

**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, May 12, 2008**

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

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27	27	Third Parallel Runway Paving

**CITY COUNCIL AGENDA  
Monday, May 12, 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. Kimme Report and Criminal Justice Recommendations**

**Resources:** Michelle Lancaster, Mecklenburg County Manager's Office  
Peter Gilchrist, Mecklenburg County District Attorney

**Time:** 45 minutes

**Synopsis**

- This is a presentation of the Kimme Report, a Detention Operations Master Plan for Mecklenburg County. The Report contains key recommendations to improve the Criminal Justice process in Mecklenburg County and identifies resources needed.

### **3. Procurement Audit Reports**

**Resources:** Greg McDowell, City Auditor

**Time:** 15 minutes

**Synopsis**

- In July 2007 the City Manager requested Internal Audit to evaluate the City's procurement practices.
- On September 24, 2007 the City Auditor presented a plan to City Council for a review of City Procurement Practices by a consultant and an internal audit follow-up (to its 2005 audit).
- Internal Audit issued its follow-up report in December 2007; the consultant's (The Matrix Group) report was completed in March 2008.
- Strengths, Weaknesses, Opportunities for Improvements, and Actions Planned will be presented.

#### 4. Park and Recreation Master Plan

**Resources:** Jim Garges, Park and Recreation Director

**Time:** 15 minutes

##### Synopsis

- This is an update on the 10 year Park and Recreation Master Plan. Council received a briefing on January 7.
- The 10 year comprehensive Park and Recreation Master Plan makes recommendations to expand and improve the entire County recreation system.
- The plan includes facilities, amenities and programs for Mecklenburg County Park and Recreation as well as the Northern and Southern Towns.
- The master plan focuses on:
  - Conservation and Stewardship
  - Parks and Greenways
  - Recreation Facilities and Programs

##### Future Action

The County Commission will take action on May 7. Resolution of endorsement of the Park and Recreation Master Plan will be on the May 27, 2008 business agenda.

#### 5. 2009-2015 MUMPO Transportation Improvement Program

**Staff Resource:** Andy Grzymiski, CDOT

**Time:** 10 minutes

##### Synopsis

- City and Mecklenburg Union Mecklenburg Planning Organization (MUMPO) staffs have been working with NCDOT staff to develop the 2009-2015 Transportation Improvement Program (TIP).
- The Technical Coordinating Committee (TCC) recommended at their May 1 meeting to recommend approval of the TIP to the MUMPO, with the following amendments:
  - The allocation of \$20 million of Surface Transportation Program-Direct Allocation funds in fiscal years 2014 and 2015 as recommended by the TCC and as endorsed by the MUMPO at their March meeting. The \$20 million will fund 10 projects over the two fiscal years, with one of the projects being the relocation of Little Rock Road to tie into the future Fred D. Alexander Boulevard at Freedom Drive.
  - The inclusion of an earmark for transportation improvements at the Marion Diehl Center. Queens University had an earmark included in the federal SAFETEA-LU transportation bill that was to fund parking and internal roadways at the Marion Diehl Center in Charlotte. The Federal Highway Administration made a determination that these types of improvements were not eligible for federal funding. Queens University obtained a technical correction to the earmark which now allows them to use the earmark for these improvements.
- The Dinner Briefing will present the specific recommendations which the TCC is making to the MUMPO.

- The MUMPO will be asked to approve the TIP at their May 21 meeting.

**Future Action**

Staff requests that Council formally direct City Council's MUMPO representative at the May 12 business meeting. This is item 16, page 15 of this agenda.

**6. Public Art Work Plan**

**Resource:** Robert Bush, Senior Vice President, Arts & Science Council  
Dawn Blobaum, Chair of the Public Art Commission

**Time:** 15 minutes

**Synopsis**

- City Council approved the current Public Art Ordinance on May 27, 2003.
- The ordinance allows pooling of funds for public art with a 1% of construction cost calculation methodology.
- According to Council approved policy, the Public Art Commission is required to update the Council in the spring prior to approval of the proposed Public Art Work Plan and administrative agreement.
- The Public Art Commission also presents Council with a status update and a prior year financial review in the fall of each year.
- The work plan to be presented provides:
  - Description of the artwork completed, obtained, or commenced during FY2008 funded from prior year appropriations, and
  - Preliminary ideas for the FY2009 proposed public art allocations.

**Future Action**

City Council will be asked to approve the FY2009 Public Art Work Plan and the annual administrative agreement with the Arts & Science Council and the Public Art Commission on June 9<sup>th</sup> as part of the City's budget adoption.

**7. 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**

- 8. Consent agenda items 22 through 37 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 9. Public Hearing on Extension of the University City Municipal Service District



- Action:**
- A. Conduct a public hearing to receive comments on the proposed extension of the University City Municipal Service District (MSD), and
  - B. Adopt a resolution to extend the University City MSD.

**Staff Resource:** Brad Richardson, Economic Development

#### Policy

Under North Carolina law (G.S. 160A-535 et seq.), Council may define any number of Municipal Service Districts (MSDs) to provide additional services in addition to, or to a greater extent than those maintained for the entire city. Urban area revitalization projects are one of the municipal services for which a district can be created.

#### Explanation

- At the January 28, 2008 Dinner Briefing, University City Partners (UCP) presented a proposal to extend the University City MSD to include the University Research Park and adjacent parcels that would most directly benefit from services provided by the district
- On February 11, 2008 City Council directed staff to prepare a report on the proposed extension of the MSD and to mail notices of a public hearing to all affected property owners. The City is required to prepare the MSD report before conducting the public hearing.
- On April 11, 2008 staff mailed notices of a public hearing to all affected property owners, and on May 1, the official notice appeared in the Charlotte Observer.
- Since mailing the notice of public hearing, staff has received three calls from property owners, and all of them have been requests for more information or clarification about the MSD.
- The MSD report documents the proposed new district boundaries, tax rate, and plan for providing services. This report was made available to the public two weeks prior to the public hearing in the City Clerk's Office, as required by Statute, and on the City's Internet site.
- The timing of this process is designed to coincide with the FY2009 budget process as the MSD tax rates and revenues must be included in the total City budget estimates.
- If Council adopts the resolution, the MSD tax rate and contract for services would be set by Council as part of the budget ordinance on June 9, 2008.

#### Background

- Municipal Service Districts (MSDs) are created to promote economic development through services, programs, and advocacy.
- MSDs are funded through an additional ad valorem tax levy on property within the district. All of the money raised by the MSD assessment must be spent on enhancement programs within that district.
- The City currently has five MSDs: three in Center City, one in South End, and one in University City.

- Since its inception in 2003, UCP has focused on transportation and land use planning in University City, most recently completing the University City Area Plan approved by Council in 2007. UCP has also focused on better marketing and branding of University City.

### Attachment 1

Resolution  
MSD Report

## 10. Public Hearing on Extension of the South End Municipal Service District



- Action:**
- A. Conduct a public hearing to receive comments on the proposed extension of the South End Municipal Service District (MSD), and**
  - B. Adopt a resolution to extend the South End MSD.**

**Staff Resource:** Brad Richardson, Economic Development

### Policy

Under North Carolina law (G.S. 160A-535 et seq.), Council may define any number of Municipal Service Districts (MSDs) to provide additional services in addition to, or to a greater extent than those maintained for the entire city. Urban area revitalization projects are one of the municipal services for which a district can be created.

