates.
- The Mounted Patrol Unit would be used for crowd control, special events (parades, marathons, festivals, etc.), community relations, and patrols in neighborhoods and Uptown.
- Advantages of mounted patrol include:
  - Superior field of vision (10 feet high)
  - Crowd control: estimates one officer on a horse equals ten officers on foot during crowd control situations, also an alternative to riot gear
  - Could be used in parks, wooded areas, and on rail line
  - Public will seek out mounted officer (community policing tool)
- Challenges of mounted patrol include:
  - Time needed to deploy the horses from stabling location
  - Cannot be used in extreme weather conditions
  - Horses subject to illness
  - Start-up and on-going costs
- Staff researched potential locations for a horse barn, with an emphasis on land already owned by the City, and recommended a site at the Police and Fire Training Academy.

### **Estimated Cost**

- 1<sup>st</sup> year costs are \$1,240,518
- Annual operating expenses are approximately \$800,518
- Capital cost of putting a horse barn at the Academy, including preparing the site, an additional \$1.5 to \$2 million dollars

### **Committee Discussion**

- The Committee had several discussions on mounted patrol.
- Committee members and CMPD staff agreed that if a mounted patrol unit were formed, officers should not be pulled from current allocations.
- Some committee members expressed that as Charlotte becomes larger and hosts more large events, the need for mounted patrol increases.
- Some committee members were surprised that mounted patrol units are used outside of downtown areas. Richmond, for example, uses its mounted unit in regular patrol in high crime neighborhoods.
- Concerns included the cost of implementing the unit, the perception that the unit would primarily be an additional policing resource for the center city, and whether mounted patrol is the best use of limited resources.
- The Police Foundation expressed an interest in possibly funding some of the implementation costs and on-going expenses if the City funds the police officer allocations.

- The Committee voted 4-1 (Turner, Mitchell, Dulin and Foxx- for; Kinsey-against) to recommend that the full Council direct staff to approach the private sector to determine what level of financial support could potentially be provided for a mounted patrol unit. Once that research is done, the issue would come back to the Council to determine whether they wish to move forward with implementation of a mounted patrol unit.

## Attachment 2 Background

# 11. March 23<sup>rd</sup> Council Retreat Follow-up

**Action: Consider options for follow-up items from Mayor and City Council Retreat of March 2007.**

**Staff Resources:** Saskia Thompson, City Manager's Office

### Explanation

- On March 23, 2007, the Mayor and City Council held the "How Do We Get It All Done" session of its annual retreat. At that meeting, several items were referred to staff for further analysis and to bring back recommendations to Council for consideration. With each item, Council may opt to:
  - Approve the recommendation
  - Not approve the recommendation
  - Take no action
  - Refer to committee for further study
  - Bring back on a future Council agenda

### Items for Consideration

#### Communication with the Metropolitan Transit Commission (MTC)

- Several Council members indicated that they would like greater interaction with the MTC and a better understanding of how decisions are made. If greater interaction is desired, options for structuring this include:
  - Conduct a workshop session between the MTC and the full City Council in order to improve communication between the two groups and to discuss future transit corridors and issues related to implementation of the 2020 plan; or,
  - Schedule small group discussions with Council members, MTC members and town representatives;
  - Formal agendas for either type of session could be prepared by the MTC Manager's Group.

#### Questions Regarding Agenda Items

- Several Council members indicated that it would be desirable to have Council member's questions pertaining to specific items on the formal agenda answered prior to the Business Meetings. If Council wishes to provide

additional opportunities to have questions answered by staff in advance of the Monday meetings, the following options are proposed:

- Bring back Monday Agenda Review lunches for the two Business meetings each month with the Manager, key staff, the Mayor, and Council members. Estimated cost of lunches is \$220 per lunch. With an estimated 21 business meetings per year, the annual cost would be \$4,620.

OR

- Assign an individual staff contact for each Council member to forward questions to prior to meetings. Staff contact would be responsible for collecting relevant information and providing it back to the Council member prior to the formal meeting.

#### Town Hall Meetings for At-Large Council members

- Council Action on June 26, 2000 adopted parameters for staff to provide support to District Council members holding Town Hall meetings, but did not make any specific provisions for At-Large members of Council. If Council wishes to allow all members to hold constituent meetings, staff recommends adopting the following provisions and guidelines for Staff Supported Meetings:
  - Any Council member may have constituent meetings that are of either Town Hall, District, or Topic-specific format supported by Council Team staff.
  - Upon initiation by a Council member, Council Team staff will secure meeting location, send invitations/notifications to appropriate constituents, provide refreshments, assure appropriate City staff attends the meetings to make presentations or answer questions, and follow-up on any issues or items that surface at the meeting.
  - In order to utilize existing capacity within the Council Team but not exceed current capacity, staff recommends that each Council member be allowed up to four meetings per year with staff support, with no more than two within the first six months of an election year.
  - No staff supported meetings will occur after July 1 of an election year.

