

*Mayor Patrick L. McCrory*    *Mayor Pro Tem Susan Burgess*  
*Michael D. Barnes*        *Nancy Carter*  
*Warren Cooksey*         *Andy Dulin*  
*Anthony Foxx*             *Patsy Kinsey*  
*John W. Lassiter*        *James E. Mitchell, Jr.*  
*Edwin B. Peacock III*    *Warren Turner*

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## ***CITY COUNCIL ZONING AGENDA*** ***Monday, January 26, 2009***

**5:00PM – Council/Manager Dinner**  
**Room 267**

**6:00PM – Zoning Decisions**  
**Meeting Chamber**

### ***DINNER MEETING***

- ***Review of Agenda – Tammie Keplinger / Tom Drake***

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

# REZONING ACRONYMS

## Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

## Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

## Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

## DECISIONS

	<p>01. <b>Petition No. 2008-057 (decision) by Michelle Strause</b> for a change in zoning of approximately 0.30 acres located on the south side of East 36<sup>th</sup> Street between North Davidson Street and the Norfolk and Southern Railroad from B-1 to NS.</p> <p>This petition is found to be consistent with the <i>North Charlotte Plan</i> and the <i>Northeast LRT Transit Station Area Concept</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. A note has been added under "Zoning" that restaurant parking will meet the minimum parking requirements of one space per 150 square feet, but no more than a maximum of one parking space per 75 square feet.</li> <li>2. A note has been added that the maximum height of freestanding light poles will be 25'.</li> <li>3. The text on the site plan that states, "5' setback from centerline of alley" has been corrected to read: "10' rear yard from centerline of alley".</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 01</p>
	<p>02. <b>Petition No. 2008-117 (decision) by Medical Facilities of North Carolina, Inc.</b> for a change in zoning of approximately 9.05 acres located on the east side of Toddville Road between Paw Creek Road and Freedom Drive from R-3(LLWPA), R-9MF(CD)(LLWPA) and R-17MF(LLWPA) to INST(CD)(LLWPA).</p> <p>This petition is found to be consistent with the <i>Northwest District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The site plan clearly delineates the boundaries of the rezoning in a heavy dark line on the site plan.</li> <li>2. The site plan has been redrawn with the north part of the site at the top.</li> <li>3. A note was added to include a 24-foot buffer along those portions of the site's "northern boundary line that are adjacent to the adjoining religious institution.</li> <li>4. Notes # 3 and # 4 have been amended to reflect that only "required" sidewalks are permitted in the buffer and have eliminated the use of a berm to reduce buffer width.</li> <li>5. Notes #5 and #6 have been amended to indicate that parking, maneuvering and detention/water quality facilities may not be located within any buffer or setback.</li> <li>6. Staff has determined that right-of-way for the unnamed 60-foot street along the site's southern boundary already exists.</li> <li>7. A minimum five-foot sidewalk and eight-foot planting strip along all street frontages will be provided.</li> <li>8. A note has been added that the petitioner will submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/ or construction activities.</li> <li>9. A note has been added that the unnamed public street will be constructed to the office/commercial narrow street cross section.</li> <li>10. The site plan now reflects proposed zoning of Institutional CD.</li> <li>11. Elevations have been submitted.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 02</p>
	<p>03. <b>Petition No. 2008-128 (decision) by Sherpa Land Company, LLC</b> for a change in zoning of approximately 4.40 acres located on the west side of Statesville Road between Twin Lakes Parkway and Future I-485 from R-17MF, I-1 and NCDOT Right-of-way to be</p>

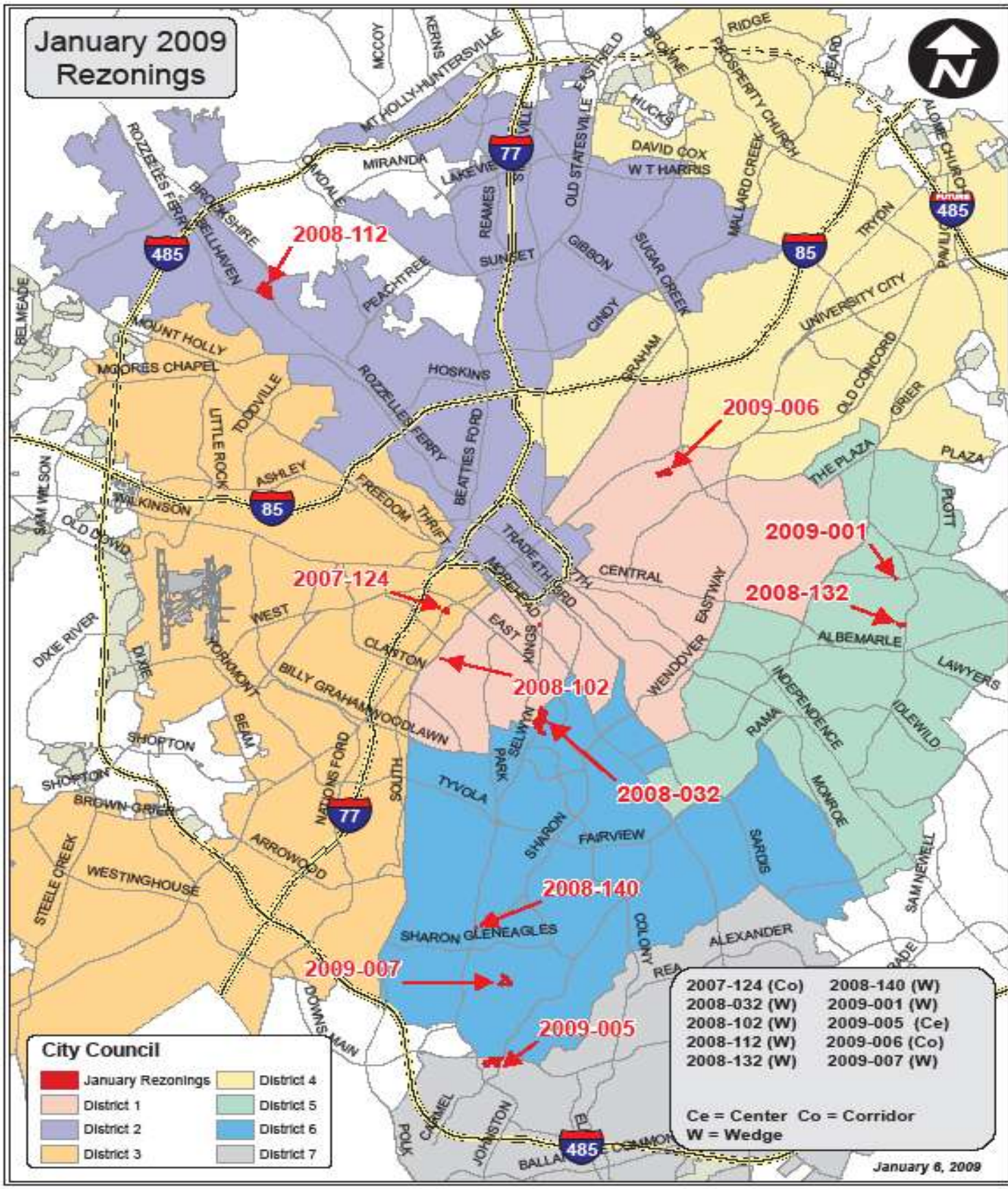
	<p>Abandoned to B-D(CD).</p> <p>This petition is found to be consistent with the <i>Northlake Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Setbacks along Interstate 485 and the new alignment of Statesville Road have been labeled.</li> <li>2. Dumpster location is shown.</li> <li>3. Total site area is reflected as 4.18 acres.</li> <li>4. The maximum square footage is listed as 90,000 square feet.</li> <li>5. The floor area ratio (F.A.R.) depicted on the plan is 0.37. Total building area will not exceed a F.A.R. of .50.</li> <li>6. A note has been added that the petitioner will submit a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction activities.</li> <li>7. Sidewalk widths have been labeled.</li> <li>8. All streets have been labeled.</li> </ol> <p>An access easement will be provided for the property to the west.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 03</p>
	<p>04. <b>Petition No. 2008-148 (decision) by The Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 3.49 acres located on the south side of Remount Road between South Boulevard and South Tryon Street from B-2 and I-1 to TOD-M.</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 04</p>
	<p>05. <b>Petition No. 2008-149 (decision) by The Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 0.59 acres located on the east side South Tryon Street between Remount Road and Basin Street from I-1 to TOD-M.</p> <p>This petition is found to be consistent with the <i>New Bern Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 05</p>
	<p>06. <b>Petition No. 2008-150 (decision) by Kennington Family, LLC</b> for a change in zoning of approximately 1.44 acres located on the northeast corner of Rodman Street and Sam Drenan Road from R-22MF to I-1.</p> <p>This petition is found to be <u>inconsistent</u> with the <i>Central District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 06</p>
	<p>07. <b>Petition No. 2008-151 (decision) by Steve Smoak</b> for a change in zoning of approximately 3.60 acres located on east side of South Tryon Street between East Palmer Street and East Catherine Street from MUDD-O to MUDD-O SPA.</p>

	<p>This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modification:</p> <ol style="list-style-type: none"> <li>Note 3 has been amended to state that the columns are in the setback and right-of-way and will remain.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 07</p>
	<p>08. <b>Petition No. 2008-152 (decision) by Friendship Missionary Baptist Church</b> for a change in zoning of approximately 1.13 acres located on the southwest corner of Beatties Ford Road and Fairdale Drive from O-2 to B-2(CD).</p> <p>This petition is found to be consistent with the <i>Northwest District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <ol style="list-style-type: none"> <li>A note has been added that the existing drive aisle will be removed.</li> <li>The width of sidewalk and planting strip along Beatties Ford Road has been labeled.</li> <li>A note has been added confirming that there is not a group home within 800 feet of the site.</li> <li>Note 4 under General Provisions has been amended to allow up to 30 women to be housed overnight.</li> <li>Note 1 under Access Points has been amended to specify only one access off Beatties Ford Road.</li> <li>A note has been added to the site plan that parking will be screened from abutting properties and from public streets.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 08</p>
	<p>09. <b>Petition No. 2008-153 (decision) by Sam’s Mart, LLC</b> for a change in zoning of approximately 2.09 acres located on the northeast corner of University City Boulevard and Sams Lane from B-1(CD) to B-2(CD).</p> <p>This petition is found to be consistent with the <i>Northeast District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>Site plan has been amended to correctly label <i>Class "B" Buffer with Berm</i> along the north property line.</li> <li>Existing building and parking on the west side of Sams Lane has been added to the site plan and parking meets the requirements of the ordinance.</li> <li>A long term parking lease will be provided for parking on the adjacent site that is actually on this site.</li> <li>Site plan has been amended to correctly identify side and rear yards, including required widths.</li> <li>Required sidewalks and planting strips along Sams Lane and University City Boulevard have been labeled on the site plan.</li> <li>Note has been added to site plan agreeing to provide a Solid Waste Management Plan prior to initiating land clearing, demolition and/or construction activities.</li> <li>Note has been added to site plan agreeing to CATS request for a waiting/bench pad.</li> </ol>

