

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, January 12, 2009

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

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30	32	Wilora Lake, Dogwood Place and Ivey Pond Rehabilitation Grant Applications

CITY COUNCIL AGENDA
Monday, January 12, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. City Council Retreat Committee Report

Resources: Edwin Peacock, City Council
Saskia Thompson, City Manager's Office

Time: 10 minutes

- The Retreat Committee (Mayor McCrory, Mayor Pro Tem Burgess and Council members Foxx, Lassiter and Peacock) will report on retreat agenda and format.

Attachment 1

Retreat Agenda

3. LYNX Blue Line Extension Alignment Recommendation for Sugarcreek and North Carolina Rail Road Alignments

Resources: Peter Zeiler, Economic Development
Danny Rogers, Transit
Debra Campbell, Planning

Time: 30 minutes

Synopsis

- In 2006 the City Council endorsed the 2030 Master Transit Plan which identified two potential light rail routes through the general area of the North Carolina Rail Road right of way, North Tryon Street, Sugarcreek Road and Old Concord Road.
- It is the role of the Metropolitan Transit Commission (MTC) to choose the preferred route. The MTC's preferred route is the rail alignment. If Council selects a different route, the City would have to cover the cost difference.
- In January 2008 City Council authorized preliminary engineering activity for the LYNX Blue Line Extension which included a cost benefit analysis of these two potential routes.

- In June 2008 City Council approved approximately \$18 million in capital funds to be used for either the construction of one alternative or other economic development activity in the area.
- A multi-departmental team of CATS, Economic Development, Planning, CDOT and others have completed their analysis and will present their recommendation.

Future Action

- On January 26, 2009 staff will seek endorsement of the recommendation and formal notification of the endorsement to the Metropolitan Transit Commission.

4. Blue Line Extension Preliminary Engineering Update

Resource: Danny Rogers, Transit

Time: 10 minutes

Synopsis

- The Lynx Blue Line ridership has far exceeded initial projections. In response, staff is increasing ridership projections on the North East Corridor Blue Line Extension. As a result, the preliminary engineering scope has been more accurately defined. Scope areas now further understood include the need for:
 - Additional grade separations
 - Expanded parking
 - Increased vehicle maintenance and vehicle storage capacity
 - Evaluation of South Corridor capacity increases

Future Action

There is no action needed at this time.

5. First Ward Park and Parking Deck Update

Resource: Tom Flynn, Economic Development

Time: 20 minutes

Synopsis

- City Council approved a framework for this project in July 2008.
- This framework included the following:
 - Economic development grant payments to fund the gap in financing for 1,335 parking spaces, 305 of which would be primarily used by UNC Charlotte's Uptown Campus
 - City/County grant payments equal to 45% of incremental taxes generated for 10 years
 - Maximum estimated grant payment equal to \$26.1 million
 - City provides funds for raising the elevation of Brevard and 8th Streets from sale proceeds from NASCAR Hall of Fame land parcels
 - County provides funds to design and build the park
 - UNC Charlotte contributes \$4.2 million
 - Levine Properties contributes \$11 million to cost of parking deck and owns and operates the parking deck, assuming all risk for construction cost over runs and operating cost losses

- A preference for keeping 8th Street open through the park
- Staff has been working on this project and has updated the Economic Development & Planning Committee on the progress. This presentation will provide an update to the full Council on the following issues:
 - Conceptual park design
 - Conceptual plan for putting 8th Street through the park
 - Cost estimates for raising the elevation of Brevard and 8th Streets to match the adjacent development
 - Proposed reimbursement agreement for raising of Brevard and 8th Streets

Future Action

No action is requested at this time. This was previously referred to Economic Development and Planning Committee. The Committee is expected to make a recommendation to the full Council at either their January 21 or February 18 Committee meeting.

6. Security Cameras on Business Corridors

Resources: Tom Flynn, Economic Development
Katrina Graue, Police

Time: 20 minutes

Synopsis

- As part of the Council Priorities for Economic Development – Business Corridor Redevelopment, Economic Development and Police have been examining the use of video cameras to combat crime on the business corridors.
- Staff surveyed other communities regarding their use of cameras. No direct cause and effect between cameras and crime reduction was indicated by these other cities because the cameras are mostly used as one part of an overall strategy to reduce crime.
- CMPD currently uses cameras, including CDOT and other's cameras, in their work. Additional cameras should be easy to move from one location to another as crime moves. These cameras would also need to be monitored.
- CMPD also regularly uses videos from private surveillance cameras to identify offenders. Some of these private surveillance cameras have been provided by the City's Security Grant Program, available to business corridor businesses.

Future Action

- Staff requests Council refer this issue to Committee for additional study and recommendation.

7. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

CONSENT

- 8. Consent agenda items 24 through 36 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

9. Public Hearing on a Resolution to Close a Residual Portion of Belle Terre Avenue

Action: **A. Conduct a public hearing to close a residual portion of Belle Terre Avenue, and**

B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Project Innovations/Belle Terre Village, LLC – Kevin Caldwell

Right-of-Way to be abandoned

A residual portion of Belle Terre Avenue

Location

Located within the Plaza Midwood Community beginning from Belle Terre Avenue turning south continuing approximately 27 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a future multi-family development consisting of 13 units

Notification

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

Adjoining property owners – None

Neighborhood/Business Associations

Belmont Community – No objection

Belmont Neighborhood Strategy Force – No objection

Belmont Tenant Organization – No objection

Christmas Everyday Outreach – No objection

Plaza Central Partners – No objection

Villa Heights Neighborhood Association – No objection

Plaza Midwood Neighborhood Association – No objection

Private Utility Companies – No objection

City Departments

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

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

Attachment 2

Map

Resolution

10. Public Hearing on a Resolution to Close a Portion of Main Street

Action: **A. Conduct a public hearing to close a portion of Main Street, and**

B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Stonehunt, LLC/ Anthony Hunt

Right-of-Way to be abandoned

A portion of Main Street

Location

Located within the Cherry Community beginning from Baxter Street continuing approximately 354 feet northwestwardly to its terminus at Avant Street

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of the proposed Grove at Cherry Townhome Project. Main Street will be realigned as part of this proposed development. This abandonment is related to rezoning petition #2007-128, which was approved by City Council on April 28, 2008.

Background

- On May 13, 2008 Stonehunt, LLC submitted a petition to abandon a portion of Main Street.

- City Staff circulated the abandonment petition to internal City departments, abutting owners, utility companies, and neighborhood associations within ½ mile radius for comments.
- City Staff received concerns from Karen Jensen, president of the Friends and Residents of Historic Cherry Community.
- A meeting was held on October 2, 2008 with the petitioner, Karen Jensen, and City Staff to discuss concerns presented.
- Staff's understanding is that the Friends and Residents of Historic Cherry Community's concerns are:
 - The ability of Luther Street to accommodate traffic volume following Main Street's proposed realignment.
 - Adverse effects on safety, aesthetics, value, historic character, and connectivity throughout the Cherry Community Neighborhood.
- Staff recommends that this abandonment be contingent upon dedication/recordation of the required right-of-way, construction and acceptance of the new Main Street right-of-way.
- Staff supports this abandonment with the realignment of Main Street. The proposed new Main Street will intersect with Luther Street and create a safer intersection for pedestrians and motorists.
- Abandonment will be void if the above conditions are not met within 18 months of City Council approval.
- A representative from Stonehunt, LLC will make a presentation to City Council at the public hearing.
- A representative from the Cherry community plans to speak at the public hearing.

