

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess
Michael Barnes John W. Lassiter
Nancy Carter Don Lochman
Andy Dulin James Mitchell, Jr.
Anthony Foxx Patrick Mumford
Patsy Kinsey Warren F. Turner

CITY COUNCIL MEETING

Tuesday, May 29, 2007

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

Item #	Page #	Title
17	20	Revisions to City Pond and Dam Policy
23B	27	Cane Creek Sanitary Sewer Outfall
32	34	Interlocal Agreement with Mecklenburg County for Infrastructure Improvements

CITY COUNCIL AGENDA

Tuesday, May 29, 2007

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7:00 P.M. Awards and Recognitions Meeting Chamber		
Consent 7. Consent agenda items 23 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.	5	

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. CIAA Economic Impact

Resources: Ray Kennedy, Chair, CIAA Local Organizing Committee (LOC)
Leon Kerry, CIAA Commissioner
Tim Newman, Charlotte Regional Visitors Authority (CRVA)

Synopsis

- The LOC and CRVA will present economic impact results from the 2007 CIAA Men's and Women's Basketball Tournament held in Charlotte from February 26-March 3, 2007.
- Their presentation will include:
 - Methodology and key findings
 - Higher than anticipated results that occurred
 - What is on the horizon for 2008 and beyond

Future Action

- This item is provided for information only. Mayor and Council awareness and involvement in securing CIAA Tournament for years beyond 2008 will be a future discussion.

2. Update on City and Chamber BusinessFIRST Initiative

Resources: Brad Richardson, Economic Development Office
Brian Francis, Charlotte Chamber

Time:

Synopsis

- BusinessFIRST is the new business retention partnership between the City and the Charlotte Chamber. Since September 2006, City staff and Chamber volunteers have been visiting local businesses to identify and resolve barriers to business growth, while simultaneously assessing the local business climate. To date 100 company visits occurred.
- Staff will share some of the initial findings with Council.

Future Action

No action is required.

3. Public Art Work Plan

Resources: Jean Greer, Vice President, Public Art, Arts & Science Council
Mike Adams, Chair, Public Art Commission

Time: 10 minutes

Synopsis

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On June 19, 2006 City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- The FY2008 recommended Public Art Allocation is

- General Government	\$128,148
- Water/Sewer	\$9,000
- Aviation	\$90,380
- The attached work plan provides:
 - Description of the artwork completed, obtained or commenced in FY2007
 - Description of current projects

Future Action

City Council will be asked to approve the FY2008 Public Art Work Plan and the annual agreement with the Arts & Science Council – Charlotte Mecklenburg, Inc. and the Public Art Commission for administration of the Art program on June 11. Council will receive a mid-year briefing in November, 2007.

Attachment 1

4. Art in Transit

Resources: Becky Hannum and David Walters, Co-Chairs of the Art in Transit Committee
Ron Tober, KBE, CATS
Pallas Lombardi, Art Program Manager, CATS

Time: 10 minutes

Synopsis

- The Metropolitan Transit Commission established an Art in Transit (AIT) Program for CATS projects consistent with guidelines established by the Federal Transit Administration. The Program is overseen by an Art in Transit Committee made up of art and design professionals from North and South Carolina.
- Under the AIT Program, an initial budget allocation of \$2.5 million was established for incorporating public art into the design of the South Corridor Light Rail Project. The AIT Committee initially approved 18 selected artists to develop works to be included in the Project.

- When high construction bids were received in 2005, the budget for art was reduced to \$1.943 million and several art elements were eliminated from the Project reducing the number of artists involved to 13.
- The majority of art elements remaining in the Project are incorporated into the physical elements of the Project, i.e. platform pavers, fencing, retaining walls, canopy treatments, elevator shaft cladding, seating and so on. There are only two free-standing art works remaining in the Project.

Future Action

- This item is provided for information only. No Council action is required.

Attachment 2

5. Scaleybark Transit Oriented Redevelopment

Resource: Tom Flynn, Economic Development

Time: 15 minutes

Synopsis

- On May 21st the Economic Development and Planning Committee unanimously recommended that City Council select Scaleybark Partners for the Transit Oriented Redevelopment project at the Scaleybark Station.
- The Committee made this recommendation for the following reasons:
 - Sufficient return on investment to the City
 - Proposal provides significant steps in initial “placemaking” at the Transit Station
 - Proven transit oriented development experience on the Scaleybark Partners team
 - The Scaleybark team includes all of the team members from their original proposal
 - Since Crosland owns 30 acres across South Boulevard, Scaleybark Partners will bring diversity of development to this station area.
- The Crosland proposal provides slightly more return on the City’s investment and ten more affordable housing units.
- The Boulevard Centro proposal provided 30 less affordable housing units required \$3.8 million in City infrastructure investment and had contingencies attached to returning cash for the City-owned land.

Future Action

- The Economic Development and Planning Committee recommendation is item 10, page 8 of this agenda.
- If approved, the Council will consider a Memorandum of Understanding with Scaleybark Partners at the June 11, 2007 meeting.

Attachment 3

Presentation to the Economic Development and Planning Committee on May 21, 2007

6. Committee Reports by Exception

Economic Development & Planning Committee: Business Investment Program Revisions

Transportation Committee: Pavement Degradation Fee

Environment Committee: Greenhouse Gas Emissions Reduction Resolution

Housing and Neighborhood Development Committee: U.S. Department of Housing and Urban Development FY2008 Annual Action Plan and Impediments to Fair Housing

**6:30 P.M. CITIZENS FORUM
MEETING CHAMBER**

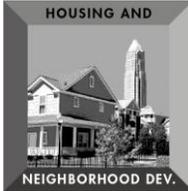
**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- 7. Consent agenda items 23 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

8. Public Hearing for Boarded Up Residential Structures



Action: Conduct a public hearing on amendments to Chapter 5 of the Charlotte City Code entitled “Buildings and Building Regulation” as recommended by the Housing and Neighborhood Development Committee.

