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CITY COUNCIL MEETING

Monday, January 8, 2007

CITY COUNCIL AGENDA

Monday, January 8, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Charlotte-Mecklenburg Development Corporation Corridor Study Update

Resources: Tom Flynn, Economic Development
Bob Sweeney, CMDC President
Dr. Owen Furseth, UNC-Charlotte
Dr. Steve Ott, UNC-Charlotte

Time: 20 minutes

Synopsis

- The Charlotte Mecklenburg Development Corporation (CMDC) hired UNC-Charlotte to study Charlotte's distressed business corridors to determine options for CMDC's next project.
- This study assessed 55 corridor segments in Charlotte and ranked them based on Quality of Life indicators.
- The CMDC Board reviewed this study and selected five corridors for further study of their economic development potential.
- The study determined that the following corridors have the greatest potential for economic development:
 - Rozzelles Ferry Road: Five Points to I-85
 - West Boulevard: I-77 to Billy Graham
 - Beatties Ford Road: I-85 to Brookshire
- The study also estimated the subsidy needed for development on these corridors:
 - Flex Space (light industrial) estimated to require \$226,000 per acre in subsidy
 - Retail on Rozzelles Ferry Road or Beatties Ford Road estimated to require \$335,000 per acre in subsidy
 - Retail on West Boulevard estimated to require \$214,100 per acre in subsidy.

Future Action

- Staff will brief City Council on a possible project on Rozzelles Ferry Road at the January 22, 2007 meeting. Staff will ask Council's permission to continue to work on that project with CMDC.

Attachment 1

CMDC Presentation

2. 2006 Neighborhood Improvement Program Bonds

Resources: Stanley Watkins, Neighborhood Development
Jim Schumacher, Engineering & Property Management

Time: 30 minutes

Synopsis

- At the December 11, 2006 Council meeting, Council requested that staff discuss the proposed list of neighborhood improvement projects funded by the November 2006 bonds. Staff will provide information on the Neighborhood Improvement Program (NIP) and the selection criteria used to prioritize neighborhoods.
- The NIP ensures that the City's older neighborhoods have adequate streets, sidewalks, curb & gutter and other physical improvements to improve their quality of life.
- The selection of neighborhoods for inclusion in the program is based on the following criteria:
 1. Health & Safety - Lack of infrastructure in the neighborhood.
 2. Leverage - Opportunity to leverage other public and private projects, (i.e., storm water or redevelopment projects).
 3. Cost Effectiveness - The neighborhood is compactly developed making installation of infrastructure cost effective on a per lot basis.
 4. Quality of Life - The neighborhood's quality of life variables are evaluated.
 5. Residential Future - Plans show the area will retain long-term residential land use.
 6. Resident's Participation - Residents have expressed interest and are willing to participate to review and prioritize needs.
- A City interdepartmental team oversees the NIP program and is responsible for recommending candidate neighborhoods, establishing construction priorities in concert with neighborhood residents and monitoring the construction of projects.
- The average expenditure per neighborhood is about \$3 million to address the highest priority infrastructure needs.
- Since the program's inception in 1990, the City has completed or is in the process of completing 44 neighborhood improvement projects. However, there is an estimated \$651 million in improvements still needed for existing neighborhoods.
- After a review of the neighborhood improvement project needs, staff proposes the use of \$25 million in NIP bonds for the following seven neighborhoods: Ashley Park, Belmont, Howie Acres, Revolution Park, Sugaw Creek/Ritch Avenue, Thomasboro/Hoskins and York/Cama.

Attachment 2

List of 2006 NIP Bond neighborhoods

Map of 2006 NIP Bond neighborhoods

List of 2006, 2008 and 2010 NIP neighborhoods

3. Belmont Revitalization Update

Resources: Charles Woodyard, Charlotte Housing Authority
Stanley Watkins, Neighborhood Development
Debra Campbell, Planning

Time: 30 minutes

Synopsis

- Staff will brief the City Council on the implementation of the Belmont Neighborhood Revitalization Plan focusing on the progress of the HOPE VI developments, infrastructure projects and property acquisitions.

HOPE VI Development

- The Charlotte Housing Authority (CHA) continues to make progress on the Piedmont Court's HOPE VI redevelopment. The status of key projects is as follows:

Projects	Location	Units	Status
McAden Park	16 th Street & Seigle Avenue	60	The project is under construction and about 70 percent complete. The projected completion date is February 2007.
940 Brevard	N. Brevard Street	100	The site has been cleared and construction is expected to start the 1 st quarter of 2007.
The Crossings @ Seigle Point	10 th Street & Seigle Avenue	204	The buildings have been demolished and site cleared. Construction is expected to start the 2 nd quarter of 2007.

- The City has completed its \$5 million funding commitment to the HOPE VI Development. In addition, CHA has expended \$2.45 million of a \$3.8 million City Neighborhood Improvement Bond commitment for infrastructure.

Infrastructure Projects

- The City is engaged in several infrastructure projects for the Belmont neighborhood. The current status of active projects is as follows:

Projects	Location	Status
Seigle Avenue Streetscape	Seigle Avenue between 10 th Street and Parkwood Avenue	In Design
Gateways	Davidson Street & Parkwood Avenue; Parkwood Avenue & The Plaza	In Design
Parkwood Pedscape	Parkwood Avenue.	In Design

- The above projects are funded through 2004 Neighborhood Improvement Bonds (\$5.0 m) and 2006 (\$2.0 m).
- In addition, the City received a \$1.24 million federal grant to provide additional intersection improvements in Belmont (page 38).

Acquisitions

- The City is pursuing contracts to purchase five to seven convenience stores in the Belmont neighborhood funded from the \$1.1 million in Neighborhood Improvement Bonds.
- The CHA expended/encumbered \$566,111 of a City-approved \$1.2 million grant to assist in residential land acquisition for affordable housing. These funds are program income earned from previous Housing and Urban Development grant projects.

Funding

- The chart below summarizes the sources of funding and project purposes related to the City's efforts in Belmont revitalization.

Sources of Funding	Amount (in millions)	Purpose
2004 Neighborhood Bonds	\$3.80	site/street improvements
2004 Neighborhood Bonds	5.00	neighborhood street improvements
2006 Neighborhood Bonds	2.00	neighborhood street improvements
2006 Neighborhood Bonds	1.10	convenience stores acquisition
Total Neighborhood Bonds	\$11.90	
Federal Grant	1.24	intersection improvements
HUD Program Income	1.20	acquire affordable housing sites
Total	\$14.34	

Future Action

- Item 31, page 38 of this agenda accepts a \$1.24 million federal grant for Belmont area intersection improvements. Other infrastructure improvements will be coming forward for Council approval in the next several months.

Attachment 3

Map of Belmont Housing Infrastructure Projects

4. Housing Trust Fund Homeownership

Resources: Stanley Watkins, Neighborhood Development

Time: 30 minutes

Synopsis

- Brief the City Council on two housing developments recommended for funding through the Housing Trust Fund.

Housing Developments

- The two homeownership housing developments recommended for funding are from the 2004 voter approved housing bonds. The developments are as follows:

Charlotte Mecklenburg Housing Partnership

- 40 units of new construction to be located in the Druid Hills neighborhood (one of the City's targeted revitalization neighborhoods) with a City funding recommendation of \$613,115.
- The total development cost is \$5,244,526.
- The units will serve households earning 31% to 80% of area median income (\$19,320 to \$51,520 for a family of four).
- The sales price of the homes ranges from \$120,000 to \$135,769.

Habitat for Humanity

- 32 units of new construction to be located in the various revitalization neighborhoods with a City funding recommendation of \$480,000.
- The total development cost is \$2,665,600.
- The units will serve households earning 31% to 60% of area median income (\$19,320 to \$38,640 for a family of four).
- The sales price of the homes ranges from \$70,300 to \$86,300.

- On November 8, 2004, City Council approved a Housing Trust Fund allocation of \$1,394,713 for homeownership development in the City's revitalization neighborhoods.
- On November 18, 2005 a Request for Proposals (RFP) was issued to development teams to build homeownership units in the City's targeted revitalization neighborhoods.
- Staff received three proposals from developers. One proposal did not meet the requirements. The two proposals were evaluated and ranked by staff based on the Affordable Housing Loan and Grant Guidelines and RFP Evaluation Criteria adopted by the Housing Trust Fund Advisory Board.