Notification

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

Adjoining Property Owners - None

Neighborhood/Business Associations

Amherst Place Homeowner's Association & Neighborhood Association – No objection

Charlottetown terrace (CHA) – No objection

Cherry Community Association – No objection

Crescent Heights Neighborhood Association – No objection

Dilworth Community Development Program – No objection

Eastover Residents Association – No objection

Elizabeth Community Association – No objection

Friends and Residents of Historic Cherry – Objects

Kenilworth County – No objection

Myers Park Homeowners Association, Inc. – No objection

Private Utility Companies – No objection

City Departments

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

- Be contrary to the public interest
- 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

11. Public Hearing on a Resolution to Close a 10 Foot Alleyway off West Worthington Avenue

Action: **A. Conduct a public hearing to close a 10 foot alleyway off West Worthington Avenue, and**

B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

Charles Allen Gordon & Patricia Moore Gordon

Right-of-Way to be abandoned

A 10-foot alleyway running off of W. Worthington Avenue

Location

Located within the Wilmore Neighborhood and bounded by South Tryon Street, West Boulevard, Interstate I-77 and Remount Road, beginning from Worthington Avenue continuing approximately 65 feet southwestwardly to its terminus

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner in order to combine the two parcels into one large parcel for future development purposes

Notification

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

Adjoining Property Owners - None

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No objection

Brookhill Community Organization – No objection

Dilworth Community Development Association (DCDA) – No objection

Olmstead Park Homeowners Association – No objection
 Revolution Park Neighborhood Association – No objection
 Wilmore Neighborhood Association – No objection

Private Utility Companies – No objection

City Departments

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

- Be contrary to the public interest
- 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 4

Map
 Resolution

12. Public Hearing on a Resolution to Close an Unopened Street off Clark Boulevard

Action: **A. Conduct a public hearing to close an unopened street off Clark Boulevard, and**

 B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

Crescent Resources, Inc.

Right-of-Way to be abandoned

An unopened street running off of Clark Boulevard

Location

Located in the vicinity of the Bank of America (University City) Community and bounded by North Tryon Street, East W.T. Harris Boulevard, I-85 and City Boulevard, beginning from Clark Boulevard and continuing approximately 1,304 feet northwestwardly to its terminus

Reason

To incorporate the right-of-way into adjacent property own by the petitioner in affiliation with the proposed IKEA Project. This abandonment is related to

rezoning petition # 2008-059, which was approved by City Council on May 19, 2008.

Notification

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

Adjoining property owners

Arthur D. Jr. Lloyd – No objections

Neighborhood/Business Associations

Bank of America (University City) – No objections

Carolinas Medical Center - University – No objections

Derita/Statesville Road Community Organization – No objections

Forest Glenn Neighborhood – No objections

Hemby Woods NA – No objections

Newell Place Neighborhood Association – No objections

Newell Community Association – No objections

Northeast Coalition of Neighborhoods – No objections

Shady Hills Community Assoc. – No objections

Sugar Springs Subdivision Homeowner’s Association – No objections

University City Political Action Committee – No objections

University City YMCA – No objections

Private Utility Companies – No objection

City Departments

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

- Be contrary to the public interest
- 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 5

Map

Resolution

13. Public Hearing on a Resolution to Close Two Alleyways Bounded by North Alexander Street, East 36th Street, North Davidson Street and Mercury Street

- Action:**
- A. Conduct a public hearing to close two alleyways bounded by North Alexander Street, East 36th Street, North Davidson Street and Mercury Street, and
 - B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

North Davidson Acquisitions – Mr. Tyler K. Foster

Right-of-Way to be abandoned

Two alleyways bounded by N. Alexander Street, E. 36th Street, N. Davidson Street and Mercury Street

Location

Located within the Historic North Charlotte Neighborhood

Alleyway (1) – beginning from N. Alexander Street continuing approximately 489 feet northwestwardly to its terminus

Alleyway (2) – beginning from E. 36th Street continuing approximately 135 feet northeastwardly and turning northwestwardly continuing approximately 187 feet to its terminus at N. Davidson Street

Reason

To incorporate the right-of-way into property owned by the petitioner in affiliation with a proposed mixed use development called Mercury NoDa Phase I and II. This abandonment is related to rezoning petition #2008-004, which was approved by City Council on March 17, 2008.

Notification

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

Adjoining property owners

Mr. Paul McBroom - No objection

Mrs. Alexandria Manzanarez - No objection

Mrs. April A. Goode – No objection

Norfolk Southern Railroad – No objection

Neighborhood/Business Associations

Historic North Charlotte Neighborhood Association – No objection
 Ritch Avenue Homeowners Association – No objection
 Villa Heights Neighborhood Organization – No objection
 Craighead Community Outreach – No objection
 Tryon N. Business Corridor Coalition– No objection

Private Utility Companies – No objection

City Departments

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

- Be contrary to the public interest
- 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 6

Map
 Resolution

14. Public Hearing on a Resolution to Close a 10 Foot Alleyway off Dotger Avenue

Action: A. Conduct a public hearing to abandon a 10 foot alleyway off Dotger Avenue, and

B. Adopt a resolution to close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

One Randolph Place, LLC – Mr. Darrell Avery

Right-of-Way to be abandoned

A 10-foot alleyway running off of Dotger Avenue

Location

Located between Randolph Road and Vail Avenue and within the Crescent Height Neighborhood Association beginning from Dotger Avenue and continuing approximately 390 feet northwestwardly to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for future development of a proposed multifamily community

Background

- On May 5, 2008 One Randolph Place, LLC submitted a petition to abandon a 10 foot alleyway off Dotger Avenue.
- City staff circulated the abandonment petition to internal City departments, abutting owners, utility companies, and neighborhood associations within ½ mile radius for comments.
- City Staff received comments of concern from Mr. & Mrs. Huffman and Mrs. Gilbert, abutting owners to the alleyway.
- City staff requested the petitioner to schedule a meeting to address these concerns prior to proceeding with the abandonment process.
- A meeting was scheduled for November 5, 2008 by the petitioner to include City staff, Mr. & Mrs. Huffman and Mrs. Gilbert.
- On November 4, 2008, City staff was contacted by both abutting owners stating their concerns with meeting with the petitioner because of past real estate negotiations and requested a private meeting with City staff to discuss their concerns in detail.
- After meeting with the abutting owners on November 26, 2008, staff's understanding is that their concerns are:
 - Two years of harassment regarding sale of their property
 - Damage of private property in attempts to force sale of property
 - Losing alleyway access for current vehicular residential parking