	<p>8. Maximum building height of 35-feet has been added to site plan.</p> <p>9. Lighting will be shielded with full cut-off fixtures.</p> <p>10. <b>An easement for sidewalks along Sam's Lane will be provided.</b></p> <p>11. Parking area between first driveway and convenience has been modified to address CDOT concern with respect to circulation.</p> <p>12. Proposed two-way drive aisle has been converted to one-way to address CDOT concern with respect to two-way drive aisles and angled parking.</p> <p>13. Note has been added agreeing to provision of an easement for sidewalk along Sams Lane in right-of-way, per CDOT's request.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 09</p>
<p><b>Deferral (one-month)</b></p>	<p>10. <b>Petition No. 2008-154 (decision) by Robert Nixon</b> for a change in zoning of approximately 0.19 acres located at the intersection of Pecan Avenue and Gordon Street from MUDD-O (PED) to MUDD-O (PED) SPA.</p> <p>The Zoning Committee voted 5 to 2 to recommend <b>DEFERRAL</b> of this petition to February 2, 2009.</p> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 10</p>
	<p>11. <b>Petition No. 2008-155 (decision) by JDR Communities</b> for a change in zoning of approximately 24.61 acres located on the east side of South Tryon Street between Yorkdale Drive and Thornfield Road from R-3 to R-17MF(CD).</p> <p>This petition is found to be <u>inconsistent</u> with the <i>General Development Policies</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 4 to 3 to recommend <b>DENIAL</b> of this petition. The applicant submitted the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner agreed to provide a solid waste plan as described in a document entitled <i>Solid Waste Management Plan Guidance</i> dated 10/22/08.</li> <li>2. The site plan includes a note describing proposed materials for fencing along South Tryon and around the remainder of the site.</li> <li>3. A note has been added regarding design elements and building materials for building elevations.</li> <li>4. Notes have been added as requested by LUESA in relation to the existing water supply wells and septic tanks.</li> <li>5. A note has been added indicating that the petitioner will work with CATS on the location of a waiting pad along South Tryon Street.</li> <li>6. Tree save areas have been identified and calculated.</li> <li>7. The narrow strip of land extending to the southeast and abutting single family residential lots has been removed from the rezoning petition, resulting in a decrease in the project total acreage from approximately 24.98 acres to approximately 24.607 acres.</li> <li>8. Add a note to the site plan stating that in the event the engineering analysis is unable to find a reasonable solution for a vehicular connection to the existing stub street then a gated pedestrian access point will be provided.</li> </ol> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 11</p>
	<p>12. <b>Petition No. 2008-157 (decision) by Michael Berglass, DDS</b> for a change in zoning of approximately 0.44 acres located on the south side of Central Avenue between Crystal Road and Cyrus Drive from R-22MF to NS.</p>

	<p>This petition is found to be <u>inconsistent</u> with the <i>Briar Creek/Woodland and Merry Oaks Small Area Plan</i> but to be reasonable and in the public interest, by a 5 to 2 vote of the Zoning Committee. The Committee voted 4 to 3 to recommend <b>DENIAL</b> of this petition. The following modifications have been made to the petition:</p> <ol style="list-style-type: none"> <li>1. The proposed district has been amended to UR-C (CD).</li> <li>2. A rendering of the proposed detached sign has been added.</li> <li>3. The back of curb on Central Avenue has been labeled.</li> <li>4. A Class C buffer is shown at the rear of the property.</li> <li>5. The location of the solid waste and recycling facilities are shown on the site.</li> </ol> <p>Staff agrees with the recommendation of the majority of the Zoning Committee.</p> <p>Attachment 12</p>
<p><b>Deferral (one-month)</b></p> <p><b>Protest (sufficient)</b></p>	<p>13. <b>Petition No. 2008-158 (decision) by Greater Galilee Baptist Church</b> for a change in zoning of approximately 0.15 acres located on the northwest corner of South Mint Street and West Park Avenue from R-5 to UR-C.</p> <p>The Zoning Committee recommended deferral of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 13</p>
	<p>14. <b>Petition No. 2009-002 (decision) by Bellsouth Telecommunications, Inc.</b> for a change in zoning of approximately 4.80 acres located on the south side of Erwin Road between South Tryon Street and Moss Road from R-3 to I-1(CD).</p> <p>This petition is found to be <u>inconsistent</u> with the <i>Southwest District Plan</i> but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Variances from the Zoning Board of Adjustments have been secured to allow reduced buffers in areas where the driveway will be located and where existing detention exists.</li> <li>2. It has been noted that the 35-foot setback along Erwin Road will be planted to Class "A" buffer standards.</li> <li>3. The proposed square footage has been corrected to a maximum of 20,000 square feet, which includes 1,700 square feet for future additions.</li> <li>4. A note has been added indicating a Solid Waste Management Plan will be submitted to Mecklenburg County Solid Waste prior to initiating any demolition and/or construction activities.</li> </ol> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 14</p>

# January 2009 Rezoning



**City Council**

<span style="color: red;">█</span> January Rezoning	<span style="background-color: yellow;">█</span> District 4
<span style="background-color: lightorange;">█</span> District 1	<span style="background-color: lightgreen;">█</span> District 5
<span style="background-color: purple;">█</span> District 2	<span style="background-color: blue;">█</span> District 6
<span style="background-color: yellow;">█</span> District 3	<span style="background-color: grey;">█</span> District 7

2007-124 (Co)	2008-140 (W)
2008-032 (W)	2009-001 (W)
2008-102 (W)	2009-005 (Ce)
2008-112 (W)	2009-006 (Co)
2008-132 (W)	2009-007 (W)

Ce = Center Co = Corridor  
W = Wedge

January 6, 2009



## HEARINGS

<p><b>Deferral (one-month)</b></p> <p><b>Protests (sufficient)</b></p>	<p>15. <b>Petition No. 2008-032 (hearing) Myers Park Homeowners Association</b> for a change in zoning of approximately 40.09 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue from R-22MF to R-8MF.</p> <p>Petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 08</p>
<p><b>Deferral (indefinite)</b></p> <p><b>Protest (sufficient)</b></p>	<p>16. <b>Petition No. 2008-102 (hearing) by The Drakeford Company</b> for a change in zoning of approximately 0.82 acres located on the north side of Marsh Road between South Boulevard and Melbourne Court from R-4 to UR-2(CD).</p> <p>Petitioner is requesting an indefinite deferral of this petition</p> <p>Staff does not recommend approval of this petition.</p> <p>Attachment 09</p>
<p><b>Deferral (one-month)</b></p>	<p>17. <b>Petition No. 2008-112 (hearing) by Westlake Holdings, LLC</b> for a change in zoning of approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road from R-3(LWPA) and B-1SCD(LWPA) to B-1(CD)(LWPA).</p> <p>Petitioner is requesting a one-month deferral of this petition</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 17</p>
	<p>18. <b>Petition No. 2008-132 (hearing) by VSL Construction, Inc.</b> for a change in zoning of approximately 4.50 acres located on the west side of East W.T. Harris Boulevard between Wallace Avenue and Delta Crossing Lane from R-12MF(CD) to R-12MF(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 18</p>
<p><b>Hearing Continued *</b></p> <p><b>Continuance (indefinite)</b></p> <p><b>Protest (sufficient)</b></p>	<p>19. <b>Petition No. 2008-140 (hearing) by David Thompson</b> for a change in zoning of approximately 1.00 acres located on the east side of Park Road between Sharon Road and Wolfe Ridge Road from R-3 to UR-3(CD).</p> <p>* The public hearing for this petition was opened in December 2008 and continued to January 26, 2009.</p> <p>Petitioner is requesting an indefinite continuation of this petition since his agent is recovering from surgery.</p> <p>Staff does not recommend approval of this petition in its current form.</p> <p>Attachment 19</p>
	<p>20. <b>Petition No. 2009-001 (hearing) by Janice White</b> for a change in zoning of</p>

	<p>approximately 0.45 acres located on the southwest corner of Hickory Grove Road and Lawrence Orr Road from R-3 to INST(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 20</p>
	<p>21. <b>Petition No. 2009-005 (hearing) by Regency Centers, Inc.</b> for a change in zoning of approximately 21.75 acres located on the southwest corner of Carmel Road and Pineville-Matthews Road from B-1SCD to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 21</p>
	<p>22. <b>Petition No. 2009-006 (hearing) by NoDa Tidewater Development, LLC</b> for a change in zoning of approximately 13.57 acres located on the southwest corner of East Craighead Road and Philemon Avenue from I-1 and I-2(CD) to UR-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 22</p>
	<p>23. <b>Petition No. 2009-007 (hearing) by Heydon Hall, LLC</b> for a change in zoning of approximately 14.07 acres located near the southwest corner of Quail Hollow Country Club and east of Heydon Hall Circle from R-3 and MX-1 to MX-1 and MX-1SPA.</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 23</p>
	<p>24. <b>Petition No. 2007-124 (hearing) by The Charlotte-Mecklenburg Planning Commission</b> for a change in zoning of approximately 4.59 acres located on the northeast corner of South Tryon Street and West Tremont Avenue from I-2 and MUDD-O to TOD-M(CD).</p> <p>Staff recommends approval of this petition upon resolution of outstanding issues.</p> <p>Attachment 24</p>
	<p>25. <b>Petition No. 2009-010 (hearing) by The Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to allow the Zoning Board of Adjustment to hear variances to the standards for bed and breakfast establishments and to clear up inconsistencies in the regulations.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 25</p>
	<p>26. <b>Petition No. 2009-011 (hearing) by The Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify the screening and streetscape requirements of PED, as well as modify the applicability section requirements.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 26</p>
	<p>27. <b>Petition No. 2009-012 (hearing) by The Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning</p>

	<p>Ordinance to modify certain regulations in TOD to protect the character of adjacent single family neighborhoods, particularly where TOD is across the street from, or on the same side of the street as single family development and to make minor revisions such as clarifying text, etc.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 27</p>
	<p>28. <b>Petition No. 2009-013 (hearing) by The Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify certain regulations in TS to protect the character of adjacent single family neighborhoods, particularly where TS is across the street from, or on the same side of the street as single family development and to make minor revisions such as clarifying text, etc.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 28</p>

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

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**CITY COUNCIL MEETING**  
**Monday, January 26, 2009**

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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.