### Explanation

- At the February 25, 2008 Dinner Briefing, Charlotte Center City Partners (CCCP) presented a proposal to extend the South End MSD to include additional parcels that would most directly benefit from services provided by the district
- On the same night City Council directed staff to prepare a report on the proposed extension of the MSD and to mail notices of a public hearing to all affected property owners. The City is required to prepare the MSD report before conducting the public hearing.
- On April 11, 2008 staff mailed notices of a public hearing to all affected property owners, and on May 1, the official notice appeared in the Charlotte Observer.
- Since mailing the notice of public hearing staff has received two calls from property owners, and both of them have been requests for more information or clarification about the MSD.
- The MSD report documents the proposed new district boundaries, tax rate, and plan for providing services. This report was made available to the public two weeks prior to the public hearing in the City Clerk's Office, as required by Statute, and on the City's Internet site.
- The timing of this process is designed to coincide with the FY2009 budget process as the MSD tax rates and revenues must be included in the total City budget estimates.
- If Council adopts the resolution, the MSD tax rate and contract for services would be set by Council as part of the budget ordinance on June 9, 2008.

**Background**

- Municipal service districts (MSDs) are created to promote economic development through services, programs, and advocacy.
- MSDs are funded through an additional ad valorem tax levy on property within the district. All of the money raised by the MSD assessment must be spent on enhancement programs within that district.
- The City currently has five MSDs: three in Center City, one in South End, and one in University City.
- Since its inception in 2000, Historic South End has focused on marketing and branding of the South End, land development in support of the light rail project, special events and neighborhood advocacy.

**Attachment 2**

Resolution  
MSD Report

## 11. Public Hearing on Preliminary FY2009 Operating Budget and FY2009-2013 Capital Investment Plan

**Action:** Receive public comment on the City Manager's recommended budget.

**Committee Chair:** Andy Dulin

**Staff Resource:** Ruffin Hall, Budget and Evaluation

**Explanation**

- On May 5, 2008 the City Manager presented the recommended FY2009 Strategic Operating Plan and FY2009-2013 Capital Investment Plan. The May 5<sup>th</sup> recommendation represents the proposed City operating and capital budget for next fiscal year beginning on July 1, 2008.
- State law requires the City to hold a public hearing following presentation of the Manager's recommended budget (May 5, 2008) and prior to Council adoption of the budget (June 9, 2008).

**FY2009 Operating and Capital Budget Summary**

- No property tax rate increase recommended for FY2009.
- The recommended budget supports Council's three approved priorities:
  - Community Safety
  - Transportation
  - Economic Development – Business Corridor Redevelopment
- The total City-wide recommended budget for FY2009 is \$1.82 billion, with \$1.04 billion for operating expenses (all funds) and \$778.2 million for capital expenditures (all funds).
- The FY2009 General Fund recommended budget totals \$436.7 (included in the \$1.82 billion total budget). The City's General Fund includes Police, Fire, Solid Waste, Transportation and other services.
- FY2009 represents the second year of the City's two-year budget process. The recommended FY2009 budget changed 0.3% from the original FY2009 budget plan reviewed last year.
- Additional information regarding the recommended budget may be found on the City's budget web site: [citybudget.charmeck.org](http://citybudget.charmeck.org).

**Budget Process**

- Council budget adjustments meeting is scheduled for May 14, 2008 at 3:00 p.m. Proposed adjustments by the Council receiving five or more votes move on to the Council's "straw votes" meeting for consideration.
- Council's "straw votes" meeting is scheduled for May 28, 2008 at 12:00 p.m. Budget amendments receiving six or more votes are included in the final budget ordinance for consideration on June 9<sup>th</sup>.
- Budget adoption is scheduled for June 9, 2008 at 7:00 p.m.
- Council is required by state law to adopt a budget on or before July 1<sup>st</sup> of each year.

**Attachment 3**

Manager's Transmittal Letter  
Executive Summary

## POLICY

### 12. City Manager's Report

### 13. Public Safety Recommendations



- Action:**
- A. Approve the City Manager's Public Safety Recommendations outlined below, and**
  - B. Authorize the City Manager to take appropriate actions to implement these recommendations, including executing contracts with the Administrative Office of the Courts, and amending the contract with Omnilink Systems, Inc for the lease of 100 additional electronic monitoring devices.**

**Staff Resource:** Curt Walton, City Manager

On April 28, 2008 the City Manager recommended immediate actions to expand the capacity of the criminal justice system to deal with criminals once they are beyond the control of the CMPD. The cost of these actions is \$2,761,121. These actions are to:

1. Expand the number of electronic monitoring devices for repeat offenders. (\$495,121)  
Currently there are 100 electronic monitoring devices provided by the Charlotte-Mecklenburg Police Foundation. This action would allow the lease of 100 additional monitoring devices (\$250,000) and 3 police officers to monitor and take appropriate actions with the offenders being monitored (\$245,121). Funding would come from current year savings.
2. Provide funding for technology improvements in the District Attorney's Office and the Trial Court Administrator's Office. (\$1 million)  
It is recommended that \$1 million be set aside for technology improvements for the District Attorney and Trial Court Administrator. The funds would be used upon receipt of a detailed plan for case management technology, with appropriate performance metrics. Funding would come from \$1 million of the \$1.8 million from the sale of Arena Outparcel 3.

On April 28, 2008 City Council expressed interest in providing funding up to \$3 million for this project. The additional funding could come from the remaining \$800,000 from the sale of Arena Outparcel 3 and \$1.2 million savings from cankerworm aerial spraying.

3. Provide additional staffing to expand the capacity of the District Attorney's Office. (\$375,000) While staffing in the District Attorney's Office is not the City's responsibility, making targeted investments can have a significant impact of cutting the time to dispose of property crime cases by 40% (3-4 months). This would result in defendants being placed under supervision or in prison sooner and also accomplish the following:
  - No plea bargains for habitual felons
  - All Residential Breaking and Entering cases will continue to be prosecuted as felonies and the state will request active time in every case

- All Auto Larceny, Possession of Stolen Vehicle, and Breaking and Entering of Motor Vehicle cases acceptable for prosecution will be prosecuted as felonies and not as misdemeanors
- All felony plea offers will increase in severity

The proposal is to add 2 Assistant District Attorneys, 3 clerical/secretarial positions and office equipment at a cost of \$375,000, with funding to come from current year budget savings.

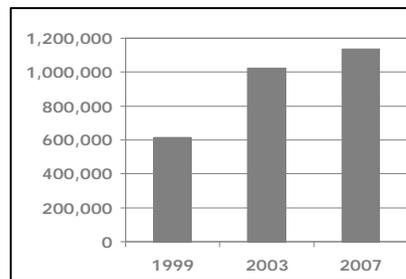
4. Expand resources in the CMPD Crime Lab. (\$435,000)

The recommended budget includes funding for 5 additional positions in the Crime Lab to expand our capacity to process firearms identifications, latent fingerprint processing and DNA analysis.

5. Expand the number of telecommunicators in the 911 Communications Center. (\$456,000)

The recommended budget also includes funding for 5 telecommunicators and 3 telecommunicator supervisors to address increased workload in the 911 Communications Center.