Future Actions:

- This item is #17, on page 20 of this agenda.

Attachment 4

Project Summary Report – Kohler Avenue Homes

Project Summary Report – Habitat for Humanity

Elevation of Homes – Kohler Avenue Homes

Elevation of Homes – Habitat for Humanity

Map – Kohler Avenue Home Locations

Map – Habitat Home Locations

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

CONSENT

- 5. Consent agenda items 23 through 43 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

6. Public Hearing on Resolution to Close Ingram Street Located off of Dawkins Street

- Action:** **A. Conduct a public hearing to close Ingram Street located off of Dawkins Street, and**
- B. Adopt a Resolution to Close.**

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Elizabeth A. Grillo, Alexandra A. Longstreet and Modern Dwellings, LLC – John Carmichael/Kennedy Covington

Right-of-Way to be abandoned

Ingram Street located off of Dawkins Street

Location

Located within the Ashbrook Community beginning from Dawkins Street continuing north approximately 440 feet to its terminus at parcel #149-132-07

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner's for the development of a new single family subdivision. Rezoning petition #2006-77 was approved by City Council on July 17, 2006.

Notification

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

Adjoining property owners

The Salvation Army – No objections

Neighborhood/Business Associations

- Ashbrook – No objections
- Freedom Park Neighborhood Association – No objections
- Hillside East Condo Owners Association – No objections
- Savanna Woods – No objections
- Hillside West Condo Owners Association – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 5

- Map
- Resolution

7. Public Hearing on Resolution to Close Savings Place Located off of Fairview Road

Action: **A. Conduct a public hearing to close Savings Place located off of Fairview Road, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

The Charlotte Housing Authority – Charles Woodyard

Right-of-Way to be abandoned

Savings Place located off of Fairview Road

Location

Located within the Southpark Community beginning from Fairview Road continuing southwestwardly approximately 536 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of a new mixed use project. This abandonment is affiliated with rezoning petition #2006-22 approved by City Council on April 17, 2006.

Notification

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

Adjoining property owners

Allen Tate at Phillips Place, LLC – No objections
Waterford Terraces at South Park, LLC – No objections
Falls Investment LP – No objections
Carmel Land Company – No objections

Neighborhood/Business Associations

Beverly Woods East Civic Association – No objections
Deering Oaks – No objections
Fairmeadows – No objections
Fairmeadows Neighborhood Association – No objections
Foxcroft HOA – No objections
Heatherstone Neighborhood Association – No objections
Morrocroft Estates Property Owners Association – No objections
Park Phillips Townhomes Owners Association – No objections
Parkdale League – No objections
Picardy HOA – No objections
Southpark Mall/Simon properties – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 6

Map
Resolution

8. Public Hearing on Resolution to Close a Portion of an Unnamed Right-of-Way Running off of Vance Street

Action: A. Conduct a public hearing to close a portion of an unnamed right-of-way running off of Vance Street, and

 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Royal Court, LLC – Teresa Hawkins/Stewart Engineering Innovation Solutions

Right-of-Way to be abandoned

A portion of an unnamed right-of-way running off of Vance Street

Location

Located within the Dilworth Community beginning from Vance Street continuing south approximately 250 feet to its terminus at parcel #125-173-02

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed multi-family condominium project

Notification

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

Adjoining property owners

Duke Power Company – No objections

Robert E. Zimmerman – No objections

Neighborhood/Business Associations

Charlottetown Terrace (CHA) – No objections

Dilworth Community Development Association (DCDA) – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 7

Map

Resolution

9. Public Hearing on Resolution to Close Pinewood Avenue Located Between St. Mary Avenue and Mariam Drive

Action: A. Conduct a public hearing to close Pinewood Avenue located between St. Mary Avenue and Mariam Drive, and

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Robert S. Furr, Sr.

Right-of-Way to be abandoned

Pinewood Avenue located between St. Mary Avenue and Mariam Drive

Location

Located between the Echo Hills and Grier Heights Communities beginning from St. Mary Avenue continuing southwestwardly approximately 191 feet to its terminus at Mariam Drive

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner in order to meet the required set backs for a proposed commercial building expansion project

Notification

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

Adjoining property owners

Shurgard Storage Centers, Inc. – No objections

Neighborhood/Business Associations

Echo Hills Neighborhood Association – No objections

Grier Heights Economic Foundation – No objections

Grier Heights Neighborhood Improvement Association – No objections

Charlotte East Community Partners – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 8

Map

Resolution

10. Public Hearing on Resolution to Close a Portion of Old Steele Creek Connector Located Between S. Tryon Street and Old Steele Creek Road

- Action:**
- A. Conduct a public hearing to close a portion of Old Steele Creek Connector located between S. Tryon Street and Old Steele Creek Road, and**
 - B. Adopt a Resolution to Close.**

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

The Charlotte-Mecklenburg Hospital Authority – John Carmichael/Kennedy Covington

Right-of-Way to be abandoned

A portion of Old Steele Creek Connector located between S. Tryon Street and Old Steele Creek Road

Location

Located within the Yorkshire Community beginning from Old Steele Creek Road continuing west approximately 856 feet to its terminus approximately 180 feet from S. Tryon Street

Reason

To incorporate the right-of-way into adjacent property for the development of a proposed medical facility.

Notification

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

Adjoining property owners

Steele Creek Volunteer Fire Department, Inc. – No objections

Neighborhood/Business Associations

Bennington Place – No objections

The Crossings Community Association – No objections

Pleasant Hill Road Resident’s Association – No objections

Riverpointe HOA – No objections

Steele Creek Resident’s Association – No objections

Steele Croft Place HOA – No objections

Yorkshire – No objections

Walkers Creek HOA – No objections

Wiltshire Manor HOA – No objections

Private Utility Companies – No objections

City Departments –

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

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

Attachment 9

Map

Resolution

11. Public Hearing and Resolution on NASCAR Hall of Fame Certificates of Participation

Action: Hold a public hearing on the financing of the NASCAR Hall of Fame and Convention Center Expansion.

Staff Resource: Greg Gaskins, Finance

Explanation

- On December 11, 2006 Council approved the first of three actions required for financing the NASCAR Hall of Fame and Convention Center Expansion and set a public hearing for January 8, 2007.
- Up to \$170 million of Certificates of Participation (COPs) will be issued as commercial paper during construction of the facilities and permanent financing will occur when the buildings are complete in 2009.
- Notice of the public hearing will be published in the Charlotte Observer.
- This is the second action holding a public hearing. The third action approving the execution of documents related to the financing will be on January 22, 2007.
- The NASCAR Hall of Fame and Convention Center Expansion will soon begin construction and this financing will provide funds for the project which is scheduled to open in 2009.

Funding

Convention Center Fund

NASCAR Hall of Fame Fund

Attachment 10

Resolution

12. Public Hearing on Preliminary Assessment Roll for the Williamsburg Curb and Gutter Upgrade

Action: **A. Hold a public hearing on the preliminary assessment roll for the Williamsburg neighborhood curb and gutter upgrade, and**

B. Adopt a resolution confirming the preliminary assessment roll as the final assessment roll and levying assessments on 182 properties abutting curb and gutter improvements in the Williamsburg neighborhood per N.C.Gen.Stat. §160A-226 to 228.

Staff Resources: Susan Lewis, Engineering and Property Management
 Jude Starrett, City Attorney's Office

Policy

- Storm Water Services Pipe and Channel Policy:
 - Repair existing open channels with channel improvements unless engineering reasons require installation of pipe or pipe is less expensive.
 - Property owners can receive an upgrade to City planned drainage improvements if they pay for the cost of the upgrade.

