

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

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

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

CITY COUNCIL MEETING

Monday, June 9, 2008

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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CITY COUNCIL AGENDA
Monday, June 9, 2008

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. Business Corridor Implementation

Resource: Tom Flynn, Economic Development

Time: 25 minutes

Synopsis

- On March 24, 2008, City Council adopted implementation of the Business Corridor Strategic Plan as a high priority.
- Progress on key strategic actions to date include:
 - Belk property at Eastland has option on it and discussions with property owners and lender are underway
 - Greenway Business Park (Belvedere) underway
 - North Tryon Redevelopment Plan completed and referred to Economic Development & Planning Committee
 - Independence Phase II Study underway
 - Staff work underway on Non-residential Building Code
 - Business Corridor Symposium scheduled for June 12
- The City Manager's Recommended Capital Investment Plan (CIP) includes capital resources to support this high Council priority:
 - \$270 million in the five priority corridors over five years
 - \$609 million in the Business Corridor geography over five years

Future Action

- Status Report, no action requested

Attachment 1

Preliminary FY2009-2013 CIP Funding for Distressed Business Corridors

3. Air Quality Update

Resources: Eldewins Haynes, CDOT
Keith Overcash, NC Division of Air Quality
Shelia Holman, NC Division of Air Quality

Time: 20 minutes

Synopsis

- The Charlotte-Gastonia-Rock Hill, NC-SC area (Metrolina area) is currently designated by the U.S. Environmental Protection Agency (EPA) as a "Moderate" nonattainment area for the 8-hour ozone standard. The U.S. EPA is scheduled to re-classify the Metrolina area's air quality status in June 2010, while a new ozone standard was set by EPA in March 2008. This update on ozone and attainment plan prepared by the State of North Carolina includes:
 - Nature and magnitude of the ozone problem in the Charlotte area
 - Roles of the federal and state authorities regarding ozone air quality and framework for moving forward
 - State recommendations for moving forward

Future Action

No action required at this time, for information only. The City Manager will refer this topic to the Environment Committee later this year.

4. Status of Shopton Road West Street Right-of-Way Donation

Resources: Ron Kimble, City Manager's Office
Layton Lamb, Transportation

Time: 30 minutes

Synopsis

- Shopton Road West is a substandard private street, annexed in 2005 with 20 parcels fronting the street, located in the Lake Wylie area.
- The street has no dedicated right-of-way.
- City staff has been working with the Shopton Road West property owners to obtain City services for utilities and street improvements under the Non-System Residential Street Program (NSRP). These improvements are estimated to cost \$1.7 million and would be funded from the Capital Investment Plan.
- The NSRP requires right-of-way donation. City staff has obtained 18 of 20 needed signatures for donation of right-of-way for street alignment option #1. Two property owners refused to donate right-of-way for option #1, and prefer an Option #2 alignment.
- The right-of-way donations are necessary for the City to provide utility service to 12 properties fronting the street below these two properties. These 12 properties front Lake Wylie, and contain poor performing and failing septic systems and wells.
- Representatives of the 18 property owners who have signed to donate the right-of-way for option #1 spoke of the impasse in Council's May 5th meeting.

- City staff has met with numerous affected property owners, and will give an update of these discussions.

Future Action

If property owner consensus cannot be reached, this item will require action by City Council at its June 23rd meeting.

5. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

CONSENT

- 6. Consent agenda items 16 through 30 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

7. Public Hearing on Resolution to Close an Alleyway Off of Spruce Street

Action: A. Conduct a public hearing to close an alleyway off of Spruce 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

The Greater Galilee Baptist Church- Alice Cunningham

Right-of-Way to be abandoned

An alleyway off of Spruce Street

Location

Located within the Brookhill Community beginning from Spruce Street continuing approximately 103 feet north and turning approximately 134 feet north west to its terminus at a second alleyway that runs between West Park Avenue and Spruce Street

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a future church building expansion

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- None

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No Objections
Brookhill Community Organization – No Objections
Revolution Park Neighborhood Association – No Objections
Westover Hills Community Watch – 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
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 2

Map

Resolution

8. Public Hearing on Resolution to Abandon a Residual Right-of-Way at the Corner of Sheffingdell Drive and Rea Forest Drive

Action: **A. Conduct a public hearing to abandon a residual right-of-way at the corner of Sheffingdell Drive and Rea Forest 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

Edward H. Estridge

Right-of-Way to be abandoned

A residual right-of-way at the corner of Sheffingdell Drive and Rea Forest Drive

Location

Located within the Old Providence Community beginning at the easterly most point of the corner radius of Rea Forest Drive continuing in a westerly direction approximately 108 feet around the radius to its southern terminus point on Sheffingdell Drive

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner in order to place a proposed subdivision sign in a location outside the existing tree save area. The proposed location of the subdivision sign will be outside of the sight triangle.

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- None

Neighborhood/Business Associations

- Amherst Green - No Objections
- Canterbury HOA - No Objections
- Carmel Estates East HOA - No Objections
- Carson's Pond HOA - No Objections
- Chadwick HOA - No Objections
- Cherokee HOA - No Objections
- Crown Colony Estates HOA - No Objections
- Providence Country Club House - No Objections
- Providence Landing Atrium HOA - No Objections
- Providence Springs - No Objections
- Providence/Old Providence - No Objections
- Reacraft Neighborhood Organization - No Objections
- Ridgeloach HOA - No Objections
- Stonecroft HOA - No Objections
- Wessex Square 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
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 3

Map
Resolution

9. Public Hearing to Amend the Storm Water Pollution Control Ordinance



Action: A. Conduct a public hearing on proposed amendments to the City Storm Water Pollution Control Ordinance, and
B. Adopt amendments to the City Storm Water Pollution Control Ordinance.

Staff Resource: Daryl Hammock, Engineering & Property Management

Policy

Existing Pollution Control Ordinance and Environment Focus Area Plan

Explanation

- The Federal Clean Water Act and its supporting programs require cities to establish and implement local programs and ordinances to prevent surface water pollution.
- One such program is the City's National Pollutant Discharge Elimination System permit.
- Staff is ensuring compliance with this permit, which includes amending requirements over time to reflect regulatory drivers of the State and the United States Environmental Protection Agency.
- One requirement of the permit is to enact a storm water pollution control ordinance. Charlotte established an ordinance in 1995.
- The ordinance makes it illegal for businesses and residents to discharge pollutants such as paint, chemicals, runoff from washing operations, concrete, and soil to the storm drainage system or into surface waters.
- Experiences in enforcing the local ordinance over the past 13 years have revealed ordinance sections that need improved enforcement provisions. Such improvements are necessary to maintain compliance with state and federal standards, and to avoid fines.
- The current ordinance is not consistent with State guidance and model ordinances given to municipalities.
- The Attorneys' Office determined that the current ordinance does not allow the levy of fines.
- Updating the current ordinance is necessary to appropriately address regulatory drivers and protect surface waters.

Proposed Amendments

- The proposed amendments provide for the levy of fines for repeat and willful offenders. Currently, repeat and willful offenders are not fined if they implement corrective action by a specified deadline. State data have shown that as fines are increased, compliance rates increase. In addition, the proposed amendments do the following:
 - Broaden potential remedies for violators beyond simply issuing fines, which could offer more options for offenders as well as offer better environmental protection. Additional options include compliance agreements, meeting with the enforcement agency and withholding of approvals.
 - Create a maximum fine of \$5,000, which would be consistent with other related environment ordinances. (Mecklenburg County's maximum fine is \$10,000.) Fines, starting at \$100, are assessed on a sliding scale based on the nature and severity of the violation, as described in the attached enforcement guidelines.