**911 Call Volume**



6. Pursue recommendations from the Kimme Report including a Property Crimes Court

Mecklenburg County has recently released the Kimme Report, a Detention Operations Master Plan. There are several recommendations in the plan which would provide a more focused and expedited use of courts and jails. Council will receive a dinner briefing on the Kimme Report on May 12.

7. Work with Criminal Justice Partners to identify and address deficiencies and blockages

- a. Mecklenburg County Chairman Jennifer Roberts plans to appoint a Criminal Justice Task Force to look at improving the justice system. The composition of the Task Force and its charge have not been finalized.
- b. The Mecklenburg County Criminal Justice Advisory Group (CJAG), a staff group, was created in 2005 to enhance the performance of the criminal justice system through identifying issues, developing solutions, and facilitating results. Membership in this group consists of:
  - Senior Resident Superior Court Judge
  - Chief District Court Judge
  - Mecklenburg County Sheriff
  - District Attorney

- Public Defender
- Mecklenburg County Manager
- Charlotte City Manager
- Charlotte Mecklenburg Police Chief
- Clerk of Superior Court
- Trial Court Administrator

Goals of the CJAG are:

- To bring together key decision makers to openly discuss issues that affect the criminal justice system
- To identify problems and issues and address those issues through planning and coordination
- To facilitate the administration of criminal justice and the provision of related services and programs
- To generate system-wide data that increases knowledge of the criminal justice system and strengthens decision-making
- To produce and continually improve a comprehensive criminal justice plan that defines systemic goals and objectives, identifies areas of strength and weakness, and includes an action plan with timelines and evaluative aspects
- To initiate innovative programs and policies which enhance the functionality of the criminal justice system and increase public safety
- To review costs (but not budgets) among criminal justice agencies, avoid duplicate spending, and prioritize the use of limited funds
- To develop and monitor an integrated information system that permits the timely sharing of data among criminal justice agencies

**Attachment 4**

April 25, 2008 Memo on Public Safety Recommendations

## 14. Charlotte Streetcar Project – Rosa Parks Place to Eastland

**Action:** A. Direct City Staff to:

1. Validate the key assumptions of the 2006 Charlotte Streetcar Project conceptual design, including updating the cost estimate to establish necessary funding levels,
2. Develop a timeline of key decision points involved in accelerating the design and construction of the Charlotte Streetcar Project,
3. Prepare a financial feasibility analysis and economic impact study quantifying the impact of accelerating implementation of streetcar service,
4. Evaluate the opportunity and impacts of seeking federal funding, and

**B. Authorize up to \$500,000 for completing these steps, to be funded from the Business Corridor Revitalization Fund, and seek private funding of one-half of the cost of the financial and economic impact study.**

**Staff Resource:** Tom Flynn, Economic Development  
Keith Parker, Charlotte Area Transit System

### Explanation

- At the April 28 meeting, City Council requested recommendations on the steps that should be taken to consider acceleration of the Charlotte Streetcar Project from Rosa Parks Place to Eastland. City Council voted to place this item on the May 12 agenda.
- The Charlotte Streetcar Project consists of a street running streetcar system operating from the Rosa Parks Place Transit Center along Beatties Ford Road, Trade Street, Elizabeth Avenue, Hawthorne Avenue and Central Avenue to the Eastland Mall Transit Center.
- The 2030 Transit System Plan adopted by the Metropolitan Transit Commission in 2006 provides for the Streetcar to be implemented in 2018 – 2023. There may be economic impacts and advantages to Charlotte in accelerating construction of the Streetcar, which would require additional funding.
- A review of the 2006 conceptual design for the Streetcar Project would serve to validate the key assumptions made at that time and incorporate any new information. The result would be a conceptual definition of the project scope and a budget estimate sufficient for evaluating alternative sources of funding the project.
- A timeline of key milestone decisions would allow an informed decision on whether to accelerate implementation of the Charlotte Streetcar Project. Considerations include issues such as the timing of funding sources, procurement of long-lead items (vehicles and electric power system), and the scope of street modifications necessary to construct the line.
- The Streetcar Project may qualify for federal funding under the Small Starts or other programs. A decision to accelerate implementation of

service should consider the advantages and disadvantages of seeking these funds, which will be affected by a new federal administration, changes in the level of funding available, changes in the criteria for acquiring funds, and project schedule delays that may result.

- A financial feasibility analysis and economic impact study would assess options for funding the Streetcar Line, project the impacts on private development along the Line, and analyze the business case for accelerating the Line with funds that supplement or replace the CATS funding for the 2030 Transit System Plan.
- The City Council included in its 2009 federal legislative agenda a request for \$500,000 to study the economic impacts of accelerating implementation of the Charlotte Streetcar Project. Through the proposed action, the City Council would partner with the private sector to provide the funds in the FY2009 budget, allowing the studies to proceed, while continuing to seek the federal funds. It is recommended that the City funds be an allocation of the Business Corridor Revitalization Fund, up to \$500,000.

**Business Corridor Revitalization Fund Status**

Appropriations through Fiscal Year 08	\$8,900,000
Greenway Business Center	-\$950,000
Belk Option and Purchase Reserve	-\$3,500,000
<u>Unallocated FY08 Balance</u>	<u>\$4,450,000</u>
Proposed FY09 Appropriation	\$6,100,000
<u>Unallocated FY09 balance</u>	<u>\$10,550,000</u>

**15. Northlake Area Plan**



**Action:** Approve the Economic Development and Planning Committee recommendation to adopt the Northlake Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

**Committee Chair:** John Lassiter, Economic Development and Planning

**Staff Resource:** Alysia Osborne, Planning

**Explanation**

- An interdepartmental team has been working with residents and stakeholders since November 2006 to develop this area plan for approximately 4,300 acres surrounding Northlake Mall. The Plan includes recommendations that address land use, transportation, urban design, public facilities and environment. Additionally, the Plan includes a Transit Station Area Plan for the proposed Eastfield station on the North Commuter Rail line.
- An initial public meeting was held in November 2006 with approximately 225 citizens attending. Two, multi-day public workshops and a community meeting were held during 2007. In addition, staff worked closely with a stakeholder group of 25 volunteers on the plan recommendations.

### Plan Recommendations

- Land use recommendations are divided into three distinct geographies consistent with the Centers, Corridor, and Wedges Growth Framework.
  - The wedge area is recommended to remain primarily lower density residential with opportunities for neighborhood serving retail, institutional, park and open space.
  - The center area, which encompasses the Northlake Mall, is recommended to include a mixture of office, retail, residential, park and open space uses.
  - The corridor area is recommended to remain predominantly industrial and office with some opportunity for retail, residential, park and open space uses.
  - Recommendations for the Eastfield Transit Station Area call for a mix of transit supportive residential, office and retail.
- Transportation/Streetscape Design recommendations focus on integrating transportation and land use and include an internal street network concept to provide transportation choices and increased connectivity. The street network is especially critical because:
  - The transportation analyses indicated Northlake would experience high levels of congestion if land development outpaces the planned road improvements provided in the 2030 Long Range Transportation Plan.
  - A vehicular connection across I-77 is needed to achieve the land use vision for the Center area. This connection is also critical to providing connectivity between the Center and the proposed Eastfield Transit Station Area.