Committee Chair: Susan Burgess

Staff Resources: Walter Abernethy, Neighborhood Development
Michael Jenkins, Neighborhood Development

Explanation

- The intent of the proposed ordinance is to impose time limits and guidelines for the boarding of residential structures, in order to promote the health, safety and welfare of the citizens of Charlotte.
- The current City Code does not impose time limits or guidelines for the boarding of residential structures.
- Proposed changes to the Charlotte City Code would:
 - Provide definition for Boarded Up Residential Structures
 - Establish six month time limit on boarding of residential structures
 - Require registration of boarded up residential structures
 - Provide guidelines on methods to board up structures
 - Establish method to issue notices of violation, impose civil penalties and appeal process for violations of the Boarded Up Residential Structure Ordinance
- Chapter 5 of the Charlotte City Code is currently unused because building inspections ordinances have been enforced by the County since 1983.
- After the public hearing, the ordinance will be referred back to the Housing and Neighborhood Development Committee to consider comments from the public hearing and make a final recommendation to the City Council.

Committee Recommendation

- On April 11, 2007, the Housing and Neighborhood Development Committee voted unanimously to set a public hearing with the following changes:
 - Reduced the time limit on boarding residential structures from 12 months to 6 months
 - Permitted the Code Enforcement Officials flexibility in establishing standards for boarding up structures
 - Requested that staff undertake additional research on the boarding of commercial structures
- Committee members present were Burgess, Barnes, Foxx and Lochman. Mumford was absent.

Background

- At the May 10, 2006 Housing and Neighborhood Development Committee meeting, a petition was submitted requesting an inspection of boarded up

structures in the Villa Heights Community. At the same time, a request was submitted for the City to conduct a city-wide inventory of all boarded up structures.

- On May 22, 2006, City Council authorized staff to conduct an inventory of boarded up structures, identify how other cities are addressing this issue, and develop a proposed ordinance to address boarded up structures.
- On February 14, 2007, staff provided a proposed ordinance to the Housing and Neighborhood Development Committee recommending a one year time limit for residential structures, no time limit for commercial structures, and specifications for boarding residential and commercial structures.
- On April 4, 2007, the Housing and Neighborhood Development Committee held a public input meeting, which was attended by approximately 43 people.
- Advertisements for the public hearing were run in the Charlotte Observer on May 17, 2007 and May 20, 2007.

Attachment 4

Proposed Boarded Up Structures Ordinance

POLICY

9. City Manager's Report South Corridor Light Rail Project Update

10. Scaleybark Transit Oriented Redevelopment



- Action:**
- A. Approve the Economic Development & Planning Committee recommendation to select Scaleybark Partners (Pappas Properties, Colonial Properties Trust, Housing Partnership, Citiventure, and Greenhawk Partners) for the transit oriented development at the Scaleybark Station that includes 80 units of affordable housing, and**
 - B. Authorize the City Manager to negotiate a Memorandum of Understanding with Scaleybark Partners, consistent with the framework outlined below, for City Council consideration on June 11, 2007.**

Committee Chair: John Lassiter

Staff Resources: Tom Flynn, Economic Development
Debra Campbell, Planning
Ron Tober, CATS
Stanley Watkins, Neighborhood Development

Focus Area: Economic Development

Committee Recommendation

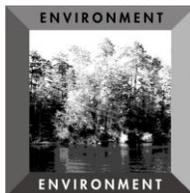
- On May 21st, the Economic Development & Planning Committee (ED&P) voted unanimously to recommend that City Council select the Scaleybark Partners development team, for the transit oriented development at Scaleybark Station. Committee members present were Lassiter, Dulin, Carter, Lochman and Mitchell.
- The Committee recommends Scaleybark Partners for the following reasons:
 - Sufficient return on investment to the City
 - 80 units of affordable housing
 - Proven TOD development experience on the team
 - Significant steps in initial placemaking at Park & Ride
 - Diversity of development within the station area
- Since Banc of America CDC withdrew from the process on April 9th, the City received new proposals from the original short listed teams:
 - Scaleybark Partners (which includes Pappas Properties, Colonial Properties Trust, Housing Partnership, Citiventure, and GreenHawk Partners)
 - Crosland

- Boulevard Centro (with Harris Murr & Vermillion and Banc of America CDC)
- The proposed framework for a Memorandum of Understanding with Scaleybark Partners includes:
 - Payment of \$3.585 million to CATS by October 1, 2007
 - A reimbursement to CATS of up to \$500,000 for a temporary Park & Ride facility to be constructed before November 1, 2007
 - Construction of a permanent Park & Ride by November 1, 2012 at no cost to the City or CATS
 - A long term agreement which memorializes CATS use of 315 parking spaces
 - Payment to the City of \$3.4 million (\$680,000 paid in initial closing with remaining payment by October 1, 2008) for the eight-acre City-owned parcel
 - Investment of \$625,000 toward open space and monument signage between the temporary Park & Ride and the Light Rail Station by November 1, 2007
 - Streetscape improvements on South Boulevard, Clanton Road, and Dewitt Lane to include sidewalk, pedestrian scale lighting, and street trees adequate to TOD standards by December 31, 2008
 - Commitment to a mixed-use development where a land use concept plan will be a part of the development agreement
 - Development of 80 housing units affordable to 60% AMI with 24 units of the units affordable to 30% AMI on the City property. The developer will commit to apply for the low-income housing tax credits no later than 2010
 - Desire to include a Charlotte-Mecklenburg Public Library facility as a part of the master plan
 - Commitment to a SBE Program and goal consistent with the City's policy
- If Council approves this action, staff's goal is to have a Memorandum of Understanding on the June 11 City Council Business Agenda.