Case Studies, Supporting Data and Other Relevant Information

- Approximately 350 Notices of Violation have been issued since the ordinance was established. The most common violations are discharges of wash water, petroleum and sewage to the ground or storm drain system.
- Example of a willful violator (actual case): A concrete truck driver repeatedly dumped concrete and rinsed off his truck into a storm drain. Concrete has a high pH, which is harmful to fish and wildlife. It also clogs storm drain pipes when it hardens, which contributes to flooding.
- Example of a repeat violator (actual case): A home owner repeatedly failed to adequately repair a private sewage pump in his yard. Each discharge reoccurrence resulted in sewage being discharged to a nearby stream. Sewage contains pathogens that can cause human illness.
- Proposed ordinance amendments will not result in a significant increase in staff administrative costs, and may actually decrease staff costs over time.

- Currently, Mecklenburg County and the six incorporated towns within the county have an ordinance that is very similar to the proposed ordinance for the City's incorporated area.

Public Involvement

- Public input on these changes was solicited during April through a direct mailing to 16 associations that represent potentially affected parties. Associations included the Charlotte Chamber's Manufacturers Council, Real Estate and Building Industry Coalition, Charlotte's District Office of the Small Business Administration and the Carolinas Associated General Contractors. No comments or questions have been received from these parties.
- Input on the proposed changes was sought on April 17, 2008 from the Storm Water Advisory Committee, who unanimously endorsed the revisions to the ordinance.
- The same 16 associations previously notified of public input were directly contacted about the public hearing.

Attachment 4

Amendments to Storm Water Pollution Control Ordinance
Enforcement Guidelines

10. Public Hearing on the FY2009 Action Plan for Housing and Community Development



Action: Conduct a public hearing to receive comments on the proposed FY2009 Annual Action Plan for Housing and Community Development.

Staff Resource: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy

- The 2006-2010 Annual Plan approved by City Council on June 13, 2005 is the City's five-year strategy for providing housing and community development activities.
- The plan supports the City's housing policy – preserving the existing housing, expanding the supply of low and moderate-income housing and supporting family self-sufficiency – as well as the City's neighborhood revitalization strategy.
- The U.S. Department of Housing and Urban Development (HUD) mandates development of this plan, in order to receive federal funding for housing and community development activities.

Explanation

- The FY2009 Consolidated Action Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- The Plan also serves as the City's annual application to HUD to receive an estimated \$8.0 million in federal grant program funds.

- Community Development Block Grant (CDBG)	\$4,647,877
- HOME Investments and Partnerships (HOME)	\$2,564,854
- Emergency Shelter Grants (ESG)	\$ 206,304
- Housing Opportunities for Persons with AIDS (HOPWA)	<u>\$ 671,000</u>
Total	\$8,090,035

- The proposed FY2009 federal fund allocation represents a decrease of approximately \$87,616 under the FY2008 fund amount of \$8,177,651.

Community Input

- Four citizen forums were held to seek public input (citizens and partner agencies) and to inform the public of the Plan preparation process and timeline for completing the document. The public forums were advertised in the local newspaper (as required by HUD) and invitations were mailed. Twenty five people attended the public forums.
- More than 2,000 invitations were sent to neighborhood organizations, Neighborhood Development’s financial partners and interested individuals.
- The draft plan has also been advertised and made available to the public for comment at the following locations: Charlotte-Mecklenburg Library, West Boulevard Library, Beatties Ford Road Library, Neighborhood Development Department and on the Neighborhood Development website.
- A copy of the Draft FY2009 Annual Action Plan is available in the Council library.

Next Steps

- On June 11, 2008 the Housing and Neighborhood Development Committee will receive an overview of the Annual Action Plan.
- City Council will be asked to adopt the Plans on June 23, 2008
- The Annual Action Plan will be submitted to HUD on June 27, 2008

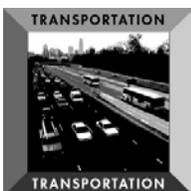
Funding

Funding comes from federal CDBG, HOME, ESG and HOPWA funds.

Attachment 5

Proposed Use of Funds

11. Citizen Comment on Draft New Bern Transit Station Area Plan



Action: Receive citizen comments on the draft New Bern Transit Station Area Plan, Concept Plan.

Committee Chair: Anthony Foxx

Staff Resource: Kent Main, Planning Department

Explanation

- This is a draft policy document for the New Bern Transit Station Area, updating existing policy in Central District Plan (1993). The Plan is organized into two parts: Concept Plan and Implementation Plan. The Concept Plan outlines the policy framework and recommendations. The Implementation Plan targets specific strategies that will assist in implementing the Plan. City Council will only be asked to adopt the Concept Plan.

- The area is about 566 acres around LYNX Blue Line transit station at New Bern Street near South Boulevard; extends from I-77 to Sedgefield neighborhood, and from Dunavant Street to Hartford Avenue.
- This is first of a series of plans for station areas along the LYNX Blue Line south of South End to I-485, to be presented over coming months.
- The New Bern plan area includes three distinct areas consistent with the Centers, Corridors and Wedges Growth Framework:
 - Transit Station Area, the portion of the South Growth Corridor surrounding the New Bern station
 - General Corridor Area, including I-77 interchange and general land use areas of the South Growth Corridor
 - Wedge Neighborhood Area, including the Sedgefield neighborhood
- An interdepartmental team prepared the plan with input from residents and property owners. Two public meetings were held: January 17 with 120 citizens attending; February 7 with 70 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to Draft Document.
- A companion document, Introduction to Transit Station Area Plans, provides general introduction to the South Corridor station area plans and planning process.

Plan Recommendations

- 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 Sedgefield and other neighborhoods provides good transition
 - Orient development along rail line to multi-use (pedestrian/bike) trail
- General Corridor Area:
 - Maintain locations for light industrial and warehouse uses
 - Maintain single-family neighborhood at Miller Street and Chicago Avenue
 - Guide redevelopment of properties at Southside Homes, Brookhill Village, and the industrial property on Tremont Avenue, under specific criteria including encouraging development of affordable housing
- Wedge Neighborhood Area:
 - Maintain single-family portion of Sedgefield consistent with existing land use and zoning
 - Guide redevelopment of Sedgefield Apartments under specific criteria; ensure that redevelopment retains street network and tree canopy, and provides appropriate height and density transition to neighborhood
- Transportation & Streetscape:
 - Provide new street connections at key locations. Maintain and enhance existing street network as redevelopment occurs. Pursue limited number of new grade crossings of rail line at key locations
 - Improve and expand sidewalk system, and eliminate gaps
 - Enhance pedestrian and bicycle crossings at key locations; add bicycle lane on Hartford Avenue
- Streetscape Cross Sections:
 - Provide future cross sections of streets, identifying building setbacks and supplementing requirements in Transit Oriented Development (TOD) 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 storm water runoff and improve water quality

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- Planning Committee received public comments at their February 19 meeting. Comments included property owners at periphery of station area wishing to be included in the TOD area for higher density, and an industrial property owner wishing to remain in operation for a period of time.
- Committee toured the area on March 3.
- At their March 18 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 staff briefing at their April 28 meeting. Committee discussion included:
 - Affordable housing: Southside Homes, Brookhill Village, and Sedgefield Apartments are in Plan area with redevelopment possibilities; extent of potential displacement; types of incentives for inclusion of workforce housing components
 - Redevelopment of industrial property: nature of displacement; availability of continuing light industrial sites along corridor and elsewhere in City; price of land in area already exceeds industrial use pricing
 - Stretching TOD boundaries: Requests from several property owners for expansion of TOD area for higher density further than ½ mile from the station, where street network is inadequate, or where it intrudes into existing stable single-family neighborhoods
- After additional discussion at their May 12 meeting, Transportation 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 hearing, with subsequent recommendations by the Committee to City Council.
- Staff mailed 990 notices of this hearing.

Attachment 6

Draft New Bern Transit Station Area Plan
Introduction to Transit Station Area Plans
Proposed Revisions to Draft Document

POLICY

12. City Manager's Report

Update on Joint City Council, County Commission and School Board Meetings

Attachment 7

Harry Jones letter

13. FY2009 Operating Budget and FY2009-FY2013 Capital Investment Plan

Action: Approve FY2009 Appropriations and Tax Levy Ordinance, the Capital Investment Plan Resolution for Fiscal Years 2009-2013, the FY2009 Pay and Benefits Resolution, and other items related to the Annual Ordinance adoption.