#### Council and Staff Guidelines of Operation

- On February 28, 2000, Council approved "Council and Staff Guidelines of Operation". At the March 23, 2007 retreat, several Council members asked to revisit those guidelines to ensure they are still appropriate. The Guidelines are attached.
- Sections of the Guidelines include:
  - Civility and Professionalism
  - Protocol
  - Additional Protocol Related to Council Committees
  - Accountability for Following the Guidelines

#### **Attachment 6**

Examples of Informal Policies and Procedures  
Council and Staff Guidelines of Operation



## BUSINESS

### 12. Grant Agreement Amendment for New Baxter Street Bridge



**Action:** Approve an amendment to the Economic Development Grant Agreement for the Redevelopment of Mid-Town Square to provide for the construction of the new Baxter Street bridge and all infrastructure associated with the project.

**Staff Resources:** Jim Schumacher, Engineering & Property Management  
Tom Flynn, Economic Development Office  
Ron Kimble, City Manager's Office

#### Explanation

- The Economic Development Grant Agreement for the Redevelopment of Mid-Town Square contemplates that the City will receive federal and state bridge replacement funds to replace the Baxter Street bridge due to the bridge's structural condition.
- At this time the Baxter Street bridge is marginally above the condition needed to qualify for bridge replacement funds.
- Waiting for the Baxter Street bridge to deteriorate further has the following consequences:
  - The mid-rise condominiums at the Metropolitan (new name for "Mid-Town Square") cannot be built, keeping \$55 to 60 million of new investment from the property tax rolls.
  - The Little Sugar Creek Greenway construction cannot be completed and the trail cannot go under the current Baxter Street bridge. Construction of this greenway will begin summer of 2007.
  - Improved floodplain conditions will be delayed.
- The recommended amendment would result in the new Baxter Street/Kings Drive intersection being completed in early 2008 and the new bridge in 2009.
- The Board of County Commissioners approved this amendment on April 17, 2007.

#### Small Business Opportunity

The City will establish SBE goals for this work when the construction bid package is prepared. The original Grant Agreement established an SBE goal of 10%. As of December 30, 2006, the Mid-Town project has spent \$3.148 million with S/MWBEs achieving 12.67% utilization through this date.

#### Funding

- The remaining infrastructure improvements would be funded from the following sources:
  - City: \$2.0 million already allocated to this project

- County: \$2.0 million of greenway funds (provides for raising the new bridge for the greenway to pass underneath and aesthetic improvements to the new bridge)
- This Amendment also commits the developer to pay the cost of underground utilities along Kings Drive, estimated to be \$750,000.

#### **Attachment 7**

Amendment to the Economic Development Grant Agreement for Midtown Square Redevelopment

### **13. Epicenter Pedestrian Bridge Change Order**

**Action: Authorize the City Manager to execute a contract change order with Archer Western Contractors to increase the contract amount for the Roadbed/Bridges/Track work contract by an amount not to exceed \$225,000 to construct the EpiCenter Pedestrian Bridge at the Charlotte Transportation Center (CTC)/Arena Light Rail Station.**

**Staff Resource:** Jim Schumacher, Engineering & Property Management

#### **Policy**

Transit and Corridors

#### **Explanation**

- The City is constructing infrastructure improvements that complement the South Corridor Light Rail Project but are not funded within the project budget.
- This improvement is separate from and is funded outside of the \$462.7 million Estimate at Completion for the South Corridor Light Rail Project that was determined with FTA in September 2006.
- In December 2004 City Council approved entering into a Reimbursement Agreement with Pacific Avenue LLC regarding the redevelopment of the Old Convention Center that outlined specific infrastructure improvements that would be the responsibility of the City.
- The improvements include the City funding of the pedestrian bridge between the CTC/Arena Station and the EpiCenter. This connection eliminated the cost of stairs and elevators from the CTC/Arena Station budget since these vertical connections would be provided by the EpiCenter project.
- The Amendment to that agreement, approved by City Council in December 2005, further required CATS to design, construct and maintain the primary pedestrian bridge between the Epicenter project and the Charlotte Transportation Center (CTC)/Arena Light Rail Station platform.
- The pedestrian bridge has been designed with input from the developer of the Epicenter project and is now ready to be constructed. The most efficient way to meet the City's obligation to construct the pedestrian bridge is to add it to the existing Roadbed/Bridges/Track work contract of Archer Western. The cost of the pedestrian bridge is estimated not to exceed \$225,000.

- Adding this work to Archer Western's contract will not impact their ability to deliver the light rail project on schedule.

### **Disadvantaged Business Enterprise Opportunity**

Established DBE Goal: 20%

Committed DBE Goal: 20%

This is an amendment to the original contract awarded by Council dated February 21, 2005. The DBE identified was: The Artis Group, Inc. The contractor has committed to maintain 20% for the value of the contract.

### **Funding**

This improvement is being funded from the CATS Rail Facilities Capital Program.