Notification

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

Adjoining property owners

Dessie Gilbert – Objects

Gregory Chad Huffman - Objects

Neighborhood/Business Associations

Briar Creek-Commonwealth – No objection

Chantilly Neighborhood Association – No objection

Commonwealth Morningside Neighborhood Association – No objection

Commonwealth Park – No objection

Crescent Heights Neighborhood Association – No objection

Dwyer Solutions – No objection

Eastover Residents Association – No objection

Grier Heights Economic Foundation – No objection

Grier Heights Neighborhood Improvement Association – No objection

Myers Park Homeowners Association, Inc. – No objection

Sedgewood Circle/Meadowbrook – No objection

Sedgewood Lake Drive Homeowners Association – No objection

Wendover Hills Homeowners Association – No objection

Private Utility Companies – No objection

City Departments

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

- Be contrary to the public interest

- 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 7

Map

Resolution

POLICY

15. City Manager's Report

16. 2009 Annexation Ordinances and Resolution for Eastfield North and Eastfield South Annexation Qualifying Areas

Actions:

- A. Establish the effective date of June 30, 2009 for the annexations and adopt annexation ordinances for the Eastfield North and Eastfield South annexation qualifying areas,**
- B. Adopt an annexation budget ordinance, and**
- C. Adopt a resolution stating the intent of the City to pay economic loss to qualified solid waste collection firms.**

Staff Resources: Jonathan Wells, Planning
 Terrie Hagler-Gray, City Attorney's Office
 Bill Parks, Budget and Evaluation

Policy

- City Council's Policies for Considering Involuntary Annexation were adopted on June 23, 2003.
- The policies recognize annexation, to be taken on a regular two-year cycle, as a key tool in the orderly development and maintenance of the City.

Effective Date of Annexation

- State annexation statutes require Council to adopt an ordinance extending the corporate limits to include all, or such part, of the areas described in the notice of the public hearing and which Council has concluded should be annexed. The recommended date for the two annexation areas to become effective is June 30, 2009.

Budget Ordinance

- The annexation budget ordinance indicates the start-up costs and funding sources required in the current fiscal year. The ordinance is necessary to prepare for the extension of City services into the areas to be annexed effective June 30, 2009.
- Start-up expenses of \$668,508 are necessary to hire staff and purchase equipment in order to provide services on the first day of annexation on June 30, 2009.
- All of the start-up expenses will be appropriated from fund balance of the General Fund. The appropriation will not compromise the City's minimum fund balance requirement of 16%.
- In accordance with state annexation statutes, start-up expenses also include payment of \$46,529 in economic loss to volunteer fire departments and payment of \$339,641 in economic loss to private solid waste collection firms.
- Full year operating expenditures and revenues for these two annexation areas (combined with the five annexation areas approved by Council at

the November 24, 2008 meeting) will be included as part of the FY2010-FY2011 Operating Budget Plans. For a summary of these expenditures and revenues, see attachment.

- Funding to begin the installation of water and sewer lines in the annexation areas is already included in the FY2009-2013 Capital Investment Plan.
- No other capital investment is required for this annexation.

Economic Loss Resolution

- The resolution states the intent of the City to pay economic loss to qualified solid waste collection firms operating in the annexation areas in lieu of a contract. A sum equal to the economic loss has been determined under subsection (f) of G.S. 106-A49.3. The total amount of the economic loss payment is \$339,641.

Background

- Council adopted Resolutions of Consideration on June 11, 2007, creating 2009 annexation study areas.
- Staff determined areas within study areas that qualified for annexation in Spring 2008.
- Council was briefed on 2009 Annexation Qualifying Areas on July 21, 2008.
- Council approved Annexation Reports and Resolutions of Intent for six Annexation Qualifying Areas on July 28, 2008.
- A public informational meeting for owners of properties within the Annexation Qualifying Areas was held on September 18, 2008.
- Council directed staff to exclude a small portion of one (Eastfield) annexation qualifying area, effectively creating two geographically separate qualifying areas (Eastfield North and Eastfield South), whose Annexation Reports were approved by Council on October 27, 2008.
- Council opened annexation public hearing for the Eastfield annexation qualifying area on October 27, 2008.
- Council continued and concluded the hearing for the Eastfield annexation qualifying area (re-configured at Council request to the Eastfield North and Eastfield South annexation qualifying areas) at their December 8, 2008 meeting. Staff responses to issues raised on December 8 are attached.

Attachment 8

Economic Loss Resolution

Annexation Ordinances

Annexation Budget Ordinance

Summary of Revenues and Expenses

Response to Issues Raised at December 8 City Council Meeting

17. Federal Legislative Agenda for FY2010

Action: Approve the Government Affairs Committee recommendation to approve the Federal Legislative Agenda for FY2010.

Committee Chair: Patsy Kinsey

Staff Resource: Boyd Cauble, City Manager's Office

Explanation and Committee Action

- Council and the Government Affairs Committee (GAC) have discussed during briefings and meetings the federal legislative agenda process and potential Charlotte legislative priorities.
- On December 2, GAC asked that more information regarding the federal priorities be brought back to them for further review.
- On January 5, GAC reviewed and unanimously approved a listing of projects seeking federal appropriations approval during the FY2010 appropriations process (Kinsey, Dulin, Burgess, and Lassiter). Additionally, GAC approved a strategy for seeking funding for local "ready to go" projects in the event Congress approves an "economic stimulus" package to address the economic downturn.
- Congressional approval of FY2009 appropriations requests is scheduled to be included in a single omnibus bill to be considered by the new Congress shortly after President-elect Obama is sworn in.
- The City's Congressional Delegation requests that the City submit its FY2010 appropriation requests by late January. Staff assumes pending appropriations awards will be received and that FY2010 requests will include new projects and former projects which were not funded.

Proposed Federal Legislative Agenda

Appropriation "Earmarks" - These projects are targeted for designated funding during the annual budget appropriations process.

- | | |
|--|--------------|
| ▪ Charlotte Rapid Transit Extension – Northeast Corridor | \$30 million |
| - Transportation, HUD – New Starts | |
| ▪ Streetcar Study – Alignment & Alternatives | \$500,000 |
| - Transportation, HUD – New Starts | |
| ▪ Briar Creek Relief Sewer | \$4 million |
| - Energy & Water – Corps: General Construction | |
| ▪ Eastland Mall | \$750,000 |
| - Transportation, HUD – TCSP & EDI | |
| - Financial Services – Small Business Administration | |
| ▪ Gang of One | \$1 million |
| - Commerce, Justice, Science – Office of Juvenile Programs | |
| ▪ ALERT | \$500,000 |
| - Labor–HHS – Public Health Improvement | |
| - Homeland Security – Pre-disaster Mitigation | |

Surface Transportation Reauthorization Bill - The transportation funding bill is reauthorized every four years. The following projects have been approved by the Metropolitan Transit Commission (MTC) for inclusion into the FY2010 reauthorization legislation entitled Moving Ahead for Progress in the 21st Century (MAP21). The following dollar amounts are placeholder estimates. The estimates are higher than the adopted 2030 Transit Plan to account for potential inflation in the event projects are built later than originally

anticipated. Preliminary engineering must be completed before final dollar amounts can be calculated.