Attachment 3

Presentation to Economic Development & Planning Committee on May 21, 2007

11. Greenhouse Gas Emissions Reduction Resolution



Action: Approve the Environment Committee's recommendation to adopt the resolution, "City of Charlotte Commitment to Greenhouse Gas Emissions Reduction."

Committee Chair: Anthony Foxx

Staff Resources: Julie Burch, City Manager's Office
Rob Phocas, City Attorney's Office

Explanation

- On May 14th, Council deferred this item to the May 29th meeting.
- On August 28, 2006, the City Council received the Sierra Club presentation about its national “Cool Cities” initiative, along with a request for the City to join. The Council referred the request to the Environment Committee.
- The Cool Cities initiative calls for the following actions:
 - Endorsement of the U.S. Mayors Climate Protection Agreement
 - Conducting an inventory of the city’s global warming (greenhouse gas) emissions
 - Creating a plan to reduce emissions under three strategies: cleaner vehicles, energy efficiency and renewable energy
- The U.S. Mayors Climate Protection Agreement (Section C) contains 12 initiatives for cities to take actions in their own operations and communities to reduce greenhouse gas emissions.
- The Environment Committee asked staff to assess the impact of joining Cool Cities, i.e. what actions represent existing City policies and what actions would be new initiatives with potential cost and staffing impact.
- Nine of the twelve initiatives in the U.S. Mayors agreement represent policies and practices the City has already adopted. These nine initiatives are referenced in the recommended resolution.
- The other three initiatives called for in the agreement are not currently being addressed by the City. Those are:
 - Conducting a greenhouse gas emissions inventory in City operations and in the community
 - Committing to an increase in the use of clean, alternative energy
 - Helping educate the public, schools and others about reducing global warming pollution
- A greenhouse gas emissions inventory would build on basic information about energy consumption in City facilities and vehicles. The Council-approved Environment Focus Area Plan contains an initiative for developing baseline energy information for all City-owned facilities. A greenhouse gas emissions inventory would be an extension of that work.
- Staff estimates the cost to conduct an inventory of greenhouse gas emissions for City operations to be in the range of \$10,000 to \$30,000 in staff time. Technical assistance would be obtained through International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, at a one-year membership cost of \$3,600.
- To avoid any duplication or overlap, a City inventory would be done in close coordination with Mecklenburg County which is also planning to do an inventory of their operations. The time frame for completion is June 2008.
- Once a baseline inventory is completed, an action plan for reducing emissions, including costs and benefits, would be brought to Council for review and approval.
- The impact of adopting the other two initiatives, renewable energy and a collaborative public education campaign, would require additional costs and staff work, depending on the scope. The recommended Council action only commits the City to considering their feasibility, using the appropriate review process.

Committee Recommendations

- The Committee has discussed Cool Cities extensively since December. Discussion centered on the specific initiatives and also the appropriate format for Council action.
- The Committee voted unanimously on April 16th to recommend the attached resolution calling for a commitment to greenhouse gas emissions reduction. Committee members are: Anthony Foxx, Chair; Pat Mumford, Susan Burgess, Nancy Carter and Don Lochman.
- The resolution reaffirms the City's current policies and practices which support the Environment. It also calls for the City to strive to take the following additional actions:
 - Conduct an inventory of greenhouse gas emissions from City operations by June 2008
 - Establish as aggressive and realistic emissions reduction target as can be met by the year 2012
 - Create an action plan, prepare a cost-benefit analysis and adopt a budget designed to meet the established emissions target
 - Utilize the resources of ICLEI – Local Governments for Sustainability to identify ways emissions can be reduced from City operations
 - Monitor recommendations and actions of the NC Legislative Commission on Global Climate Change, the NC Climate Action Plan Advisory Group and Federal agencies so as to inform the City's efforts to reduce emissions
- The resolution also calls for the Council to consider the feasibility of other actions to reduce greenhouse gas emissions. The suggested actions, including renewable energy and a public education campaign, are to be considered using the appropriate City Council review process, such as Council briefings, referral to the appropriate Council Committee, and the annual budget process.
- If the Council approves the resolution, it will be submitted to the Sierra Club with a request for their consideration to name Charlotte as a "Cool City."

Funding

Engineering and Property Management Operating Budget

Attachment 5

Proposed Resolution

March 19, 2007 Environment Committee Briefing Paper

12. Business Investment Program Revisions



Action: Approve the Economic Development & Planning Committee's recommended revisions to the Charlotte-Mecklenburg Business Investment Program.

Committee Chair: John Lassiter

Staff Resource: Brad Richardson, Economic Development Office

Policy

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

Explanation

- The Business Investment Program (BIP) is a joint program of the City and County that seeks to encourage the creation, retention and/or expansion of new or existing businesses and jobs in identified Investment Zones within the community.
- The program provides grants to eligible companies based upon the amount of property tax generated by the business investment being made.
- On August 28, 2006, Council referred the Business Investment Program to the Economic Development & Planning Committee for review.