## **14. Appointments to Boards and Commissions**

**Action: Vote on blue paper ballots and give to clerk at dinner.**

### **A. BUSINESS ADVISORY COMMITTEE**

- One appointment for three-year term beginning April 29, 2007.
  - Tariq Bokari by Council member Lassiter
  - Thomas Eberle, Jr. by Council member Dulin
  - William W. Hadley by Council member Burgess
  - Mr. Jackie Robinson by Council member Mitchell
  - Ellsworth C. Salisbury by Council member Kinsey

### **Attachment 8**

Applications

### **B. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORPORATION**

- One, three-year appointment beginning July 1, 2007.
  - Ms. Jay Rao by Council member Dulin (Ms. Rao is already on this Board)
  - Billy Scott by Council members Burgess and Carter

### **Attachment 9**

Applications

**C. COMMUNITY RELATIONS COMMITTEE**

- Three, three-year appointments beginning July 1, 2007.
  - Dennis M. Donahue by Council member Kinsey
  - Robin Edgar by Council member Carter
  - Diane E. Gearheard by Council member Dulin
  - Howie P. Hartnett by Council member Dulin
  - Constance G. Johnson by Council member Lassiter
  - Brenda B. McMoore by Council member Mitchell
  - L. Murdock Smith, III by Council member Carter
  - Cecelia D. Torres by Council member Burgess
  - Rodney S. Tucker by Council members Burgess and Lochman
  - James F. Young by Council member Kinsey

**Attachment 10**

## Applications

**D. HISTORIC LANDMARKS COMMISSION**

- One appointment for an unexpired term beginning immediately and ending July 16, 2008.
  - Frank Bragg by Council member Lassiter
  - Mary Ellen George by Council member Burgess
  - Kathryn H. Highsmith by Council member Dulin
  - William T. Hobbs, II by Council member Kinsey

**Attachment 11**

## Applications

**E. HOUSING TRUST FUND ADVISORY BOARD**

- Two, three-year appointments beginning May 1, 2007.

One in the Banking/Finance Category

- Catherine Dolan by Council member Lassiter
- Ann Marie Howard by Council member Lochman
- Tylee S. Kessler by Council member Foxx

One in the Legal Category

- Ted Fillette, III by Council member Barnes
- Eric Montgomery by Council member Mitchell

**Attachment 12**

## Applications

**F. NEIGHBORHOOD MATCHING GRANTS FUND**

- One appointment for a two-year term beginning April 16, 2007.

At-Large Category

- Linana R. Major by Council member Kinsey
- Melanie N. Marston by Council members Carter and Burgess

- Alan M. Teitleman by Council member Dulin
- One appointment beginning immediately for an unexpired term ending April 16, 2008.

Business Representative Category

- Melanie N. Marston by Council members Carter and Burgess
- Alan M. Teitleman by Council member Dulin

### **Attachment 13**

#### Applications

#### **G. PAROLE ACCOUNTABILITY COMMITTEE**

- Two, three-year appointments beginning June 2, 2007.
    - Frederick B. Hammermann by Council member Dulin
    - Jeannie F. Lee by Council member Carter
    - Bev Merritt by Council member Burgess
    - David E. Morgan, II by Council member Dulin
    - \*Mr. Allyson Preston by Council member Mitchell
- \*Application not received – nomination automatically withdrawn.

### **Attachment 14**

#### Applications

#### **H. PLANNING COMMISSION**

- Appointment for one, three-year term beginning July 1, 2007.
  - Kelly M. Alexander, Jr. by Council member Mitchell
  - John K. Eller, IV by Council member Foxx
  - Claire Fallon by Council member Barnes
  - John (Jack) L. Fenlon by Council member Kinsey
  - Faison Keuster, Jr. by Council member Dulin
  - Thomas R. Lawing, Jr. by Council member Lassiter

### **Attachment 15**

#### Applications

#### **I. TREE ADVISORY COMMITTEE**

- Two positions for unexpired terms beginning immediately:
  - One ending December 13, 2007 and the next full term.
  - One ending December 13, 2009.
- Judy Goda by Council member Mitchell
- J. Martin Sondey by Council member Dulin
- Marilyn (Dede) Wilson by Council member Kinsey

### **Attachment 16**

#### Applications

## **15. Mayor and Council Topics**

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

### 16. Various Bids

#### A. Edgewood Neighborhood Improvements

**EPM**

**Resource:** Leslie Bing

**Action**

Award the low bid of \$1,987,630.14 by Ferebee Corporation of Charlotte, North Carolina. This project will construct new concrete curb, sidewalks, drives, storm drainage, water / sewer rehabilitation and roadway resurfacing in the Edgewood Neighborhood bounded by Freedom Drive, Tuckaseegee Road and Thriftwood Drive as part of the 2000 Neighborhood Improvement Bonds. Construction completion is scheduled for fourth quarter of 2008.

**Small Business Opportunity**

Established SBE Goal: 9%

Committed SBE Goal: 9.10%

Ferebee Corporation met the established SBE goal and committed 9.10% (\$180,845) to the following SBE firms: D's Trucking Service, Inc. and On Time Construction Company, Inc.

**B. Wilson Air Center Parking Lot Aviation**

**Resource:** Jerry Orr

**Action**

Approve a contract with C. A. Scism Construction Co. of Midland, North Carolina in the amount of \$102,600 for asphalt paving of the Wilson Air Parking Lot.

**Small Business Opportunity**

The project cost was estimated to be less than \$100,000, so an informal bid process was conducted and an SBE goal was not established. However, the low bidder, C. A. Scism Construction Co., is a certified SBE.