- Northeast Corridor LRT \$900 million to \$1.1 billion
- North Corridor Commuter Rail \$250 million to \$273 million
 - Railroad ROW \$22 million
 - Grade Crossing Improvements (Sealed Corridor) \$30 million
- Southeast Corridor
 - BRT/LRT \$582 million/\$1.1 billion
 - Independence ROW \$10 million
- Streetcar \$400 million
- West Corridor BRT \$400 million
- South Corridor LRT to Rock Hill
- Busses (5 years) \$90,060,601
- Davidson Bus Garage \$30 million
- Park and Ride Lots \$10 million
- Multi Modal Facilities \$20 million
 - Charlotte Gateway Station/
 - Charlotte Transportation Center, Phase II
- New Fareboxes/System: Bus \$10 million
- AVL Replacement for ADA Special Transportation \$3 million
- Rail Ops. Control Center Backup \$650,000
- Safety/Security Equipment Rail Simulator \$1.5 million

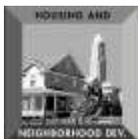
Proposed Economic Stimulus Package

- In anticipation of a federal economic stimulus package, the City has prepared an approximate \$400 million inventory of public projects that may meet the final guidelines anticipated to be completed by early February.
- The City will coordinate special stimulus funding with the Congressional Delegation and the D.C. Lobbyist, Holland & Knight.
- The final stimulus proposals will be presented to Council for approval once the program is better defined and the City has maximized its eligibility.

Next Step

- Present the City’s FY2010 Legislative Agenda to the Congressional Delegation prior to the deadline.

18. FY2009 Housing Trust Fund Allocation



Action: Approve the Housing and Neighborhood Development Committee’s recommendation to allocate \$10,923,465 in Housing Trust Funds to develop multi-family rental, special needs, special projects and homeownership housing.

Committee Chair: Susan Burgess

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- The FY2009 U. S. Department of Housing and Urban Development Annual Action Plan adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.

- The Plan reaffirmed the three basic goals of the City’s Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.
- On November 26, 2001, City Council established a Housing Trust Fund to provide financing for affordable housing in the Charlotte community.
- On April 8, 2002, City Council established the Housing Trust Fund Advisory Board. One of the Advisory Board’s charges is to recommend annual funding priorities for the Housing Trust Fund to City Council.

Explanation

- On December 10, 2008 the Housing and Neighborhood Development Committee approved the Housing Trust Fund Advisory Board’s allocation of \$10,923,465 for FY2009 City’s Housing Trust Fund. Below are the funding categories and allocations recommended by the HTF Advisory Board:

Category	Funds Allocated	% of Funds
Multi-Family (Rental) – New construction and rehabilitation (including acquisition and rehabilitation) of multi-family housing that serve households earning 60% or less of the area median income (AMI) with priority for households earning 24% or less of AMI.	\$6,000,000	55%
Special Needs Housing – Provision of housing to serve the disabled, homeless, elderly and HIV/AIDs populations earning 60% or less than the AMI.	\$3,300,000	30%
Special Projects – Allocation for special projects that do not fit into the typical HTF project funding guidelines and categories. Category will fund new construction and rehabilitation (including acquisition and rehabilitation) of multi-family housing that serves households earning 60% or less of the area median income (AMI) with priority for households earning 24% or less than AMI. City Council or City staff identifies eligible special projects.	\$1,060,000	10%
Homeownership – Ownership development in the City’s revitalization neighborhoods (Lincoln Heights, Thomasboro/Hoskins, Lakewood, Wingate, Washington Heights, Reid Park, Druid Hills and specially designated HUD revitalization areas (i.e. HOPE VI). Priority for households earning 60% or less and funds developments up to 80% of AMI as an incentive for creating a mix incomes in these targeted neighborhoods.	\$563,465	5%
Total	\$10,923,465	100%

- Overall, the Housing Trust Fund Advisory Board’s recommendation represents a balanced approach to meeting affordable housing needs, production goals, serving populations with the greatest need and leveraging City funds.
- The Housing Trust Fund Advisory Board explored an alternative funding scenario such as a deep subsidy concentrating on areas of greatest housing need. However, the City’s bond funds are for capital projects and cannot be used for rental subsidies.
- The \$10,923,465 allocation represents \$3,423,465 of uncommitted funds and \$7,500,000 from the 2008 Housing Bonds. The total FY2008 Housing

- bond allocation is \$10,000,000; however \$2,500,000 was approved by City Council as a set-aside for the Double Oaks Redevelopment project.
- The funding is projected to develop approximately 476 affordable units, of which approximately 242 will serve households earning 24% and below of the area median income.
 - Multi-Family (rental), Special Needs Housing and homeownership projects will be allocated through a competitive Request for Proposal (RFP) process. Special Needs Housing projects will be allocated through an open-ended RFP process and eligible Special Projects will be identified by City Council or City staff. Separate RFPs will be issued in January 2009 for each funding category.
 - The proposal package will be made available in January to assist developers in accessing Housing Trust funds and include the Loan/Grant Guidelines, the RFP document, and the Application for Funding.

Community Input

- In reaching its funding allocation recommendation, the Housing Trust Fund Advisory Board considered input from citizens that it received at a Public Forum that was sponsored by the Board on July 31, 2008. As a result of the citizen input the Housing Trust Fund Advisory Board is making the following adjustments to better serve the special needs population:
 - Issue the Special Needs RFP with a rolling application period with quarterly proposal deadlines. The rolling application period gives developers greater flexibility to leverage Housing Trust Funds with other funding source timetables.
 - Allow Housing Trust Fund commitments to be made prior to other project funding commitments. (Many funders are more likely to commit funds if they know the City has committed to the project.) The City will not issue the funds until all funding commitments have been finalized.

Committee Discussion

- The Housing and Neighborhood Development Committee discussed the FY2009 Housing Trust Fund allocation during their December 10, 2008 meeting. The Committee commented that the funding categories are in alignment with the City's affordable housing priorities and the Committee also suggested that the Housing Trust Fund explore possible equity sharing options with partners on future projects.
- The Committee approved the Housing Trust Fund Advisory Board's recommended allocation of \$10,923,465 for the FY2009 City's Housing Trust Fund. The Committee voted 4-0 (Burgess, Cooksey, Lassiter and Mitchell).

Funding

City Housing Bonds

Attachment 9

FY2009 HTF Allocation Analysis and Recommendation
 Housing Trust Fund Project Report
 Housing Trust Fund Advisory Board

19. Coca Cola Recycling Agreement



Action: Authorize the City Manager to execute a one year partnership agreement with Coca Cola Consolidated to implement within the City of Charlotte a Coca Cola sponsored recycling promotion program that is designed to increase residential recycling.