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24	31	Grant Applications for Wilora Lake and Ivey Pond Rehabilitation and CMS-SouthPark Watershed Enhancement Projects
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**CITY COUNCIL AGENDA  
Monday, January 26, 2009**

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<b>4.</b> Consent agenda items 12 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.	1	
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## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Mayor and Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

### **2. Zoning Agenda Review**

**Resources:** Tammie Keplinger, Planning  
Tom Drake, Planning

**Time:** 40 minutes

### **3. Answers to Mayor and Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

## **6:00 P.M. ZONING MEETING CHAMBER**

See January 26 Zoning Agenda

## **CITIZENS' FORUM**

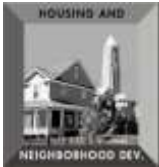
### **4. CONSENT**

**Consent agenda items 12 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

### 5. Public Hearing on State of North Carolina Neighborhood Stabilization Program Application



**Action: A. Conduct a public hearing to receive comments regarding the submission of an application for a Neighborhood Stabilization Program (NSP) grant from the State of North Carolina Department of Commerce, and**

**B. Re-authorize submission of a State Application for Neighborhood Stabilization Program Funding of \$5,250,000.**

#### Staff Resources:

Stanley Watkins, Neighborhood Development  
Richard Woodcock, Neighborhood Development

#### Policy

- The City's Mixed Housing Development Policy was adopted by City Council on September 24, 2003.
- The City's FY2009 Consolidated Plan was approved by City Council on June 23, 2008. The Plan identified the need for affordable, safe and decent housing for low and moderate income families. The Plan reaffirmed the three **basic goals of the City's Housing Policy**:
  - Preserve the existing housing stock
  - Expand the supply of affordable housing
  - Support family self-sufficiency initiatives

#### Explanation

- On November 24, 2008 City Council approved the submission of grant applications for the Neighborhood Stabilization program (NSP) to both the U.S. Department of Housing and Urban Development (HUD) and the State of North Carolina.
  - The City was awarded \$5,431,777 in federal NSP funds in January 2009.
  - The State of North Carolina is currently administering a competitive process to distribute the \$52.3 million received from HUD.
  - The City will apply for \$5,250,000 of the **state's NSP funds. However, funding from this program is not guaranteed.**
  - The City must submit its state NSP application by February 3, 2009 and the state requires localities to conduct a public hearing.
  - Receipt of the **state's NSP funds will compliment the** federal NSP funds and allow the City to take on additional foreclosure initiatives.
  - The overall impact of both the federal and state NSP funds will enable the City to assist 169 potential buyers. This includes 110 with federal NSP funds (leveraged with Self-Help funds) and 59 with proposed State NSP funds.
  - The City will engage in two program initiatives with the NSP. One program will be aimed at the area of greatest need geography through a down payment and rehabilitation program and the other will target specific neighborhoods in the area of greatest need.
- A. Down Payment Assistance / Rehabilitation Program. (\$408,000)
- The City currently administers a down payment assistance program (House Charlotte) using local and federal funding sources. Last year, the City

assisted over 500 families in becoming homeowners. A similar, but modified program for NSP funds would be limited to the area of greatest need.

- Up to \$10,000 would be provided for down payment assistance and up to \$10,000 would be available for code related repairs and minor rehabilitation. Experience with the Peachtree Hills foreclosure initiative has shown that many foreclosed properties will not be marketable without some repair. This program would be primarily driven by the private real estate market similar to the current House Charlotte program.
- The City is projecting that 20 buyers will receive down payment/rehabilitation assistance using state NSP funds. All recipients of down payment assistance will be required to complete a homebuyer education course provided by a HUD-certified housing counseling agency.

B. Neighborhood Revitalization Areas (\$4,842,000)

- The City has identified 11 neighborhoods as possible candidates for comprehensive neighborhood revitalization activities. These neighborhoods include concentrations of foreclosed housing. The neighborhoods under consideration are:
 

- Barrington	- Reid Park
- Druid Hills	- Thomasboro/Hoskins
- Grier Heights	- Washington Heights
- Lakewood	- Windy Ridge/Todd Park
- Lincoln Heights	- Wingate
- Peachtree Hills/Grass Meadows	

Activities

- Anticipated activities in Revitalization Neighborhoods include property acquisition, demolition, housing rehabilitation, new construction, neighborhood infrastructure investments and down payment assistance. These activities may be performed by the City directly or by non-profits under contract with the City.
- Several non-profit partners have performed well in similar programs and are well suited to implement the NSP along with associated federal requirements. Non-profits include, but are not limited to, the Charlotte-Mecklenburg Housing Partnership; Self Help Credit Union, Habitat for Humanity and the Charlotte Housing Authority. Resources will be leveraged from these organizations to undertake the redevelopment initiative. Up to 39 units will be acquired and rehabilitated in Neighborhood Revitalization areas.
- In addition to the physical development, the City will also establish neighborhood preservation goals and neighborhood preservation teams. Other services to be provided to these neighborhoods include: community safety, code enforcement, foreclosure prevention/financial literacy counseling, neighborhood capacity building, employment and youth services.
- A detailed program budget is attached.
- In July 2008 the U.S. Congress appropriated \$3.92 billion for the Neighborhood Stabilization Program (NSP) for state and local jurisdictions across the country.

**Funding**

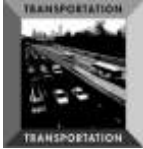
Federal Neighborhood Stabilization Program (NSP) Funds

**Attachment 1**

Map of Area of Greatest Need  
State NSP Application

Detailed State Program Budget

## 6. Citizen Comment on Arrowood Transit Station Area Plan



**Action: Receive citizen comments on the Arrowood Transit Station Area Plan, Concept Plan and Implementation Plan.**

**Committee Chair:** Anthony Foxx

**Staff Resource:** Alberto Gonzalez, Planning

### Explanation

- An interdepartmental team led by Planning Department staff has been working with residents and stakeholders to develop a plan for about 716 acres surrounding the Arrowood Transit Station.
- This is the fifth in a series of plans for station areas along the LYNX Blue Line south of South End to I-485.
- This plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two public meetings were held: September 18 with 72 attending; October 16 with 39 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to Draft Document. Revisions address concerns about potential street connections expected through redevelopment into existing neighborhoods.

### Plan Recommendations

- Land Use: Divided into three distinct geographies consistent with the Centers, Corridors, and Wedges Growth Framework.
  - Transit Station Area:
    - Promote mix of transit supportive land uses in Transit Station Area, generally within 1/2 mile of the station
    - Ensure that new development adjacent to the neighborhoods provides good transition
  - General Corridor Area:
    - Maintain locations for office, commercial, light industrial and warehouse uses in vicinity of England Street and Sweden Road
    - Support moderate density residential uses off of Arrowood Road and Kings Ridge Drive, under specific criteria
  - Wedge Neighborhood Area:
    - Maintain single-family portion of the Starmount and Starmount Forest neighborhoods consistent with existing land use and zoning
    - Maintain moderate density residential uses along the western edge bordering the station area under specific criteria
- Transportation & Streetscape Design:
  - Maintain and enhance the transportation network to increase safety and connectivity for all users
  - Consider a pedestrian bridge over the freight rail line to connect the station and neighborhoods to the east
  - Provide future cross sections for streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development and

other urban zoning districts, based on the City's *Urban Street Design Guidelines*

- Infrastructure and Environment:
  - Make street trees a feature of all streets, and reduce impervious surfaces.
  - Design buildings to reduce stormwater runoff and improve water quality

**Charlotte-Mecklenburg Planning Commission (Planning Committee)**

- The Planning Committee received public comments at their November 18 meeting. A speaker expressed concern about proposed street connections into the single family neighborhood. Staff presented a revised network design with a more circuitous alternative, and additional language emphasizing that the proposed roads would be built only in the event the property redevelops with new uses.
- At their December 16 meeting, Planning Committee voted 5-0 to recommend adoption of the plan with the proposed revisions provided.

**Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their November 10 meeting. At their January 12 meeting, the Committee discussed a variety of issues including the conversion of industrially zoned properties to transit oriented development. The Committee also made some general comments on other Plan recommendations such as the burying of utility lines, assistance to property owners of contaminated sites, and the recommended pedestrian bridge over the Norfolk Southern Railroad and South Boulevard. The Committee voted unanimously (Foxy, Turner, Barnes, Burgess, Carter) to forward the plan to Council for public comment.
- The plan will be reviewed again by the Transportation Committee after the public comment, with subsequent decision by the City Council tentatively scheduled for February 23.

**Attachment 2**

Arrowood Transit Station Area Plan  
Proposed Revisions to Draft Document

## POLICY

### 7. City Manager's Report

### 8. Pledge to Improve the Environment



- Action:**
- A. Approve the Environment Committee recommendation to adopt a citizens pledge to improve the environment as part of the City's external communications strategy for the environment, and**
  - B. Adopt a budget ordinance appropriating \$1,042 from Council Discretionary Fund to fund the printing of 10,000 citizen pledge wallet cards for distribution as part of the environment communications strategy.**

**Committee Chair:** Edwin Peacock

**Staff Resources:** Julie Burch, City Manager's Office  
Kim McMillan, Corporate Communications

#### Explanation

- During last year's Chamber Inner-City visit to Chicago, several Council members learned about Chicago's Take Five for the environment initiative, a communications effort designed to make citizens aware and involved in doing simple things to help the environment.
- On September 8, 2008 Council referred the idea of a Charlotte pledge to the environment to the Environment Committee.
- In several meetings, the Committee reviewed information from the City Manager's and Corporate Communications staff about the concept of a Charlotte citizen pledge, including purpose, context, content, design, distribution and resource impact.
- Earlier in 2008 Corporate Communications staff developed an external communications strategy and plan for the environment. A citizen pledge for the environment would be one tool for informing and educating the community about the Council's focus on the environment and what individuals can do to contribute to improve the environment.

#### Citizen Pledge and Pledge Card

- Charlotte's pledge to improve the environment is an effort designed to build buy-in among citizens by informing them of small steps they can take that will help the local environment.
- The pledge asks citizens to commit to specific actions, such as recycling and using public transportation, that have positive effects on the environment.
- The pledge communications strategy consists of several parts:
  - A utility bill insert (attached), sent in April to coincide with Earth Day, will reach approximately 240,000 households
  - An environment page on the City website containing a space to take the pledge, the ability to sign up and receive quarterly e-newsletters, and information on City environmental efforts
  - A wallet size pledge card (attached) for use by Council and staff to distribute to citizens

- With input from the Committee, staff developed pledge content that is consistent with environmental messages communicated by other KBUs and is usable as a foundation for the larger external communications strategy.
- Costs associated with designing, printing and disseminating the utility bill insert, designing and building the webpage and designing the wallet card can be **absorbed within Corporate Communications' current budget.**
- The cost of printing the wallet cards (approximately \$1000 plus tax for 10,000 cards) cannot be absorbed in the current budget.
- The Committee saw value in the wallet sized pledge cards for use in community meetings and other outreach, and recommended that their **printing be paid for out of Council's discretionary fund**
- This action recommends the allocation of **\$1,042 from the Council's discretionary fund** to pay for the cost of printing the wallet cards.
- The current discretionary fund balance is \$200,000.