**C. Bus Operations Maintenance Parts CATS**

**Resource:** Jim Zingale

**Action**

Award the low bid of \$105,975.62 by Covington Detroit Diesel, Charlotte, North Carolina, the lowest bidder meeting specifications. This contract is to supply Fuel System Parts as required to CATS Bus Operations Division. The term will be for an initial period of two years with three additional one-year options. The total combined contract estimate over the maximum five-year term is \$529,878.10. Authorize the City Manager to execute the contract and renewals. The parts meet the required original manufacturers' specification standards necessary to maintain CATS' buses in proper operating condition. Parts orders will occur as needed, depending on usage and inventory stock levels.

**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.



## 17. In Rem Remedy

For In Rem Remedy #A-I, the public purpose and policy are outlined here.

**Public Purpose:**

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety:

- A. 209 S. Gardner Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- B. 4820 Laborde Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- C. 1008 1,2 Vanizer Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

Complaint:

- D. 7918 Briardale Drive (Neighborhood Statistical Area 157 – Idlewild South Neighborhood)
- E. 1548 Oaklawn Avenue (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- F. 1550 Oaklawn Avenue (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- G. 4001 Sofley Road (Neighborhood Statistical Area 40 – Sugaw Creek/Ritch Avenue Neighborhood)

Field Observation:

- H. 4613 Olney Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- I. 921 Rowan Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

**Public Safety:**

**A. 209 S. Gardner Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 209 S. Gardner Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).**

**Attachment 17**

**B. 4820 Laborde Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4820 Laborde Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 18**

**C. 1008 1, 2 Vanizer Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1008 1, 2 Vanizer Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 19**

**Complaint:**

**D. 7918 Briardale Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7918 Briardale Drive (Neighborhood Statistical Area 157 – Idlewild South Neighborhood).**

**Attachment 20**

**E. 1548 Oaklawn Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1548 Oaklawn Avenue (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 21**

**F. 1550 Oaklawn Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1550 Oaklawn Avenue (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).**

**Attachment 22**

**G. 4001 Sofley Road**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4001 Sofley Road (Neighborhood Statistical Area 40 – Sugaw Creek/Ritch Avenue Neighborhood).

Attachment 23

**Field Observation:**

**H. 4613 Olney Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4613 Olney Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 24

**I. 921 Rowan Street**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 921 Rowan Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 25

## CONSENT II

### 18. Engineering Services for Muddy Creek Stream Restoration

**Action:** Approve a contract with Baker Engineering NY, Inc. in an amount not to exceed \$327,000 for engineering services for the Muddy Creek Stream Restoration and Mitigation Project.

**Staff Resource:** Tim Richards, Engineering & Property Management

#### History

- Federal and state regulations require mitigation for impacts to streams and wetlands caused by public projects.
- In 2004, Charlotte Storm Water Services, a division of Engineering & Property Management, secured approval from federal and state agencies for the creation of a Stream and Wetland Mitigation Bank (the Bank).
- The Bank allows the City and other local jurisdictions the flexibility to mitigate stream impacts locally, rather than paying into a statewide fund.
- This project supports the City's Bank, which provides compensatory mitigation credit to public projects that impact streams and wetlands.
- The Bank's revolving fund concept provides about 60% recovery of the project costs through the sale of mitigation credits during the permitting of other City projects.

#### Explanation

- This contract, with Baker Engineering NY, Inc. (formerly Buck Engineering), includes design, construction administration and post-construction monitoring services for the restoration of a degraded urban stream in the Eastland Mall area.
- City Council approved the original engineering planning contract with Buck Engineering on February 9, 2004.
- The Muddy Creek watershed directly affects McAlpine Creek which is identified by the North Carolina Division of Water Quality as having impaired water quality due to storm water impacts and fecal coliform contamination.
- The project will improve water quality through stream stabilization, re-vegetation, and acquisition of protective easements, supporting the City's objective of safeguarding the environment.
- The Muddy Creek Project area includes Cedarwood Park and two other County properties.
- The Muddy Creek Stream Restoration project
  - is identified as one of the highest priority restoration locations citywide,
  - provides state and federally required compensatory mitigation for City projects, and
  - generates approximately 4,400 feet of stream mitigation credits and 2.0 acres of wetland mitigation credits.

- In addition to generating mitigation credits for the Bank, the Muddy Creek Stream Restoration project
  - Restores and enhances three degraded wetlands in the Muddy Creek watershed, and
  - Has been awarded a Clean Water Management Trust Fund (CWMTF) grant which will reimburse the City up to \$125,000 for design services and easement expenses related to restoring and enhancing these three wetlands.
- The consultant fees are consistent with statewide averages for restoration design in urban areas.
- Staff will bring a construction contract to Council for award at a future date.

#### **Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.28%

Baker Engineering, NY has committed 4.28% (\$14,000) of the total contract amount to the following SBE firm: Gavel Engineering.