Staff Resources: Julie Burch, City Manager's Office
Gerry Gorbey, Solid Waste Services
Bob Hagemann, City Attorney's Office

Explanation

- On December 8, 2008 Council approved the Environment Committee's recommendation to authorize the City Manager to negotiate a one year written agreement with Coca Cola Consolidated (Coke) to implement its promotional recycling program entitled "Recycle and Win". Staff was asked to bring the agreement back to Council for approval on January 12, 2009.
- The program is designed to expand citizen participation in residential recycling.
- The targeted implementation date for the program is February 2, 2009.
- The program is time sensitive for Coke because Coke's budgeted funds for the program must be expended in the first quarter of 2009.
- Under the Coke program Charlotte and Mecklenburg County citizens have the opportunity to be rewarded for recycling "the right way".
- Coke and Keep Mecklenburg Beautiful will mail recycling education materials to all City and County households (approximately 200,000 City). Copies of the proposed educational materials are attached and reflect the input and approval of City Corporate Communications and Solid Waste Services.
- The citizen educational materials will include reasons to recycle, what can be recycled, how to recycle and instructions about how to win a \$50 prize.
- Also included in the instructional packet will be a sticker for citizens who choose to participate to place on their recycling bins. The program is voluntary; if a citizen chooses not to place a sticker on their bin, they are indicating they do not wish to participate.

The Agreement

- Staff and representatives of Coke have discussed possible legal, operational, and customer service challenges from implementing the program. The attached agreement addresses these issues and clearly defines each party's roles and protects the interests of the City.
- The City's role in this partnership is to:
 - Provide input and approval of educational materials used for the promotion to ensure consistency and accuracy with the City's existing programs and educational materials
 - Maintain normal collection schedules for recycling
 - Provide Coke with routing schedules to ensure that participating citizens have reasonably equal opportunity to win
 - Ensure 311 customer service representatives can respond to citizen calls and direct them to Coke representatives when appropriate. Attached are Frequently Asked Questions about the program developed by Coke and reviewed by City staff.
- Coke representatives will visit neighborhoods in the City and County on recycling collection days to look for recycling stickers that are affixed to recycle bins. Recycled Coke products are not required to be eligible to win.

- A minimum of ten residents per week, who are recycling correctly, will be selected to win a \$50 gift card to Harris Teeter. The total number of winners countywide will be 520 for the year, for a total of \$26,000 in incentives. Winners will be randomly selected and evenly distributed throughout the city and county. Approximately 350 winners will be Charlotte residents. Winning residents will be notified by mail and will redeem the notification for the gift card at Harris Teeter.
- Coke will provide regular updates on the number and locations of prize winners. City staff will provide monthly updates to Council on recycling tonnage changes and any operational cost increases attributed to the promotion. The February report should be available around March 15.
- The City or Coke will have the right to terminate this agreement at any time during the term of the agreement if the other party breaches any material term or condition of the agreement and fails to correct such breach within 14 calendar days after written notice of the breach is received by such party.
- Staff estimates the Coke program will increase the amount of recyclables collected by up to 5%. Staff will meet with Coke representatives in March to assess the impact of the program.
- Staff estimates that a 3% to 5% increase in recycling will increase collection costs between \$116,000 and \$195,000 for the period February – December 2009 in the three zones where City crews collect. If recycling increases in the West zone, there is no additional cost to the City because the private contractor, Inland, is required to absorb the cost.
- Costs of the program incurred in FY2009 can be funded by savings in Solid Waste Services current year budget that resulted from the hiring freeze.
- Any additional funds required for FY2010 will be included in Solid Waste Services FY2010 budget request.
- The adopted Environment Focus Area Plan includes a target to increase residential recycling through the implementation of single-stream recycling in 2010. Ideally additional promotion of recycling would be timed with the launch of single-stream recycling. However, the partnership with Coke is an opportunity to encourage citizens to recycle more, which is consistent with City environmental goals.

Funding

Solid Waste Services operating budget

Attachment 10

Formal agreement

Frequently Asked Questions

Proposed educational materials

BUSINESS

20. Sale of I-277 Surplus Parcel Contract Modifications

Action: Approve modifications to the contract for sale of surplus land at I-277 and South Caldwell Street.

Staff Resource: Jim Schumacher, City Manager's Office

Explanation

- Five parcels of surplus right-of-way will be deeded to the City by the North Carolina Department of Transportation upon completion of modifications to the South Caldwell Street interchange.
- On May 27, 2008 the City Council approved a contract with Greenwood Development Company to purchase parcel 1 (located at the southwest corner of Stonewall and Caldwell) for \$180 per square foot, or approximately \$28,270,000.
- The original contract provided for a due diligence period through January 9, 2009, at which time 50% of the purchaser's deposit would become non-refundable. Further, the purchase would be closed upon the City's acquisition of the property deed from the State, not later than December 31, 2009.
- Greenwood has made progress in the development of a plan for the property, but due to the current economic conditions, has not yet secured a hotel developer, an integral part of the development plan.
- Staff and Greenwood have negotiated changes to the purchase contract as follows:
 - The due diligence period would be extended from January 9 to March 31, 2009.
 - Beginning on March 31, 2009 and each month thereafter through June 30, 2009, the purchaser may elect to exercise further one month extensions of the due diligence period by paying the City a \$30,000 non-refundable extension fee. All fees would be applied to the purchase price at closing.
 - By July 31, 2009, \$750,000 of the deposit would become non-refundable or the purchaser may elect to terminate the contract.
 - By September 30, 2009 the remainder of the deposit would become non-refundable or the purchaser may elect to terminate the contract.
 - The sale would close by January 31, 2010.

Background

- In accordance with the Center City Transportation Plan, approved by the City Council in 2006, the City is modifying the I-277/Caldwell Street interchange. The modifications will result in surplus right-of-way.
- Upon completion of the modifications, the State will deed five parcels to the City.
- Sale of the parcels by the City will provide \$20 million towards the construction of the NASCAR Hall of Fame and recoup the costs of the modifications.
- The NASCAR development agreement provides for a loan of \$20 million from Bank of America and Wachovia for the Hall of Fame construction, with repayment from the sale of the surplus right-of-way. These changes will not affect the Hall of Fame construction.

21. Nominations to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2011.
- Jesse Hooks resigned.

Attachment 11

Applications

B. HOUSING APPEALS BOARD

- One appointment for an unexpired term beginning immediately and ending December 31, 2011
- Neiland Cohen resigned.

Attachment 12

Applications

C. HOUSING AUTHORITY

- One appointment for a resident of low income housing for an unexpired term beginning immediately and ending December 17, 2009.
- Montega Everett resigned.

Attachment 13

Applications

D. PLANNING COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2009, then continuing for the next full three year term ending June 30, 2012.
- Diane Carter resigned.

Attachment 14

Applications

E. PRIVATIZATION/COMPETITION ADVISORY

- Five appointments for two year terms beginning March 2, 2009 and ending March 1, 2011.
- Thomas Dorsey, Joel Ford and Lee Johnson are eligible and would like to be reappointed.
- David Morgan and Edward Pickett have completed their service and are not eligible for reappointment.

Attachment 15

Applications

F. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for a neighborhood organization leader for a three year term beginning February 1, 2009 and ending January 31, 2012.
 - Linda Newton completed her service and is not eligible for reappointment.
- One appointment for a suburban employer served by Charlotte Transit for a three year term beginning February 1, 2009 and ending January 31, 2012.
 - Eric Sanderson is eligible and would like to be reappointed.