Committee Recommendation

- On May 2, 2007 the Economic Development & Planning Committee unanimously voted to recommend approval of the revisions to the Business Investment Program. Members present: Lassiter, Dulin, Carter and Lochman.
- After review of the program, the Economic Development & Planning Committee recommends the following revisions to the Business Investment Program (See attachment for details):
 - Current five-year Business Investment Grant:
 - Increase required capital investment from \$1.5 million to \$3 million.
 - Increase payout percentage from 75% over five years to 90% over three years.
 - Under the advanced manufacturing provision, increase required capital investment from \$3 million to \$6 million and establish a minimum job creation amount of 10.
 - Current Large Impact Business Investment Grant
 - Increase required capital investment from \$10 million to \$30 million.
 - Reduce the amount of new jobs required from 300 to 150.
 - Within the Business Investment Zone, increase payout percentage from 77.5% over eight years to 90% over five years.
 - Outside of the Business Investment Zone, decrease payout percentage from 77.5% over eight years to 50% over five years.
 - Pursue agreements with regional partners to eliminate local property and sales tax incentives for intra-regional business relocations. Each agreement will come back to Council for approval.
- The following is the rationale for the recommended changes:
 - Capital investment requirements have not been adjusted since 1998. At the minimum level, grants are relatively small and appear inconsequential.
 - Increasing payout percentages provides more money to the recipient earlier when capital is most needed to offset relocation or expansion costs.
 - Reducing the length of grant terms results in lower total payouts from the City and County, in addition to reducing administrative costs.
 - For Large Impact Projects, reducing payout percentages outside the Business Investment Zone creates a more significant advantage for targeted areas.

- A 2006 report by the Charlotte Regional Partnership entitled “Building Regional Collaboration” recommended curbing the use of tax incentives for intra-regional business relocations.

Other Input

- Staff recommends no changes to the eligible geography (see attached map), wage requirements and the general terms and conditions.
- The Charlotte Chamber was consulted in the development of these program revisions. While they are in general agreement with most of the changes, they made a few additional suggestions for the program (see attached).
- Staff’s comments to the Economic Development & Planning Committee on the Chamber’s suggestions are attached.
- On May 18, 2007 the Business Advisory Committee recommended approval of the revisions to the Business Investment Grant Program.
- The County Commission will consider these revisions in June.

Funding

Business Investment Fund

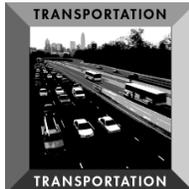
Attachment 6

Proposed Business Investment Program Guidelines

Map of Eligible Investment Zone Geography

Comments on Chamber of Commerce suggestions

13. Pavement Degradation Fee



Action: Approve the Transportation Committee’s recommendation to implement a Utility Pavement Degradation Fee effective November 1, 2007.

Committee Chair: Pat Mumford

Staff Resource: Layton Lamb, Transportation

Explanation

- Last year City Council asked staff to look for ways to prolong pavement life and recover the costs associated with pavement damage caused by utility companies.
- The City experiences approximately 4,000 to 5,000 utility cuts or excavations in its street system each year. These cuts are generated by utility companies working within the City’s right-of-way.
- CDOT partnered a stakeholders group and the UNC Charlotte Civil Engineering Department to study the impact of utility cuts on pavement condition.
- The pavement degradation stakeholders group included staff from BellSouth, Duke Power, Piedmont Natural Gas and Charlotte-Mecklenburg Utilities.

- The study concluded utility cuts result in weakened pavement and degraded ride quality which shortens the life of the pavement. These impacts result in higher repair and resurfacing costs to the City.
- In order to offset these increased repair and resurfacing costs, staff recommends a Utility Pavement Degradation Fee for any public or private utility company or agency cutting the streets in Charlotte and its extra territorial jurisdiction (ETJ).
- The fee will be implemented November 1, 2007 following notification to all public and private companies that make cuts in Charlotte streets.
- The utility degradation fee will apply to Utilities, Storm Water and all private utilities cutting Charlotte streets.
- The utility companies that will be most impacted are Charlotte-Mecklenburg Utilities (CMU), Bellsouth/AT&T, Piedmont Natural Gas and Time Warner Cable.
- The fee will vary based on the size of the utility cut. However, the average fee that a utility company would incur is \$450 per cut.
- The estimated revenue is \$600,000 annually. Of this amount CMU will pay approximately \$450,000 for street cuts resulting from their work. These revenues and expenditures are included in the City Manager's FY2008 recommended budget.
- The fee will be reviewed annually as part of the budget process, according to the City's User Fee Policy.
- The fee model factors in the size and orientation of the utility cut and the cost of the labor materials and equipment associated with mitigating its impact.
- The degradation fee revenues will be applied to future resurfacing contracts.

Committee Recommendation

- On April 23rd, the Transportation Committee unanimously recommended the establishment of a Utility Pavement Degradation Fee.
- The Committee discussed the rationale behind supplementing the resurfacing program with the proceeds from the degradation fee rather than going ahead and repairing the degraded area immediately.
- It is unreasonable to require each utility company to repair the street damage at the time the cut is made due to:
 - Number and size of cuts
 - Cost of mobilization
 - Long term pavement damage resulting from repair process
- Committee members Mumford, Barnes, Carter and Turner were present.

Attachment 7

Executive Summary of the UNC Charlotte Utility Cut Pavement Study

14. FY2008-2009 Transit Operating Budget and FY2008-2012 Transit Capital Investment Plan

Action: Approve the FY2008-2009 Transit Operating Program including adoption of the fare increase and the FY2008-2012 Transit Capital Investment Plan, which were approved by the Metropolitan Transit Commission on April 25, 2007.

Staff Resources: Ron Tober, Charlotte Area Transit System
Dee Pereira, Charlotte Area Transit System

Policy

- The Transit Governance Inter-local Agreement calls for the Metropolitan Transit Commission (MTC) to approve annually a recommended Transit Operating Program and a Transit Capital Program. Following the MTC's approval, the Transit Operating and Capital Programs are forwarded to the Charlotte City Council for approval. Upon approval, the Charlotte City Council shall fund the programs through its budget process and/or project ordinances.