#### **Funding**

Storm Water Capital Investment Plan

## **19. Freedom Drive Widening Design Services**

**Action: Approve a design contract with Gannett Fleming, Inc., in the amount of \$760,376 for the design of Freedom Drive Widening.**

**Staff Resource:** Bette Frederick, Engineering & Property Management

#### **Design Contract with Gannett Fleming, Inc.**

- Gannett Fleming has been selected to complete the project. The original consultant, Qk4, was terminated by the City Engineer.
- Over a period of years, a number of key personnel with first hand knowledge of the Freedom Drive Project left Qk4, which ultimately closed their Charlotte office. The City's remaining work was sent to out-of-state branch offices. This slowed progress, limited staff accessibility and hindered field meetings with citizens and contractors.
- Qk4's design work was more than 50% complete at termination. To safeguard public welfare, Gannett Fleming will:
  - Verify Qk4's design completeness and accuracy
  - Accept responsibility for the plans
  - Complete 100% final design for the project
- The majority of remaining work is completion of design of major stream crossings over Paw Creek. This project impacts the stream at several locations, which has contributed to work delay.
- Engineering & Property Management and Gannett Fleming will verify if there are any omissions or errors with the 50% complete Qk4 plans. If there are

design omissions and/or errors, then Engineering and Property Management will pursue retribution with Qk4.

- Gannett Fleming has been instructed to value engineer the project to keep the project within budget.

### **Project History**

- When Qk4 began design work, it was under 1998 EPA rules on crossing regulated streams, which allowed the existing culvert to be extended or replaced without a permit as long as stream impacts were less than 300 feet.
- In 2002, the EPA regulations changed, requiring several permits for stream crossings and a due diligence period of 18-to-24 months for the City to show it looked at every reasonable alternative to preserve stream wetlands.
- During that time, the project team examined roadway alignments, compared bridges to culverts and studied alternatives with least wetland impact. As a result, the Qk4 culvert design was set aside. Gannett Fleming's design will now use bridges, which much more favorably address the wetlands issues.

### **Freedom Drive Widening**

- This project provides for the widening of Freedom Drive to four lanes from Edgewood Drive (at I-85) to Little Rock Road, a distance of approximately 2.6 miles, and providing roadway, sidewalk and bike lane connectivity. The project will coordinate with the Little Rock Road Relocation and Fred D. Alexander Boulevard Project, Segment B.
- Funds are available for this design contract in the project account.

### **Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 5.12 %

Gannett Fleming, Inc. failed to meet the established goal but exceeded the mandatory outreach and good faith efforts. They have committed 5.12% (\$39,000) to the following certified SBE firms: Capstone Civil Group, Richa Graphics, and On Target.

### **Funding**

Transportation Capital Investment Plan

## **20. Resurfacing FY2007B**

- Action:**
- A. Award the low bid of \$3,882,193.75 by Ferebee Corporation of Charlotte, North Carolina for Resurfacing FY2007B, and**
  - B. Approve a budget ordinance appropriating \$400,000 from Charlotte-Mecklenburg Utilities water and sewer revenue bonds to fund replacement and/or adjustment of manholes and value boxes located in streets scheduled to be repaved.**

**Staff Resource:** Layton Lamb, Street Maintenance

**Resurfacing Contract with Ferebee Corporation**

- The work consists of resurfacing approximately 45 miles of city streets and includes traffic control, pavement milling, resurfacing, manhole and water valve adjustments, wheelchair ramps and pavement markings.
- Adjusting water and sewer valves and manholes precedes the paving. Charlotte-Mecklenburg Utilities pays for this expense.
- This is the second of two resurfacing contracts for FY2007. The first resurfacing contract was awarded on April 9, 2007.
- Attached is the list of streets to be resurfaced in the second resurfacing contract. The list for both resurfacing contracts may also be viewed at: <http://www.charmeck.org/Departments/Transportation/Street+Maintenance/Home.htm>.
- Construction completion is scheduled for fourth quarter of 2007.

**Budget Ordinance**

- The ordinance appropriates \$400,000 from Utilities water & sewer revenue bonds to fund the replacement and/or adjustment of manholes and valve boxes located in the streets to be resurfaced under contract FY2007B.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 11.54%

Ferebee Corporation exceeded the SBE established goal and committed 11.54% (\$448,140) to the following SBE firms: Carolina Cajun Concrete, Inc. and DOT Construction, Inc.

**Funding**

Powell Bill Fund and Water and Sewer Fund

**Attachment 26**

List of streets to be resurfaced

Budget Ordinance

**21. Airport Parking Deck on Wilkinson Boulevard**

- Action:**
- A. Approve a professional services contract with LS3P Associates, LTD of Charlotte in an amount of \$3,065,484 for the design of a 4,000-space parking deck at the Airport, and**
  - B. Adopt a budget ordinance appropriating \$3,065,484 from the Airport Fund to be replaced with future General Airport Revenue Bond proceeds.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- The City contracted with LS3P on April 9, 2001 after a selection process, to design the two new daily parking decks at the Airport.
- The new proposed parking deck will be aesthetically, functionally and structurally the same as the two existing daily parking decks; therefore, LS3P reduced its design fee by 25%.
- This contract will provide for architectural design, engineering services and construction administration to complete the project.
- This parking deck will consist of approximately 4,000 parking spaces for Business Valet and other passenger parking at Wilkinson Boulevard and Harlee Avenue.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 3 %

LS3P will subcontract 3% of the contract price (\$91,964) to SBE Richa Graphics.