### Committees Recommendations

- On December 18, 2007, the Charlotte-Mecklenburg Planning Commission, unanimously (7-0) recommended approval of the Plan, with the attached revisions listed in the “Recommended Revisions to the Draft Document”.
- The Economic Development and Planning Committee, at their April 2<sup>nd</sup> meeting, recommended adoption of the draft *Northlake Area Plan* with the revisions recommended by the Planning Commission. The vote was 4 to 1. (Council members Foxx, Kinsey, Mitchell and Carter voted Yes. Council member Lassiter voted No.)

### Committee Discussions

- The Planning Committee of the Charlotte-Mecklenburg Planning Commission spent four months reviewing the draft plan, including touring the plan area and hearing citizens’ comments at a formal meeting in September 2007.
- The Economic Development and Planning Committee discussed the Plan at four meetings beginning in September 2007. They also received public comments during the October 8, 2007 Council Business meeting and toured the study area on March 4, 2008.
- The discussions of both Committees focused on property owners concerns with approximately 12 of the land use recommendations. In general, property owners requested:
  - Higher intensity uses and densities
  - Single uses (freestanding retail) vs. mixed/multi-uses
  - Greater flexibility for increased development in the Center Area (near the mall)
- At the direction of both Committees, staff contacted all the property owners who expressed concern about the draft plan recommendations and were able to resolve the issues from most of the property owners.

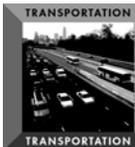
Therefore, the majority of the Committee discussion focused on the area immediately surrounding Northlake Mall where a property owner was requesting considerably more intensity than staff believed was appropriate, given the lack of supporting transportation infrastructure and the proximity of a future rapid transit station.

- Both Committees recommended revisions to the September 2007 draft document to address citizens' concerns and to provide flexibility for increased intensities near the mall, while ensuring that transportation infrastructure would be in place to support it. In general, the recommended revisions:
  - Create more flexibility for building heights and development intensity/density in pedestrian core of study area near the mall if five specified criteria are met
  - Add language to recognize unique opportunity of center area
  - Enlarge pedestrian core of study area
  - Increase density in a few areas and/or added to recommended land uses
  - Change land use recommendation south of the transit station to office/industrial warehouse-distribution, thus eliminating the proposed corrective rezoning

#### **Attachment 5**

- Economic Development and Planning Committee Recommended Revisions to September 2007 Draft Document
- Northlake Area Plan

## **16. 2009-2015 MUMPO Transportation Improvement Program**



**Action:** Direct the vote of the City of Charlotte Mecklenburg Union Metropolitan Planning Organization (MUMPO) Representative related to the 2009-2015 MUMPO Transportation Improvement Program

**Staff Resource:** Andy Grzymski, Transportation

#### **Explanation:**

- City and Mecklenburg Union Metropolitan Planning Organization (MUMPO) staffs have been working with NCDOT staff to develop a Transportation Improvement Program (TIP).
- At their May 1 meeting, the Technical Coordinating Committee (TCC) voted unanimously to recommend approval of the TIP, as amended, to the MUMPO Board.
- The Council Dinner Briefing on May 12 will detail the specific TCC recommendations.
- The MUMPO will vote on the TIP at their May 21 meeting.
- The NCDOT Board will vote on the TIP at their June meeting.

## BUSINESS

### 17. Fleet Maintenance Services Interlocal Agreement

**Action: Approve an Interlocal Agreement with Mecklenburg County for the provision of Fleet Maintenance Services by the City.**

**Staff Resource:** Chuck Robinson, Business Support Services

#### **Interlocal Agreement/Consolidation Plan**

- The consolidation plan costing model provides for 100% fully allocated cost recovery from Mecklenburg County. The consolidation will achieve service and cost efficiencies for the City and County.
- The County will transfer 27 employee positions to the City. The County will pay approximately \$190,000 of the City's annual fleet maintenance overhead cost.
- The County's fleet consists of approximately 1,100 pieces of rolling stock, mostly sedans and light trucks (includes Sheriff's vehicles).
- The consolidation plan calls for all maintenance to be performed in the County's existing facility. The County will retain ownership of the facility and be responsible for the maintenance, environmental and other issues associated with the facility, including any future disposition.
- The consolidation provides needed maintenance bay capacity to the City for the second shift. Without the County's facility, the City would have to go to a third shift, which is not the most efficient way to increase output (recent industry research).
- The consolidation is anticipated to save the County approximately \$233,333 annually and provide both organizations a lower per vehicle maintenance cost, projected \$2 per hour less.
- The execution of an Interlocal Agreement is necessary for implementation of the consolidation plan. The consolidation plan was presented to the Mecklenburg Board of County Commissioners on April 8, and the Board of County Commissioners will consider the Interlocal Agreement on May 7.
- If the Interlocal Agreement is approved, City staff will revise the proposed FY2009 budget to reflect this consolidation. FY2009 budget adoption is scheduled for June 9.

#### **Background**

- In February 2007 Business Support Services provided the County with a draft operational proposal for consolidating fleet maintenance operations under the City.
- Based on this draft proposal, on June 27, 2007 the County Manager's Leadership Team asked that their General Services Department and the City's Business Support Services develop a formal business case and operational proposal. The City Manager's Leadership Team was briefed on the operational proposal in July of 2007 and approval was given to pursue a consolidation agreement.
- Since July 2007, City and County staff have been working very closely to develop a comprehensive business model and consolidation plan that benefits both organizations. As part of seeking continuous improvement in operations, the City of Charlotte and Mecklenburg County began exploring opportunities associated with their fleet maintenance operations

in late 2006. The City and County consolidation team has completed the implementation plan which is scheduled to begin in May of 2008 with full implementation July 1, 2008.

### Funding

100% funded by revenue from Mecklenburg County

## 18. Business Investment Grant for MIAS Inc.



**Action:** Approve the City share of a Business Investment Grant to MIAS Inc. for a total estimated amount of \$38,121 over three years (Total City/County grant estimated at \$107,837).

**Staff Resource:** Brad Richardson, Economic Development

### Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix.

### Explanation

- Headquartered in Germany, MIAS manufactures conveyor belts for assembly of cars; and cranes and customized lifting devices to handle materials.
- In 2006 MIAS opened a service branch in Charlotte to sell its automatic storage and retrieval systems, currently used by U.S. customers including BMW, Mercedes Benz and distribution centers for Wal-Mart, Walgreens and CVS, among others.
- MIAS currently operates manufacturing plants in Germany and Hungary, and has recently decided to open a U.S. factory in either North or South Carolina.
- MIAS is considering several sites in Charlotte in the Westinghouse Boulevard and Steele Creek Road area. All sites are within the Business Investment Zone. They are also considering sites in York County, South Carolina.
- MIAS's expansion meets all of the following Council-approved requirements for a three-year Business Investment Grant:
  - A taxable investment of \$3.2 million.
  - 41 new jobs within three years with an average wage of \$43,000 (108% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.).
  - The facility is located in the Business Investment Zone.
  - There is competition for this project from South Carolina.
- Additionally, the expansion is estimated to have a total direct economic impact of \$6.65 million per year on Charlotte's economy, and generate annual tax revenues of \$69,000 for the City.
- If approved, the following schedule is an estimate of the Investment Grant payments to MIAS. This estimate is the City and County share of the grant and represents 90% of net new property taxes paid by the company over three years.