Explanation

- On April 25, 2007, the MTC approved the CATS FY2008-2009 Transit Operating Programs and the FY2008-2012 Transit Capital Investment Plan which have been developed in accordance with the following adopted MTC policy directives:
 - CATS Vision, Mission and Strategic Goals
 - CATS Financial Policies
 - 2030 Transit Corridor System Plan
 - 2025 Integrated Transit/Land Use Plan
 - CATS Fare Policy
- The proposed expenditures for FY2008 total \$171,789,894 of which \$103,674,288 is allocated for operating programs and \$68,115,606 for capital programs. The proposed expenditures for FY2009 total \$222,461,007 of which \$110,665,566 is allocated for operating programs and \$111,795,441 for capital programs. Debt Service is projected at \$17,657,557 in FY2008 and \$17,958,794 in FY2009. The attachments provide detailed information on the proposed operating and capital programs.
- FY2008-2009 Transit Program Highlights:
 - Operations
 - July 2, 2007 fare increase across all categories.
 - November 2007 Opening of the Lynx Blue Line light rail operation
 - Bus, Safety/Security, Revenue Management and Maintenance Services in support of light rail service
 - Capital Investment
 - Completing the South Corridor light rail project
 - Advancing the Northeast Corridor thru design and construction.
 - Advancing the North Corridor thru preliminary engineering

- Advancing Charlotte Gateway Station thru design and construction
- Implementing enhanced bus service to Douglas airport
- Continuing implementation of fleet, facilities, asset maintenance, safety & technology plans

Community Input

- The Citizens Transit Advisory Group reviewed the FY2008-2009 Transit Operating Programs including fare increase and the FY2008-2012 Capital Investment Plan and recommended adoption by the MTC.
- The MTC held a public hearing on the fare increase on February 28th, 2007.
- The MTC approved the FY2008-2009 Transit Operating Program and the FY2008-2012 Capital Investment Plan on April 25, 2007.

Council Review

- The FY2008-2009 Transit Operating Programs and the FY2008-2012 Transit Capital Investment Plan were reviewed by Charlotte City Council at the March 7, 2007 Council Budget Retreat.
- Subsequent to the MTC approval on April 25, 2007, adjustments will be made to CATS final City Council approved budget.

Funding

Transit Fund; Federal and State Grants; Debt Financing

Attachment 8

FY2008-2009 Transit Program Executive Summary
FY2008-2009 Transit Program Summary
FY2008-2009 Financial Policy Performance Indicators
FY2008-2009 Transit Service (Operations)
FY2008-2009 Transit Staffing Level
FY2008-2009 Transit Operating Program Detail
FY2000-2009 Program Level Changes
FY2008-2012 Debt Service Schedule
FY2008-2012 5-Year Transit Capital Program Summary
FY2007 Fare Increase Detail

15. Transit Capital Funding Appropriation

<p>Action:</p>	<p>A. Adopt a budget ordinance appropriating \$17,061,953 in grant related funding for CATS’ Programs and Amend prior Ordinances to incorporate grant funding and/or modify the allocation of funding ,</p> <p>B. Modify funding associated with a prior ordinance for scheduling software replacement to incorporate FY2007 Advanced Technology Grant funding approved on March 26, 2007,</p> <p>C. Adopt a resolution authorizing the CATS Key Business Executive to execute grant applications with the Federal Transit Administration (FTA) and to execute funding agreements with the North Carolina Department of Transportation (NCDOT), and</p> <p>D. Adopt a resolution authorizing CATS Key Business Executive to execute grant applications with the Department of Homeland Security, Transportation Administration, N.C. Department of Crime Control and Public Safety, The Division of Emergency Management, Homeland Security Division.</p>
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Staff Resources: Ron Tober, Charlotte Area Transit System

Explanation

- The Transit Capital and Operating Programs are funded through federal, state and local funds. The City estimates federal and state grant participation levels and advances funding from the Transit Fund balance to cover estimated grant revenues and the local share. Upon award and/or execution of grants, funds advanced to the program for the federal and state shares revert back to the Transit Fund balance.
- CATS has received several grants that require appropriation. In anticipation of these grants being received, through prior Council actions CATS advanced funding for some of the projects from Transportation Fund fund balance. Now that the grants have been received, \$1,935,586 of the advanced funds can be returned to fund balance.
- Grants received and their uses are as follows:

A Federal 5309 Grant will provide a supplemental appropriation for the Eastland Community Transit Center project	\$501,600
A Federal CMAQ (Congestion Mitigation Air Quality) Grant and currently appropriated FY04 COPS associated with a previous bus purchase project will be used to replace Transit Fund Balance dollars appropriated for the purchase of buses. A portion of the fund balance released as a result of the CMAQ Grant and FY04 Certificates of Participation (COPS) bus transaction will be used to finalize annual capital appropriations associated with operating costs.	963,855

A Federal Homeland Security Grant will provide for security fencing and security training	626,8927
The Federal FY07 5307 Formula Grant will provide support for the following:	
o Debt Service Payments	8,288,063
o Bus Stop Shelters	166,182
o South Corridor FFGA Share	4,273,692
o Preventive / Asset Maintenance	4,669,805
o Automated Passenger Counters for LRVs	325,000
o LRT Equipment Tools	120,000
o LRT Facilities Project	120,000
o Other Rail Capital	70,000
Total	\$20,125,024

- The above grant programs total \$20,125,024. Appropriations are only needed for \$17,061,953 since current fund balance and COPS- related appropriations totaling \$3,063,071 serve as the required local grant matching funds.
- Action A requests Council approval to receive and appropriate funds for authorized projects in CATS' budget. Total appropriation is \$17,061,953 of which \$15,082,637 is estimated to be received from federal grants, \$1,397,518 from state grants and \$581,798 from the Transit Fund Balance.
- Action B provides for the modification of a FY2006 ordinance which established an appropriation for the HASTUS scheduling software replacement. In March of this year, Council approved an ordinance appropriating the FY2007 Advanced Technology Grant. The HASTUS software replacement is an eligible expense under the Advanced Technology Grant. As such, modifications to associated ordinances are needed.
- Actions C and D request the adoption of the resolutions authorizing submission and/or execution of the federal and state grant applications and funding agreements for their participation in transit projects.