### **Committee Recommendation**

- On January 12 the Committee voted unanimously (Peacock, Carter, Burgess, Cooksey and Dulin) to recommend:
  - 1) **The adoption of the citizen pledge presented by staff as part of the City's external communications strategy for the environment.**
  - 2) The allocation of \$1,042 from the Council Discretionary Fund to fund the printing of 10,000 pledge cards.
- The Committee recognized that while the current Corporate Communications budget can absorb certain costs associated with promoting a citizen pledge for the environment, it cannot absorb the costs of printing the wallet pledge **card. While having the pledge on the City's website will be a primary way to communicate**, the Committee felt that having the hard copy of the pledge card was worth the investment as another tool for distribution at community meetings, special events and festivals.
- The Committee also expressed interest in the City collaborating on a common environmental message with other community partners, such as the Charlotte Regional Visitors Authority, Charlotte Chamber, Charlotte Regional Partnership and Charlotte-Mecklenburg Schools, or possibly private entities. Such a partnership in the future might also result in sharing costs for communicating a common environmental message through the pledge card or other methods. Staff will explore these opportunities. Council has referred the development of a formal policy for partnerships/sponsorships with private entities to the Restructuring Government Committee.

### **Attachment 3**

Pledge to the Environment Utility bill insert  
 Pledge to the Environment wallet card  
 Budget Ordinance

## BUSINESS

### 9. Carolina Theatre Sixth Amendment

**Action:**   **A. Approve the Sixth Amendment to the Purchase and Sale Agreement for the Carolina Theatre with CMP Carolina Theatre, LLC to extend the closing date to July 17, 2008, and**

**B. Authorize staff to evaluate any alternative purchase offers received during this time frame.**

**Staff Resource:**   Tom Flynn, Economic Development

#### Explanation

- In January 2006 the City entered into a Purchase and Sale Agreement (PSA) with CMP Carolina Theatre, LLC for the Carolina Theatre for \$1,000,000.
- This Agreement provided for a closing in January 2007 and allowed for two extensions.
- Council approved a third extension June 2007, a fourth extension in October 2007 and a fifth extension in July 2008. CMP Carolina Theatre has exercised all extensions to the amendments, with the last allowable closing date being January 31, 2009.
- All required payments have been made. These payments, along with the \$50,000 payment in the original Agreement, now total \$225,000 in non-refundable deposits.
- The CMP Carolina Theatre LLC has made excellent progress on reaching pre-sell goals and other milestones such as permit issuance, but has faced continued volatility in the national credit market as well as real estate market uncertainty centered around recent mergers and acquisitions in the local economy. While much of the financing has been secured for the project, approximately 30 percent is still in negotiation.
- Approval of this Amendment will extend the closing date until July 17, 2009. For this extension, CMP will make an additional non-refundable payment of \$25,000. This payment will be credited to the purchase price at closing.
- There is at least one developer interested in purchase of the property if the existing theater building can be demolished. This action would allow staff to evaluate any alternative purchase offers and prepare any policy issues for Council consideration.
- **A recent appraisal values the site "as is" at \$2,530,000.**
- The advantages of extending the contract with CMP are:
  - Renovation of the Carolina Theatre remains possible
  - CMP has the opportunity to close the purchase as more financing becomes available and deliver residential units to buyers with pre-construction contracts
- The advantages of not approving the extension and terminating the contract with CMP are:
  - Eliminates City/County synthetic TIF liability of \$4,000,000
  - Property can be considered by other buyers for development that better aligns with current market conditions

#### Attachment 4

Council Action of January 9, 2006 approving the sale of the Carolina Theater.

## 10. Appointments to Boards and Commissions

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

### A. BICYCLE ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending December 31, 2011
  - William James Clark by Council members Burgess, Carter, Kinsey and Turner
  - James Buchanan Ferguson by Council members Cooksey, Dulin and Peacock
  - L. Wayne Sams by Council members Barnes, Foxx, Lassiter and Mitchell

### Attachment 5

Applications

### B. HOUSING APPEALS BOARD

- One appointment for an unexpired term beginning immediately and ending December 31, 2011
  - Charles Lewis Assenco by Council members Barnes, Carter, Kinsey and Mitchell
  - Shannon Boling by Council members Cooksey and Dulin
  - Madeleine Malone by Council members Burgess and Peacock
  - Edward L. Smith, II by Council members Foxx and Turner

### Attachment 6

Applications

### C. HOUSING AUTHORITY

- One appointment for a resident of low income housing for an unexpired term
  - April Neely-Watts by Council members Mitchell and Turner
  - Lucille Puckett by Council members Barnes, Burgess, Carter, Cooksey, Dulin, Kinsey, Lassiter and Peacock.

### Attachment 7

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
  - Anthony Terrell Lathrop by Council members Foxx, Lassiter and Peacock
  - Susan Lindsay by Council members Burgess and Carter
  - Gregory Kemp Lipscomb by Council member Mitchell
  - John Timothy McLeod by Council member Dulin
  - Gregory Alex Phipps by Council members Barnes and Turner
  - David Romero by Council member Cooksey
  - Anne Cooper Schout by Council member Kinsey

### Attachment 8

Applications



**E. PRIVATIZATION/COMPETITION ADVISORY**

- Five appointments for two year terms beginning March 2, 2009 and ending March 1, 2011
  - Thomas A. Dorsey by Council members Barnes, Burgess, Carter, Cooksey, Dulin, Foxx, Kinsey, Lassiter, Mitchell, Peacock and Turner
  - Marc G. Durrance by Council members Barnes, Carter, Cooksey, Foxx, Kinsey, Lassiter, Mitchell, Peacock and Turner
  - Joel Ford by Council members Barnes, Burgess, Carter, Cooksey, Dulin, Foxx, Kinsey, Lassiter, Mitchell, Peacock and Turner
  - Lee B. Johnson by Council members Barnes, Burgess, Carter, Cooksey, Foxx, Kinsey, Lassiter, Mitchell, Peacock and Turner
  - Owen Sutkowski by Council members Barnes, Burgess, Carter, Cooksey, Foxx, Kinsey, Lassiter, Peacock and Turner
  - James (Fred) Rice by Council member Burgess

**Attachment 9**

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
  - Mark Francis by Council members Cooksey, Dulin, Lassiter and Peacock
  - Michael Morgan by Council member Mitchell
  - Kevin Michael Spitzmiller by Council members Barnes and Turner
  - Owen Sutkowski by Council members Burgess and Kinsey
  - Rebecca S. Williams by Council member Carter
- One appointment for a suburban employer served by CATS for a three year term beginning February 1, 2009 and ending January 31, 2012.
  - Miranda Moore by Council members Barnes and Turner
  - Eric Paul Sanderson by Council members Burgess, Carter, Cooksey, Dulin, Foxx, Kinsey, Lassiter and Mitchell

**Attachment 10**

Applications

**G. ZONING BOARD OF ADJUSTMENT**

- Three appointments for three year terms beginning January 31, 2009 and ending January 30, 2012
  - Paul Anthony Arena by Council members Lassiter and Peacock
  - Edgar Eugene Barnes by Council member Dulin
  - David Wayne Brown by Council member Barnes
  - Manuel Campbell by Council members Carter and Turner
  - C. Jennifer Coble by Council members Burgess, Foxx, Kinsey and Mitchell
  - Jeffrey Allen Davis by Council members Barnes, Burgess, Carter, Cooksey, Foxx, Kinsey, Mitchell and Turner
  - Carilyn K. Ibsen by Council members Kinsey and Turner
  - Gregory K. Lipscomb by Council member Burgess

- Mark C. Loflin by Council members Barnes, Cooksey, Foxx, Lassiter, Mitchell and Peacock
- Melony Moore by Council member Carter
- William K. Rice, Jr. by Council member Cooksey
- David Romero by Council members Dulin, Lassiter and Peacock
- Eric Paul Sanderson by Council member Dulin

**Attachment 11**

Applications

**11. Mayor and Council Topics**

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## 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

### 12. Various Bids

#### A. South Turner Avenue Sidewalk Improvement EPM

**Staff Resource:** Joe Frey, Engineering & Property Management

#### **Action**

Award the low bid of \$201,174.78 by Boggs Paving, Inc. This project will install sidewalk, curb and gutter along South Turner Avenue and State Street from Rozzelles Ferry Road to Stewart Creek Greenway. Construction completion is scheduled for second quarter of 2009.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 10.64%

Boggs Paving Inc. committed 10.64% (\$21,410) of the total contract amount to the following SBE firm: On Time Construction Inc.

**Deferral Consequences**

Proceeding with contract will provide priority sidewalk project to connect to Stewart Creek Greenway and address pedestrian safety issues.

**B. Seigle Avenue Streetscape Phase 2****EPM**

**Staff Resource:** Keith Carpenter, Engineering & Property Management

**Action**

Award the low bid of \$1,852,743.04 by Gelder-Thompson Contracting. The streetscape project will provide infrastructure improvements within the Belmont Neighborhood. This project was described in the Belmont Revitalization Plan approved by City Council in 2003. The work consists of grading, concrete curb and gutter, concrete sidewalk, storm drainage, segmental retaining walls, and asphalt paving. Construction completion is scheduled for first quarter of 2010.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.21%

Gelder Thompson Contracting, Grading, Paving & Utilities, LLC committed 8.21% (\$152,250.71) of the total contract amount to the following SBE firm: R.E. Sifford Utility, Inc.

**Deferral Consequences**

Completion of this project is a part of the City's commitment to the Piedmont Courts Hope VI Grant and the Belmont Neighborhood.

**C. Signer Road Improvements****EPM**

**Staff Resource:** Jonathan Sossaman, Engineering & Property Management

**Action**

Award the low bid of \$239,848.60 by Bullseye Construction. Signer Road is located along Lake Wylie off of Saw Mill Road. This project will upgrade a privately maintained section of Signer Road to non-system Residential Street Program standards and extend water and sanitary sewer lines. The property owners have donated right-of-way and the City will take over maintenance of the street. The project extends approximately 0.2 miles from Saw Mill Road to the end of the privately maintained section. Construction completion is scheduled for third quarter of 2009.