- A. The FY2009 Appropriations and Tax Levy Ordinance (Ruffin Hall)
- B. The FY2009-2013 Capital Investment Plan Resolution (Ruffin Hall)
- C. The FY2009 Pay and Benefits Plan Resolution (Tim Mayes)
- D. Arts and Outside Agencies Contracts (Ruffin Hall)
- E. Municipal Service Districts Contracts (Ruffin Hall)
- F. Job Training Contracts (Stanley Watkins)
- G. Human Services Contracts (Stanley Watkins)
- H. Housing Development and Support Contracts (Stanley Watkins)
- I. Other Contracts (Ruffin Hall)
- J. Other Budget Items (Ruffin Hall)
- K. Storm Water Fee Increase (Tim Richards)
- L. Arts and Science Council and Public Art Commission (Ruffin Hall)
- M. Law Enforcement Service District Interlocal Agreement Amendment (Ruffin Hall)

Committee Chair: Andy Dulin

Staff Resources: Listed by each section above

Policy

As required by state law, the City of Charlotte adopts an annual appropriations and tax levy ordinance and considers related actions prior to June 30 of each fiscal year.

A. Adopt the FY2009 Appropriations and Tax Levy Ordinance

Budget Overview

- On May 5th, 2008, the City Manager presented the recommended FY2009 Strategic Operating Plan and the FY2009-2013 Capital Investment Plan to the City Council. Since February 2008, the Mayor and City Council held three budget retreats and the required public hearing to shape development of this budget.

- In addition to the budget retreats and public hearing, the Council met on May 14th and 28th to ask questions and consider changes.
- The total recommended budget for FY2009 is \$1.83 billion, with \$1.05 billion for operating expenses and \$778.2 million for capital expenditures (all funds). The General Fund operating budget totals \$494.2 million.
- The recommended budget addresses Council's focus areas and priorities and includes the following key revenues:
 - A property tax rate maintained at 45.86¢ per \$100
 - No increase in CATS local or basic express bus fares. The Metropolitan Transit Commission (MTC) is considering a mid-fiscal year fare increase action to offset the rising cost of fuel.

Property Tax Rate

- The property tax rate for FY2009 is recommended for **45.86¢** per \$100 of assessed valuation. The FY2009 assessed value is estimated at \$73.5 billion, with an estimated collection rate of 97.50%. The distribution of the recommended tax rate is as follows:

General Operations	36.98¢
General Debt Payments	7.37¢
Pay-As-You-Go Capital	1.51¢
Total	45.86¢

Changes to the Manager's Recommended Budget from May 12th agenda items

- On May 12, 2008, Council adopted three agenda items that modified the recommended budget. Each agenda item noted the Council action would modify the budget and that staff would incorporate those changes into the final budget ordinance. These modifications include:
 - City-County fleet consolidation
 - Expansion of Municipal Service District (MSD) boundaries 4 (South End) and 5 (University City)
 - Public Safety mid-year recommendations:
 - o \$870,121 for increased lease of electronic monitors, three police officer positions and contributions to the District Attorney's office for five positions funded from FY2008 operating budget savings; and
 - o \$3 million for technology improvements funded from cankerworm project savings and arena parcel 3 land sale.

Changes to the Manager's Recommended Budget from Council Straw Votes

- On May 28, 2008, Council approved two budget amendments for the operating and capital budget:
 - Increase funding for YWCA Central Carolina After-School Enrichment financial partner by \$5,000 funded from FY2008 Council Discretionary account.
 - Delete \$5 million in the proposed November 2010 bond referendum for Auten Road Extension and reallocate to a different future road project to be determined later.
- These two budget amendments are incorporated in the financial partner contract approval and Capital Investment Plan resolution.

Attachment 8
Ordinance

B. Adopt the FY2009-2013 Capital Investment Plan (CIP) Resolution

- The resolution approves the five-year CIP expenditure and financing plan totaling \$3.4 billion (all funds), a 6.6% increase compared to the current five-year capital program.
- The increase in the five-year capital program is due to increases in Aviation (\$272.5 million), Storm Water (\$58.3 million), and Roads (\$46.0 million). These increases are partially offset by decreases in Water and Sewer (\$115.9 million), CATS (\$41.4 million), and other programs.

General Capital Program

- The general capital program is funded in part from revenue generated by property tax rates as follows:
 - 7.37¢ for the Municipal Debt Service Fund (no change from FY08)
 - 1.51¢ for the Pay-As-You-Go Fund (no change from FY08)
- Additional projects in the five-year general capital program compared to the prior five-year plan include:
 - Additional "farm to market" roads
 - Additional intersections and traffic signal improvements
 - Increased funding for business corridor programs
 - Reserve for economic development initiatives
 - Funding for Eastland infrastructure improvements
 - Funding for Double Oaks redevelopment
- Revenues to support the five-year general capital program includes two proposed general obligation bond referenda:

\$ in millions

	Nov. 2008	Nov. 2010
Streets	\$170.2	\$139.2
Neighborhood Improvements	\$47.0*	\$25.0
Affordable Housing	\$10.0	\$10.0
Total	\$227.2	\$174.2

* \$25 million for standard Neighborhood Improvement Program, \$16 million for Eastland infrastructure, and \$6 million for Double Oaks

Attachment 9
Resolution

C. Adopt the FY2009 Employee Pay and Benefits Plan and Resolution

- The recommendations included in the FY2009 Pay and Benefits Report are summarized here.

Public Safety Pay Plan

- Public Safety employees will receive increases of 3.5% or 8.5% during FY2009.
- A 3.5% structural market adjustment for all steps in the Public Safety Pay Plan. Public Safety employees will receive this increase effective July 5, 2008.
- Funding for 5.0% merit pay step increases.

Broadbanding Pay Plan

- A 3.5% merit increase budget for all eligible employees in the Broadbanding Pay Plan.

- Merit increases will range from 0 to 8% based on market position and performance level, but total merit increases in each business unit will not exceed 3.5%.
- Recommended funding of up to \$211,543 in the General Fund to bring employees in the following positions to a more competitive rate of 87% of market: Laborer, Labor Crew Chief I & II, Mason, Equipment Operator I – III, Sanitation Equipment Operator, Sanitation Team Lead, Kennel Attendant, and Street Crew Member.
- Comparable adjustments will be made in the Enterprise Funds, to include up to:
 - Aviation: \$ 31,844
 - Transit: \$187,418
 - Utilities: \$ 93,270
- Funding of up to \$15,945 in the General Fund to bring Animal Control Officers and Supervisors to 87% of market. Comparable adjustments for Airport Safety Officers will be made in Aviation at a cost up to \$79,096.
- The total cost of these adjustments to bring targeted positions to 87% of market, all funds, is up to \$619,116.
- A 3.5% increase to the band minimum and maximum rates in the Broadbanding pay structure. No employees will receive an increase as the result of this recommendation.

Benefits

- Effective January 1, 2009,
 - Retain Aetna and Blue Cross Blue Shield North Carolina as the medical plan administrators
 - Terminate the contract with WellPath effective December 31, 2008
 - Authorize the City Manager or his designee to execute necessary vendor contracts, future plan amendments and negotiate final and future plan design options and rate structures within the overall health insurance budget
- Increase City’s funding for group insurance coverages for employees and retirees by 2.5%
- Effective January 1, 2009, increase the employee premiums for medical and dental coverage and retiree premiums for medical coverage as illustrated in the FY2009 Pay and Benefits report

Employee/ Retiree Share of Premiums		
	FY08	FY09
Employee	15.0%	17.5%
Employee and Family	34.0%	35.0%
Retiree	25.0%	30.0%
Retiree and Family	44.0%	45.0%

- Effective January 1, 2009, provide the City Manager or his designee the authority to make current and future amendments to the Flexible Spending Account in accordance with IRS guidelines.
- Authorize the City Manager or his designee to design, develop and implement policies to guide Key Business Units in competitive practices related to recruiting a skilled and diverse workforce as outlined in the FY09 Pay and Benefits Report.