**Funding**

Airport Capital Investment Plan

**Attachment 27**

Budget Ordinance

**22. UNCC Shuttle Service**

**Action: Authorize the City Manager to enter into a one-year agreement with University of North Carolina at Charlotte (UNCC) to operate shuttle service on campus.**

**Staff Resource:** Larry Kopf, Charlotte Area Transit System

**Policy**

Transportation Action Plan Policies 1.3.3 and 2.3.8

**Explanation**

- In August 2006 City Council adopted a budget ordinance permitting CATS to enter into an agreement with UNCC to provide the shuttle service for one year.
- From August 2006 through March 2007, the UNCC shuttle service has provided over 155,000 rides. CATS is projecting over 180,000 rides before the end of the school term in May 2007.
- The free shuttle service on the UNCC campus is a distribution system for riders coming off other CATS services, and delivers riders to various areas of the UNCC campus.
- Operating funds and revenues will be appropriated in the FY08 budget ordinance.



- UNCC will reimburse the City for 100% of the net operating expense (including overhead) for shuttle bus services that would be open to the public.
- The estimated annual operating cost is \$550,000.

#### **Transportation Action Plan (TAP)**

- TAP Policy 1.3.3 CATS will continue expansion of countywide transit service to ensure competitive service and growth in transit ridership while maximizing commuter choice.
- TAP Policy 2.3.8 New CATS shuttle services in employment areas may require a financial contribution from business community stakeholders up to 100% of the marginal operating cost.

#### **Funding**

Transit Budget and UNCC reimbursement

## **23. FY05 Annexation, Caldwell/Withrow Areas Water and Sewer Improvements**

**Action:** Approve Change Order #1, in the amount of \$379,517, to RH Price contract for construction of required water and sewer services in newly annexed areas.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

#### **Explanation**

- Original contract, in the amount of \$3,459,069.44, was awarded by Council on July 24, 2006.
- Approximately 5,000 linear feet of 8-inch and 12-inch water main pipe and appurtenances have been added to the annexation project.
- Original design included construction of 1,100 linear feet of water main along Union School Road, intersecting with a future road with existing water main.
- The future road project was eliminated, thus altering the direction of the planned water main.
- The additional 5,000 linear feet are now necessary in order to meet the requirements for fire protection in this annexed area.

#### **Small Business Opportunity**

All additional work involved in this change order will be performed by the contractor and their existing subcontractors. RH Price committed 4.25% (\$16,130) of this change order to the following SBE firms: Brother Construction, Martin Landscaping Co., On Time Construction, Reliable Woodworks, and Union Paving Contractors. This change order complies with Section 10.3 of the SBO Program.

#### **Funding**

Water and Sewer Capital Investment Plan

## 24. Reedy & McKee Creek Sewer Basin, Professional Services Agreement

**Action:** Approve a contract with Woolpert Inc. for \$1,323,500, to provide final design services for the Reedy and McKee Creek Sewer Outfall in Mecklenburg County.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

### Explanation

- On March 26, 2001 City Council approved a professional services agreement with Woolpert Inc. for environmental permitting and design services for the sanitary sewer outfalls to serve the Reedy Creek and McKee Creek Basins located within eastern Mecklenburg County. The Environmental Assessment was approved by North Carolina Division of Environment and Natural Resources in November 2006 allowing for final design and easement acquisition to proceed.
- This contract provides for the completion of final design and preparation of final easement acquisition maps for the sewer outfalls in Mecklenburg County. It also provides for several portions of proposed sewer outfall route to be realigned due to recent construction of a large natural gas transmission pipeline in the selected alignment for the sewer line.

### Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 2.09%

Woolpert failed to meet the goal, and the necessary good faith effort points.

Pursuant to Section 14.6 of the SBO Program, a non-compliance waiver has been granted to the contractor. Woolpert committed \$25,000 to the following SBE firms: Richa Graphics, Meade Gunnell Engineering & Surveying, PC, and On Target Utility Locates.

### Funding

Sewer Capital Investment Plan

## 25. FY2007 Annual Financial Audit Contract

**Action:** Approve a contract with Cherry, Bekaert & Holland, LLP, Certified Public Accountants & Consultants, in the amount of \$145,000 to provide audit services for the fiscal year ending June 30, 2007.

**Staff Resource:** Teresa Smith, Finance

**Explanation**

- State law requires Council to select a certified public accounting firm to audit the accounting records and annual financial report and to evaluate internal controls at the end of each fiscal year.
- In FY2004, Council approved an audit contract with Cherry, Bekaert & Holland, LLP for four years. The amount paid in FY2006 was \$123,836.
- The FY2007 fee of \$145,000 reflects an increase over FY2006 due to contractual increases and changes in public accounting regulations which requires additional documentation and reviews performed by the auditors.
- Audit will be performed by the Charlotte office with local personnel.
- In FY2008 staff will conduct a request for proposal process to select a new audit firm.

**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**

General fund, Water and Sewer Operating, Airport Operating, Transit Operating, Storm Water Operating, Risk Management

## 26. **FY2007 Metropolitan Planning Program Grant Municipal Agreement**

**Action:** Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) in support of the planning activities identified in the FY2007 Unified Planning Work Program (UPWP) for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO).