Attachment 16

Applications

G. ZONING BOARD OF ADJUSTMENT

- Three appointments for three year terms beginning January 31, 2009 and ending January 30, 2012.
 - Jeffrey Davis is eligible and would like to be reappointed.
 - Steven Firestone and Chet Rabon do not want to be reappointed.

Attachment 17

Applications

22. Mayor and Council Topics

Council members may share information and raise topics for discussion.

23. Closed Session

- Action:**
- A. Adopt a motion to go into closed session pursuant to NCGS 143-318.11 (s)(3) to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege between the attorneys and the City Council, and**
 - B. Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations, and**
 - C. Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling the case of Frances Naomi Murray v. CMPD Officer Calvin Helms and the City of Charlotte.**

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. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

CONSENT I

24. Various Bids

A. Water Meter Concrete Box Bodies and Valves CMU

Staff Resource: Doug Bean, Utilities

Action

Award the lowest bid unit price contracts to the companies listed below for providing Water Meter Concrete Box Bodies and Valves in the estimated annual amount of \$154,195.66. These water meter bodies and valves are required for housing domestic water meters. The term of each contract will be one year with authorization for the City Manager to renew up to two additional one year terms. Contracts provide for possible price adjustments based on the Consumer Price Index.

Piedmont Pipe Supply, LLC for providing two types of water meter concrete box bodies to be ordered as needed

HD Supply Waterworks for 22 various types gate and tapping valves to be ordered as needed

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

25. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$9,343.29.

Staff Resource: Robert Campbell, Finance

Attachment 18

Resolution
List of property tax refunds

26. Resolution of Intent to Abandon Allen A. Brown Road

**Action: A. Adopt the resolution of intent to abandon Allen A. Brown Road, and
B. Set a public hearing for February 9, 2009.**

Staff Resource: Linda Poissant, Transportation

Attachment 19

Map
Resolution

27. Resolution of Intent to Abandon a Portion of Right-of-Way Abutting E. Independence Boulevard

**Action: A. Adopt the resolution of intent to abandon a residual portion of right-of-way abutting E. Independence Boulevard, and
B. Set a public hearing for February 9, 2009.**

Staff Resource: Linda Poissant, Transportation

Attachment 20

Map
Resolution

CONSENT II

28. Traffic Signal OptiCom Emitters and Receivers

- Action:**
- A. Approve the purchase of emergency fire responder equipment without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6),**
 - B. Approve a contract with Temple, Inc. for the purchase of OptiCom emitters, receivers and related parts in the estimated amount of \$440,000, in the first year and \$100,000 in each of the following two years, and**
 - C. Authorize the City Manager to extend the contract for two additional one year terms with possible price adjustments as authorized by the contract.**

Staff Resources: Liz Babson, Transportation
 Jim Zingale, Transit
 Rich Granger, Fire

Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary since the equipment must be interchangeable and compatible with the hydraulic rescue equipment used by other apparatus.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- The City received a Congestion, Mitigation and Air Quality (CMAQ) grant to develop a traffic signal priority (TSP) system. As part of the grant, CATS, CDOT and the Charlotte Fire Department will collaborate to provide signal priority for emergency fire vehicles and transit vehicles at intersections. The TSP system is funded at 100% and requires no local match.
- The TSP system uses OptiCom devices with existing software to give priority movement to emergency fire and transit vehicles. The City currently uses OptiCom at 50 intersections to provide fire trucks with a green signal indication that allows them to quickly and safely pass through congested intersections. The TSP system will expand that capability to transit vehicles. In the next few months, City staff will ask City Council to approve a contract to implement the TSP project, including a deployment schedule.
- CDOT has an immediate need to install \$10,000 worth of OptiCom devices at intersections near the Arboretum fire station, which recently opened.
- The CMAQ grant will fund approximately \$430,000 of OptiCom devices to equip more than 300 CATS buses and 20 intersections.

- Contract approval will lock in lower prices. The OptiCom manufacturer will have adequate lead time to supply enough devices to meet the schedule of the CMAQ project.
- Commitment to purchase equipment will be on an as needed basis with a sufficient supply of spares to be used in repair and maintenance. These parts include detector cables, clamps, optical detectors, and phase selectors.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Deferral Consequences

Placing the order now will ensure the following:

- Equipment can be installed to support the Arboretum fire station
- CMAQ schedule requires that funds be committed by March 2009
- Lower prices can be guaranteed by the supplier
- Adequate supply can be provided to meet the CMAQ schedule

Funding

CMAQ Grant administered by CATS and CDOT operating funds

29. North Carolina Safe Routes to School Program Infrastructure Grant Application for Sedgewild Elementary School

- Action:**
- A. Approve a resolution endorsing the submittal of a North Carolina Safe Routes to School Infrastructure Grant Application for Sedgewild Elementary School, and**
 - B. Adopt a budget ordinance appropriating \$300,000 of state grant funding.**

Staff Resource: Vivian Coleman, Transportation

Policy Transportation Action Plan

Safe Routes to School Program

- Safe Routes to School (SRTS) is a national program of the U.S. Federal Highway Administration. The North Carolina SRTS program is making \$3.5 million available for infrastructure projects to better enable children to walk and bicycle to school.
- Funds are available to implement projects and promote activities that will improve pedestrian safety, reduce traffic congestion, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and secondary schools. Five types of funding sources are available through NCDOT:
 - Demonstration Grants (schools have already been selected)
 - Action Plan Service Grants (schools have already been selected)
 - Non-Infrastructure Grant Reimbursement Program Grants
 - Infrastructure Grant Reimbursement Program Grant
 - NCDOT Highway Division Funds

2008 Infrastructure Grant Call for Proposals

- In 2005 CDOT received partial funding through NCDOT to hold the National Safe Routes to School course, which was held at Merry Oaks Elementary School and Sedgefield Elementary School.
- In 2007 CDOT applied for a Demonstration Grant for Sedgefield Elementary School, which included both infrastructure and non-infrastructure activities. Though the Demonstration Grant was not awarded, Sedgefield is eligible to apply for the Infrastructure Grant.
- City staff have met with the County's Safe Routes to School Coordinator and a committee representing various agencies to discuss candidate schools. Sedgefield Elementary and Barringer Elementary were chosen.
 - Sedgefield was chosen because the school staff continues to support the safe routes initiative and are eager to reapply for federal funds. CDOT concurs that this school is an appropriate candidate that will benefit from safety enhancements and an enhanced sidewalk network to encourage walking to school.
 - Barringer was selected because it provides an opportunity to connect the existing Irwin Creek Greenway path to an elementary school campus. The connection will allow more students to walk and bike to school.
- The City will be lead sponsor for the Sedgefield grant, while the County will be the lead sponsor for the Barringer grant.
- The purpose of the Infrastructure Grant Program is to develop a range of innovative, creative infrastructure projects that will enable and encourage school children to walk or bicycle to school safely.
- The Infrastructure Grants will be competitive. Awards for infrastructure projects will range from \$100,000 to \$300,000. All grants will be awarded on a cost-reimbursement basis. No local match is required. However, local government or agency participation in the form of a supplement to the award is permitted and encouraged for larger projects.