Prior Actions

- On November 30, 1998, Williamsburg neighborhood leaders presented a petition to the City Clerk containing signatures representing 75% of all affected properties requesting a cost-share upgrade to a curb and gutter drainage system.
- After a public hearing on March 22, 1999, City Council approved a resolution directing Storm Water Services to include the curb and gutter upgrade with the larger Provincetowne Storm Water project and stating the intent to assess the cost of the upgrade after construction was completed. Construction was completed in 2006.
- On November 8, 2006 and December 21, 2006, property owners were sent via first-class letter the Preliminary Assessment Roll information for their property. Property owners were given the opportunity to request review of the basis of their computed assessment (length of frontage and lot size). Two requests for review were received. Adjustment to one assessment amount was made as a result of the review.
- On December 11, 2006, Council approved a resolution setting a public hearing for January 8, 2007, stating the project cost, and ordering preparation and publication of the Preliminary Assessment Roll.
- The Preliminary Assessment Roll includes assessments for 182 properties totaling \$843,671. Individual assessment amounts range from \$3,417 to \$5,859 with an average of \$4,687.
- The Preliminary Assessment Roll was filed with the City Clerk on December 22, 2006. Notification of the public hearing was made by publication of notice in the Charlotte Observer on December 22, 2006 and by first-class letter mailed to all property owners listed on the Preliminary Assessment Roll.

Explanation

- Current action follows the procedural requirements of N.C. State Statute 160A-228. The purpose of the public hearing is to receive comments on the Preliminary Assessment Roll.
- The resolution action confirms the Preliminary Assessment Roll, with any revisions as so ordered after the close of the public hearing, as the Final Assessment Roll.
 - Revisions to the Preliminary Assessment Roll, following N.C. State Statute 160A – 228, can include annulling, modifying, or confirming the assessments, in whole or in part, either by confirming, canceling, increasing or reducing them as may be proper in compliance with the basis of assessment.
 - The basis of the assessment, as set forth in the Assessment Resolution adopted by Council on March 22, 1999, is a combination of assessed length of footage and lot size (distributed as a percentage of these two bases of 28% and 72% respectively). The goal of the assessment formula was to minimize the variation among assessment amounts.
- Twenty days after Council confirmation, staff will publish confirmation of the Assessment Roll and send notification to all property owners. The Finance Department will issue invoices to each affected property owner stating the terms provided in the State Statute for payment in-full within 30 days or in 10 annual installments with 8% interest to begin within 60 days. Liens will be filed per N.C. General Statute 160A-228.

Budget Considerations

- Assessment payments will reimburse the storm water flood control fund. This fund is allocated for projects which address road flooding, house flooding and capital drainage infrastructure repair.

Attachment 11

Resolution

Preliminary Assessment Roll

Certificate of Mailing

POLICY

13. City Manager's Report

- Update on FY2007 Budget Initiatives

14. Options for Congestion Mitigation Air Quality

Action: Direct the vote of the City of Charlotte's Mecklenburg Union Metropolitan Planning Organization (MUMPO) Representative to support the Technical Coordinating Committee (TCC) recommendation regarding Charlotte Mecklenburg Air Quality (CMAQ) funding.

Committee Chair: Patrick Mumford

Staff Resource: Jim Humphrey, Transportation

Explanation

- At the November 6th Council Workshop, Peter Pappas, Chair of the Regional Air Quality Board, and Dave Franchina, representing the Charlotte Chamber, presented Council with the preliminary results of Clean Air Works! (CAW), the public-private pilot program to reduce ozone emissions this past summer.
- Council was asked to direct its MUMPO representative, Council member Pat Mumford, to approve use of \$500,000 in CMAQ funds for a 2007 CAW program, as recommended by the TCC. Questions were raised about the program results, consultant contract expenditures and other options for use of CMAQ funds. Council deferred action on directing the MUMPO representative vote.
- A briefing on this issue was presented to Council at the January 2, 2007 Workshop meeting.
- The directed vote will be used at the January 17th MUMPO meeting when this item is voted upon.

15. 2007 North Carolina Legislative Agenda

Action: Approve 2007 North Carolina Legislative Agenda.

Staff Resource: Boyd Cauble, City Manager's Office

Explanation

- On January 24, the 2007 Legislative Session of the North Carolina General Assembly will begin. The "Long Session" will:
 - afford an opportunity to solidify funding for our criminal justice system
 - seek authorization for alternative local revenues

- request changes in State funding for infrastructure
- explore major changes to existing state statutes
- The North Carolina League of Municipalities (NCLM) and the Metropolitan Coalition may present legislative items for Council’s consideration. As these issues are debated, staff will include those ‘statewide’ initiatives endorsed by Council in the legislative agenda.
- City Council members and Key Business Executives have offered the following items for our legislative agenda. Most items have been discussed in Council Committees in order to give Council input prior to submittal to the full Council. Several requests have been deleted or revised based upon Council questions, and the process remains open for additional legislative requests as Council discusses items that require state authorization for local implementation.
- The following items are recommended for Council approval:
 1. CATS: Amend City Charter regarding competitive proposal procurement and transit contracts
 2. CATS: Amend State Statutes regarding complying with licensing requirements for bids and contracts
 3. CATS: Operate buses in excess of maximum length of vehicles (currently 40 feet)
 4. CDOT: Transportation Legislative Goals
 5. CMU: Permission to Utilize Design/Build Contracts
 6. Engineering: Permission to Conduct Electronic Bidding
 7. Economic Development: Revise Underwriter Laboratory Inspection requirements
 8. Finance: Expand investment authority for managing long term trust type funds
 9. Police: Continued increased funding for criminal justice system
 10. Police: Street Gang Prevention Act (HB50)
 11. Police: Auto Theft – Wrecker and Tow Service
 12. Police: Auto Theft – Chop Shop Act modeled after South Carolina
 13. Police: Armed Robbery – Firearms should include a mock or apparent firearm
 14. Police: Window Tint – regulate businesses
 15. Police: Driving While License Revoked
 16. Other Council approved policies requiring State authorizing legislation
 17. Endorse and lobby for NCLM positions which protect our interests in the following areas:
 - a. Annexation
 - b. Medicaid Relief for Counties
 - c. “Big Box” Development and Abandonment laws
 - d. Local Option Revenues
 - e. Infrastructure Funding
 - f. Other Council Endorsements

Next Step

- The approved Legislative Agenda will be presented to the Mecklenburg Delegation at a breakfast meeting on Monday, January 22 in Room 267 of the Charlotte-Mecklenburg Government Center.

Attachment 12
Proposed 2007 North Carolina Legislative Agenda

BUSINESS

16. 2006 Bond Appropriation

Action: Adopt a budget ordinance appropriating \$31,500,000 in 2006 Bonds as follows:

- \$5.0 million in Housing Bonds
- \$6.3 million in Neighborhood Improvement Bonds
- \$20.2 million in Street Improvement Bonds

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- On November 7, 2006 the voters approved \$120.2 million in bonds as follows:
 - \$10.0 million in Housing Bonds
 - \$25.0 million in Neighborhood Improvement Bonds
 - \$85.2 million in Street Improvement Bonds
- This action appropriates a portion of the approved bonds that will be needed for Council approval of contracts to implement bond projects through the remainder of this fiscal year – June 30, 2007. The balance of funding will be included in the FY2008 capital budget.
- In the upcoming months, staff will recommend contracts for Council approval to begin implementation of the bond projects.

Attachment 13

2006 Bond Projects
Budget Ordinance

17. Housing Trust Fund Homeownership Project Funding Recommendations

Action: A. Approve a grant of up to \$480,000 for Habitat for Humanity to develop 32 affordable homeownership units, and

B. Approve a grant of up to \$613,115 for the Charlotte-Mecklenburg Housing Partnership, Inc. to develop 40 affordable homeownership units.

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The plan identifies the need for affordable, safe and decent housing for low and moderate-income families.

- The plan reaffirms the three basic goals of the City’s Housing Policy, which are to preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- On November 8, 2004, City Council approved a Housing Trust Fund allocation of \$1,394,713 for homeownership development in the City’s revitalization neighborhoods.
- On November 18, 2005 a Request for Proposals (RFP) was issued to development teams to build homeownership units in the City’s targeted revitalization neighborhoods.
- Three proposals were received in response to the RFP. One proposal was disqualified as it did not meet the RFP requirements.
- The two proposals were evaluated and ranked based on the Loan and Grant Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.