Attachment 10

Resolution

D. Approve the Arts and Outside Agencies Contracts

Charlotte Regional Visitors Authority \$11,130,000

- City funding for the Authority is used to promote economic development in the Charlotte-Mecklenburg area by promoting the area as a destination for convention, leisure, and sports-related travel.
- Funding allocated to the Authority is derived from a portion of the proceeds of the prepared food and beverage tax and a portion of the countywide occupancy tax.

United Family Services (Victims' Assistance) \$325,543

- The Victims' Assistance Program provides crisis intervention, community counseling, education, and individual assistance to victims of violent crimes and to families of homicide victims.

Attachment 11

Scope of Services

Arts & Science Council (ASC) \$2,942,000

- The Arts & Science Council oversees community-wide cultural planning, fundraising, grant administration, technical assistance, facility review, and other responsibilities to advance the cultural life of Charlotte and Mecklenburg County.

Attachment 12

Scope of Services

Charlotte Regional Partnership \$124,034

- The Partnership is a regional economic development organization that works with local governments, the Chamber, and others to enhance economic activity in the region. The amount of City funding is derived on a per capita figure based on city population.
- Note: During the May 28, 2008 straw votes, Council asked that additional information be brought back relative to an additional \$25,000 for the Film Division. That agenda item will be on the June 23, 2008 agenda, as additional time was needed to develop a contract and performance measures.

Attachment 13

Scope of Services

E. Approve the Municipal Service District Contracts with Charlotte Center City Partners (\$2,611,532) and University City Partners (\$617,300)

- The municipal service districts (MSDs) were created to enhance the economic viability and quality of life in select areas. Three MSDs are located in the Center City, the fourth is located in the South End area, and the fifth is located in the University City area. Revenues for these districts are generated through ad-valorem taxes paid by property owners in the districts in addition to the City's regular property tax rate.
- In FY2009, the City will contract with Charlotte Center City Partners (CCCP) for services in the three Center City MSDs as well as for services in the

South End MSD. The City will also contract with University City Partners (UCP) for services in the University City Municipal Service District.

- The FY2009 contract amounts for CCCP and UCP are increased a total of 54.6% over the FY2008 amounts due to increases in property valuations in the five districts, as well as to the following changes:
 - The recommended tax rates for districts 2 and 3 are increased 1.15¢ each. The tax rate in MSD 2 will increase from 1.24¢ to 2.39¢ per \$100 valuation. The tax rate in MSD 3 will increase from 2.71¢ to 3.86¢ per \$100 valuation.
 - On May 12, 2008, Council approved the expansion of district boundaries for the South End and University City MSDs (4 and 5). The expanded district boundaries will increase total property valuations in the districts and will generate additional revenues.
- Additional revenues generated by the tax rate increases in districts 2 and 3 will be used by Center City Partners to create a system and coordinated effort to address the shortcomings of the public and private parking in the Center City, and to create a Center City retail development initiative that will facilitate retail recruitment.
- Additional revenues generated by the expansion of district 4 will be used by Center City Partners to continue marketing and branding of Historic South End to maintain a unique identity for the district; increase promotion of commercial property development in South End to create jobs, increase the tax base and increase the linkage with the Center City; conduct land use and transportation planning to leverage the City's investment in light rail along the South Corridor; and promote, plan and fund capital investment to enhance the economic vitality of the area.
- Additional revenues generated by the expansion of district 5 will be used by University City Partners to promote and market University Research Park and other commercial properties in University City to increase the tax base and enhance the linkage with UNCC; create an advocacy group to represent area interests and provide enhanced services such as marketing materials and land use planning; and promote, plan, and fund capital investment to enhance the economic vitality of the area.
- The FY2009 tax rates in districts 1, 4, and 5 remain unchanged from the FY2008 rates.

Municipal Service Districts Summary		
District	FY09 Tax Rate	FY09 Contract Amount
District 1-Center City	1.74 ¢	\$848,958
District 2-Center City	2.39 ¢	\$434,810
District 3-Center City	3.86 ¢	\$864,033
District 4-South End	6.68 ¢	\$463,731
District 5-University City	3.00 ¢	\$617,300

Attachment 14
Scope of Services

F. Approve the FY2009 Job Training Contracts

Charlotte-Mecklenburg Workforce Development Board (WDB) Job Training Contract \$5,722,598

Source of Funds

Workforce Investment Act Grants	\$4,582,159
Carry-over of unexpended FY08 Grants	\$1,049,939
General Funds	\$ 90,500

- On January 1, 2000, the Charlotte-Mecklenburg WDB assumed the operational responsibility for the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City, as grantee for the federal funds, retains management oversight and serves as the fiscal agent for the program. The City contracts with the WDB on an annual basis to implement WIA services in Mecklenburg County.
- Goals of the program include:
 - Providing job training programs for unemployed and underemployed workers that align with Charlotte's targeted and growing industries.
 - Operating five JobLink Career Centers that serve over 50,000 people annually through contracts with Goodwill Industries, Charlotte Enterprise Community and the Employment Security Commission.
 - Monitoring of contracts for agencies providing job training and readiness for approximately 250 out-of-school youth.
 - Providing job training vouchers for approximately 800-1000 adults and dislocated workers.
 - Providing job counseling and support to workers dislocated in a facility downsizing or lay-off.
 - Seeking at least one additional grant yearly to enhance workforce activities in Mecklenburg County.

G. Approve the FY2009 Human Services Contracts

- The 2006-2010 Consolidated Action Plan for Housing and Community Development, approved by Council on June 13, 2005, identifies priorities for federal housing and community development resources including the Community Development Block Grant (CDBG) and Innovative Housing Funds.
- The June 23, 2008 Council agenda will include an item to approve the FY2009 action plan for the upcoming year of the five year plan. Human services contracts for After School Enrichment Programs are part of the projected FY2009 CDBG and Innovative Housing-funded activities.
- The contracts provide educational enrichment activities for elementary, middle, and high school students of families with low incomes who reside in the Housing and Neighborhood Development boundaries.
- The following contracts are funded by the human/public services component of the CDBG program:
 - Bethlehem Center \$199,207
 - Greater Charlotte Enrichment Program \$605,854
- The following contracts will be funded with Innovative Housing Funds:
 - YWCA Central Carolinas After School \$134,546*
 - Charlotte-Mecklenburg Schools After-School Enrichment \$185,576
 - Charlotte-Mecklenburg Schools Northwest \$ 60,000

- After School Coalition
- St. Paul Enrichment Program \$ 57,735
- YMCA Community Development \$ 48,699

* Full contract is for \$134,546 - \$5,000 of which is from FY2008 Council Discretionary.

- The following contract will be funded from the General Fund:
 - Partners in Out of School Time (POST) \$576,768

H. Approve the FY2009 Housing Development and Support Contracts

- The 2006-2010 Consolidated Action Plan for Housing and Community Development, approved by Council June 13, 2005, establishes strategies to provide affordable housing and supportive services for low and moderate-income families and individuals as part of an overall community revitalization strategy. The June 23, 2008 Council agenda includes a separate item to approve the FY2009 action plan for the upcoming year of the five year plan.

Charlotte Mecklenburg Housing Partnership, Inc. (CMHP) \$2,000,000
Affordable Housing Contract

- This contract includes funding to address planning for future multifamily and single-family housing development by:
 - Increase affordable homeownership opportunities. CMHP will assist 100 families to become homeowners.
 - Increase affordable rental opportunities. CMHP will complete and lease 50 units at Live Oak and 92 units at South Oak. Also complete site work on Kohler Avenue for 48 rental units.
 - Create master plan for development of the former Marene Drive and Seymour Apartments
 - Fulfill commitment to redevelop Double Oaks and relocate tenants

Charlotte Housing Authority (City Relocation Services) \$724,822

- This contract includes funding to the CHA for the management of part of the City's Relocation Program (households displaced due to fire and code enforcement). The CHA will provide temporary and permanent housing, moving and storage, counseling, case management and capacity building. This contract is a performance based contract, therefore funding is up to \$724,822. The goal for FY2009 is to assist up to 150 households.