**Small Business Opportunity**

Established SBE Goal: 7 %

Committed SBE Goal: 20.80%

Bullseye Construction Inc. committed 20.80% of the total contract amount to the following SBE firms: On Time Construction Inc. (\$4,910) and State Construction Co of the Carolinas, LLC (\$45,000).

**Deferral Consequences**

The project provides public water and sewer service, and maintenance of street.

**D. Fire Pumper Trucks****FIRE**

**Staff Resource:** Rich Granger, Fire

**Action**

Award the low bid of \$1,815,872 by Smeal Fire Apparatus Company, a unit price contract for providing Fire Pumper Trucks for a term of one year and authorize the City Manager to renew the agreement for four additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The unit price contract is as follows:

- Item A – 500 gallon pumper - \$444,797
- Item B – 750 gallon pumper - \$451,899
- Item C – Highrise/high pressure - \$458,687
- Item D – Pumper/Tanker - \$460,489

The Charlotte Fire Department anticipates purchasing three, 500 gallon pumpers in 2009 at a total cost of \$1,334,391. The Charlotte Fire Department (CFD) currently operates Smeal built fire trucks. The equipment specifications similarities enable further standardization of the fleet, which saves CFD saves time and money for operational training, maintenance and parts; and promotes firefighter safety by keeping equipment in the same location for each truck. Smeal Fire Apparatus submitted the only bid in response to an Invitation to Bid. Twenty known vendors were notified of the opportunity, but chose not to bid due to specifications in construction methods that would require some exceptions.

**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).

**Deferral Consequences**

Contract will allow purchase of pumper trucks as part of annual replacement program.

**E. Traffic Signal Malfunction Management Units****CDOT**

**Staff Resources:** Charles Abel, CDOT  
Aubrey Miller, Procurement

**Action**

Award the low bid unit price contract to RGA, Inc for providing malfunction management units in the estimated annual amount of \$83,400 for the term of one year and authorize the City Manager to renew up to two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The malfunction management units (MMU) are located in each traffic signal cabinet and are required for monitoring the red-

yellow-green display that is shown at the intersection. The unit's primary purpose is to keep the intersection from displaying green for opposing approaches. Approximately 120 units will be purchased in FY2009.

#### **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).

#### **Deferral Consequences**

Contract will prevent the City from running out of working MMU in the spring. CDOT cannot operate signalized intersections safely without this equipment. Many MMU are damaged in electrical storms every year and as this equipment is lost, CMPD would need to direct traffic at these intersections until the MMU could be replaced.

### **F. Vehicle and Equipment Batteries**

**BSS**

**Staff Resources:** Rudy Payton, Equipment Management  
Mehl Renner, Procurement

#### **Action**

Award the low bid unit price contracts for providing vehicle and equipment batteries for a term of one year and authorize the City Manager to renew up to four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract to the following vendors:

1. Battery Service Inc.
2. Auto Supply Company, Inc.
3. Young Ford Inc.
4. National Fleet Services
5. **O'Reilly Auto Parts**
6. Genuine Parts Company

The City has determined that the best way to purchase batteries is by executing contracts with multiple vendors to provide all major battery brands required rather than attempting to depend on a single vendor source. For the last five years, this approach has reduced battery costs and vehicle downtime, by providing alternate sources for batteries during emergency situations and when certain vendors experience supply problems. Mecklenburg County and other North Carolina public agencies are also eligible to utilize these contracts.

#### **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).

#### **Deferral Consequences**

Contract will provide guarantee in price and delivery.

**G. Jefferson Storm Drainage Improvements Phase 3 EPM****Staff Resource:** William Harris, Engineering & Property Management**Action**

Award the low bid of \$1,511,221.14 by Ferebee Corporation. This project addresses street flooding, house flooding, and stream erosion. The project will provide replacement of culverts and underground pipe systems, stream stabilization and construction of curb and gutter. Construction completion is scheduled for the second quarter of 2010.

**Deferral Consequences**

This contract addresses public safety issues, specifically the flooding of streets and houses.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 15.18%

Ferebee Corporation committed 15.18% (\$229,389.58) of the total contract amount to the following SBE firms: Bullington Construction (\$30,874), On Time Construction (\$179,443.08), and New Beginnings Landscape LLC (\$19,072.50).

**H. West Corridor Sprinter Enhanced Bus Service Shelters****CATS****Staff Resource:** Jason Lawrence, Transit**Action**

Award a contract to Tolar Manufacturing for up to 20 shelters with benches and trash receptacles for a total cost of \$199,800. The Sprinter Enhanced Bus Service is a dedicated transit route/line designed to include its own branding, buses and enhanced bus shelters. This current contract is for the shelter structures and amenities. The project also calls for the additions of lighting and information displays. The Sprinter Service will originate from the Charlotte Transportation Center, travel along Wilkinson Boulevard (with possible alternative routing along Cedar Boulevard) and Charlotte Douglas International Airport will operate as the final stop.

**Small Business Opportunity**

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

**Deferral Consequences**

Proceeding with the contract will enable bus shelters to be installed prior to the June start date for the Sprinter Bus Service.

**Attachment 12**

Drawings

Map



### 13. In Rem Remedy

**For In Rem Remedy #A-G, 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. 4800 Hovis Road (Neighborhood Statistical Area 113 – Westchester Neighborhood)

**Field Observation:**

- B. 1819 Allen Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)
- C. 2100 Ashley Road (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)
- D. 1520 N. McDowell Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- E. 9605 Parkwood Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood)
- F. 2509 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)
- G. 2517 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood)

**Public Safety:**

**A. 4800 Hovis Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4800 Hovis Road (Neighborhood Statistical Area 113 – Westchester Neighborhood).**

**Attachment 13**

**Field Observation:**

**B. 1819 Allen Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1819 Allen Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).**

**Attachment 14**

**C. 2100 Ashley Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2100 Ashley Road (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).**

**Attachment 15**

**D. 1520 N. McDowell Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1520 N. McDowell Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).**

**Attachment 16**

**E. 9605 Parkwood Drive**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9605 Parkwood Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).**

**Attachment 17**

**F. 2509 Rebecca Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2509 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

**Attachment 18**

**G. 2517 Rebecca Avenue**

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2517 Rebecca Avenue (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

**Attachment 19**

**14. Refund of Business Privilege License Taxes**

**Action:** Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$10,175.49

**Staff Resource:** Chip Harris, Finance

**Attachment 20**

Resolution

List of property tax and business license refunds

## CONSENT II

### 15. Police Janitorial Services

- Action:**
- A. Approve a janitorial services contract, in the amount of \$307,389, for an initial term of one year to Brooker Building Services, Inc, and**
  - B. Authorize the City Manager to approve up to four, one-year renewal options contingent upon the service provider's satisfactory performance.**

**Staff Resource:** Mike Bedard, Police

#### Explanation

- Charlotte Mecklenburg Police Department (CMPD) has an ongoing need for janitorial services at sixteen locations throughout the City. To ensure quality services in a timely manner and at a competitive price, the City solicits for these services through a Request for Proposals (RFP) process.
- The current contracts with Sizemore, Full Service Cleaning, and Global Cleaning Service expire on January 31, 2009.
- A Request for Proposals was issued on October 24, 2008 for Janitorial Services for the Charlotte Mecklenburg Police Department.
- Mandatory site visits were conducted with all interested vendors on November 3-4, 2008; the site visits included visits to the sites to be covered under the contract.
- The sites to be covered included the patrol division offices, Animal Care and Control and the Police Athletic League.
- The City received nine proposals on November 14, 2008.
- The Evaluation Team consisted of staff from Procurement Services and CMPD.
- Evaluation Criteria included:
  - Price competitiveness
  - Background and experience of the company, including references
  - Operational qualifications such as equipment and personnel
  - Customer service approach
  - Business processes
  - Financial viability
  - Insurance requirements
  - Willingness and ability to comply with the RFP and contract terms and conditions
- The Evaluation Committee recommends contract award to Brooker Building Services, Inc.
- The initial term of the contract is for one year with four, one-year renewals. The annual rate of \$307,389 will remain fixed for the four year renewal period.

#### Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

#### Funding

Police Operating Budget

## 16. Diesel Fuel for Bus Operations

- Action:**
- A. Authorize the City Manager to award a contract to Quick Fuel Fleet Services for the purchase of Ultra-Low Sulfur Diesel fuel for CATS bus operations. This contract has an estimated first year value of \$4,803,425. The contract term shall be for two years with an estimated value of \$10,000,000, and**
- B. Authorize the City Manager to execute three annual renewal options.**

**Staff Resource:** John Trunk, Transit

**Policy:** Transportation Action Plan (Objective 2.3, Policy 2.3.3)  
 "Managing resources, deliver competitive service by reducing cost per service hour".

### Explanation

- CATS recently converted all of its buses to use ultra-low sulfur diesel (ULSD) fuel in 2006 as mandated by the **federal government**. Transit's annual consumption of diesel fuel is approximately 3,500,000 gallons.
- Historically, CATS has solicited daily price quotes for diesel fuel purchases. This recent practice has been price competitive, but provided no assurance of steady fuel supply or price stability.
- In 2008 following two U.S. natural disasters, CATS witnessed significant price changes, budget volatility, as well as the risk of interruption of supply. This agreement will help to ensure an uninterrupted source of supply to the City in the event of a natural disaster or other major event.
- The primary goal of this agreement is to establish a reliable source of supply and to better stabilize costs.
- This bid was designed to purchase half of the fuel by a fixed price mechanism, by providing a fixed margin (differential) above the underlying market index, and the remainder on a floating price basis.
  - The combined effect will minimize budget volatility, while still taking advantage of market price opportunities.
  - This methodology is standard practice in an industry that is so volatile that pricing changes occur every day, sometimes hourly.
- CATS has received **positive references from a sampling of the low bidder's** current customers, consisting of trucking, bus and rail service companies, and DisneyWorld companies.
- This contract will be written to include the needs of other City departments.
- ULSD has substantially lowered fuel sulfur content. The use of lower sulfur contents acts in conjunction with the application of newer emissions **control technologies such as transit's diesel particulate filters** to substantially lower emissions of particulate matter from diesel engines. CATS continues to review the viability of alternative fuels (including biodiesel).

### Deferral Consequences

This agreement offers opportunities to take advantage of daily market prices when they are advantageous. Delay of this contract may mean higher prices in the future.