Funding

Federal FY07 5309 Grant

Federal FY07 CMAQ Grant

U.S. Department of Homeland Security Grant

Federal FY07 5307 Formula Grant

State Matching Funds

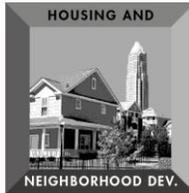
Local Matching Funds

Attachment 9

Budget Ordinance

Resolutions

16. U.S. Department of Housing and Urban Development FY2008 Annual Action Plan and Impediments to Fair Housing



Action: Approve the Housing and Neighborhood Development Committee’s recommendation on:

- A. The FY2008 Annual Action Plan and to receive the City’s proposed grant allocation of approximately \$8.21 million for FY2008, and
- B. Analysis of Impediments to Fair Housing Choice Report.

Committee Chair: Susan Burgess

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

Policy

- The FY2008 Annual Action Plan is the City’s one-year strategy for providing housing and community development activities.
- 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.
- 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.

Explanation

- The FY2008 Annual Action Plan includes housing and community development needs and resources for the City of Charlotte 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 approximately \$8.1 million in new federal grant program funds.

Community Development Block Grant (CDBG)	\$4,788,128
HOME Investments and Partnerships (HOME)	\$2,557,616
Emergency Shelter Grants (ESG)	\$ 205,907
Housing Opportunities for Persons with AIDS (HOPWA)	<u>\$ 626,000</u>
Total	\$8,177,651

- The proposed FY2008 federal fund allocation represents a decrease of approximately \$29,483 under the FY2007 fund amount of \$8,207,134.
- Impediments to Fair Housing recommendations are incorporated in the Action Plan.

- Council received a briefing on the Impediments to Fair Housing Choice Report on February 26, 2007.

Community Input

- Citizen forums were held in February 2007 to inform the public of the Plan preparation process and timeline for completing the document.
- Citizen forums were also conducted in the towns of Cornelius, Huntersville, Matthews and Pineville.
- Information was made available at Charlotte's 12th Annual Neighborhood Symposium, which was conducted on March 31, 2007.
- Neighborhood Development advertised the public hearing in local newspapers and sent more than 1,000 invitations to neighborhood organizations, Neighborhood Development's financial partners and interested individuals.
- City Council held its Public Hearing on May 14, 2007. No speakers appeared at the public hearing to make comments about the Plan.

Committee Discussion

- The FY2008 Annual Action Plan was shared with the Housing and Neighborhood Development Committee at their meeting on May 23, 2007. Discussion points will be shared in the May 25th Council-Manager memorandum.

Funding

Federal CDBG, HOME, ESG and HOPWA funds

Attachment 10

FY2008 Annual Action Plan

Summary of the Analysis of Fair Housing Implementation Recommendation

17. Pond and Dam Policy Revisions

Action: Approve changes to the Charlotte Pond and Dam Policy to better align it with water quality permit goals and cost effective storm water management.

Staff Resource: Daryl Hammock, Engineering and Property Management

Explanation

- Ponds provide public benefits by controlling water quality (pollutants) and water quantity (flooding).
- Many ponds are on private property, are deteriorating, and are often in disrepair.
- As ponds fail, public benefits are lost, causing our surface waters to move further away from water quality permit and program goals.
- The proposed revisions allow staff to preserve and enhance pond benefits and reduce or avoid costs associated with storm water management.
- Major revisions consist of:

- Efficiency requirements are replaced with watershed benefit requirements (this supports a more watershed benefit-focused approach, rather than a pond performance approach).
- Benefit/cost will become a primary driver of pond qualification.
- Staff will continue to have the option of not making improvements to ponds and dams based on cost and benefit criteria.
- There is no funding increase associated with the revisions.
- At the May 5th Workshop, Council was briefed on this policy.

History

- Charlotte City Council adopted the original Pond and Dam policy in 1998.
- The Storm Water Advisory Committee provided input and unanimously supports the proposed revisions.

Attachment 11

Proposed policy with revisions

BUSINESS

18. Utilities City Code Amendment

Action: Approve an ordinance amendment to Article I, Chapter 23 of the Charlotte City Code to:

A. Authorize account adjustments for water and/or sewer service (Sec. 23-6)

B. Reflect organizational changes involving the Customer Service Division of Charlotte-Mecklenburg Utilities (Sec. 23)

Staff Resource: Doug Bean, Utilities

Explanation

- In recent years, Charlotte-Mecklenburg Utilities engaged in several activities to improve services provided to customers, including:
 - Audit and examination of customer accounts
 - Reorganization of the Customer Service Division

Billing Adjustments

- In March 2006, City Council authorized Charlotte Mecklenburg Utilities (Utilities) to enter into a contract with Utility Revenue Management (URM) to identify customer accounts that were not being billed accurately.
- In the first year, URM has identified over 600 inaccurate accounts, resulting in over \$4 million in additional annual revenue for Utilities. Utilities staff is working closely with URM to identify the causes of these inaccurate accounts to eliminate the occurrences of these errors in the future.
- These inaccurate accounts have resulted in customers being underbilled for water or sewer services they have received.
- These inaccurate accounts can be classified into two categories:
 - Customers who obtained service without Utilities knowledge
 - Example: a customer taps into existing water and/or sewer lines but does not notify Utilities
 - Customers who obtained service with Utilities knowledge
 - Example: a customer requests water and sewer service but account is only established for water service
- However, the City Code does not provide direction on how to bill customers who have obtained water or sewer service from Utilities when Utilities had knowledge about that service but did not provide the customer with an accurate bill.
- This action would authorize the Charlotte Mecklenburg Utilities Key Business Executive to determine the appropriate amount a customer should be billed when an error was identified on an account that had been previously underbilled. This decision would be made based on guidelines approved by the City Manager. The draft guidelines are attached.
- This change to the City Code would not impact the billing of storm water customers. Storm water customers are billed under separate authorization in the City Code and although water, sewer and storm water customers receive a

consolidated bill, the billing processes are different between water/sewer and storm water.