Project Name	Evaluation Points Scored	Developer	Total Units	City Funding Request
Habitat Charlotte	87	Habitat	32	\$480,000
Kohler Avenue Homes	82	CMHP	45	\$613,115
Total			77	\$1,093,115

Habitat for Humanity

- Proposes the development of 32 for-sale single-family units in various targeted neighborhoods.
- The total development cost is \$2,665,600 and the City investment is \$480,000.
- The City investment per unit is \$15,000 and the leverage ratio is approximately 1:6.
- The estimated sales price per unit ranges from \$70,300 to \$86,300.
- The units will serve households earning 31 percent to 60 percent of the area median income (\$19,320 to \$38,640 based on a household of four).
- The units will be developed in eight revitalization neighborhoods - Belmont, Druid Hills, Lakewood, Lincoln Heights, Reid Park, Thomasboro/Hoskins, Washington Heights and Wingate.

Kohler Avenue Homes – Charlotte Mecklenburg Housing Partnership

- The Kohler Avenue Homes project represents 45 for-sale townhome units.
- The total development cost is \$5,244,426 and the City investment is \$613,115.
- The City investment per unit is \$15,328 and the leverage ratio is approximately 1:9.
- The estimated sales price per unit ranges from \$120,000 to \$135,769.
- The units will serve the following incomes:

Number of Units	Incomes Served	Annual Income (Based on household of four)
2	31% to 50%	\$19,320 to \$32,200
9	51% to 60%	\$32,200 to \$38,640
29	61% to 80%	\$38,640 to \$51,520
5	80% or greater	Greater than \$51,520
45		

Funding:

City Housing Bonds Funds (Housing Trust Fund)

Attachment 4

- Project Summary Report – Kohler Avenue Homes
- Project Summary Report – Habitat for Humanity
- Elevation of Homes – Kohler Avenue Homes
- Elevation of Homes - Habitat for Humanity
- Map- Kohler Avenue Home Locations
- Map- Habitat Home Locations

18. Public Safety Radio System Coverage Upgrade

Action:

- A. Adopt a resolution amending the FY2007-2011 Capital Investment Program by accelerating the appropriation of funding for construction of a public safety digital radio system,**
- B. Adopt a budget ordinance appropriating \$2,200,000 in Certificates of Participation, and**
- C. Approve a contract with Motorola Inc. for the purchase of \$1,628,956 in radio communication equipment.**

Staff Resource: Dennis Baucom, Business Support Services

Explanation

- The City manages and maintains the 800 MHz public safety radio system for all public safety agencies operating within Mecklenburg County. Capital investments in the system are paid back to the City through the monthly radio fee paid by all system users.
- The requested funding is necessary to allow the City to build and equip a radio control structure on Cabarrus County’s radio tower site in Midland, North Carolina. This upgrade will increase radio coverage as well as signal strength for Fire, Police and EMS agencies operating in the eastern portion of Mecklenburg County. Coverage in this area has historically been lower than the rest of the county. With increasing development in eastern Mecklenburg

County, the City has seen an increase in calls for service to public safety agencies and the lack of reliable coverage creates safety issues for first responders and citizens.

- The need for this site was identified in 2001 and included in the adopted 2002-2006 Capital Investment Plan.
 - The original plan called for construction of an eastern site in FY2006, however, the lack of land at appropriate locations to resolve the coverage problems delayed the expenditure.
 - Since FY2006, Cabarrus County has constructed a tower in Midland that will meet all coverage needs and has offered the City permanent space on the structure.
- The City will recognize a \$737,000 cost avoidance by not having to build a new tower and by using funds from the Department of Homeland Security Regional Interoperability Project to provide microwave connectivity.
- The balance of the funding will be used to construct the building to hold all communications equipment and provide for an uninterruptible power supply and all special grounding necessary to protect the electronics.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program Policy, no goal was established for this contract because subcontracting was not anticipated.

Funding

Government Facilities Capital Investment Plan

Attachment 14

Resolution

Budget Ordinance

Background

19. North Carolina League of Municipalities Strategic Directions Initiative Resolution

Action: Consider resolution endorsing the findings of the North Carolina League of Municipalities (NCLM) Steering Committee, which encourages the NCLM Board of Directors to adopt the recommendations and move the League forward to its preferred future.

Staff Resource: Julie Burch, City Manager's Office

Explanation

- The North Carolina League of Municipalities initiated the Strategic Directions Initiative to examine its mission, core values and future directions.
- Council member Nancy Carter is a member of the League's Steering Committee for this initiative. At the December 11 Council meeting, she asked

the Council to consider adopting a resolution of support and Council concurred with placing it on an agenda.

- The League strategic direction process began in June 2005.
- The steering committee was appointed in September and began work in January. As part of this effort, elected officials, managers and other municipal staff, and NCLM staff provided information and input through focus groups and special meetings.
- At the October NCLM Annual Conference, held in Greensboro, members of the steering committee presented a draft mission statement, core values and strategic direction.
- The proposed NCLM Mission Statement is:
The North Carolina League of Municipalities is a nonpartisan association of municipalities in North Carolina. The mission of the League is to enhance the quality of life in municipalities through excellent municipal government. The League carries out this mission by: providing member services that strengthen and support good municipal government; engaging members, staff and stakeholders in representing municipal issues and interests; developing municipal leaders who can address the needs and interests of their citizens; providing a unified, nonpartisan voice for municipal issues at the state and federal level.
- The proposed NCLM Core Values are stated as follows:
The League will be ethical, financially sound, open and transparent, fair, equitable, innovative, forward-thinking, non-partisan and inclusive and collaborative as it engages partners, stakeholders, and external actors. The League will stand for: good government and the value of public service; the principle that municipalities matter; and the unity of citizens within municipalities and municipalities through the League.
- On December 14, 2006, in preparation for this requested action, the Mayor and Council were provided background information on the League Strategic Directions Initiative and asked to complete the League survey soliciting comments and feedback.
- As part of the consideration of this resolution, Council members who have had not yet had an opportunity to respond to the formal survey may wish to provide comments and feedback to Council member Carter to share with the League Steering Committee.
- After municipal officials throughout the state provide any additional comments, the League Board of Directors will revise if needed and then adopt the final Mission Statement, Core Values and Strategic Direction. The League will then develop a long-range plan to carry out the strategic directions.

Attachment 15

Resolution

NCLM Strategic Direction Initiative and Vision Survey

20. Modification of Sale Agreement for Land at Wilkes Place

Action: Approve a modification to the Sales Agreement with Trinity Capital Advisors Inc. for the sale of City-owned land at Wilkes Place, (078-055-01 & 02), to allow for a 50/50 cost sharing of environmental remediation expenses up to \$100,000.

Staff Resource: Tom Warshauer, Economic Development Office

Policy

The 2010 Vision Plan and the 2025 Transit Plan identify a need for additional residential, office and retail in the center city. These uses would also support the multimodal station to be built across Trade Street from the site. The plans further identify Trade Street as a signature street with limited driveway access and increased sidewalk widths in this block.

Explanation

- On March 27, 2006 City Council approved the sale of the 0.9 acre tract of land to Trinity Capital Advisors for the appraised fair market value of \$3.14 million.
- The appraised market value was made assuming the property is clean, requiring no environmental remediation. The Sales Agreement included a ‘due diligence’ period which allows the Buyer time to perform environmental assessment before closing on the property.
- Soil and groundwater testing performed by Trinity during ‘due diligence’ has revealed contamination caused by former underground tanks at the property. The existence of the tanks and contamination were unknown to Trinity and the City at the time of sale.
- The estimated cost to clean the soil and groundwater to State EPA standards is \$158,000 to \$210,000.
- In order to receive favorable financing for the project, the Buyer desires to remediate the property to State EPA standards and receive a “No Further Action” letter from the EPA. The property must be remediated before any development occurs.
- Staff evaluated the merits of assisting in the remediation costs and believes it is a legitimate expense for the following reasons:
 - The City’s land is a narrow lot, 100 feet by 400 feet, and has limited marketability unless combined with the neighboring property, the former Polk Building site.
 - Trinity purchased the adjacent Polk Building property and proposes to combine the City’s land with it to construct an \$80 million mid-rise residential complex. Trinity could develop the Polk property without purchasing the City’s property. However, the development would be a smaller scale and would produce an inferior development at a location that will be diagonally across from the future Multimodal Station.
 - If Trinity develops only the Polk property, the driveway connection from the parking garage will be on W. Trade Street which is a more congested

- road and a signature street in the Central Business District, instead of on Wilkes Place, a side road that is ideal for a parking garage driveway.
- If Trinity decides not to purchase the City’s property, that land will likely be more difficult to sell as a stand-alone parcel due to its narrow shape.
- By sharing the remediation costs, a common practice between buyers and sellers, both parties have a vested interest in minimizing those expenses.
- City’s financial exposure will not exceed \$100,000, even if environmental costs exceed \$200,000.
- If City Council agrees to participate in the remediation expense, the expense would be subtracted from the sales price upon closing.
- If the sales agreement modification is not approved by Council and Trinity does not purchase the City site, the City is not obligated to pay for any remediation to the site that Trinity may have begun or completed.