**Small Business Opportunity**

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

**Funding**

Transit Operating Budget

**Attachment 21**

Supplementary Information

## 17. Irwin Creek Wastewater Treatment Plant, Upgrades and Improvements

**Action: Approve a professional services contract, with Hazen and Sawyer, in the amount of \$2,807,730. This contract provides design services for the upgrades to facilities at the Irwin Creek Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- The Wastewater Master Plan Study indicates upgrades are needed at the Irwin Creek Wastewater Treatment Plant to increase reliability and fully use the plant's rated capacity. Utilities presented the Master Plan to City Council at their February 2007 Workshop.
- On July 23, 2007, Council approved the planning contract with Hazen and Sawyer in the amount of \$561,900. The planning phase of the project is now complete and the design phase is ready to begin.
- A preliminary engineering report was performed by Hazen and Sawyer in 2008, which outlines in detail all the work required to ensure the plant can reliably treat at its rated capacity of 15 million gallons per day into the future.
  - The Master Plan projected this project would be needed by late 2010 based on historical growth trends and peak wet weather flows in the service area. However, given current growth, the completion date has been moved to mid 2012. Flows at the plant have been reduced over the past couple of years due to the extreme drought.
  - The design would be complete in mid 2010 and construction is estimated to be two years. At the completion of design in 2010, growth rates will be re-evaluated prior to moving into the construction phase.
  - This project will provide additional wastewater treatment capacity to the western portion of the Uptown and the area of western Mecklenburg County from the airport up to Northlake Mall.
- The contract provides for design services for the rehabilitation of the Irwin Creek Wastewater Treatment Plant, and includes the following:
  - Detailed design of equipment and treatment processes that need to be replaced
  - Addition of a phosphorus removal process to ensure compliance with the nutrient removal permit limit established in the agreement with South Carolina

- Hazen & Sawyer was selected according to the Council approved qualifications-based selection process performed in accordance with NC General Statutes.

### **Deferral Consequences**

Design and construction of this project will take an estimated four years to complete. This project has already been delayed by 12 months and further delays could jeopardize Utilities ability to meet demands from growth or wet weather conditions. Exceeding plant capacity is a violation of the North Carolina operating permit and the EPA Administrative Order and would likely result in fines or a wastewater (building) moratorium levied by the State of North Carolina or the Environmental Protection Agency.

### **Small Business Opportunity**

For service-based contracts, the City negotiates SBE goals during the contract negotiation process. (Part C: Section 2.2 of the SBO Policy). On this contract, Hazen & Sawyer committed 0.997% (\$28,000) to the following SBE firms: Hinde Engineering and Richa Graphics.

### **Funding**

Utilities Capital Investment Plan

## **18. Sugar Creek Wastewater Treatment Plant Expansion Project Design Services**

**Action: Approve a professional services contract, with HDR Engineering, Inc., in the amount of \$6,244,984. This contract provides design-phase services for the Sugar Creek Wastewater Treatment Plant expansion.**

**Staff Resource:** Doug Bean, Utilities

### **Explanation**

- The Wastewater Master Plan Study indicates additional treatment capacity is needed at the Sugar Creek Wastewater Treatment Plant to meet projected growth and peak wet weather flows. Utilities presented the Master Plan to City Council at their February 2007 Workshop.
- On July 23, 2007 Council approved the planning-phase contract for the expansion of the plant, with HDR Engineering, Inc., in the amount of \$824,953. The planning phase of the project is now complete and the design phase is ready to begin.
- **A stakeholder's group composed of area citizens, business leaders and regulatory representatives participated in the planning phase and have endorsed the current layout of the expansion.**
- The Master Plan projected this project would be needed by mid 2012 based on historical growth trends and peak wet weather flows. However given current growth, the completion date has been moved to 2013. Flows at the plant have been reduced over the past couple years due to the extreme drought.
- The design would be completed in late 2010 and construction is estimated in 2013. At the completion of design in 2010, plant flow trends will be re-evaluated prior to moving into the construction phase.

- The primary service area is the central portion of the City of Charlotte from the Tyvola/Fairview Road area northeastward to the Plaza/Sugar Creek Road area where anticipated growth is from infill development and re-development of older areas. This encompasses approximately half of the uptown area.
- The contract provides for design services for the expansion of the Sugar Creek Wastewater Treatment Plant, and includes the following services:
  - Detailed design of the proposed expansion to the treatment plant
  - **Continued public involvement activities with the stakeholder's group**
  - Preparation of plans and specifications suitable for public bidding
- HDR was selected according to the Council approved qualifications-based selection process performed in accordance with NC General Statutes.

### **Deferral Consequences**

Design and construction of this project will take an estimated five years to complete. This project has already been delayed by 12 months and further delays could jeopardize Utilities ability to meet demands from growth or wet weather conditions. Exceeding plant capacity is a violation of the North Carolina operating permit and the EPA Administrative Order and would likely result in fines or a wastewater (building) moratorium levied by the State of North Carolina or the Environmental Protection Agency.

### **Small Business Opportunity**

For service-based contracts, the City negotiates SBE goals during the contract negotiation process. (Part C: Section 2.2 of the SBO Policy). HDR Engineering, Inc. committed 0.40% (\$25,156) of the total contract amount to the following SBE firms: CITI, Habitat Assessment & Restoration Program, Inc. and Richa Graphics.

### **Funding**

Utilities Capital Investment Plan

## **19. Water and Sanitary Sewer Service Installations, Contract Renewal #2**

**Action: Approve contract renewal #2 in the not-to-exceed amount of \$1,772,555.50 with B.R.S., Inc., for water and sewer line installations.**

**Staff Resource:** Doug Bean, Utilities

### **Explanation**

- This contract provides for installation of domestic water and sanitary sewer service throughout Mecklenburg County.
- At the option of the City, the contract may be renewed for two additional terms as an incentive to the contractor for productivity and quality work. B.R.S. has met every deadline in a manner that meets and exceeds the requirements of the contract.
- The original contract was awarded by Council on February 1, 2006, in the not-to-exceed amount of \$1,958,170.50.
- The first renewal was approved by Council on December 10, 2007, in the not-to-exceed amount of \$1,991,459.40.



- The contract allows for unit price adjustments based on the Engineering News Record Construction Cost Index. The Index showed an 11.6% increase in cost since the award of the contract.
- Due to the current economy, B.R.S. offered to forgo the rate increase and lower their unit prices. As a result, the City will realize a \$412,763 savings.

#### **Deferral Consequences**

Proceeding with contract will allow water and sewer service installations to new customers to be made without delay.

#### **Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

#### **Funding**

Utilities Capital Investment Plan

## **20. Construction Administration Services, Southwest Water Transmission Main, Phase C**

**Action: Approve a professional services agreement for \$870,120 with Kimley-Horn and Associates for construction administration on the Southwest Water Transmission Main, Phase C.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- The construction contract for Phase C of the Southwest Water Transmission Main was awarded by Council in November 2008.
- This water transmission main is being constructed in three phases.
  - Phase A from Franklin Plant to the airport is complete
  - Phase B from the airport to Shopton Road West is under construction
  - Phase C begins just south of I-485 at Shopton Road west, ending at York Road
- Council awarded the design contract to Kimley-Horn on September 24, 2007 for this final phase of the project.
- This agreement will provide for construction administration and a portion of the inspection services during the construction phase of this project.
- Kimley-Horn was selected using the Council approved qualifications-based selection process.

#### **Deferral Consequences**

Proceeding with contract will facilitate the timely and accurate project completion.

#### **Small Business Opportunity**

No SBE goal was set for this contract because subcontracting opportunities are not anticipated. (Part C: Section 2.4 of the SBO Policy.)

#### **Funding**

Utilities Capital Investment Plan

## 21. Reedy Creek Pump Station

**Action:**   **A. Reject the low bid from Haren Construction Company for failure to comply with the Small Business Program Policy, and**

**B. Award the construction contract for Reedy Creek Pump Station to Hickory Construction for \$8,063,023.50.**

**Staff Resource:** Doug Bean, Utilities

### Explanation

- This project begins a series of wastewater projects needed to provide sanitary sewer service to the Hood Road North and South 2009 Annexations Areas.
- The pump station project consists of the construction of a 16.5 million gallons per day sewage pump station, with associated structural, mechanical, electrical and site work.
- Construction is scheduled to be completed by May 2010.

### Bid Rejection

- Reject the low bid of \$7,891,128 from Haren Construction for failure to meet the SBE utilization goal and Good Faith Efforts of the Small Business Development Program.
- The Goal for the project was 7%, for which Haren committed 2.78%. They achieved only 115 Good Faith Effort Points out of the 155 minimum required.

### Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.15%

Hickory Construction Company exceeded the SBE established goal and committed 7.15% (\$577,700) to the following SBE firms:

**Commercial Fabricators (\$170,000); Russo Construction (\$203,500); D's Trucking (\$10,000); Ms. Sybil's Seeding (\$5,200); Carolinas Landworks (\$19,000); and CITI (\$170,000).**

### Deferral Consequences

Proceeding with contract will provide wastewater facilities to meet annexation service requirements.

### Funding

Utilities Capital Investment Plan

### Summary of Bids

Haren Construction Company, Inc.	\$7,891,128.00
Hickory Construction Company	\$8,063,023.50
Thalle Construction Company, Inc.	\$8,242,416.00
Seaside Environmental Constructors, Inc.	\$8,291,682.00
Gilbert Engineering Company	\$8,394,750.00
State Utility Contractors, Inc.	\$8,759,709.00
Crowder Construction Company, Inc.	\$8,892,450.00
Hall Contracting Corporation	\$8,946,719.52
Dellinger, Inc.	\$9,735,885.00

## 22. Engineering and Construction Services for Dixie River Road Realignment

**Action:**   **A. Approve contract amendment #3 with Kimley-Horn and Associates, Inc., in the amount of \$535,000 for engineering services for the Dixie River Road Realignment, and**

**B. Authorize the City Manager to execute a municipal agreement with NCDOT to advance \$1.2 million for the construction of a realigned portion of Shopton Road West.**

**Staff Resources:**   Jeb Blackwell, Engineering & Property Management  
                               Bette Frederick, Engineering & Property Management

### **Contract amendment with Kimley-Horn and Associates, Inc.**

- The existing project budget is \$11,257,000, with \$11 million coming from the 2004, 2006 and 2008 Street Improvement Bonds, \$200,000 from NCDOT for planning & design, and \$57,000 from private developer contribution.
- On March 28, 2005, Council approved an agreement with Kimley-Horn and Associates (KHA) in the amount of \$650,000 for engineering services with the primary goal to fix the poor geometry of Shopton Road West/Steele Creek Road and extend Dixie River Road on a new alignment to connect with the Berewick Development.
- KHA was selected pursuant to a Council-approved, qualifications-based selection process performed in accordance with NC State General Statutes.
- The contract was amended for \$49,066 on November 6, 2007, to provide additional funding for coordination with the adjacent Berewick, Gambrell-Belk.
- On November 15, 2006, the Mecklenburg Union Metropolitan Planning Organization (MUMPO) approved the new alignment prepared by KHA.
- On March 24, 2008, Council approved an amendment in the amount of \$172,874 to provide funding for final design and bid documents.
- The total contract amount to date including amendments 1 through 3 will be \$1,406,940.
- Amendment 3 will provide funds for the design of an extension of the Dixie River Road project limits, an additional northbound lane on Steele Creek Road, additional water quality best management practices related to the extension of the project limits, and design of a 24 inch waterline along the proposed Dixie River Road.