Transportation Action Plan Goals for Safe Routes to School

- Goal 3 of the City's Transportation Action Plan states that the City will collaborate with local and regional partners on land use, transportation and air quality to enhance environmental quality and promote long-term regional sustainability.
- Policy 3.1.7 states that City will coordinate with the Charlotte-Mecklenburg School system in an effort to locate more schools where students can walk or bicycle to school sites in an effort to reduce vehicle miles traveled, reduce energy consumption and create more livable neighborhoods.
- The TAP also identifies a program for Safe Routes to School to enhance infrastructure around schools. This program is not yet funded.
- Given that the City supports the Safe Routes to School initiative, City staff supports the application of an infrastructure grant for Sedgefield Elementary School. CDOT staff will partner with the County Safe Routes to School Coordinator and CMS staff to complete the grant application.

Funding

Reimbursable up to \$300,000. No local match required.

Attachment 21

Resolution
Budget Ordinance

30. Wilora Lake, Dogwood Place and Ivey Pond Rehabilitation Grant Applications

- Action:**
- A. Approve an application for grant funding from the North Carolina 319 Non-Point Source Pollution Grant Program (NC 319) for construction of the Wilora Lake pond rehabilitation project up to \$550,000,**
 - B. Approve an application for grant funding from NC 319 for the design of Dogwood Place pond rehabilitation project up to \$90,000,**
 - C. Approve an application for grant funding from NC 319 for construction of the Ivey pond rehabilitation project up to \$150,000, and**
 - D. Adopt a budget ordinance appropriating up to \$790,000 in grant funds to provide approximately 50% of the total estimated funding (\$1,580,000) required to complete construction and design for these projects.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Policy

Pond and Dam Rehabilitation Policy

Explanation

- The goals of the Pond and Dam Rehabilitation Program are to protect as many existing ponds as possible prior to removal by private development or failure, and to use these ponds as a highly cost effective tool to achieve water quality, flood control and public safety goals.
- The selected ponds drain to creeks that are identified as impaired by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into the creeks.
- Improved water quality in the creeks supports the City's objective to sustain the quality of the environment for future generations.
- Enhancing existing ponds on private property provides public benefits by:
 - Removing pollutants
 - Reducing stream bank erosion
 - Addressing public safety issues
 - Alleviating the burden on the storm water system
- Using existing ponds is much cheaper than obtaining property to build new ponds.
- If existing ponds fail, the City will realize greater impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.
- Grant funds further improve the cost effectiveness of these measures.

Wilora Lake, Dogwood Place and Ivey Pond Rehabilitation Projects

- Storm Water Services provides water quality, pond rehabilitation and watershed enhancement projects as part of the capital program.
- These projects are performed to enhance water quality in anticipation of future regulatory required watershed management plans.

- These projects are similar to other watershed enhancement projects constructed as part of the storm water capital program.
- Council previously approved Engineering services for Dogwood Place, and will be asked to approve construction services for Wilora Lake and Ivey Pond in 2009.
- Wilora Lake is located northeast of Eastland Mall at the end of Venedale Road near Sharon Amity Road and Central Avenue.
- Ivey's Pond is located a mile north of the Providence Road and I-485 intersection.
- Dogwood Place Pond is located behind Hickory Grove Baptist Church near the intersection of Hickory Grove Road and W.T. Harris Boulevard.

Grant Application

- The State's 319(h) NPS Pollution Grant Program partners with local municipalities to help fund these projects prior to them being mandated.
- Grant monies from NC 319, if awarded, will be used to design and construct rehabilitation projects that will reduce storm water pollution, improve habitat, help facilitate a stable stream system, and reduce flooding.

Budget Ordinance

- The budget ordinance appropriates \$790,000 in state funds to provide approximately 50% of the total estimated funding (\$1,580,000) required for design/construction of these projects.
- Matching funds are included in the Storm Water Services Capital Program.

Deferral Consequences

- The NC 319 grant funding application opportunity expires January 9. Staff has submitted an application; however, the application may be withdrawn.
- This action enhances the opportunity to leverage a future 319 construction grant for Dogwood Place since a design grant award greatly increases the likelihood of a construction grant award.

Funding

Storm Water Services Capital Investment Plan

Attachment 22

Budget Ordinance

31. Airport Flight Information Display Maintenance Contract

Action: Approve a contract with Signature Technologies, Inc., doing business (d/b/a) as ComNet, in the amount of \$118,800 for maintenance of the Airport's Flight Information Display System.

Staff Resource: Jerry Orr, Airport

Explanation

- In January 1996 Council approved a contract with ComNet Software Specialists, Inc. in the amount of \$805,937 to provide and install devices that display flight, baggage and gate information in the terminal building.

- In July 1998 Council approved a contract with ComNet Software Specialists, Inc. in the amount of \$471,982 to install additional information display devices for use by workers servicing airplanes.
- In September 2003 Council approved a three year contract with ComNet's successor, Signature Technologies, Inc. d/b/a ComNet, to provide proprietary parts and maintenance at a cost of \$270,000.
- In January 2007 Council approved a one year contract extension with Signature Technologies in the amount of \$114,360 for maintenance on 525 devices.
- In December 2007 Council approved a one year contract extension with Signature Technologies in the amount of \$114,420 for maintenance on 489 devices.
- This contract will provide the proprietary parts and maintenance service on 497 devices for a period of one year at a cost of \$118,800.
- This contract can be cancelled within 60 days notice without cause.
- The airport flight information display system and maintenance will be competitively bid in 2009.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix Section 23.2 of the SBO Policy). Signature Technologies, Inc. is the sole source provider for maintenance of this proprietary system.

Funding

Airport Operating Budget

32. Airport Environmental Compliance and Permitting Change Order

Action: Approve change order #1 with HDR Engineering in the amount of \$295,700 for the development of additional erosion control and storm water management plans for projects related to the Third Parallel Runway.

Staff Resource: Jerry Orr, Airport

Explanation

- In August 2004 the Airport selected a team of engineers to design the third parallel runway. The team included Talbert & Bright, HNTB, TY Lin International/HJ Ross, IMDC, and HDR Engineering.
- In April 2005 Council approved a contract with Talbert & Bright for the runway and taxiway grading and pavement design, which included erosion control plans for the project.
- In November 2007 Council approved a contract with HDR Engineering in the amount of \$497,000 for additional erosion control plans for the runway grading project and for the development of a storm water management plan as required by the 404 wetland permit issued by the North Carolina Department of Water Quality (NCDWQ) for projects related to the third parallel runway.
- The change order will provide funding for additional work needed, per NCDWQ, to obtain approval of the Airport's storm water management plan for projects including Taxiway V, Old Dowd Road and West Boulevard, that will amend the approved storm water management plan for the third parallel runway.