**Staff Resource:** Phil Reiger, Transportation

**Explanation**

- This action authorizes the City to receive the \$366,480 grant programmed in the FY2007 budget designated for select regional transit planning activities.
- In the spring of 2006 City Council directed the vote of Councilmember Mumford to approve the Unified Planning Work Program (UPWP) for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO).
- In May of 2006 the MUMPO approved a \$407,200 budget for related activities of which \$366,480 (90%) is funded by a FTA and NCDOT grant. The remainder of the budget is funded locally by the General Fund.
- The Charlotte Department of Transportation staffs the MUMPO and administers the UPWP funding for the MPO. As a result, City Council appropriated this funding during the FY 2007 budget process.

- The City must use the funds to support transit-planning activities. In the past, the Charlotte Department of Transportation (CDOT) has primarily used these funds for travel demand related modeling activities, related to transit. Examples of previous activities are listed below:
  - Travel surveys – On-board transit surveys
  - Travel forecasting
  - Forecast of input data – Development of future year population, household, employment, and school enrollment
  - Regional Travel Demand Model Maintenance
  - Fund Special Studies as needed
- Transportation manages the day-to-day planning activities and expenditures associated with this grant.

### **Disadvantaged Business Enterprise**

Pursuant with Section 2.21 of the SBO Policy, any work associated with this agreement falls outside of the SBO Program scope because of the inclusion of federal and state funds.

### **Funding**

Federal and State Transportation Assistance Planning Grant

### **Attachment 28**

Resolution

## **27. Interlocal Agreement for Historic Landmarks Commission with Mecklenburg County and Town of Pineville**

- Action:**
- A. Approve Historic Landmarks Commission Interlocal Cooperation Agreement with Mecklenburg County and Town of Pineville for the Charlotte-Mecklenburg Historic Landmarks Commission to add Pineville to the municipalities served by the Commission, and approve framework for admitting new municipalities, and**
  - B. Authorize the City Manager to sign the Interlocal Agreement on behalf of the City.**

**Staff Resources:** Dr. Dan Morrill, Charlotte-Mecklenburg Historic Landmarks Commission  
Mike Rose, Town Administrator, Town of Pineville  
S. Mujeeb Shah-Khan, City Attorney's Office

### **Explanation**

- Over 30 years ago, the City of Charlotte and Mecklenburg County agreed to create the Charlotte-Mecklenburg Historic Landmarks Commission (HLC), a

joint preservation commission, which would handle the process of designating historic properties in the City or the unincorporated areas of the County.

- The HLC provides consulting services to other municipalities in the County and assists with designating landmarks in their communities. The HLC wishes to formalize those relationships and become a joint planning agency for historic preservation issues through a new Interlocal Agreement.
- The addition of new municipalities through the Interlocal Agreements will not result in changes to the method of funding of the HLC, or the selection of its members by the City and the County. The HLC will not gain additional members as other municipalities join.
- Under the current Interlocal Agreement with the County, the City does not fund the operations of the HLC. However, the City Council designates four members of the HLC, and the Mayor designates two members. The County Commission designates six members of the HLC.
- In order to formalize these relationships, the City, the County and Pineville, will need to enter into a new Historic Landmarks Commission Interlocal Cooperation Agreement which allows for the addition of additional municipalities, but only after the City Council and County Commission approve the addition of new municipalities to the joint preservation commission.
- The Town of Pineville is the first municipality that will join with the City and County in working as a joint preservation commission.

#### **Attachment 29**

Historic Landmarks Commission Interlocal Cooperation Agreement

## **28. Small Business Enterprise Loan Fund**

**Action:** Approve a request from the SBE Loan Fund Investors to change the SBE Loan Fund Geography from Charlotte Metropolitan Statistical Area to a fixed seven county area comprised of: Anson, Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan and Union.

**Staff Resource:** Gail Whitcomb, Economic Development Office

#### **Explanation**

- The SBE Loan Fund was approved by City Council in 2003.
- The Fund is a partnership between the City, Self Help Credit Union and eleven private corporations and foundations (the Fund Investors).
- The purpose of the Fund is to assist small businesses in the Charlotte region with gaining access to capital.
- The Fund was capitalized at \$9,940,000.
  - \$8 million from Self Help Credit Union
  - \$500,000 from the City
  - \$1,440,000 from the other Fund Investors
- Since inception of the Fund 61, loans have been made for a total of \$3,146,639.

- The Fund is administered by Self Help Credit Union.
- The Fund is overseen by an Operating Committee comprised of the Fund Investors.
- The Operating Committee includes one City staff member and one Council appointee.