Regional HIV/AIDS Consortium 671,000

- The Consortium manages the City Housing Opportunities for Persons with HIV/AIDS (HOPWA) federal grant. Responsibilities include:
 - Awarding restricted-use grants to qualified organizations in the seven-county metropolitan statistical area (MSA) to provide housing and housing-related services for people living with HIV and AIDS. Servicing the seven-county metropolitan statistical area (MSA) is a requirement for the City to receive the funds.
 - Distributing funds available through the HOPWA program in compliance with 24 CFR Part 574 and other applicable HUD regulations
 - Ensuring that all HOPWA funds are expended to provide maximum access to housing for eligible people affected by HIV and AIDS, including family as defined by 24 CFR Part 574.3
 - Assist 400 persons with HIV/AIDS

- Monitoring distribution and proper expenditure of funds distributed to grantee agencies in the region

Crisis Assistance Ministry \$380,000

- The Ministry programs provide critical assistance to low-income families.
- Crisis Assistance Energy Assistance (\$180,000) – These funds are used to directly pay utility companies for bills due from low-income families. This program serves approximately 1,050 families at an average of \$140.
- Crisis Assistance Emergency Rental Assistance (\$200,000) – These funds are targeted for low-income families living in specific areas of the City and address housing problems. This program assists approximately 950 families at an average cost of \$147 per family.

Community Link \$210,000

- Community Link provides housing counseling services with an emphasis in creating homeownership in CWAC and specifically the City's targeted neighborhoods.
- The contract is a performance-based contract therefore funding is up to \$210,000. The goal in FY2009 is to create 100 new homeowners and provide home ownership counseling to over 700 residents in the CWAC boundaries

Consumer Credit Counseling Services \$240,000

- Consumer Credit Counseling Service (CCCS) provides counseling associated with mortgage default and rental delinquency.
- The contract is a performance-based contract therefore funding is up to \$240,000. The goal in FY2009 is to serve 830 clients through the program.

I. Other Contracts

ImaginOn \$283,662

- The Children's Theatre formerly leased a City-owned facility at 1017 East Morehead Street for which the City paid general operation and maintenance costs.
- In October 2005, the Theatre relocated to ImaginOn: The Joe and Joan Martin Center.
- On September 24, 2003, the City approved a contribution of up to \$270,000 in FY2006 to defray a portion of the Theatre's maintenance and operating costs in the Center.
- In subsequent years increases in the annual contribution would be determined by the City building maintenance staff to support the maintenance and operation of the premises to be occupied by the Theatre.
- The FY2008 contribution was \$278,100. The contribution for FY2009 is increased to \$283,662.

J. Other Budget Items

- The budget ordinance included is the City's annual budgetary operating ordinance. Sections 1 through 12 of this Ordinance reflect the items included in the Manager's Recommended Budget and all Council amendments that Council is approving with this action.
- The remainder of the Annual Ordinance (Sections 13 through 54) serves to make budgetary corrections to the current fiscal year for technical, accounting and other "wind-up" tasks necessary prior to the fiscal year's end.

Sections 13 through 19

- Sections 13 through 15 appropriate additional revenue from Mecklenburg County for joint web-hosting services (\$136,708), a risk management safety officer position (\$70,000), and start-up expenses for the fleet maintenance consolidation (\$187,465).
- Section 16 appropriates \$4,038 from Charlotte-Mecklenburg Schools (\$2,019) and a \$2,019 match from Assets Forfeiture funds for the Secure Our School Program.
- Section 17 appropriates \$1,501,591.10 for Neighborhood Development programs from additional program income, mainly interest income:
 - \$290,576.59 for CDBG, HOME, and other Housing Development Programs
 - \$457,449.54 for additional City Within a City loans
 - \$47,755.62 for Affordable Housing projects
 - \$459,068.19 for the Innovative Housing Program
 - \$246,741.16 for revitalization programs
- Section 18 appropriates \$40,600 for sidewalks and other general capital projects from private reimbursements.
- Section 19 appropriates a reimbursement of \$1,001,000 for the I-277/Caldwell Interchange project related water main relocation agreement with Duke Energy within the Utilities Capital Project Fund.

Sections 20 through 23 Aviation Operating and Capital Projects Funds

- Sections 20 through 23 adjust projects within the Aviation Operating and Capital Project Funds to reflect revised or additional appropriations for the Discretionary Fund and for the Airport Art Program.

Sections 24 through 29 CATS Operating and Capital Projects Funds

- Sections 24 through 29 adjust projects within the CATS Operating and Capital Project Funds to reflect revised funding amounts from grants and local resources, resulting in a net reduction of \$1,827,683 of local funding which is returned to fund balance.

Sections 30 through 54

- Section 30 includes technical accounting changes necessary to clarify or correct FY08 and other prior-year budgetary ordinances.
- Sections 31 through 54 give the Finance Director authority to make specific routine appropriations and transfers within the adopted budget.

K. Approve the Storm Water fee rates, effective July 1, 2008, for the Minor Drainage System in the City of Charlotte

- In accordance with the Inter-local Agreement on storm water services, this action will inform the County of the amount to be charged for the City's portion of the fee. The County Commission adopts their budget on June 17, 2008.
- The current long-range plan for the storm water program includes annual increases in the City's storm water fee, coupled with bond funding, in order to finance the ongoing response to new and backlogged citizen requests for service.
- The fee changes for FY2009 are illustrated below:

	Storm Water FY2008 Monthly Fee	Storm Water FY2009 Monthly Fee
Detached homes with less than 2,000 sf impervious area	\$3.75	\$4.01
Detached homes with 2,000 sf or more impervious area	\$5.51	\$5.90
Other residential or non-residential development per acre of impervious area	\$91.85	\$98.28

- In accordance with the Interlocal Agreement on storm water services, the Mecklenburg County Board of Commissioners conducted a public hearing on changes to the City's portion of the storm water fee on May 20, 2008. City Council also conducted a public hearing on storm water fees in conjunction with the FY2009 budget public hearing on May 12, 2008.
- The Charlotte-Mecklenburg Storm Water Advisory Committee endorsed the proposed FY2009 Storm Water program and rate increase.

L. Approve the extension of the Agreement with the Arts & Science Council – Charlotte-Mecklenburg, Inc. and the Public Art Commission for administration of the Art Program and approval of the FY2009 Public Art Work Plan

- On May 27, 2003 the City Council adopted an ordinance pertaining to the allocation and administration of funds for public art. The ordinance directs that an amount equal to 1% of the construction costs of eligible capital projects be provided for public art.
- On January 10, 2005 City Council voted to improve communications between the Council and the Public Art Program. The Council also reaffirmed the 2003 ordinance of 1% of construction costs of eligible capital projects be provided for public art.
- On November 12, 2007 Council approved the Restructuring Government Committee's recommendation to establish administrative guidelines for the City's Public Art Ordinance.
- The FY2009 Allocations are:
 - General Government Total - \$122,200
 - o Business Corridors - \$66,400
 - o Northeast Corridor - 10,500
 - o Public Facilities, Eastland Area - 40,380
 - o Public Facilities, Metro Police Station - 4,920
 - Aviation Total - \$ 17,220
- The FY2009 Public Art Work Plan was distributed to City Council at the May 12, 2008 Dinner Briefing and in the May 16, 2008 Council-Manager Memo.
- In accordance with the Council approved policy, the Public Art Commission will present a mid-year update of projects and financials in November 2008. At that time, the Commission will provide additional information regarding the proposed process and types of projects contemplated for the FY2009 funding allocation.