- The ordinance is effective June 1, 2007.

Organizational Changes

- In July 2004, billing representatives from the Finance Revenue Division joined the Charlotte-Mecklenburg Utilities Customer Service Division to improve communications between the billing representatives and field service representatives.
- This action would update Section 23 of the Charlotte City Code to reflect this organizational change.

Attachment 12

Ordinance

Draft Guidelines

19. Airport Rental Car Contract Facilities Charge

Action: Adopt an ordinance imposing a Contract Facility Charge (CFC) on vehicles rented at the Airport to fund construction, maintenance and operation of current and future rental car facilities. The ordinance is effective July 1, 2007.

Staff Resource: Jerry Orr, Aviation

Explanation

- There are seven rental car companies operating at the Airport now: Avis, Budget, Dollar, Enterprise, Hertz, National and Thrifty. They operate from counters assigned to them in the baggage claim area of the Terminal Building and from rental car service facilities located on Rental Car Road on the Airport, just north of Concourse A.
- As set forth in the 1997 Airport Master Plan, the rental car service facilities on Rental Car Road should be relocated to free up the area for concourse expansion. The current options for relocation and redevelopment are:
 1. Construct a consolidated rental car service facility on City land on Wilkinson Boulevard as recommended in the 1997 Master Plan
 - 2.- Construct a remote deck at the Airport Maintenance Complex site on Wilkinson Boulevard to be operated as a combination consolidated rental car service facility/ remote baggage check in/valet parking facility with passengers transported to and from the terminal on the Airport's existing shuttle van service
 3. Demolish the existing hourly decks and construct new decks to provide a combination of rental car ready/return areas and public parking. Under this option, the current rental car service facilities would be relocated to one of the locations along Wilkinson Boulevard identified in options 1 and 2 above. This is the preferred option as it provides a much higher level of

customer service and eliminates shuttle buses and their environmental consequences.

- The City would pay for such relocation and redevelopment with the proceeds of a Contract Facility Charge (CFC). CFCs have evolved over the past ten years as the preferred method for airports to finance rental car facilities. Many airports use CFCs including Dallas Fort Worth, Houston Intercontinental, Los Angeles, San Francisco, Denver, Fort Lauderdale, Fort Myers, Columbia, SC, Lexington, KY, Myrtle Beach and Greenville, SC.
- CFCs are typically collected well in advance of the bond issue and construction in order to diminish the amount of debt and then used to pay debt service.
- Staff held two meetings with incumbent rental car concessionaires. The concessionaires have unanimously requested that the City implement the CFC.
- The CFC would be:
 - Imposed by City Council via an ordinance;
 - Initially in the amount of \$3.50 for each day of each rental car contract originating at this Airport;
 - Used to pay design costs, bond debt service and operating and maintenance expenses of the redeveloped facilities;
- Based upon a \$3.50 CFC, the revenue from this program would be approximately \$7 million for fiscal year 2008.
- The CFC amount may be adjusted upward or downward by the Aviation Director from time to time as needed to provide sufficient revenue for the eligible costs.
- The airport will propose a design team to begin planning within 90 days. Construction is expected to take 3 years.
- On May 14th, Council was briefed on the proposed Contract Facilities Charge.

Attachment 13

Proposed Ordinance

20. Restructuring Ovens Auditorium Loan Agreement and Capital Improvements

Action:

A. Approve a new repayment schedule for the \$5 million loan made by the City in 2002 to renovate Ovens Auditorium, and

B. Adopt a budget ordinance appropriating \$300,000 from the Municipal Debt Service Fund for additional renovations to Ovens Auditorium mandated by the Americans with Disabilities Act and added to the loan amount.

Staff Resources: Mike Crum, Charlotte Regional Visitors Authority
Greg Gaskins, Finance

Explanation

- On February 11, 2002 Council approved a \$5 million interest free loan to the Coliseum/Convention Center Authority to renovate Ovens Auditorium.
- The repayment structure was for 10 years and revenues for repayment were to include a \$1 ticket surcharge and naming rights for the building
- Currently the ticket surcharge generates approximately \$150,000 per year and no naming rights have been sold.
- The Authority has re-paid approximately \$550,000 of the loan.
- In addition to the loan payment, federal inspectors have ruled that \$300,000 in additional accommodations are required to meet Americans with Disabilities Act provisions.
- Ovens Auditorium does not generate enough revenue to cover operating expenses and do the additional renovations or repay the loan within ten years.
- This action extends the terms of the loan for 30 years and establishes a \$160,000 per year repayment through FY2037.
- Additionally, the action appropriates \$300,000 from the Municipal Debt Service Fund to pay for additional mandated renovations.
- The change in payment plan and increase in the loan amount do not impact the City's debt capacity.

Funding

Debt Service Fund

Attachment 14

Budget Ordinance

21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

22. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

23. Various Bids

A. Road Humps 2007

EPM

Resource: Robert Gallup

Action

Award the low bid of \$176,592 by Carolina Cajun Concrete of Charlotte, North Carolina. This project is part of an on-going program to install traffic calming road humps on various streets within the city limits of Charlotte. Construction completion is scheduled for third quarter of 2007.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 7.93%

Carolina Cajun Concrete has exceeded the established SBE goal and committed 7.93% (\$14,000) to the following SBE firms: Muddrunners, Inc. and Union Paving Contractors, Inc. Carolina Cajun Concrete is a certified small business enterprise.