### **Municipal Agreement for Shopton Road West Realignment**

- This project involves the reconstruction of Shopton Road West at Steele Creek Road.
- The Shopton Road West modification will fix the existing geometry by constructing 0.32 miles of the new roadway alignment of Shopton Road **West (SR 1116) and installing a new traffic signal at the new alignment's intersection with Steele Creek Road (NC 160).**
- NCDOT will be responsible for constructing the roadway, storm drainage, and curb and gutter.
- The City is committed to advance \$1.2 million towards the Shopton Road West modifications through funds provided to the NCDOT, and NCDOT will reimburse the City no later than January 1, 2010.

- The project schedule has flexibility to provide the advance.

### **Deferral Consequences**

The contract amendment and municipal agreement enable the City to make prompt payment to consultants and use existing NCDOT bid prices before they expire.

### **Small Business Opportunity**

All additional work provided in this amendment will be performed by the current Consultant and their existing subconsultants. Kimley-Horn committed 6.36% (\$34,000) to the following SBE firms: Boyle Consulting Engineers, PLLC (\$14,000) and Estes Design Services, Inc (\$20,000) This amendment complies with Part D: Section 6 of the SBO Program.

### **Funding**

Transportation Capital Investment Plan

## **23. Water Quality Education Campaign**

**Action: Approve amendment #2 with Media Power Advertising, Inc. in the amount of \$145,000 for water quality education campaign media buying services.**

**Staff Resource:** Jennifer Krupowicz, Engineering & Property Management

### **Amendment 2 with Media Power Advertising, Inc.**

- The City's National Pollutant Discharge Elimination System (NPDES) Permit under the Federal Clean Water Act requires public education and outreach activities. This requirement is satisfied by volunteer programs, presentations and advertising.
- **The City's educational efforts are funded through the storm water fee and are coordinated with Mecklenburg County, Charlotte-Mecklenburg Utilities and Solid Waste Services so efforts do not overlap and are complementary.**
- The current campaign is jointly funded with Mecklenburg County. The County will reimburse the City \$55,500 for their share of the campaign, **which reduces the City's net cost to \$89,500.**
- **Media advertising is one element of the multi-pronged education program that carries out the City's required public education.**
- The original agreement with Media Power Advertising, Inc. was approved by Council on March 26, 2007, in the amount of \$102,800.
- Amendment #1 was issued on May 26, 2008, and brought the total contract value to \$195,300.
- Amendment #2 will bring the total contract value to \$340,300.
- This amendment provides funding for an additional 400-500 radio spots, 1750-2250 television spots, and six print ads.
- The services provided by this contract amendment complement the existing Water Quality Education Campaign which includes other non-media outreach efforts such as:
  - Utility bill inserts
  - Web pages
  - Public events such as Big Sweep, Earth Day and community workshops
  - Presentations to groups such as **home owners' associations, garden clubs and civic organizations**

- Curriculum-based presentations to students
- Volunteer programs such as Adopt-A-Stream and Storm Drain Marking

**Deferral Consequences**

- The media campaign will enable the City to satisfy the requirements of the public education component of the National Pollutant Discharge Elimination System (NPDES) Permit or FEMA's Community Rating System (CRS) flood safety education requirements.
- This level of spending will help the City maintain the goal of 50% awareness of storm water issues among Mecklenburg County adults.
- The advertisements will be placed in time for the seasonal messages to have an impact.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the current Consultant, Media Power Advertising, Inc. and their existing subconsultants. (Part D: Section 6 of the SBO Policy).

**Funding**

Storm Water Capital Investment Plan

## 24. Grant Applications for Wilora Lake and Ivey Pond Rehabilitation, and CMS-SouthPark Watershed Enhancement Projects

- Action:**
- A. Approve an application for grant funding in an amount not to exceed \$600,000 from the North Carolina Clean Water Management Trust Fund (CWMTF) for construction of the Wilora Lake pond rehabilitation,**
  - B. Approve an application for grant funding in an amount not to exceed \$190,000 from CWMTF for the construction of the Ivey pond rehabilitation,**
  - C. Approve an application for grant funding in an amount not to exceed \$250,000 from CWMTF for planning and design of the CMS-SouthPark Watershed Enhancement Project, and**
  - D. Adopt a budget ordinance appropriating up to \$1,040,000 in grant funds to provide approximately 50% of the total estimated funding required to complete design and construction 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 through structural failure, and to use these ponds as a highly cost effective tool to achieve water quality, flood control and public safety goals.
- The goals of the Clean Water Act and the Storm Water program are to protect and restore impaired surface waters by constructing appropriate and cost-effective storm water controls.
- All selected ponds drain to creeks that are identified as 'impaired' by Clean Water Act standards.
- The projects will improve the quality of water passing through the ponds before it discharges into the creeks.
- Improved water quality in the creeks supports the City's objective to sustain the quality of the environment.
- Enhancing existing ponds on private property provides public benefits by:
  - Removing pollutants
  - Reducing stream bank erosion
  - Improve public safety issues
  - Reduce 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 negative impacts to the storm water system, contrary to 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 & Ivey Pond Rehabilitation, and CMS-SouthPark Projects**

- Storm Water Services provides water quality, pond rehabilitation and watershed enhancement projects as part of the capital program.
- These projects are performed 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 will be asked to approve construction services for Wilora Lake and Ivey Pond and design of CMS-SouthPark design 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** one mile north of the Providence Road and I-485 intersection.
- CMS-South park is located on the Charlotte-Mecklenburg Schools Myers Park Campus near the intersection of Runnymede Lane and Colony Road.

### **Grant Application**

- **The State's** Clean Water Management Trust Fund partners with local municipalities to help fund these projects prior to them being mandated.
- Grant monies from CWMTF, if awarded, will be used to design and construct rehabilitation/storm water quality enhancement projects that will reduce storm water pollution, improve habitat, help facilitate a stable stream system and reduce flooding.

### **Budget Ordinance**

- The budget ordinance appropriates \$1,040,000 in state funds to provide approximately 50% of the total estimated funding required for design/construction of these projects.
- Matching funds are included in the Storm Water Services Capital Program.

### **Deferral Consequences**

- The opportunity to obtain CWMTF grant funding for the 2009 cycle will not be missed if grant application is approved.
- The opportunity to leverage a future CWMTF construction grant for CMS-SouthPark will not be diminished 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

## 25. Set a Public Hearing Date for Floodplain Regulations Revisions

**Action: Set public hearing date for February 9, 2009, on proposed Floodplain Regulations revisions.**

**Staff Resource:** Jennifer Smith, Engineering & Property Management

### Explanation

- Federal Emergency Management Agency (FEMA) requires that all local floodplain regulations comply with FEMA and state requirements.
- The current Flood Insurance Rate Maps (FIRMs) for Mecklenburg County were adopted by City Council for regulation of new development in 2000. FEMA began using the maps to regulate flood insurance in 2004.
- These maps do not meet the new statewide panel size standards. Because of this, North Carolina Floodplain Mapping program (NCFPM) has recently revised the size of all the FIRM panels that cover Mecklenburg County. The new FIRM panels become effective, for FEMA purposes, on March 2, 2009.
- No changes in flood elevations or floodplain widths occurred; only the size and format of the panels have changed.
- NCFPM has also modified the state-wide model ordinance with new language that is required for local floodplain regulations to be deemed compliant.
- The current ordinance was adopted by City Council in 2007. The following revisions are needed:
  - Addition of nine definitions
  - **Inclusion of a "severability" statement**
  - Minor wording changes
- There are no substantive changes to the regulations and the proposed changes have no impact on the current regulation of development in or near floodplains or on any houses.
- The proposed revisions will be presented to the Storm Water Advisory Committee and Subdivision Steering Committee in January.
- Staff proposes that City Council hold the public hearing and vote on the proposed changes on February 9, 2009.
- Mecklenburg County will hold a public hearing and vote on the proposed revisions to its Floodplain Regulations on February 17, 2009.

### Deferral Consequences

If the revisions are approved by March 2, 2009, Charlotte will continue to be part of the National Flood Insurance Program and Charlotte property owners will continue to be eligible for FEMA flood insurance.

### Funding

The proposed revisions to the Floodplain Regulations will not impact the Storm Water budget or the general fund.

### Attachment 23

Summary of the Proposed Revisions



## 26. Mobile Source Emissions Reduction Grant

**Action A. Approve a grant application to NCDENR for \$133,500 that requires City matching funds of \$400,500 combined to purchase two natural gas fueled refuse trucks for use in a demonstration project to assess the feasibility of using these near-zero emissions alternative fuel trucks to replace the existing diesel refuse truck fleet, and**

**B. Adopt a budget ordinance appropriating \$133,500 from NCDENR to purchase two natural gas refuse trucks.**

**Staff Resource:** Victoria Garland, Solid Waste Services

### Explanation

- The grant application in the amount of \$133,500 will be submitted to the North Carolina Department of Energy and Natural Resources Division of Air Quality (NCDENR). The grant award requires City matching funds of \$400,500 to purchase two compressed natural gas fueled refuse trucks to replace two diesel fueled refuse trucks for use in Solid Waste Services refuse collection operations.
- These two vehicles would not add to the Solid Waste Services fleet, but would replace diesel vehicles scheduled for replacement. Because these vehicles would be part of the normal vehicle replacement process, the need for additional funds is not anticipated based on the current cost of diesel trucks.
- The unit price of the natural gas fueled refuse truck is \$267,000 compared to the current automated refuse truck price of \$204,000. Although the unit cost of the truck is higher for the natural gas truck, its fuel cost is an estimated 20% lower.
- Clean Energy, the largest provider of natural gas for transportation in North America will provide an in-kind contribution valued at \$10,000 to assist in evaluating the results of the project.
- The City is committed to clean air activities in municipal fleet operations and this project will allow the opportunity to evaluate the feasibility of using environmentally friendly natural gas fueled refuse trucks. Natural gas fueled refuse trucks burn cleaner fuel and offers a 25% reduction in carbon dioxide emissions, a major greenhouse gas.
- According to INFORM, a national environmental research organization, refuse trucks outnumber transit buses by a ratio of 3 to 1 yet little attention has been paid to refuse trucks which are high pollutants and have low fuel efficiency.
- Also according to INFORM, natural gas fueled vehicles operate more quietly than diesel vehicles and 97% of natural gas fuel consumed in the U.S. is produced domestically.
- The project team will consist of the City Solid Waste Director and Clean Energy senior staff
- **This project supports the City's commitment to sound environmental practices in City facilities and operations.**
- The project also has the support of Centralina Clean Fuels Coalition and Piedmont Natural Gas.
- The project will last approximately 12 months and allow time for the assessment of truck performance, truck maintenance requirements and the feasibility of expanded City use of natural gas fueled trucks.