Original Terms of the Sale

- Trinity Capital Advisors proposes to purchase the City property for the appraised fair market value of \$3.14 million with a two-year option to close.
- Trinity will provide \$78,500 for each year of the two year option period. The money will be applied to the purchase price of the land.
- Trinity agrees to give up driveway access to W. Trade Street and move the driveway to Wilkes Place.

Background

- The City’s two adjoining parcels had been leased to NCDOT for parking for NCDOT’s Polk Building located at 500 W. Trade Street.
- Trinity Capital Advisors purchased the Polk Building property in April 2006 to build a 12-story mixed-use building consisting of 300 residential units, 30,000 sq. ft. of retail and a 600-space parking garage.
- Planning Committee of the Planning Commission supported the transaction.

Funding

The expense will be subtracted from the sales price upon closing.

Attachment 16

Map

February 27, 2006 Council Presentation

21. Nominations to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

- One appointment for a Westside resident for an unexpired term beginning immediately and ending July 2009.
 - Ellore Erwin resigned.

Attachment 17

Applications

B. BUSINESS ADVISORY COMMITTEE

- One appointment recommended by the Chamber of Commerce for an unexpired term beginning immediately and ending April 2009.
 - Edna Chirico has failed to meet the attendance requirement.
- One appointment for an unexpired term beginning immediately and ending April 2007, then continuing for the full term ending April 2010.
 - Michael Schmidt failed to meet the attendance requirement.

Attachment 18

Applications

C. BUSINESS EXPANSION FUNDING CORPORATION

- One appointment for a representative of the private lending industry for an unexpired term beginning immediately and ending April 2009.
 - Alfredo Marquetti resigned.
- One appointment for a representative of a community organization for an unexpired term beginning immediately and ending April 2009.
 - Edward Prince resigned.

Attachment 19

Applications

D. CITIZENS' TRANSIT ADVISORY GROUP

- One appointment for an unexpired term beginning immediately and ending June 2007 and continuing for the next full term ending June 2009.
 - Carlton Smalls failed to meet the attendance requirement.

Attachment 20

Applications

E. COMMUNITY RELATIONS COMMITTEE

- Two appointments for unexpired terms beginning immediately and ending June 2007 and continuing for the next full term ending June 2010.
 - Carol Anne Lawler resigned.
 - John C. Bradley resigned.

Attachment 21

Applications

F. HOUSING AUTHORITY

- One appointment for an unexpired term beginning immediately and ending December 2007.
 - Eric Douglas resigned.

Attachment 22

Applications

G. KEEP CHARLOTTE BEAUTIFUL COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 2008.
 - Sherry Helms-Miller resigned.

Attachment 23

Applications

H. MAYOR'S INTERNATIONAL CABINET

- One appointment in the Open Category for a three year term beginning March 1, 2007.
 - Robert H. Percival is eligible and wishes to be reappointed.
- One appointment in the Ethnic Organization Category for a three year term beginning March 1, 2007.
 - Astrid Chirinos is not eligible for reappointment.

Attachment 24

Applications

I. PRIVATIZATION/COMPETITION ADVISORY BOARD

- Five appointments for two year terms beginning March 2, 2007.
 - Raphael K. Basisa is not eligible for reappointment.
 - Christopher L. Squier is eligible but does not wish to be reappointed.
 - Frank L. Gentry, David S. Morgan and Edward P. Pickett are all eligible and wish to be reappointed.

Attachment 25

Applications

J. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for a three year term for a local service passenger of Charlotte transit beginning February 1, 2007.
 - Sherry Helms-Miller is eligible and wishes to be reappointed.

Attachment 26

Applications

K. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2007.
 - Robert J. Eaton is eligible and wishes to be reappointed.

Attachment 27

Applications

22. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

23. Various Bids

A. Fire Station 13 Renovations

EPM

Resource: Bruce Miller

Action

Award the low bid of \$152,430.30 by D.E. Brown Construction, Inc. of Charlotte, North Carolina. The project is located at 4337 Glenwood Drive. This project includes constructing an exercise facility (770 square feet) and bringing this older station's mechanical and electrical systems up to current standards in size and function. Firefighters are required to pass a physical fitness requirement each year which requires an appropriate fitness program. The exercise facility allows firefighters to exercise and remain close to the fire truck for emergency response. Renovations avoid the expense of replacement and allow for the modernization of fire stations which date back to 1929. Construction completion is scheduled for fourth quarter of 2007.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.02%

D.E. Brown Construction met the SBE goal and committed 6.02% (\$9,180) to the following SBE firms: Electric System Specialists, Inc. and Corporate Painting, Inc.

B. Fire Station 38**EPM**

Resource: Bruce Miller

Action

Award the low bid of \$3,982,218.96 by Randolph and Son Builders of Charlotte, North Carolina. This project consists of construction of a one-level, three-bay fire station of approximately 12,860 square feet and a boat house of approximately 2,800 square feet located on Lake Wylie at 12100 Shopton Road West. As Charlotte annexes the eastern shore of Lake Wylie, this facility will give the fire department the ability to respond to lake and lake shore emergencies properly. This facility was authorized as part of the 2005 annexation. Construction completion is scheduled for third quarter of 2008.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 0.53%

Randolph & Son Builders did not meet the SBE goal, but has exceeded the minimum number of good faith effort (GFE) points and met the mandatory outreach requirements. They earned the requisite GFE points by demonstrating among other efforts, that they would pay all SBEs on this project within 20 days after confirmation that performance has been properly completed. Randolph & Son committed 0.53% (\$20,905) to the following SBE firms: B & G Waterproofing Co., Door & Hardware Specialist, Inc., Secure Termite & Pest Control, Inc. and The Blind Man.

C. FY05 Annexation, Brookshire West Water and Sewer Improvements**CMU**

Resource: Doug Bean

Action

Award the low bid of \$1,668,682.04 by Sanders Utility Construction Company Inc. of Charlotte, North Carolina. This project provides newly annexed areas with access to City water and sewer services through public right-of-way gravity sewer and water mains. Construction completion is scheduled for June 2008.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 1.94%

Sanders Utility failed to meet the goal, but met the mandatory outreach and good faith effort points. They have committed 19.4% (\$32,300) to the following SBE firms: Perry’s Lawn & Landscaping, Hazel Holmes Trucking, B&B Concrete and Fast Signs.

D. Thermoplastic Pavement Marking Material CDOT

Resource: Lawrence McKnabb

Action

Award the low bid of \$88,025.32 by Ennis Paint, Inc. of Ennis, Texas for furnishing pavement marking materials, identified as either white or yellow for all four types, either bags or blocks. This is a one year contract based on unit prices. This action authorizes the City Manager to authorize the renewal of two additional one-year terms.

Small Business Opportunity

Pursuant to Section five of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

E. Buses and Vans Citywide

Resource: Mehl Renner

Action

Award unit price contracts to provide transit buses, passenger vans and sprinter vans for various business units including Aviation, Police, Transit and Utilities for a term of one-year and authorize the City Manager to renew the agreements for four additional one year terms to the following vendors:

Vendor Awarded, Description	Low Bid Amount
National Bus Sales – Marietta, GA STS Paratransit Bus	\$55,469
Horace Ilderton Inc. – High Point, NC 15-Passenger Van (Rideshare)	\$21,988
Horace Ilderton Inc. – High Point, NC Sprinter High Top Van	
- Passenger	\$38,400
- Cargo	\$33,361

Small Business Opportunity

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

24. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,788.91.