Attachment 15
FY2009 Public Art Works Plan

M. Approve Amendment to Police Consolidation Interlocal Agreement Regarding Law Enforcement Service District Payment Cap

- In March 2004, the Charlotte City Council voted to adopt the recommendations submitted by the Future of Policing Committee – a joint work group made up of representatives from Mecklenburg County, the Mecklenburg Towns, City of Charlotte, Charlotte-Mecklenburg Police Department (CMPD) and the Mecklenburg County Sheriff’s Office.
- One of the approved recommendations capped Mecklenburg County’s payment to the City of Charlotte for police services at the FY2004 level of \$12,548,543 for four years beginning in FY2005. The City and County amended the Police Consolidation Interlocal Agreement through FY2008 to reflect the change.
- The FY2004 amendment continued using the population ratio method including the concept of a “ceiling but no floor”. This concept meant the County’s payment could not exceed the cap but could go down if the population method calculation produced an outcome less than the \$12.5 million cap during the four year term. The proposed amendment continues the “ceiling but no floor” concept with growth in the cap amount.
- City and County staff reviewed the amendment in preparation for changes in FY2009. Based on data related to the Consumer Price Index and growth in CMPD’s budget, City and County staff recommend extending annual payment caps for four additional years (through FY2012) as shown below:

Fiscal Year	Dollar Cap Amount
FY2008 (current year)	12,548,543
FY2009	13,426,941
FY2010	14,165,423
FY2011	14,944,521
FY2012	15,766,470

- City and County budget staff reviewed this proposal with the Mayor and Council and the Mecklenburg Board of County Commissioners at their budget retreats in February and March this year.
- Attached is the funding proposal providing additional justification and detail to the proposed amendment to the Interlocal Agreement.

Attachment 16

Law Enforcement Service District Funding Proposal

BUSINESS

14. Community Oriented Policing Hiring Grant

Action: Approve CMPD's application for a Community Oriented Policing Services (COPS) 2008 Universal Hiring Grant totaling \$750,000 to hire 10 police officers.

Staff Resource: Kerr Putney, Police
Greg Crystal, Police

Explanation

- The COPS 2008 Universal Hiring Program provides law enforcement agencies serving populations exceeding 150,000 the opportunity to apply for a maximum of 10 new officers to increase their efforts in reducing violent crime.
- CMPD was informed of this grant opportunity in May 2008. The deadline for grant applications is June 20, 2008, giving CMPD and City staff limited time to make decisions regarding a potential application. Despite the short turnaround time on this grant, staff felt it was important to preserve the opportunity to access this federal funding source. The grant covers \$75,000 of the entry level salary and benefits for each officer over a three-year period. A 25% local cash match is required and must be from funds not previously budgeted for law enforcement. In addition to the cash match, there are other funding considerations including the equipment and training costs for each new officer and the portion of each officer's salary which is over and above the funds provided by COPS.
- The City is required to retain all of the new officer positions for at least one full budget cycle following the expiration of the grant.
- The Chief of Police will determine the assignment of the additional officers.
- Total project costs for four and a half years (three year grant period plus required one full budget cycle retention period) would be \$3,603,660. COPS Grant funding would cover \$750,000. Costs to the City over the four and one-half year period are:
 - \$2,116,007 for pay and benefits not covered by the grant
 - \$556,520 for operating costs not covered by the grant
 - \$181,133 for capital/equipment costs not covered by the grant
 - Total costs not covered by the grant over the four and one-half year period are \$2,853,660
 - Ongoing annual costs are estimated to be approximately \$94,000 per officer per year
- CMPD anticipates the grant would be awarded in September 2008. At that time the grant would come back to Council for final approval. Under that schedule the officers would not be hired until January 2009, making the grant period plus the required retention period run from the second half of FY2009 through FY2013. If the City receives the grant, the first year of the City match will be appropriated from the general fund balance when the grant comes back to Council for acceptance.
- Application for the grant assumes that at least 10 officers would be added to the CMPD over the next four fiscal years. If this assumption is correct, then the federal funding should be pursued to offset at least a portion of the City's cost. If Council is not ready to make that assumption, then the City should pass on the opportunity to apply for this grant.
- Annual distribution of costs is anticipated as follows:

	FY09(1/2)	FY10	FY11	FY12	FY13	Total
Grant Funding	\$250,000	\$300,000	\$200,000	0	0	\$750,000
City Funding	\$102,738	\$501,511	\$525,999	\$778,517	\$944,895	\$2,853,660
Total	\$352,738	\$801,511	\$725,999	\$778,517	\$944,895	\$3,603,660

Funding

Fund Balance for FY09; incorporation into annual operating budget in subsequent years

15. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

16. Various Bids

A. Police Raincoats

Staff Resource: Kelly Green, Police

Action

Award the low bid unit price contract to Showfety's Inc. of Greensboro, North Carolina to provide 1800 raincoats for police officers for a term of one year. The unit price for the raincoat is \$192.50. The anticipated expenditure is \$346,500. The raincoats are full length, reversible, waterproof/windproof with reflective trim around the chest, back sleeves and cuffs. They are made of Gore-Tex and are resistant to blood borne pathogens and chemicals.

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).

B. Grier Heights Connectivity

Staff Resource: Leon Howe, Engineering & Property Management

Action

Award the low bid of \$295,873.73 by United Construction, Inc. of Charlotte, North Carolina. This project will construct approximately 300 linear feet of new roadway designed to connect Heflin Street and Orange Street, in the Grier Heights Neighborhood. Construction completion is scheduled for fourth quarter of 2008.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.19%

United Construction committed 6.19% (\$18,310) of the total contract amount to the following SBE firms: Bardwil Trucking, LLC (\$8,000), Bullington Construction (\$6,310), and Zion Trucking (\$4,000).

C. Vehicle Tag Readers

Staff Resource: John Jennings, Police

Action

Award the low bid unit price contract of \$22,350 to Appian Technology, Inc., Charlotte, North Carolina for purchasing tag readers for Charlotte-Mecklenburg Police Department for a term of three years and authorize the City Manager to renew with possible price adjustments up to two additional one-year terms. Currently, this is a pilot program with two vehicle tag readers. The contract will allow future purchases. The Police Chief has yet to determine how many tag readers will be added. The tag readers are cameras mounted on police cars that capture license plate information and vehicle description. Officers can activate the tag readers from inside the cruiser capturing tag information and downloading the data for comparison against information on stolen or wanted vehicle alerts listed with the National Crime Information Center.

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).

D. Resurfacing FY2008 B

Staff Resource: Bong Vang, Engineering & Property Management

Action

Award the low bid of \$7,521,522.20 by Blythe Construction, Inc. of Charlotte, North Carolina. This annual contract includes resurfacing approximately 58 miles of city streets and consists of traffic control; asphalt and concrete pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramps and pavement markings and associated work. This is the second of two planned resurfacing contracts for 2008. It is anticipated that both contracts can be completed by the end of paving season on November 15, 2008.

Small Business Opportunity

Established SBE Goal: 10 %

Committed SBE Goal: 16.54%

Blythe Construction Inc. committed 16.54% (\$1,244,334) of the total contract amount to the following SBE firms: All Points Trucking Inc. (\$678,084) and Carolina Cajun Concrete Inc. (\$566,250).

Attachment 17

List of Streets

E. Water Meter Yokes and Brass Accessories

Staff Resources: Doug Bean, Utilities
Billy Belcher, Business Support Services

Action

Award the low bid, unit price contract to HD Supply Waterworks located in Pineville, North Carolina for providing Water Meter Yokes and Brass Accessories for an initial term of one year and authorize the City Manager to approve up to two additional one year renewal options. The estimated annual expenditure for this contract is \$296,963.50. Water Meter Yokes and Brass Accessories are various fittings necessary for the installation and repair of residential and business water meters.

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).

F. Airport Passenger Loading Bridges

Staff Resource: Jerry Orr, Airport

Action

Award the low bid of \$3,759,533 to FMC Technologies, Inc. of Ogden, Utah for the manufacture and installation of passenger loading bridges on Concourse E. The eight passenger loading

bridges are equipped with air conditioning units and ground power units to power essential aircraft functions while on the gate.