- Short-term maintenance of the two natural gas trucks can be performed **by the City's Equipment Management Division. However, long-term** maintenance facility requirements will have to be thoroughly assessed and issues resolved before a decision can be made about wider City usage of natural gas fueled trucks. The issues may include capital facility investments and staffing.

### **Deferral Consequences**

The deadline for the grant application is January 26, 2009.

### **Funding**

Equipment Replacement Fund

### **Attachment 24**

2009 Mobile Source Emissions Reduction Grant Cover Sheet  
Description of City of Charlotte Natural Gas Refuse Truck Demonstration Project  
Letter of Support from Centralina Fuels Coalition  
Budget Ordinance

## **27. Airport Fire Station Design**

**Action:**

**A. Approve a contract with Stewart Cooper Newell Architects in the amount of \$388,249.50 for design, architectural and engineering services for a new fire station at the Airport, and**

**B. Adopt a budget ordinance appropriating \$420,000 in funds from a National Guard Bureau Agreement for the design of the fire station.**

**Staff Resource:** Jerry Orr, Aviation

### **Policy**

Airport Master Plan

### **Explanation**

- Under Federal Aviation Regulations, the Airport is required to have firefighting equipment to respond within certain time limits to aircraft accidents that may occur at the Airport.
- The opening of the third parallel runway requires that some of the firefighting equipment be staged in the vicinity of the new runway to meet those time requirements.
- The North Carolina Air National Guard also has fire fighting requirements because of their aircraft operations on the Airport. They currently supply six fire trucks and the existing fire station under an Operational Fire Agreement at the Airport.
- On April 28, 2008, City Council approved a grant from the National Guard Bureau in the amount of \$420,000 to fund the design of a new fire station at the Airport.
- In June 2008, the Airport accepted qualifications from 10 interested firms to design the fire station.

- Stewart Cooper Newell Architects was selected by a selection committee comprised of Airport, Charlotte Fire Department, and Air National Guard staff to design the station.
- This contract provides design, bidding, and construction administration services for the facility.
- The budget ordinance of \$420,000 appropriates the grant funds allocated by the National Guard Bureau in the agreement previously approved by City Council for the design of the fire station.
- The balance of \$31,570.50 appropriated in the budget ordinance will be used for geological testing, surveys and inspections.

### **Disadvantaged Business Opportunity**

The Federal DBE Program allows negotiation of DBE participation on professional service contracts.

### **Funding**

National Air Guard Grant

### **Attachment 25**

Budget Ordinance

## **28. Airport Runway Project – Duke Energy Transmission Line Relocation**

**Action:**

**A. Approve an agreement with Duke Energy in an amount not to exceed \$3,000,000 for the relocation of an existing transmission line in the vicinity of the new Third Parallel Runway, and**

**B. Adopt a budget ordinance in the amount of \$3,000,000 from the Airport Discretionary Fund to be replaced with proceeds of the upcoming General Airport Revenue Bond issue and proceeds from the Passenger Facility Charge revenues.**

**Staff Resource:** Jerry Orr, Aviation

### **Policy**

Airport Master Plan

### **Explanation**

- Duke Energy operates an overhead transmission power line that runs across the north side of the Airport between the Norfolk Southern Railroad mainline and Wilkinson Boulevard.
- A portion of the transmission line crosses the runway protection zone for the Third Parallel Runway, which requires objects to be below a certain height in order to protect the aircraft flight path to the runway.
- This agreement will authorize Duke Energy to relocate a portion of the line, including:
  - Installation of a temporary line to maintain service during the relocation
  - Lowering the line between certain towers
  - Relocating the line underground for approximately 400 feet
- The estimated cost of the relocation is \$3,000,000. The Airport will pay actual costs for the relocation.

**Disadvantaged Business Opportunity**

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. Because this work must be performed by the utility company, it is not suitable for DBE participation.

**Funding**

Funding for this agreement comes from proceeds of a future federal grant and proceeds of the upcoming General Airport Revenue Bond issue and/or proceeds from the Passenger Facility Charge revenues.

**Attachment 26**

Budget Ordinance

**29. Light Vehicle Maintenance Facility**

**Action: A. Approve an option for purchase of property at 3001 North Graham Street for \$1,275,000, which includes all closing costs, and**

**B. Approve a contract with DMR Architecture, PLLC in the amount of \$646,309 for architectural services for the new Light Vehicle Maintenance Facility.**

**Staff Resource:** William Haas, Engineering & Property Management

**A. Purchase of Property**

- The proposed site, PID #077-091-19, is located at the southwest quadrant of North Graham Street and Atando Avenue and is an "L" shaped parcel behind the Pope-Patterson building.
- The current land use is vacant. The property is approximately 8.9 acres and is zoned appropriately for the Light Vehicle Facility (I-2).
  - The appraised value of the land is \$140,000/acre and the purchase price is \$139,000/acre.
  - The geotechnical report indicates minor soil issues which can be addressed in the design of the facility.
  - A Phase I Environmental Assessment identified no on-site environmental conditions.
- The agreement provides six months for further due diligence and design studies to confirm the site is suitable.
- The deposit is \$20,000 and is refundable if the City chooses not to proceed for any reason.

**B. Professional Services Contract**

- The **consultant's contract** provides architectural services for a new Light Vehicle Maintenance Facility at the proposed site.
- **DMR Architecture, PLLC was chosen through the City's Selection Process** and awarded a contract by City Council in 2005 to provide architectural services for a new light vehicle maintenance facility at the Central Yard. Due to the length of time committed to locating a suitable site to relocate the facility, the original contract with DMR Architecture will expire.
- The facility provides maintenance and repair services for City owned light vehicles as well as their commissioning and decommissioning (installation and removal of necessary accessories such as light bars, radios, cameras,

- tool boxes, etc.) for service including Charlotte Mecklenburg Police Department and Charlotte Fire Department emergency response vehicles.
- The current light equipment maintenance facility, located at the Central Yard, was built in 1928 as a horse barn. This facility is functionally obsolete and requires upgrades to the HVAC, electrical and computer systems. The facility has inadequate parking for the vehicles at that site.
  - The project is in accordance with the Operational Facilities Master Plan adopted by the City Council in October 2007.
  - The project will create surplus land in Central Yard which is programmed to be sold to create additional tax base and enhance the Belmont Neighborhood Revitalization.

### Small Business Opportunity

Established SBE Goal: 2.99%

Committed SBE Goal: 4.64%

DMR Architecture, PLLC committed 4.64% (\$29,962) of the total contract amount to the following SBE firms: Groundworks Studio, PLLC (\$13,490), Q'Spec, Inc. (\$8,472), and Richa Graphics (\$8,000) who are all small business certified by the City of Charlotte.

### Funding

Government Facilities Capital Investment Plan

## 30. Property Transactions

**Action: Approve the following property acquisitions ( A-F ).**

- A. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Ansel Jones Jr.  
**Property Address:** 9056 Walkers Ferry Road  
**Property to be acquired:** .85 acres  
**Improvements:** single family residence  
**Purchase Price:** \$95,000  
**Remarks:** The purchase price was determined by an independent Member Appraisal Institute (MAI) appraiser and was reviewed by a second MAI appraiser. Each 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:** Single Family Residence  
**Tax Value:** \$81,500  
**Tax Code:** 113-361-20
- B. Project:** Dixie River Road Realignment, Parcel #2  
**Owner(s):** Forrest C. Freeman, Jr. And Wife, Jo Ann Freeman and Forrest C. Freeman, III and Wife, Linda R. Freeman  
**Property Address:** 9501 Steele Creek Road  
**Property to be acquired:** 41,300 sq. ft. (.948 ac.) in Fee Simple, plus 580 sq. ft. (.013 ac.) in Storm Drainage Easement,

plus 46 sq. ft. (.001 ac.) in Utility Easement, plus 5,753 sq. ft. (.132 ac.) in Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$357,536

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-3

**Use:** Single Family Residential - Rural Acreage

**Tax Code:** 201-091-07

**Total Parcel Tax Value:** \$308,600

- C. Project:** Dixie River Road Realignment, Parcel #4  
**Owner(s):** Forrest C. Freeman, III and Wife, Linda R. Freeman  
**Property Address:** 9605 Steele Creek Road  
**Property to be acquired:** 4,339 sq. ft. (.100 ac.) in Fee Simple, plus 706 sq. ft. (.016 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$33,449  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 201-091-17  
**Total Parcel Tax Value:** \$139,600
- D. Project:** Dixie River Road Realignment, Parcel #5  
**Owner(s):** Forrest C. Freeman, Jr. And Wife, Jo Ann Freeman  
**Property Address:** 9601 Steele Creek Road  
**Property to be acquired:** 10,312 sq. ft. (.237 ac.) in Fee Simple, plus 41 sq. ft. (.001 ac.) in Utility Easement, plus 1,573 sq. ft. (.036 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$79,936  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 201-091-05  
**Total Parcel Tax Value:** \$121,500
- E. Project:** Muddy Creek Stream Restoration, Parcel #22  
**Owner(s):** SMV Charlotte, LLC  
**Property Address:** 5939 Reddman Road  
**Property to be acquired:** 4,464 sq. ft. (.102 ac.) in Storm Drainage Easement, plus 97,928 sq. ft. (2.248 ac.) in Conservation Easement, plus 8,325 sq. ft. (.191 ac.) in Permanent Access Easement, plus 7,888 sq. ft. (.181 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$10,000

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-4

**Use:** Nursing Home

**Tax Code:** 133-101-12

**Total Parcel Tax Value:** \$9,741,900

- F. Project:** South Boulevard Left Turn Lane, Parcel #2,  
**Owner(s):** Norfolk Southern Railway Company  
**Property Address:** South Boulevard at Sweden Road  
**Property to be acquired:** 567 sq. ft. (.013 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$31,550  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** TOD-Transit Oriented Development  
**Use:** Other Federal  
**Tax Code:** 205-170-01/02/03  
**Total Parcel Tax Value:** \$0

### 31. Meeting Minutes

**Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**

- **December 1, 2008**
- **December 8, 2008**
- **December 15, 2008**