Year	City	County	Totals
1	12,948	23,679	36,627
2	12,717	23,256	35,973
3	12,456	22,781	35,237
Total	\$38,121	\$69,716	\$107,837

- The general terms and condition of this grant include:
  - A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.
  - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
  - All property taxes due from the company must be paid before a grant payment is made.
- The Board of County Commissioners will consider approval of a Business Investment Grant on May 20, 2008.
- The company expects to make a decision by the end of May.

### Funding

Business Investment Grant Account; first payment is estimated to occur in FY2011.

## 19. Light Rail Vehicles Purchase



- Action:**
- A. Adopt a budget ordinance appropriating \$15,200,000 to purchase four Siemens Light Rail Vehicles (LRVs), and**
  - B. Authorize the City Manager to exercise a contract purchase option in an amount not to exceed \$15,200,000 with Siemens Transportation Systems for four additional Light Rail Vehicles for use on the LYNX Blue Line.**

**Staff Resource:** Keith Parker, Charlotte Area Transit System  
 John Trunk, Charlotte Area Transit System  
 Dee Pereira, Charlotte Area Transit System

### Explanation

- The exceptional popularity and ridership of the LYNX Blue Line has created the need to add four Light Rail Vehicles (LRVs) to the City's existing fleet of 16 LRVs.
- The original LRV purchase contract with Siemens Transportation Systems included a purchase option for up to 25 additional LRVs.
- The purchase option was originally due to expire on April 19, 2008.
- The City has not purchased any additional LRVs pursuant to the option, but did assign nine of the LRV options to Hampton Roads Transit (HRT) as authorized by City Council on October 8, 2007.
- Assigning the option not only assisted HRT and Siemens, it also allowed City staff to negotiate further favorable pricing and an extension of the option period.
- The unit price paid for the original 16 LRVs was \$2,852,800.
- There has been a significant escalation in LRV prices due to rising costs of raw materials and the weakness of the dollar versus the Euro since the original purchase four years ago. The current unit price is \$3,800,000.

- Exercising the option now positions CATS to be in the same production run with HRT, allowing delivery to be made within 24 months and will limit the City's exposure to cost increases.
- Those negotiations have been on-going and Siemens has agreed to hold open the option until May 14, 2008 pending additional NCDOT funding and Council approval of this purchase.

### **Funding**

The City has recently been allocated \$15.2 million in unanticipated grants from the North Carolina Department of Transportation (NCDOT) to fund specific programs in CATS capital plan. NCDOT expects to complete its process on May 14, 2008. The \$15.2 million will be used to replace funds currently programmed for the specific projects identified in NCDOT's allocation. The overall result of this transaction will be an unanticipated \$15.2 million increase in the Transit Fund Balance, which may be used for procurement of the light rail cars.

### **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).

### **Attachment 6**

Budget Ordinance

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

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

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

- Two, three year appointments at large beginning immediately and ending April 28, 2011.
  - Lee Froneberger by Council member Kinsey
  - Callie Glass by Council member Dulin
  - Jay Mattier by Mayor Pro Tem Burgess
  - Manning Steve Watkins by Council member Carter

#### *Nominations are still open for:*

- One, three year appointment for a representative for the Manufacturer's Council beginning immediately and ending April 28, 2011.
  - No applications received

### **Attachment 7**

Applications

### **B. CHARLOTTE REGIONAL VISITORS AUTHORITY**

- One appointment for a three year term beginning July 1, 2008 and ending June 30, 2011.
  - Daniel Fleishman by Mayor Pro Tem Burgess and Council members Cooksey and Kinsey
  - Anthony Lindsey by Council member Mitchell

**Attachment 8**

Applications

**C. CITIZENS' REVIEW BOARD**

- One appointment for an unexpired term beginning immediately and expiring July 31, 2009.
  - Alan Adler by Mayor Pro Tem Burgess
  - Mark Loflin by Council member Dulin
  - James Tuttle, Jr. by Council member Carter

**Attachment 9**

Applications

**D. CITIZENS' TRANSIT ADVISORY GROUP**

- One appointment for an unexpired term beginning immediately and expiring July 31, 2009.
  - Jonathan Goldberg by Council member Lassiter
  - Robert Kimrey by Council member Carter
  - Mark Loflin by Council member Cooksey

**Attachment 10**

Applications

**E. HOUSING TRUST ADVISORY BOARD**

- One appointment for a three year term for a neighborhood representative beginning May 1, 2008 and ending April 30, 2011.
  - Joanne Beam by Mayor Pro Tem Burgess
  - Elizabeth Clasen by Council member Foxx
  - Hollis Nixon by Council member Kinsey
- One appointment for a three year term for a real estate representative beginning May 1, 2008 and ending April 30, 2011.
  - Lee Cochrane by Council member Carter
  - Renatta Henderson by Council member Turner
  - Hollis Nixon by Mayor Pro Tem Burgess

**Attachment 11**

Applications

**F. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for a three year term beginning July 1, 2008.
  - Barbara Birge by Mayor Pro Tem Burgess
  - Lindsay Daniel by Council member Carter
- One appointment for an unexpired term beginning immediately and expiring June 30, 2010.
  - Paul Dupont by Council member Cooksey
  - Rosemary Hall by Council member Mitchell

**Attachment 12**

Applications

**G. STORM WATER SERVICES ADVISORY COMMITTEE**

- One, two year appointment for a developer, design professional beginning June 25, 2008 and ending June 24, 2010.
  - John McLaughlin by Council member Carter
  - Hollis Nixon by Council member Lassiter

- Max Thomason by Council member Cooksey

**Attachment 13**  
Applications

**21. 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

### 22. Various Bids

#### A. Old Steele Creek Road Sidewalk Improvement

**Staff Resource:** Imad Fakhreddin, Engineering and Property Management

#### **Action**

Award the low bid of \$345,477 by KIP Corporation of Charlotte, North Carolina. This project will construct sidewalk and related infrastructure along the east side of Old Steele Creek Road from West Tyvola Road to West Boulevard and along the southeast side of West Tyvola Road from the Reid Park Elementary School entrance to Richard Street. Construction completion is scheduled for fourth quarter of 2008.

**Small Business Opportunity**

Established SBE Goal: 6 %

Committed SBE Goal: 6.04%

Kip Corporation committed 6.04% (\$20,855) of the total contract amount to the following SBE firms: ACS Pavement Marking Inc. (\$2,330), On Time Construction Inc. (\$8,950) and Oliver Construction of the Carolinas (\$9,575).