Disadvantaged Business Enterprise

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

This contract is funded with a combination of proceeds of the 2007 General Airport Revenue Bond issue, the debt service of which is paid from Passenger Facility Charge revenues, and future FAA grant proceeds.

33. Old Dowd Relocation Change Order

Action: Approve change order #2 with Scurry Construction, Inc. in the amount of \$323,241.01 for additional erosion control and paving items.

Staff Resource: Jerry Orr, Airport

Explanation

- In March 2008 City Council approved a contract with Scurry Construction, Inc. in the amount of \$3,376,681.47 for paving, drainage, and installation of water and sewer force mains for a new section of Old Dowd Road.
- In July 2008 Council approved change order #1 in the amount of \$293,240 for the extension of the water main to tie into an existing line on the east side of the road relocation project. Utilities funded that change order.
- This is a unit cost contract where the contractor bids a price per unit for items of work. The contract also includes an escalation clause per NCDOT specifications for liquid asphalt used during the job.
- Change order #2 will pay the contractor \$200,000 for escalated price of liquid asphalt; \$80,000 for additional units of pavement asphalt and \$43,000 for additional erosion control items required by the North Carolina Department of Natural Resources (NCDENR) as a result of unusual large rain events during the project.

Disadvantaged Business Opportunity

Scurry Construction committed to 6.5% DBE participation with the original contract. They maintain that commitment with the addition of this change order.

Funding

Funding for this change order comes from grant funds and proceeds from the 2007 General Airport Revenue Bond issue, the debt service of which is paid with Passenger Facility Charge revenues.

34. Release of Deed Restrictions for Mecklenburg County and Central Piedmont Community College

Action: Approve a release of deed restrictions on tax parcels 080-171-01 and 080-172-02:

- 1. Requiring that the properties be used for park and recreational purposes,**
- 2. Reserving utility easements, and**
- 3. Allowing the City to require the County to transfer the properties to a third party.**

Staff Resource: Robert Drayton, Engineering & Property Management

Explanation

- Central Piedmont Community College (CPCC) has initiated plans to construct a 1,000 space parking deck at the corner of 7th Street and Charlottetowne Avenue and plans to open the facility in August 2009.
- The deck will be shared by Mecklenburg County and CPCC.
- The primary use by CPCC will be for student parking and by Mecklenburg County for uses related to Memorial Stadium and the Grady Cole Center.
- The deck will include approximately 4,000 square feet of office and storage space shared by CPCC and Mecklenburg County.
- The following deed restrictions would be removed from tax parcel 080-172-02 (surface parking lot) and from a portion of tax parcel 080-171-01 (Memorial Stadium) to be occupied by the CPCC parking deck:
 - Property must be used for park and recreation purposes
 - Utility easements on PID 080-172-02
 - City may require County to convey Grady Cole/Memorial Stadium properties without compensation, upon 14 months prior written notice, to a third party or third parties for such purposes as set forth in the Elizabeth Small Area Plan adopted by the Charlotte City Council in November 1985 or the Central Piedmont Community College Master Plan adopted in 1988, or in the Center City Charlotte Urban Plan adopted in 1990.
- At their October 21, 2008 meeting, the Mecklenburg Board of County Commissioners requested that the Charlotte City Council approve removing deed restrictions.
- Planning and CDOT staff have reviewed this request and concur with the action.

Background

- The 1992 Park and Recreation Consolidation Agreement provided for the transfer of City park property to Mecklenburg County (County). The deeds stipulate that should the County cease to use any of the property for park purposes, upon request it will revert to City ownership, unless the City relinquishes the right.
- In 1997 the City deeded a number of City park properties to Mecklenburg County. The deed specifically references Grady Cole and Memorial Stadium properties.
- The deed transferring ownership of this property to the City of Charlotte in 1904 has a stipulation that if the property ceases to be used for park and recreation purposes, the property will revert to the heirs. The County and

CPCC hereby assume responsibility and liability for any possible claims and hold the City of Charlotte harmless.

Attachment 23

Map

35. Property Transactions

Action: Approve the following property acquisitions (A-E) and adopt the condemnation resolutions (F).

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

Acquisitions

- A. Project:** Muddy Creek Stream Restoration, Parcel # 23
Owner(s): Forest Ridge Apartments, LLC
Property Address: 6100 Wingedelm Court
Property to be acquired: 249,140 sq. ft. (5.719 ac.) in Conservation Easement, plus 18,208 sq. ft. (.418 ac.) in Access, plus 473 sq. ft. (.011 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$31,075
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-12
Use: Multi Family
Tax Code: 133-101-01
Total Parcel Tax Value: \$15,822,700
- B. Project:** Southwest Water Transmission Main - Phase C, Parcel # 13, 14 & 15
Owner(s): Patten Ventures, Inc.
Property Address: 11026 Steele Creek Road
Property to be acquired: 9,632 sq. ft. (.221 ac.) in Utility easement, plus 4,756 sq. ft. (.109 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 199-181-04 / 199-181-14 / 199-181-13
Total Parcel Tax Value: \$483,000
- C. Project:** Airport Master Plan Land Acquisition
Owner(s): North Carolina Department of Transportation
Property Address: * Garrison Road
Property to be acquired: .17 acres

Improvements: vacant land**Purchase Price:** \$3,900

Remarks: Property was valued by tax office at \$7,300 in 2003 which does not reflect the current market values. The purchase price was determined by NC DOT appraisals. The appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R3 Use: vacant land**Tax Value:** \$7,300**Tax Code:** 141-181-54

- D. Project:** Airport Master Plan Land Acquisition
Owner(s): North Carolina Department of Transportation
Property Address: 9829 Garrison Road
Property to be acquired: .33 acres
Improvements: vacant land
Purchase Price: \$7,500
Remarks: Property was valued by tax office at \$2,000 in 2003 which does not reflect the current market values. The purchase price was determined by NC DOT appraisals. The appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R3 Use: vacant land
Tax Value: \$2,000
Tax Code: 141-181-52
- E. Project:** Airport Master Plan Land Acquisition
Owner(s): North Carolina Department of Transportation
Property Address: * Garrison Road
Property to be acquired: 10.99 acres
Improvements: vacant land
Purchase Price: \$171,900
Remarks: Property was valued by tax office at \$111,300 in 2003 which does not reflect the current market values. The purchase price was determined by NC DOT appraisals. The appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: R3 Use: vacant land
Tax Value: \$111,300
Tax Code: 141-181-64

Condemnations

- F. Project:** Airport Master Plan Land Condemnation Settlement
Owner(s): Southern Spindle and Flyer Co. Inc.
Property Address: 3721 Harlee Avenue
Property to be acquired: 6.73 acres
Improvements: Warehouse
Amount deposited: \$1,191,000
Additional settlement amount: \$409,000
Remarks: Settlement amounts are determined by reviewing the opinions of the landowner's appraisers and evaluating the costs and risks of continuing with litigation where just compensation is contested.
Zoned: I2 Use: vacant land and warehouse
Tax Value: \$545,800
Tax Code: 115-151-16

36. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- November 10, 2008
 - November 17, 2008
 - November 24, 2008