**Request**

- The SBE Loan Fund Operating Committee has requested that the Loan Fund geography be fixed to include a seven county area comprised of: Anson, Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan and Union.
- The original Fund geography as approved by Council in 2003 was the Charlotte Metropolitan Statistical Area (MSA) then comprised of these same seven counties.
- In December 2005 the Census Bureau changed the Charlotte MSA deleting Rowan and Lincoln Counties.
- This request eliminates the fluctuation of the Fund's geography due to changes in the definition of the Charlotte MSA by the US Census Bureau.
- The seven county area was originally marketed to the Loan Fund Investors.
- The seven county area is aligned with the local market area of the Loan Fund Investors.
- The Loan Fund's primary focus continues to be businesses within Charlotte and Mecklenburg County.
- The fund investors include:
  - Bank of America
  - BB&T
  - City of Charlotte
  - First Charter
  - First Citizens Bank
  - Foundation For The Carolinas
  - John S. and James L. Knight Foundation
  - Piedmont Natural Gas
  - RBC Centura Bank
  - Self Help Credit Union
  - SouthTrust Bank
  - Time Warner Cable
  - Wachovia Corporation

**Attachment 30**

Letter from SBE Loan Fund Operating Committee

## 29. Release of Park Use Restriction for a Portion of Veterans Park

**Action:** Approve the release of Park Use Restriction and conveyance of 1.25 acres of Veterans Park land (Tax Parcel 129-021-02) to Morningside Village, LLC and authorize the City Manager to execute the necessary documents to affect this transaction.

**Staff Resource:** Tim O'Brien, Engineering & Property Management

### Explanation

- Mecklenburg County requested City Council's permission to release the "park use" deed restriction from 1.25 acres of Veterans Park in order for the County to perform a land exchange with Morningside Village, LLC, the neighboring developer to Veterans Park.
- Morningside Village is requesting the conveyance of a 25-foot-wide strip of park land along the eastern boundary of Veterans Park to accommodate a sidewalk and storm drainage system and a 10.5-foot-wide strip of park land along McClintock Road to accommodate on-street parking. The total value of the land requested is \$25,500.
- In exchange, Morningside Village will convey approximately 3.31 acres of SWIM (Surface Water Improvement Management) Buffer along Briar Creek tributary to Mecklenburg County having a value of \$30,800. The SWIM Buffer allows control of development along rivers and streams. In addition, the developer will invest at least \$300,000 to design and construct the greenway trail, to landscape this new linear park and to remove and re-vegetate the small parking lot located within Veterans Park along McClintock Road.

### Background

- In 1997, the Council deeded most of the City's park lands to Mecklenburg County with the provision that if the County wanted to use any of the transferred land for something other than park use, the County would need to obtain City Council's approval.
- On April 17, 2006, City Council approved the rezoning request for a mixed-use development known as Morningside Village located between McClintock Road and Central Avenue. This project will remove the existing structures and redevelop the area occupied by residences and apartments all owned by Morningside Village, LLC.
- In September 2006, the Planning Committee and the Joint Use Task Force recommended approval of this proposed land exchange.

### Attachment 31

Map of land exchange and proposed roadway realignment  
Letter from Mecklenburg County

## 30. Property Transactions

**Action:** Approve the following property acquisitions (A) and adopt the condemnation resolutions (B-D).

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

### Acquisitions

- A. Project:** Fred D. Alexander Boulevard - Section C, Parcel # 43  
**Owner(s):** Maxwell Development Company And Murphy Development Company  
**Property Address:** 412 Valley Dale Road  
**Property to be acquired:** 63,162 sq. ft. (1.450 ac.) in Fee Simple, plus 9,583 sq. ft. (.220 ac.) in Storm Drainage Easement, plus 1,742 sq. ft. (.040 ac.) in Slope Easement, plus 5,227 sq. ft. (.120 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$169,525  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-4  
**Use:** Rural Homesite  
**Tax Code:** 035-053-11  
**Total Parcel Tax Value:** \$222,400

### Condemnations

- B. Project:** Hubbard Road Sidewalk Project, Parcel # 14  
**Owner(s):** Mostapha Abraham And Hibo J. Hassen a/k/a Hibo J. Hussein a/k/a Kinzi Abdallah And Any Other Parties Of Interest  
**Property Address:** 3715 Hubbard Road  
**Property to be acquired:** Total Combined Area of 6,297 sq. ft. (.145 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$11,275  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. Parcel is to be condemned for clear Title.  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 043-192-87  
**Total Parcel Tax Value:** \$188,100



- C. Project:** West Water Main, Parcel # 17  
**Owner(s):** Syltom, LLC And Taluun, LLC And Any Other Parties Of Interest  
**Property Address:** 2246 Old Steele Creek Road  
**Property to be acquired:** Total Combined Area of 9,341 sq. ft. (.214 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,825  
**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-2  
**Use:** Industrial  
**Tax Code:** 117-103-05  
**Total Parcel Tax Value:** \$525,500
- D. Project:** West Water Main, Parcel # 18  
**Owner(s):** Syltom, LLC And Taluun, LLC And Any Other Parties Of Interest  
**Property Address:** Old Steele Creek Road  
**Property to be acquired:** Total Combined Area of 9,576 sq. ft. (.220 ac.) of Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,525  
**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-2  
**Use:** Vacant  
**Tax Code:** 117-103-07  
**Total Parcel Tax Value:** \$132,000

### 31. Meeting Minutes

- |   |  |
|---|--|
| <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>- March 23, 2007 Council Retreat</li> <li>- March 26, 2007 Business Meeting</li> <li>- April 2, 2007 Workshop</li> </ul> | <p><b>Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</b></p> |
|---|--|