**B. Ashley Park/Westerly Hills Neighborhood Improvements – Phase 3**

**Staff Resource:** Matthew Gustis, Engineering and Property Management

**Action**

Award the low bid of \$1,438,088.30 by United Construction of Charlotte, North Carolina. This project combines a neighborhood improvement project with a storm water capital improvement project under one contract. The neighborhood improvement project lies along and between Marlowe Avenue, Monument Street, Morton Street, and Remount Road and includes grading, drainage, concrete curb, sidewalks, wheelchair ramps, driveways and water/sewer system upgrades. The Columbus Circle storm drainage improvement project is also located along Marlowe Avenue, Remount Road, and Morton Street and will reduce flooding of streets, properties, and structures. Drainage improvements include storm drain pipe systems, curb and gutter, and water main upgrades. Construction completion is scheduled for first quarter of 2009.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 6.88%

United Construction failed to meet the SBE goal, but earned the required number of Good Faith Effort Points. They have committed 6.88% (\$99,000) of the total contract amount to the following SBE firms: Bardwil Trucking, LLC (\$20,000), Capstone Civil Group, P.A. (\$4,000), Happy Jack Trucking, Inc. (\$5,000), Solano's Trucking (\$25,000), Streeter Trucking (\$25,000), and Zion Trucking (\$20,000).

**C. Baxter Street Bridge Relocation**

**Staff Resource:** Sam Barber, Engineering and Property Management

**Action**

Award the low bid of \$1,935,902.27 by Sloan Construction, Eastern Bridge Division of Duncan, South Carolina. This project involves rebuilding the Baxter Street Bridge approximately 400 feet south of its former location. The project includes traffic control, grading, drainage, concrete curb, walks, drives and wheelchair ramps, water/sanitary sewer adjustments and relocations. This is the fourth phase of work outlined in the economic development grant for Midtown Square re-development approved by Council to support the opening of the Metropolitan at Midtown project. Construction completion is scheduled for first quarter of 2009.

**Small Business Opportunity**

Established SBE Goal: 8%

Committed SBE Goal: 8.06%

Sloan Construction committed 8.06% (\$156,025.85) of the total contract amount to the following SBE firms: Border Rebar, LLC (\$116,875.85) and Major Contractors, Inc. (\$39,150).

**D. Sanitary Sewer Trunk to Serve Reserve at Northlake**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$233,095.42 by Advanced Development Concepts, LLC, of Matthews, North Carolina for construction of approximately 1770 linear feet of 18" Sanitary Sewer along Dixon Branch/Sandy Run Tributary from Dixon Branch. The project is scheduled for completion by September 2008.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4.29%

Advanced Development Concepts, LLC committed \$10,000 of the total contract amount to the following SBE firm: LSC Supply, LLC

**23. Refund of Property and Business Privilege License Taxes**

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$4,567,327.40, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$2,500.**

**Staff Resource:** Scott Greer, Finance

**Attachment 14**

May 7 Council Manager Memo  
Letter from Tax Assessor  
Resolutions  
List of Refunds

## 24. Resolution of Intent to Abandon Street and Set Public Hearing for an Alleyway Running Off of Spruce Street

**Action:** A. Adopt the Resolution of Intent to abandon an alleyway running off of Spruce Street, and  
B. Set a public hearing for June 9, 2008.

**Staff Resource:** Linda Poissant, Transportation

### Attachment 15

Map  
Resolution

## 25. Resolution of Intent to Abandon Street and Set Public Hearing for a Residual Right-of-Way at the Corner of Sheffingdell Drive and Rea Forest Drive

**Action:** A. Adopt the Resolution of Intent to abandon a residual right-of-way at the corner of Sheffingdell Drive and Rea Forest Drive, and  
B. Set a public hearing for June 9, 2008.

**Staff Resource:** Linda Poissant, Transportation

### Attachment 16

Map  
Resolution

## CONSENT II

### 26. CATS Safety and Security Certification for the Blue Line Light Rail Extension Project

**Action:** Approve a contract with K&J Safety and Security Consulting Services Inc. in an amount not to exceed \$200,000 for the Safety & Security Certification of the Blue Line Light Rail Extension (BLE), preliminary engineering phase .

**Staff Resource:** Jim Zingale, Charlotte Area Transit System  
Jim Dougherty, Charlotte Area Transit System

#### Policy

Transportation Action, Centers & Corridors, 2030 Plan

#### Explanation

- The Federal Transit Administration (FTA) requires that all federally funded rail new start projects be safety and security certified.
- The Safety and Security Certification process verifies that safety and security elements are designed into the system and potential hazards identified and resolved prior to commissioning of the Blue Line Extension Project, including the rail maintenance facilities and vehicles.
- Under this agreement, the contractor will accomplish the following tasks during the preliminary engineering phase:
  - Develop the Safety and Security Certification Plan
  - Update the System Safety Program Plan
  - Develop Safety and Security Certification Methodology
  - Perform Hazard Analysis
  - Conduct a Threat and Vulnerability Assessment
- Future phases will also require safety certification.

#### Selection Process

- CATS issued a Request for Proposal (RFP) that was advertised locally and nationally on February 23, 2008, and received two proposals on March 20, 2008.
- K & J Safety and Security Consulting Services, Inc was determined to be the most qualified respondent based on the firm's overall capability, relevant experience, project approach and cost control. Total project costs are \$200,000 including travel and administrative costs and will run concurrently with the preliminary engineering phase of the BLE project.
- K&J has worked on similar projects at Maryland Transit Administration (MTA), Metropolitan Atlanta Regional Authority (MARTA), Greater Cleveland Regional Transit Authority (GCRTA) and BAY AREA Rapid Transit District (BART) and most recently, the City's South Corridor Blue Line Light Rail project.

#### Small Business Opportunity

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

#### Funding

Transit Capital Investment Plan

## 27. Third Parallel Runway Paving

- Action:**
- A. Approve a contract with Hi-Way Paving, Inc. of Hilliard, Ohio in the amount of \$69,629,709.50 for the paving and lighting of the Third Parallel Runway, and**
  - B. Adopt a budget ordinance appropriating \$61,574,033 from the Airport Fund Balance to be replaced with proceeds from future federal grants and 2008 General Airport Revenue Bond proceeds.**

**Staff Resource:** Jerry Orr, Aviation

### Policy

Airport Master Plan

### Explanation

- In April 2005 City Council approved a contract with Talbert & Bright, Inc. to design the Third Parallel Runway and the associated taxiways.
- In order to expedite construction and accommodate funding requirements, construction of the project was broken into multiple phases.
- In February 2007, City Council approved a construction contract to E.S. Wagner Company, LLC to provide grading and drainage installation for the project.
- This contract is to perform work which includes the construction of the concrete pavement, asphalt shoulders and the installation of airfield lights for the project.

### Budget Ordinance

- Permanent funding for this contract comes from federal grant funds in-hand, future federal grants allocated by a Letter of Intent (LOI) signed by the Federal Aviation Administration in December 2006, and proceeds of the 2007 and 2008 General Airport Revenue Bonds, the debt service of which will be paid for by Passenger Facility Charge revenues.
- The budget ordinance advances \$61,574,033 to fund the contract. Proceeds from the 2007 General Airport Revenue bonds and a federal grant provide the balance of \$8,055,676.50.

### Disadvantaged Business Opportunity

Established DBE Goal: 15%

Committed DBE Goal: 12%

Hi-Way Paving, Inc. committed to using eight certified DBE contractors to perform services equaling \$8,255,203.56 on the project. Although the Project Goal was not met, Hi-Way Paving, Inc. provided documented evidence of Good Faith Efforts to attain the goal.