Staff Resource: Greg Gaskins, Finance

Attachment 28

Resolution

List of property tax

CONSENT II

25. Gang of One Grant

Action: Adopt a budget ordinance appropriating a \$148,084 federal grant for the Gang of One Program.

Staff Resources: Captain Eddie Levins, Charlotte-Mecklenburg Police
Fran Cook, Charlotte-Mecklenburg Police

Explanation

- CMPD addresses gang issues in Charlotte-Mecklenburg through enforcement, prevention and intervention.
- Gang of One is CMPD's major gang prevention and intervention initiative and supports the efforts of officers in the field who are trained to identify gang members.
- Gang of One partners with citizens and the community to provide services to gang-impacted youth, families, and communities.
- Gang of One has received a grant in the amount of \$148,084 to support its mission of preventing youth from joining gangs, supporting youth being pressured to join a gang and assisting youth in getting out of gangs.
- \$55,423 will be used to hire a fulltime Gang of One Assistant Coordinator and provide overtime fund for officers to do work resulting in the identification of new gang members.
- Hiring additional staff will allow the Gang of One Coordinator to concentrate on long term program planning and research, personnel and budget management, grant writing and special projects.
- The Assistant Coordinator will manage the Gang of One hotline, work directly with Gang of One volunteers and police officers, and establish a Gang of One database.
- \$38,995 will be used for educational materials and sub grants to partner agencies for efforts that directly support Gang of One.
- \$32,988 will be used for contracts with gang reduction specialists and for a community survey.
- \$20,675 will be used for equipment, supplies and professional development.
- CMPD will seek additional grants to fund the coordinator position for a second year.
- Updated statistics from the Gang of One program are attached.

Funding

U.S. Department of Justice

Attachment 29

Budget Ordinance

Gang of One statistics

26. Passenger Vehicles for Hire Ordinance Amendment

Action: Adopt an ordinance amending Chapter 22, Sections 141 and 142 of the City Code, entitled Passenger Vehicles for Hire, to clarify the fingerprint requirement for applicants for driver's permits.

Staff Resource: Judy Emken, Charlotte-Mecklenburg Police

Explanation

- The FBI and SBI requested that CMPD clarify the existing passenger vehicle for hire ordinance to more clearly indicate that applicants for driver's permits will be required to be fingerprinted as part of the application process.
- Those fingerprints will be submitted to the SBI for a state criminal history check.
- The SBI will then forward the prints to the FBI for a national criminal history check.
- The criminal history record check will be used only to determine eligibility for a driver's permit.
- The ordinance change also more clearly references the North Carolina Statute that governs the regulation of taxis.
- The ordinance changes do not affect existing practices; they more clearly define the City's authority for the background check as well as the actual criminal history check process.
- The FBI indicates that the ordinance amendment, as worded, meets their requirement for specificity.

Attachment 30

Ordinance Amendment

27. Police Assets Forfeiture Appropriation

Action: Adopt a budget ordinance, appropriating \$101,800 in assets forfeiture funds, for police officer helmets and shields and exercise equipment for the University City Division office.

Staff Resource: Greg Crystal, Charlotte-Mecklenburg Police

Explanation

- CMPD needs to replace the helmets and shields used by its Civil Emergency Unit to upgraded equipment with additional safety features for officers.
- Cost of 200 helmets and 200 shields is \$68,800.
- The department also needs to purchase exercise equipment for the weight room in the new University City Division office.
- Because Police officers undergo an annual physical fitness evaluation, workout facilities are provided at patrol division offices.
- Cost of the weight equipment is \$33,000.

Funding

Police Assets Forfeiture funds

Attachment 31

Budget Ordinance

28. Redemption of Transit Certificates of Participation

Action: Adopt a budget ordinance appropriating \$18 million to redeem temporary COPs issued pending receipt of a federal grant.

Staff Resource: Greg Gaskins, Finance

Explanation

- In August 2005, the City issued \$125 million in temporary Certificates of Participation (COPS) to fund cash flow for the South Corridor Light Rail Project in advance of receiving federal grant money. The City has received the grant money and this action will redeem a part of the temporary COPS.

Attachment 32

Budget Ordinance

29. Light Rail Ticket Vending Machine Change Order

Action: A. Authorize the CATS CEO to execute a contract change order with Ascom Transport Systems to increase the contract by \$240,000 to provide the capability of accepting credit/debit cards as fare payment method at the ticket vending machines, and

B. Adopt a budget ordinance appropriating \$240,000 from Transit Fund Balance.

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation

- CATS will have 36 ticket vending machines (TVM) installed at the 15 light-rail stations. The TVMs are part of the Proof-of-Payment system for the LYNX Blue line. All riders must have a valid pass to ride the system.
- The TVM technology will provide for the purchase of single, daily and weekly passes to ride the LYNX Blue line. This change order will provide for each TVM to be upgraded to allow credit and debit card transactions.
- Debit and credit cards are growing in popularity for small transaction amounts. This change will provide for the use of debit and credit card transactions and comply with recent changes in the credit and debit card

industry that provide for stricter security of debit and credit card numbers.

- All organizations and equipment that will process debit and or credit cards are required to be compliant with the Payment Card Industry's security standards for network security and business practices developed by Visa, MasterCard, American Express and Discover. These standards were developed to establish a minimum security standard with regards to the protection of cardholders' account and transaction information.

Background

- Council approved the original contract on February 21, 2005 for \$2,125,713. The original contract provided ticket vending machines that accepted cash with the option to add debit and credit cards in the future.
- In 2005, the option to include credit and debit cards cost nearly \$500,000. Given the high cost for this feature in 2005, staff decided not to purchase it. Since 2005 consumer use of debit and credit cards has increased significantly with 53% of consumers using these cards monthly for retail purchases.
- The cost of this payment feature now is less than half the 2005 cost.
- Providing credit and debit card payment is now considered an essential feature in the light rail business.
- Light rail systems which already accept credit and debit cards include: New York, Chicago, Washington, DC, Philadelphia, Los Angeles, Las Vegas, Houston, Minneapolis/St. Paul, New Jersey Transit, Portland and Seattle.

Funding

Transit Fund Balance

Attachment 33

Budget Ordinance

30. Record Retention and Disposition Schedule Amendment

Action: Adopt a resolution amending the City of Charlotte Records Retention and Disposition Schedule to add the Public Transportation Systems and Authorities schedule as an additional authority for the retention and disposition of the City of Charlotte's transportation records.

Staff Resources: Marjorie Parker, Records Manager
Brenda Freeze, City Clerk

Explanation

- City Council adopted the Municipal Record Retention and Disposition Schedule issued by the NC Department of Cultural Resources on August 15, 1997 (the Schedule) on April 27, 1998, and approved amendments to the "Schedule" on October 8, 2001 and May 10, 2004.
- This is the City's authority for the retention and disposition of all records, whether permanent or non-permanent.

- As the City of Charlotte/CATS began identifying records for retention, CATS realized that several transportation record retentions were not listed in the Schedule. Destruction of non-permanent records not included in the Schedule must be approved in writing by the NC Department of Cultural Resources prior to destruction.
- After working with the City of Charlotte/CATS Records Manager and Records Managers at other Transit Agencies in North Carolina, the NC Department of Cultural Resources Division of Archives issued the Public Transportation Systems and Authorities Record Retention and Disposition Schedule in April, 2006. The Public Transportation Systems and Authorities Record Retention and Disposition Schedule addresses a number of records that were not included in the Schedule and also incorporates the Federal Transit Administration's records requirements.
- Adopting this Public Transportation Systems and Authorities Records Retention and Disposition Schedule will provide for the retention and destruction life cycle of transportation records in the City of Charlotte.
- Staff recommends amending the Charlotte Schedule by adopting and adding the Public Transportation Systems and Authorities Record Retention and Disposition Schedule as an additional authority for the retention and disposition of the City of Charlotte transportation records.