Small Business Opportunity

No SBO utilization goal was set for this contract because subcontracting opportunities are not anticipated.

17. Property and Business Privilege License Taxes Refund

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$14,846.21, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$14.93.**

Staff Resource: Robert Campbell, Finance

Attachment 18

Resolution

List of property tax and business license refunds

18. Resolution of Intent to Abandon a Portion of Peachtree Drive

- Action:**
- A. Adopt the Resolution of Intent to abandon a portion of Peachtree Drive (located in the vicinity of Nations Ford Road), and**
 - B. Set a public hearing for July 28, 2008.**

Staff Resource: Linda Poissant, Transportation

Attachment 19

Map

Resolution

19. Resolution of Intent to Abandon Right-of-Way and Set Public Hearing for a Residual Portion of Atando Avenue

Action: A. Adopt the Resolution of Intent to abandon a residual portion of Atando Avenue, and
B. Set a public hearing for July 28, 2008.

Staff Resource: Linda Poissant, Transportation

Attachment 20

Map
Resolution

20. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of N. Myers Street and N. Alexander Street

Action: A. Adopt the Resolution of Intent to abandon a portion of N. Myers Street and N. Alexander Street, and
B. Set a public hearing for July 28, 2008.

Staff Resource: Linda Poissant, Transportation

Attachment 21

Map
Resolution

CONSENT II

21. Airport Telecommunications Contract

Action: Approve a contract with AT&T in the amount of \$138,010.91 for maintenance of the Airport's telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation

- Since the new terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its AT&T Centrex telephone system.
- The telephone system currently has over 3,100 lines.
- The cost of the technician is paid by all users of the Airport system.
- This agreement will extend the contract with AT&T for another year with an increase of \$567.06, or 0.41%, in the annual cost.

Small Business Opportunity

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

Funding

Airport Operating Budget

22. Federal Aviation Administration Grant

Action: A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Airport Improvement Program grant in the amount of \$19,965,260 for Airport projects related to the third parallel runway, and

B. Adopt a budget ordinance appropriating \$19,965,260 in FAA grant funds.

Staff Resource: Jerry Orr, Aviation

Policy

Airport Master Plan

Explanation

- Each year the Airport qualifies for FAA entitlement funds based on passenger enplanements. The Airport's FY2008 entitlement funds are \$6,965,260.
- In December 2006, the FAA issued its Letter of Intent (LOI) to provide \$80 million dollars over eight years in federal funds to be applied towards the cost of constructing the new third parallel runway. The FY2008 allocation of this LOI is \$13 million dollars and is included in the \$19,965,260 grant offer. This is the second installment of the Letter of Intent (LOI).
- These grant funds will be used to reimburse the Airport for a portion of the costs associated with the following projects:
 - Third Parallel Runway Grading

- Navigational Aid Equipment

Attachment 22

Resolution
Budget Ordinance

23. Private Developer Funds Appropriation

Action: Adopt a budget ordinance appropriating \$261,695 in Private Developer Funds for Traffic Signal Improvements.

Staff Resource: Liz Babson, Transportation

Explanation

- The budget ordinance estimates and appropriates \$261,695 in private developer funding for traffic signals and work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
 - McAlpine, LLC contributed \$207,495 for the installation of a traffic signal and mast arms at the intersection of McAlpine Station Drive and Monroe Road.
 - Pinnacle Point ATE LLC contributed \$9,200 for the installation of a traffic signal at the intersection of Berkeley Place Drive and Mallard Creek Church Road.
 - Ashley Court Apartments, LLC contributed \$40,000 for the installation of a traffic signal at the intersection of Berkeley Place Drive and Mallard Creek Church Road.
 - Shea Homes LLC contributed \$5,000 to fund a traffic signal modification at the intersection of Providence Road West and Lancaster Highway.
- The above signals meet the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 23

Budget Ordinance

24. Elevated Water Storage Tank Rehabilitation, Patton and Vest Tanks

Action: Approve professional services agreement with Kimley-Horn, Charlotte, North Carolina, in the amount of \$160,000 for design and inspection of the Patton and Vest elevated water storage tanks refurbishment project.

Staff Resource: Doug Bean, Utilities

Explanation

- Utilities currently maintains 13 elevated water tanks throughout Mecklenburg County.
- Industry standard for maintenance is that elevated water storage tanks are repainted approximately every 15 years depending on how well the coating systems hold up.
- The two tanks at Vest Water Treatment Plant were last refurbished in the late 1980's and are in need of repainting.
- Kimley-Horn will provide design and inspection services to replace the interior and exterior coatings for the two elevated water storage tanks located at Vest Water Treatment Plant.
- The two tanks will also be brought up to current Occupational Safety and Health Act compliance and any needed structural repairs made.
- Kimley-Horn was selected using the Council-approved, qualifications-based selection process.

Small Business Opportunity

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

25. Public Safety Radio Interoperability Grant

Action: Adopt a budget ordinance appropriating \$2,993,356.80 Public Safety Interoperable Communications (PSIC) Grant award requiring City matching funds in the amount of \$748,339.20.

Staff Resources: Chuck Robinson, Business Support Services
Dennis Baucom, Business Support Services

Explanation

- Council was notified by Council/Manager Memo in September 2007 of the submission of the grant application under the Public Safety Interoperable Communications (PSIC) Grant program. This is a one time matching grant for implementation of Public Safety interoperable communications infrastructure that advances interoperability in Gaston, Union and Mecklenburg counties.
- The City's grant application was for \$9 million, but the grant award is for \$2,993,356.80, which requires a match of \$738,339.20.
- The matching funds of \$738,339.20 are available in the existing Radio Capital Program.
- The grant will be used to offset the cost of the City's approved capital plan for the construction of a digital radio system, which provides the base infrastructure for the regional interoperability proposed in the

grant. This approved capital plan is for the deployment of a digital radio system with an anticipated project cost of \$15,214,333.

- The PSIC Grant funds, along with \$1 million in FY07 Urban Area Initiative Grant funds, \$1 million in FY2008 Urban Area Initiative Grant funds, and an \$850,000 project discount from Motorola will be applied to the cost of the Master Site.
- The required matching funds will be used to develop digital infrastructure components required to support the Charlotte/Mecklenburg digital system deployment.
- The request for Council to approve the grant had been planned to coincide with a Request for Council Action for approval of the contract with Motorola for deployment of the digital system in July 2008, however, the State of North Carolina State Administrative Agent for Homeland Security requires the acceptance letter by June 20.

Funding

Facilities Capital Investment Plan

Attachment 24

Budget Ordinance

26. Police Accident Reporting System

Action:

A. Approve the purchase of an accident reporting system without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and

B. Approve a contract with VS Visual Statement to purchase an accident reporting system in the amount of \$99,973

Staff Resource: Ron Horton, Police

Sole Source Exception:

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

Explanation

- At the present time, CMPD officers complete accident reports using the TRACS system which is supported by North Carolina Department of Motor Vehicles (NCDMV). Use of the TRACS system is optional; the state does not mandate the use of a specific accident reporting system. Several other law enforcement agencies throughout the state do not use TRACS.
- CMPD's experience with the TRACS system has shown that it is time consuming for officers to fill out reports; it now takes an average of 87 minutes as compared to the 30-45 minutes required under the previous reporting application. It is also difficult to locate reports in the system and citizens find those reports to be long and hard to understand.

- CMPD has made numerous requests to work with NCDMV on these issues but this is not a high priority for NCDMV technical staff.
- In view of those issues, CMPD wishes to purchase a product called Report Beam which is offered by VS Visual Statement. The Report Beam system has several features which are compatible with the technology infrastructure that CMPD officers are accustomed to using.
- Visual Statement will host the accident reporting application on its current server that captures the accident data as soon as the forms are submitted by the officer. The data is sent to CDOT electronically, enabling both CMPD and CDOT to analyze crash data on a timely basis.
- CMPD estimates that Report Beam will enable officers to reduce the time needed to fill out an accident report to 30-45 minutes (from 87 minutes). It will also enable citizens to download accident reports from a website.
- Total cost of the system is \$99,373 for the first year with ongoing maintenance costs of \$14,323 in each subsequent year.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix Section 23.3 of the SBO Policy).