### Attachment 17

Budget Ordinance

## 28. Airport Hangar XI Renovation

- Action:**
- A. Award the low bid of \$534,500 by MV Momentum Construction of Charlotte, North Carolina to renovate Hangar XI, and**
  - B. Adopt a budget ordinance appropriating \$534,500 from the Airport's Fund Balance to be repaid from rents paid by hangar users.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- Hangar XI is located on the Airport at the Wilson Air Center.
- This 16,500 square foot hangar was built in 1985 and needs substantial renovation to improve the condition of the building and safety features.
- The renovation will include repair of the roof and installation of a fire suppression system.
- The project was bid with 12 bid alternates of which 10 were accepted. MV Momentum's base bid was \$430,000 and their total bid with selected alternates was \$534,500.

### Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 4.39%

MV Momentum Construction, LLC failed to meet the SBE goal, but earned the required number of Good Faith Effort Points. They have committed 4.39% (\$18,885) of their base bid amount to the following SBE firm(s): Burris Plumbing.

### Funding

Airport Fund Balance

### Attachment 18

Budget Ordinance

## 29. Amendment to Air National Guard Lease at Airport

- Action:** **Approve a lease amendment adding four acres of land to the North Carolina Air National Guard's leased premises.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- The North Carolina Air National Guard currently leases 99.30 acres of land at the Airport for their base. The acreage includes 21.57 acres added in a lease amendment approved by Council on August 25, 2003. The lease extends through 2055 with a rent payment of \$1.
- On May 12, 2003 Council approved a Military Cooperative Construction Agreement in the amount of \$2.5 million under which they agreed to fund construction of a new road that would replace Airport Drive.
- In October 2004, the relocation of Airport Drive was completed.

- This amendment adds 4.05 acres of additional land and represents the right-of-way for two roads within the Guard base that had been abandoned when the new road opened.

### 30. Technology Project Portfolio Management System

**Action: Authorize the City Manager to negotiate and execute a contract with Compuware Corporation for the provision of a Technology Project Portfolio Management System and related services in an amount not to exceed \$265,000.**

**Staff Resource:** Chuck Robinson, Business Support Services

#### Explanation

- A critical component for the success of the City Manager's new model for technology governance is the ability to effectively manage the City's portfolio of technology investments. The use of a Project Portfolio Management (PPM) Solution will greatly enhance this ability.
- A PPM solution provides the organization with the information necessary to make smart, calculated decisions about its technology investment mix -- what to invest in and when to do it; as well as when to retire existing investments.
- A PPM solution provides for complete costing and assignment of all information technology resources required to implement and operate systems.
- Technology investment cost information, both existing as well as proposed, will provide significant benefits in terms of increasing the opportunities to collaborate and leverage existing investments. According to Forrester Research, the average return on investment for portfolio management initiatives is 32 months.
- The contract provides approximately 300 licenses for City staff; 60% of the contract cost is associated with these licenses.
- Additional costs associated with the contract are for design, installation, implementation, and training services on a time and materials basis.
- A Request for Proposals was issued on December 20, 2007 and the City received 11 proposals on February 21, 2008. Throughout the month of March the evaluation team reviewed proposals and in early April viewed presentation demonstrations of three proposed systems.
- Evaluation factors included price, experience, professional qualifications, technical capabilities as required by the City and ease of use of the product by the user.

#### Small Business Opportunity

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

#### Funding

Technology Investments Account

### 31. Settlement of Workers' Compensation Claim for Zeno

**Action:** Approve a payment of \$424,589, in full and final settlement of a Workers' Compensation claim for Solid Waste Services employee Victor Zeno.

**Staff Resource:** Mac McCarley, City Attorney's Office

#### Explanation

- On August 31, 2005 Mr. Zeno was injured in a work-related accident.
- The City has negotiated a settlement with Mr. Zeno for \$424,589, which includes a \$284,589 payment of Medicare set aside, required by law.
- Mr. Zeno was a five year employee and will not return to work for the City
- This payment will be a full and final settlement.
- Once paid, the City will be reimbursed by the excess insurance carrier for over \$300,000 of the expenses on this very serious claim.

#### Funding

Risk Fund and Excess Insurance Carrier

### 32. Settlement of Workers' Compensation Claim for Blocker

**Action:** Approve a payment of \$190,000 for full and final settlement of a Workers' Compensation claim for Solid Waste Services employee Robert Blocker.

**Staff Resource:** Mac McCarley, City Attorney's Office

#### Explanation

- On June 22, 2002 Mr. Blocker was injured in a work-related accident.
- The City has negotiated a settlement with Mr. Blocker for \$190,000.
- Mr. Blocker, a 30 year employee, will not return to work for the City.
- This payment will be a full and final settlement.
- Once paid, the City will be reimbursed for entire amount of the settlement from its excess insurance carrier.

#### Funding

Excess Insurance Carrier

### 33. Lease for Park It! Office

**Action:** Approve the leasing of space for a Park It! Office at 1440 S. Tryon for a ten-year term for an estimated ten year cost of \$571,207. Authorize the City Manager to execute the lease for 1440 S. Tryon Street.

**Staff Resource:** Doreen Szymanski, Transportation  
J.R. Steigerwald, E & PM, Real Estate

#### Explanation

- Park It! is the City's on-street parking program that provides metered spaces, collections, enforcement and related services in the Center City.
- The current lease for the Park It! office (229 S. Brevard) will expire on October 31, 2008.
- The new owner of the property has informed the Park It! staff that their current building will be rehabilitated, and they will have to relocate when the lease expires; although a possible month to month extension on the current lease has been mentioned at the same rent for up to six months.
- All the locations that are available in the Uptown area are either too expensive (>\$30 PSF annual rent rate) or subject to redevelopment, and no one offered a lease longer than five years without a cancellation clause.
- Park It!'s current rent is \$25.71 sq. ft. consisting of 2,446 sq. ft., including parking and a common area.
- The proposed new location is 1440 S. Tryon Street. The cost would be \$16.25 sq. ft. for the first two years, and a 3% increase annually. The location is 3,150 sq. ft. and includes parking and common area.
- It is located in the SouthEnd, which is already in the Park It! service area, and is less than one block from the Lynx light rail line and within six blocks of the Uptown area.
- There is ample parking for customers and spaces available that will be designated for Park It! staff. The parking has lighting and monitored security cameras that are included in the rent.
- Relocating the office now will:
  - Allow a move that is timed with the end of the lease period
  - Assure space needs are met when needed, since finding ground level space within or near Uptown with ample parking is challenging, but needed to best serve the Park It! customer
  - Provide a location that can be easily found and reached by the Park It! customers
  - Lessen customer confusion on where to pay parking fines, attend adjudications, or buy residential parking permits by continuing to provide a stable office location. Park It! has been housed at its current location for 10+ years.
  - Provide adequate space for the operation at a reasonable cost for the area, and minimize future moving expenses by staying in one location over the long term

#### Funding

Transportation Operating Budget

### 34. Sale of City-owned Property at 215 Mill Road

**Action:**   **A. Adopt a resolution approving the sale of City-owned real property located at 215 Mill Road (069-035-31) to Edwin Wilson for \$72,500, and**

**B. Authorize the City Manager to execute the sale documents for this transaction.**

**Staff Resource:**   Eric Johnson, Engineering & Property Management  
                               Lynnea Pulver, Engineering & Property Management

#### **Policy**

"City Council will balance the benefits of the sale of any of its assets with other Council policies and goals." *Guidelines for Services Contracting and Asset Management, July 25, 1994*

#### **Explanation**

- The City owns a vacant parcel located at 215 Mill Road, which is located in the Five Points neighborhood. The parcel has a total area of 0.26 acre.
- On June 11, 2007 City Council authorized the advertisement of the City-owned vacant parcel at 215 Mill Road for upset bid.
- The initial offer to the City was \$15,000 (based on appraisal review). The upset bid process began on July 27, 2007 and continued through April 14, 2008. The final purchase price offered through this process was \$72,500 by Mr. Edwin Wilson.
- The average price of properties sold in the subject area in 2007 was 115% higher than the average of properties sold in the same area during the period between 2005 and October 2006. There are no comparables for 2008, therefore, market evidence for further change is unavailable.
- Mr. Wilson plans to construct a single family house on the property.