Attachment 34
Resolution

31. Municipal Agreement for The Belmont Infrastructure and Streetscape Improvement Project

- Action:**
- A. Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for streetscape improvements in the Belmont Neighborhood, and**
 - B. Adopt a budget ordinance appropriating \$1,240,000 in funding.**

Staff Resource: Richard Woodcock, Neighborhood Development

Policy

Provide comprehensive infrastructure improvements to existing neighborhoods as part of the Neighborhood Improvement Program

Explanation

- The United States Consolidated Appropriations Act – 2005, in accordance with Section 117, includes \$1,240,000 of funding for a Belmont Infrastructure and Streetscape Improvement Project. These funds are administered by the North Carolina Department of Transportation (NCDOT).
- This Municipal Agreement is for the design and construction of infrastructure and streetscape improvements in the Belmont neighborhood. Improvements

will include traffic calming devices (curb extensions), landscaping and pedestrian scale street lighting at various intersections in the neighborhood.

- The City will be reimbursed by NCDOT for actual costs not to exceed \$1,240,000.
- Potential projects which have been identified by the Belmont Strategy Task Force and City Staff include intersection improvements at Belmont Avenue and Harrill Street, Belmont Avenue and Pegram Street, Pegram Street and 18th Street and Harrill Street and 18th Street.
- The format and cost reimbursement philosophy is consistent with past municipal agreements.
- These improvements will take place within the neighborhood and are complementary to the streetscape improvements proposed for Seigle Avenue.
- These improvements were discussed in various Belmont neighborhood meetings.

Funding

Federal Grant

Attachment 35

Resolution

Budget Ordinance

Map

32. Municipal Agreement for Metrolina Regional Travel Demand Model Maintenance

- Action:**
- A. Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT), the South Carolina Department of Transportation (SCDOT), the City of Concord, the City of Gastonia and the City of Rock Hill for maintenance of the Metrolina Regional Travel Demand Model, and**
 - B. Adopt a budget ordinance appropriating \$113,200 in funding.**

Staff Resource: Anna Gallup, Transportation

Explanation

- This municipal agreement allows NCDOT, the SCDOT, and the municipalities of Concord, Gastonia, and Rock Hill to reimburse CDOT staff costs to serve as the model custodian for the Metrolina Regional Travel Demand Model.
- Approximately two years ago the development phase of the Metrolina Regional Travel Demand Model was completed at a cost to the region of \$5 million. Maintenance of the regional model is necessary to maintain a state of

the practice tool ready for use for future air quality conformity determinations, highway travel forecasts, and transit ridership forecasts.

- The NCDOT, Charlotte, Rock Hill, Concord, and Gastonia will share in model maintenance costs not to exceed \$160,000 annually. The annual budget was developed by a regional model maintenance subcommittee based on the tasks outlined in the agreement.
- The agencies have agreed to share in the costs as follows. (Note that SCDOT and Rock Hill have entered into a separate agreement where Rock Hill agrees to reimburse Charlotte for both the Rock Hill and SCDOT shares.)

Agency	Percent Share	Amount (not to exceed)
Concord	9.6192	\$15,391
Gastonia	6.1438	9,830
Charlotte	29.2370	46,779
NCDOT	45.0000	72,000
Rock Hill	10.0000	16,000
	100.0000	\$160,000

- The division of financial responsibility is based on the NCDOT and SCDOT sharing 50% of the costs and the Metropolitan Planning Organizations (MPOs) sharing 50% of the costs. The States' 50% is proportioned by the Metropolitan Area Boundary (MAB) population residing in each state. The MPOs' 50% is proportioned by MAB population.
- Each MPO has approved this cost sharing scenario based on the recommendation by the Executive Committee of the Metrolina Regional Model.

Attachment 36
 Resolution
 Budget Ordinance

33. Cultural Facilities Certificates of Participation

Action: Adopt a resolution amending the financing structure for the construction period financing of the Cultural Facilities. The financing will use a Letter of Credit format as opposed to the Liquidity Facility format originally proposed.

Staff Resource: Greg Gaskins, Finance

Explanation

- On November 27, 2006, City Council held a public hearing and adopted a resolution allowing the City to enter into an installment financing agreement and other documents related to the execution and delivery of Certificates of Participation (COPS) to finance the construction of the Cultural Arts Facilities.

- The structure of the financing approved by Council was predicated on Wachovia being able to transfer the property on which the Cultural Arts Facilities are located by the end of 2006.
- The City and Wachovia have since determined that the property will not be able to be transferred to the City until 2007. The City needs to move ahead with the financing since the projects are under development.
- The City will still enter into the installment financing using only Discovery Place as collateral and Wachovia will provide a letter of credit to further secure the financing.
- This resolution will supercede the November 27th resolution and re-approve the financing as described above. A new public hearing is not required.

Attachment 37

Resolution

34. Storm Water Maintenance FY2004 E Renewal #2

Action: Approve Renewal #2 for \$1,063,530 with Showalter Construction for continued construction of FY2004 E Storm Water Maintenance Contract.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #2 with Showalter Construction

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship.
- Council approved the original contract for \$1,063,530 on April 12, 2004.
- Council approved renewal #1 for \$1,063,530 on October 24, 2005.
- The total contract amount to date including renewal #2 will be \$3,190,590.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 3.01%

Showalter Construction Company met the SBE established goal and committed 3.01% (\$32,000) to the following firm: On Time Construction.

Funding

Storm Water Capital Investment Plan

35. Engineering Services for Stream Restoration

- Action:**
- A. Approve a contract with Baker Engineering NY, Inc. for engineering services for \$300,000,**
 - B. Approve a contract with HDR Engineering, Inc. of the Carolinas for engineering services for \$150,000, and**
 - C. Approve a contract with Collins & Baker Engineering, PA for engineering services for \$150,000.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Stream Restoration

- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition with few effects of urbanization.
- The Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- In 2004, the City of Charlotte established a Stream and Wetland Mitigation Bank to hold mitigation credits that can be used by City and County public projects.
- Mitigation credits are currently sold by the “bank” to individual projects at a rate of \$232 per linear foot, which allows the Storm Water Program to recoup approximately 60% of the cost associated with restoring streams.

Contracts for Engineering Services

- These contracts with Baker Engineering NY, Inc., HDR Engineering, Inc. of the Carolinas, and Collins & Baker Engineering, PA will provide engineering services for stream and wetland restoration projects and water quality projects as needed by the Storm Water program.
- The work primarily involves preparation of engineering plans for existing stream mitigation and water quality projects in need of maintenance.
- Additional work may include the preparation of feasibility studies and design plans for small scale restoration projects for mitigation credit.
- These contracts will support the city’s Stream and Wetland Mitigation Bank which provides compensatory mitigation credit to public projects that impact streams and wetlands.

Small Business Opportunity

A. Baker Engineering NY, Inc.

Established SBE Goal: 6%

Committed SBE Goal: 12%

Baker Engineering, NY, Inc. committed 12% (\$36,000) of the total contract amount to the following certified SBEs: The Survey Company, Inc., On-Target Utility Locate Services and Gavel Engineering, PA.

B. HDR Engineering, Inc. of the Carolinas

Established SBE Goal: 6%

Committed SBE Goal: 35%

HDR Engineering, Inc. of the Carolinas committed 35% (\$52,500) of the total contract amount to the following certified SBEs: Habitat Assessment and Restoration Program, R. Joe Harris & Associates, PLLC, Joel E. Wood & Associates, LLC and On-Target Utility Locate Services.

C. Collins & Baker Engineering, PA

Established SBE Goal: 6%

Committed SBE Goal: 6%

Collins & Baker is a certified SBE and committed 6% (\$9,000) of the total contract amount to the following certified SBEs: On-Target Utility Locate Services, The Survey Company, Allegra Printing and Fast Signs.

Funding

Storm Water Capital Investment Plan

36. Airport Lease with BAX Global

Action: Approve a lease agreement with BAX Global, Inc. for an air cargo facility at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- On April 12, 1993, Council approved a lease agreement with Burlington Air Express (Burlington) for an air cargo facility at the Airport.
- In 1997, Burlington changed its name to BAX Global, Inc. (BAX).
- The original lease was extended May 1, 1998 through April 30, 2003. Since then, BAX has been operating on a month-to-month basis under the same terms and conditions.
- The City seeks to update the lease terms and conditions in keeping with Airport standards and both parties wish to formalize the arrangement.
- The proposed lease agreement will provide warehouse and office space to BAX for its air cargo facility on a month-to-month basis at the rate of \$15,824.87 per month.