Funding

CMPD operating budget

27. Police Providence Division Lease Extension

- Action:**
- A. Approve a two year extension of the lease for CMPD's Providence Division with the potential to renew for one additional year with total rent for the three years not to exceed \$265,000, and**
 - B. Authorize the City Manager to execute the lease and renewal.**

Staff Resources: Greg Crystal, Police
J.R. Steigerwald, Real Estate

Explanation

- CMPD's Providence Division has leased approximately 7,000 square feet of space at 3500 Latrobe Drive (off Wendover Road, between Randolph and Monroe Roads) for the past 10 years.
- The Facility houses the Providence Division plus the chain of command for the South Service Area.
- CMPD and the Real Estate Division have conducted an extensive search for a site that is more visible and more centrally located within the division but were not able to identify an affordable location.
- The Real Estate Division has identified three parcels of land where developers have expressed an interest in building a facility for the Providence Division that would then be leased back to CMPD; formal RFP's will go out within the next few months.
- In the meantime, CMPD wishes to renew the existing lease for another two years with the option of one additional year.
- The rent will increase from \$10 to \$12 dollars per square foot, making the new annual cost \$84,000; rent for the facility has not increased during the ten-year term of the lease.

- The rent will increase by 2% each year that CMPD occupy the facility; the 2% increase covers costs related to inflation and is below the standard market rate increase of 3%.
- The \$265,000 cost includes an \$8,000 contingency fund for unanticipated expenses such as repairs to the facility.

Funding

Police operating budget

28. Vehicle Commissioning and Decommissioning Facility Lease

- Action:**
- A. Approve the leasing of one building that contains approximately 25,000 square feet at 115 Dwelle Street (PID 065-143-55) for use by Business Support Services for the commissioning of vehicles for two years and one optional year for a three year cost not to exceed \$181,200, and**
 - B. Authorize the City Manager to execute the leases for both 115 Dwelle Street.**

Staff Resource: Chuck Robinson, Business Support Services
J.R. Steigerwald, Real Estate

Explanation

- On April 28, 2008 City Council approved leasing property for the Equipment Management Division (EMD) of Business Support Service to perform commissioning all vehicles received and decommissioning of all vehicles to be disposed of by the City.
- Council approved leasing one building that contains approximately 25,000 square feet at 115 Dwelle Street for two years and one optional year for a three year cost not to exceed \$150,000.
- The lease approved on April 18 was not executed. This new lease replaces the previously approved lease.
- In the final negotiations of the April 28 lease agreement, staff discovered that several cost items previously identified by the owner had not been included in the lease amount approved by City Council. These items changed the annual lease amount from \$50,000 to \$60,000 annually. This would bring the three year lease amount to \$181,200.
- This adjustment will change the annual cost per square foot from \$2 to \$2.40, which is still significantly below other comparable facilities. In selecting this location:
 - Staff reviewed over 11 different sites and visited seven locations
 - No other comparable space was found at less than \$4.50 per square foot
 - Other locations did not have the level of security that these properties afforded without significant expenditures by the City
 - The location is conveniently located and relatively easy to find.
- As was noted in the original agenda item, commissioning of vehicle involves the installation of decals, radio equipment, special lighting, and other operational equipment on new vehicles. Decommissioning is the removal of these same items prior to the equipment being sold through

the City Asset Recovery and Disposal operation. This work is currently staged and performed largely at the Seigle Avenue Shop Facility.

- The commissioning and decommissioning work requires parking for up to 350 vehicles at certain times in the process cycle. In addition to this parking requirement, the maintenance activity of the Seigle Avenue Shop requires parking for up to 100 vehicles.
- Over the last several years EMD has seen a reduction in the number of parking spaces available for maintenance, commissioning and decommissioning activities. This was due to the sale of land to the Charlotte Housing Authority in support of the Piedmont Courts HOPE VI Program. EMD will lose over 100 parking spaces later this summer as construction on the new Solid Waste administration building gets underway in the Central Yard area.
- Additionally, the Seigle Avenue Streetscape Project will be replacing the culvert under Seigle Avenue. This project will require easement area further reducing the available parking space at the Seigle Avenue Shop. The exact date of the culvert replacement is not known, but the Streetscape Project is scheduled to begin construction by 4th quarter 2008 and last approximately one year.
- Staff is currently in the process of conducting geotechnical analysis on land at the City's Irwin Creek wastewater facility to determine if it is a suitable location for the new light vehicle facility. If the location is suitable, design and construction of the facility will take over two years, which makes it necessary to find a temporary location for this operation.
- The building at 115 Dwelle Street has large enough doors and enough warehouse space to allow the commissioning and decommissioning of vehicles in a fully enclosed location. The facility will also greatly improve the effectiveness and efficiency of the installation and removal of telecommunications equipment associated with the commissioning and decommissioning process.

Funding

Business Support Services Operating Budget

29. Property Transactions

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

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

Acquisitions

- A. Project:** Airport Master Plan Land
Owner(s): Stephen T. and Joyce J. Motley
Property Address: 5509 Airport/5034 Jackson
Property to be acquired: 1.79 acres
Improvements: Commercial Buildings
Purchase Price: \$260,700
Remarks: The purchase price was determined by an independent appraiser and was reviewed by a second 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: B1 Use: Commercial buildings

Tax Value: \$154,900

Tax Code: 115-063-01

- B. Project:** Dorman Road Area Sanitary Sewer Outfall to McAlpine Waste Water Treatment Plant, Parcel # 2 and 9

Owner(s): South Charlotte Baptist Church

Property Address: Dorman Road And 9917 Sam Meeks Road

Property to be acquired: 13,570 sq. ft. (.312 ac.) in Sanitary Sewer Easement, plus 14,628 sq. ft. (.336 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$31,328

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

Zoned: R-12

Use: Single Family Residential

Tax Code: 221-101-25 / 221-101-11

Total Parcel Tax Value: \$118,200

- C. Project:** Southwest Water Transmission Main Phase B, Parcel # 12

Owner(s): Trustees Of Steele Creek Presbyterian Church

Property Address: 7500 Steele Creek Road

Property to be acquired: 24,144 sq. ft. (.554 ac.) in Sanitary Sewer Easement, plus 8,228 sq. ft. (.189 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$37,512

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: Single Family Residential - Vacant

Tax Code: 141-112-06

Total Parcel Tax Value: \$330,700

- D. Project:** Southwest Water Transmission Main Phase B, Parcel # 17

Owner(s): Trustees Of Steele Creek Presbyterian Church

Property Address: 7500 Steele Creek Road

Property to be acquired: 17,120 sq. ft. (.393 ac.) in Sanitary Sewer Easement, plus 8,324 sq. ft. (.191 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$29,991
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Vacant
Tax Code: 141-261-46
Total Parcel Tax Value: \$32,000

Condemnations

- E. **Project:** Reedy Creek Basin - Mecklenburg County, Parcel # 21
Owner(s): James D. Grier And Any Other Parties Of Interest
Property Address: Frank Grier Road
Property to be acquired: Total Combined Area of 7,983 sq. ft. (.183 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$300
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Rural Homesite
Tax Code: 108-112-18
Total Parcel Tax Value: \$27,800

- F. **Project:** Reedy Creek Basin - Mecklenburg County, Parcel # 27
Owner(s): Raymond D. Collins And Judith P. Collins And Any Other Parties Of Interest
Property Address: 7440 Plott Road
Property to be acquired: Total Combined Area of 32,351 sq. ft. (.743 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$7,225
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 108-071-15
Total Parcel Tax Value: \$327,600

30. Meeting Minutes

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

- April 28, 2008
- May 5, 2008