#### **Background**

- The proposed transaction completed the Mandatory Referral process with the Charlotte Mecklenburg Planning Commission Planning Committee recommending sale of the property for residential development.
- The property was acquired from the Biddleville Housing Corporation via reversionary rights included in the original deed conveying the property to the Biddleville Housing Corporation on February 10, 1982.
- Proceeds from this sale will go to the Capital Investment Plan.

#### **Attachment 19**

Aerial of property  
 Resolution

### 35. Sale of Surplus Land Rights Adjacent to South Corridor Light Rail Project

- Action:**
- A. Authorize the City Manager to negotiate and execute documents to sell real property rights to The Boulevard Company, 1447 S. Tryon LLC (Developer) for \$212,254.00,**
  - B. Adopt a resolution authorizing the sale of real property rights between the City and Developer, and**
  - C. Authorize the City Manager to amend the Ground Lease between the City and Charlotte Trolley Inc. (CTI) allowing CTI to install pedestrian improvements on the pedestrian trail located between the Developer's property and CTI's future trolley barn/museum.**

**Staff Resources:** Timothy J. O'Brien, Engineering & Property Management  
 Tina M. Votaw, CATS  
 Tom Warshauer, Economic Development

#### **Policy**

SouthEnd Transit Station Area Plan 1999 Administrative Policy (Utilization of Rail Corridor)

#### **Explanation**

- On November 26, 2007 Council approved the sale of City-owned property located adjacent to Developer's property. Since that time, Developer had petitioned to rezone its property to Transit Oriented Development-Mixed Use (TOD-M) from Mixed Use Development District-Conditional District (MUDD-CD).
- As a result of the rezoning, the condition of sale of the City-owned property no longer requires Developer to construct a retaining wall that would have shielded parking from the light rail corridor. Therefore, a new Resolution needs to be adopted by Council outlining the revised terms of sale as shown on the attached.
- Additionally, subsequent to the November, 2007 Council action, City staff and Charlotte Trolley Inc. (CTI) completed a plan to upgrade the City-owned common area which is located between Developer's property and the future CTI trolley barn/museum.
- This common area serves as the primary pedestrian access to the Bland Street Light Rail Station from Camden Road. This common area will also serve as an important entry to the future CTI trolley barn/museum, as well as Developer's future TOD.
- The desired improvements to the common area include the installation of landscaping, hardscape, lighting and other amenities as originally envisioned as part of the SCLRP and as part of the Station Area Planning process. Those upgrades, however, were previously eliminated as a SCLRP budget reduction measure.
- City staff proposes to fund the desired common area upgrades and related expenses by using a portion of the proceeds (\$85,000) from the sale of property to Developer as indicated on the attached Summary of Revised Terms. In order to physically construct the upgrades, City staff proposes to amend the Ground Lease with CTI and require that CTI and its contractor (Cox & Schepp) construct the upgrades to the common area

since the contractor is currently on-site performing the construction of the trolley barn/museum.

- By having CTI install the desired improvements to the City-owned common area as part of CTI's construction, all property owners (CTI, Developer and the City) will benefit from the completion of the common area as originally contemplated.
- The remaining proceeds (\$127,254) from the sale of property will go to the Transit Capital Budget Fund Balance.

**Attachment 20**

Aerial Map

Summary of Revised Terms

Resolution

## 36. Property Transactions

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

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

### Acquisitions

- A. Project:** Airport Master Plan Land  
**Owner(s):** Merlin Conrad Wilson & wife  
**Property Address:** 6524 Wilkinson Blvd.  
**Property to be acquired:** 1.49 acres  
**Improvements:** Commercial Buildings  
**Purchase Price:** \$244,000  
**Remarks:** The purchase price was determined by two independent appraisers and was reviewed by a third 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: B2 Use:** Commercial building  
**Tax Value:** \$154,700  
**Tax Code:** 055-521-05
- B. Project:** Airport Master Plan Land  
**Owner(s):** Merlin Conrad Wilson Jr. & wife  
**Property Address:** 6500 Wilkinson Blvd.  
**Property to be acquired:** .88 acres  
**Improvements:** Commercial Building  
**Purchase Price:** \$184,000  
**Remarks:** The purchase price was determined by two independent appraisers and was reviewed by a third 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: B2 Use:** Commercial building  
**Tax Value:** \$56,500  
**Tax Code:** 055-521-06
- C. Project:** Airport Master Plan Land  
**Owner(s):** N.C. Department of Transportation  
**Property Address:** 9030 Walkers Ferry Road  
**Property to be acquired:** .83 acres  
**Improvements:** vacant land

**Purchase Price:** \$8,800

**Remarks:** The purchase price was determined by N.C. Department of Transportation. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement

**Zoned: R3 Use:** vacant land

**Tax Value:** \$14,400

**Tax Code:** 113-361-24

## Condemnations

- D. Project:** Reedy Creek Basin - Mecklenburg County, Parcel # 23  
**Owner(s):** Betty Bynum Owens, et al And Any Other Parties Of Interest  
**Property Address:** Frank Grier Road  
**Property to be acquired:** Total Combined Area of 13,154 sq. ft. (.302 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,075  
**Remarks:** Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.  
**Zoned:** R-3  
**Use:** Rural Homesite  
**Tax Code:** 108-112-08  
**Total Parcel Tax Value:** \$157,700
- E. Project:** Southwest Water Transmission Main Phase B, Parcel # 12  
**Owner(s):** Steele Creek Presbyterian Church And Any Other Parties Of Interest  
**Property Address:** 7500 Steele Creek Road  
**Property to be acquired:** Total Combined Area of 32,372 sq. ft. (.743 ac.) of Permanent Water Main Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$35,800  
**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 owners.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 141-112-06  
**Total Parcel Tax Value:** \$330,700
- F. Project:** Southwest Water Transmission Main Phase B, Parcel # 17

**Owner(s):** Steele Creek Presbyterian Church And Any Other Parties Of Interest

**Property Address:** 7500 Steele Creek Road

**Property to be acquired:** Total Combined Area of 25,444 sq. ft. (.584 ac.) of Permanent Water Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$25,225

**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 owners.

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 141-261-46

**Total Parcel Tax Value:** \$32,000

### 37. Meeting Minutes

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

- April 14, 2008
- April 16, 2008 Budget Workshop