37. Airport Flight Information Display Maintenance Contract

Action: Approve a contract with Signature Technologies, Inc. of Miamisburg, Ohio in the amount of \$114,360 for maintenance of the Airport's Flight Information Display Systems.

Staff Resource: Jerry Orr, Aviation

Explanation

- In January 1996, Council approved a contract with ComNet Software Specialists, Inc., in the amount of \$805,937 to provide and install devices that display flight, baggage and gate information in the terminal building.
- In July 1998, Council approved a contract with ComNet Software Specialists, Inc., in the amount of \$471,982 to install additional information display devices for use by workers servicing airplanes.
- In September 2003, Council approved a three-year contract with ComNet's successor, Signature Technologies, Inc. d/b/a ComNet, to provide proprietary parts and maintenance at a cost of \$270,000.
- This contract will provide the proprietary parts and maintenance service on the 525 devices for a period of one year at a cost of \$114,360.

Small Business Opportunity

Signature Technologies, Inc. is the sole source provider for maintenance of this proprietary system. Pursuant to Section 2.21 of the SBO Program Policy regarding sole source purchases, this contract is exempt from SBO requirements.

Funding

Airport Operating Budget

38. Airport Legal Services

Action: Approve a change order for \$50,000 with Hamilton Moon Stephens Steele & Martin, PLLC of Charlotte, North Carolina for legal services related to airport expansion.

Staff Resources: Jerry Orr, Aviation
Mac McCarley, City Attorney

Explanation

- In May 2003, the City contracted with the law firm of Hamilton Moon Stephens Steele & Martin for assistance with the acquisition and possible condemnation of two billboard site leases owned by Horizon Outdoor Advertising, Inc.
- The acquisition was necessary because the sites are located between the existing western runway and I-485, where the new runway is planned.
- The parties were ultimately unable to negotiate a price and the City condemned the leaseholds in September 2004. The case involves complex issues of valuation and law. The trial is currently scheduled for April 2007.
- The original contract price was \$50,000 and all encumbered funds have been expended as of September 30, 2006.
- This change order would increase the contract amount by \$50,000. Payments under the increased contract are based on an hourly rate.

Funding
Airport Capital Investment Plan

39. Airport Property Exchange

Action: Adopt a resolution approving a property exchange with Jenkins and Jenkins Automotive, Inc.

Staff Resource: Jerry Orr, Aviation

Explanation

- The City must acquire a 2.823-acre of improved land owned by Jenkins and Jenkins Automotive, Inc. (Jenkins Property) for construction of the third parallel runway.
- On November 24, 2003, City Council approved the condemnation of the Jenkins Property.
- Since that time, Airport staff has negotiated with the owners and reached an agreement to acquire the Jenkins Property in exchange for some City-owned parcels and additional payment.
- The terms of the proposed exchange are:
 - Jenkins and Jenkins Automotive will transfer the Jenkins Property to the City. The Jenkins Property is valued at \$808,500.
 - The City will transfer to Jenkins 2.14 acres of vacant land on George and Eatonton Streets valued at \$144,500 acquired by the Airport through the FAA Part 150 Program.
 - The 2.14 acres will be subject to an aviation easement.
 - The City will pay Jenkins & Jenkins \$664,000, the difference in the values of the parcels.
- The value of the properties was determined by recent independent appraisals.
- This exchange has been advertised as required by state law.

Funding
Airport Capital Investment Plan

Attachment 38
Resolution

40. Airport Lease with the Carolinas Historic Aviation Commission

Action: Approve a lease agreement with the Carolinas Historic Aviation Commission for the Carolinas Aviation Museum.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Carolinas Historic Aviation Commission (CHAC) is a non-profit organization with 1,200 dues paying members that owns and operates the Carolinas Aviation Museum (Museum).
- On April 20, 1993, the City granted CHAC a non-exclusive right to use the City's historic 1936 Southern Airways Hangar located at the Airport on a month-to-month basis for the purpose of restoring and displaying antique airplanes.
- Today the Museum is a regional attraction that houses an impressive collection of historic aircraft, including a flyable Piedmont Airlines Douglas DC-3.
- CHAC would like to continue to use the Hangar and the surrounding land as the home of the Carolinas Aviation Museum and to formalize its arrangement with the City.
- Under the terms of the proposed lease agreement, CHAC will lease approximately 10.16 acres of land (only 7.47 of which are usable for facilities) and 3,767 square feet of library storage space from the City for a term of 20 years for \$1 annually.
- The current Airport standard land lease rate is \$5,800 per acre annually and the current standard lease rate for the storage space is \$11 per square foot. Therefore, the total fair market value of the lease is approximately \$84,763.
- The FAA's Policies and Procedures Concerning the Use of Airport Revenue specifically allow and condone granting favorable terms to museums because museums benefit both the community and civil aviation by stimulating the understanding and support of aviation.

41. Airport Utilities Relocation for New Runway

- Action:**
- A. Approve a contract with Piedmont Natural Gas of Charlotte, North Carolina in the amount of \$768,196 to relocate transmission lines for the new 3rd parallel runway,**
 - B. Approve a contract with Duke-Energy of Charlotte, North Carolina in the amount of \$745,500 to relocate distribution lines, and**
 - C. Adopt a budget ordinance transferring \$2,000,000 from Airport Discretionary Funds to be replaced with future bond proceeds.**

Staff Resource: Jerry Orr, Aviation Director

Explanation

- Action A will relocate two, 16-inch diameter Piedmont Natural Gas main transmission lines to accommodate the construction of the new runway and relocation of Wallace Neal Road.
- Action B will remove the Duke Power distribution lines from area of the new runway to accommodate construction.

- The budget ordinance will appropriate \$2,000,000 of airport funds. These funds will be replaced with the proceeds of future FAA grants and Airport Revenue Bonds to be issued in 2007.

Disadvantaged Business Enterprise

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means. Because this work must be performed by the utility companies, it is not suitable for DBE participation.

Funding

Airport Capital Investment Plan

Attachment 39

Budget Ordinance

42. Sale of Property to Duke Energy for Sub-Station

Action: **A. Declare the portion of property to be sold as surplus, and**

B. Adopt a resolution approving the sale of approximately 6.9 acres of City property located at 2501 Archdale Drive to Duke Energy for \$300,000.

Staff Resource: J.R. Steigerwald, Engineering & Property Management

Explanation

- Duke Energy needs to acquire approximately 6.89 acres of the total 24.86 acres of PID 173-061-02 to construct a new sub-station to serve the Easlan Development on the former Celanese Acetate Plant on Archdale Drive.
- This property was previously marketed to the development community in the period 1993 to 1995, but no one pursued it due to the terrain.
- The provision of this sub-station will allow the development of approximately 850 condominiums and “for sale” town homes. It is estimated that this project will add over \$127 million to the property tax base.
- Duke’s request to build the sub-station has been through the mandatory referral process.
- The Joint Use Task Force has discussed this request and the staff supported the sale if the needed land can be reserved for Mecklenburg County for an extension of the greenway system either on the remaining land or by Duke Energy providing an easement on a portion of the land that it seeks to acquire.
- As part of the Mandatory Referral Process, the Planning Committee voted not to support the sale as it had concerns about the sub-station being visible to residents of Charlotte Housing Authority’s (CHA) Leafcrest and from Archdale Drive.
- The Housing Authority supports the sale of the land to Duke and has no plans to seek this land in the foreseeable future.
- Duke will provide a 82 foot buffer on all four sides of the property.

- The resolution declares the property surplus, as no other public entity has a need for this portion of the property, and approves the sale.
- The purchase price is \$300,000 which is approximately \$44,000 per acre.
- An in-house review was provided and this price per acre is consistent with market values in this area for residential zoned property given its topography.
- Revenue received from property sales is held in the Capital Investment Plan fund until allocated by Council.

Attachment 40

Maps

Resolution

43. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- **November 27, 2006 Business Meeting**