Attachment 15

List of Humps

B. Cane Creek Sewer Outfall**CMU****Resource:** Doug Bean**Action**

Award the low bid of \$1,905,251.42 by Buckeye Construction Company of Canton, North Carolina. The Cane Creek Outfall is 15,454 linear feet of gravity sewer located in the southern sphere of influence of the Town of Huntersville. This project is being paid for up front by the developer of the Bryton project, Huntersville Corporate Center Limited Partnership, and will be reimbursed by CMU over five years starting one year after the project is complete.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 3.9225%

Buckeye Construction Co., Inc. failed to meet the established goal but met the mandatory outreach and good faith efforts. They have committed \$74,734.00 to the following SBE firms: Union Paving Contractors, Carolina's Landworks, Inc., D's Trucking, and Ms. Sybil's Seeding.

24. Resolution of Intent to Abandon Street and Set Public Hearing for a 10-foot alleyway running off of Cleveland Avenue

Action: A. Adopt the Resolution of Intent to abandon a 10-foot alleyway running off of Cleveland Avenue, and

B. Set a public hearing for June 25, 2007.

Staff Resource: Linda Poissant, Transportation**Attachment 16**

Map

Resolution

25. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$7,703.49.

Staff Resource: Rosemary Lawrence, Finance

Attachment 17

Resolution

List of property tax refunds

CONSENT II

26. Pedestrian Wayfinding Signage for Uptown Charlotte

- Action:**
- A. Award a unit price contract to Signs, Etc. of Charlotte, North Carolina to provide design layouts, fabrication, and installation of pedestrian wayfinding signs in the Uptown area; for a term of three years, and**
 - B. Authorize the City Manager to renew the agreement for two additional one-year terms. The anticipated total contract expenditure is \$435,168. First year expenditure is estimated at \$121,680; year 2 at \$282,512; year 3 at \$30,976.**

Staff Resource: Jim Kimbler, Transportation

Explanation

- This contract award will implement the pedestrian component of the Center City Transportation Plan policy recommendation to implement a Parking and Wayfinding System in Uptown. Pedestrian Wayfinding Signage is an information/directional tool designed to assist pedestrians in finding their way about the Uptown area.
- City Council was briefed on April 9, 2007 on this sign system, including design concepts. The design was modified as a result of that briefing to replace the leaf with the City Crown logo (see attached design concept).
- Signage will be fabricated and installed over three years, with the first phase to be installed before the opening of the Blue Line light rail transit in fall 2007.
- Subsequent phases will implement signage throughout Uptown and will be coordinated with construction and opening of Uptown venues and developments including but not limited to the NASCAR Hall of Fame, the Cultural Arts Complex, the Afro-American Cultural Center, and the Knights Baseball Stadium.

Disadvantage Business Enterprise Goal

Established DBE Goal: 5%

Committed DBE Goal: 13.2%

Signs Etc. committed 13.2% (\$57,297.69) to the following DBE firms:

Eastern Metal Supply

Funding

Congestion Mitigation and Air Quality Grant through the Federal Highway Administration

Attachment 18

Sign Design

27. Transit Surveillance System Maintenance

Action: Approve a five year contract with Verint Video Solutions, Inc. for video surveillance maintenance services of CATS mobile and fixed surveillance systems, for a yearly amount of \$750,000 not to exceed \$3,750,000 in the five-year period.

Staff Resources: James Dougherty, Charlotte Area Transit System
Michael Haddad, Charlotte Area Transit System

Explanation

- The purpose of this maintenance agreement is to improve the reliability and system performance of CATS video surveillance system. Video surveillance provides a means of providing public safety on CATS vehicles and city transit properties. CATS has 2,312 cameras feeding 390 digital recorders. These devices are located on:
 - Buses (6-7 cameras and 1 recorder per bus – 324 buses)
 - Building facilities & grounds including the Charlotte Transportation Center, Rosa Parks and Eastland Mall Transit centers (up to 30 cameras feeding multiple recorders)
 - Park & Rides including Huntersville-Norcross, Mallard Creek, etc. (up to 12 cameras feeding 1 recorder per designated P&R)
 - Future light rail vehicles & stations
- The system supports CATS Safety and Security Exclusion Policy and Anti-Terrorism Policy, which is the basis for providing an orderly and safe environment for transit passengers and employees. The critical nature of these systems and the extreme environments in which they operate, require dedicated resources to resolve system failures and for preventive maintenance.
- Annual market research studies have consistently identified transit safety and security as a priority for both existing transit riders and those who are regular transit users.
- CATS surveillance systems provide a means to safely monitor, record events, and provide valuable evidence in transit related legal matters such as fraudulent claims and accident investigation. This requires all camera equipped locations and vehicle mobile systems to perform at peak efficiency, requiring scheduled preventive maintenance and system testing.
- In addition to maintenance, the contract will provide for repair and replacement of any failing system equipment. Thus, allowing CATS operations to maintain operational rates at:
 - 98.5% for all mobile systems
 - 95% for fixed facilities
- Through the contract, CATS will obtain detailed electronic service and maintenance reports, replacing the current practice of tracking system failures on a hard copy log.
- A Request for Proposal (RFP) was issued and six proposals were received. CATS staff evaluated each proposal based on compliance with the requirements of the RFP, qualifications, experience, project approach, and

cost effectiveness/value. The proposal from Verint Video Solutions, Inc. was deemed to provide the best overall solution for CATS.

Small Business Opportunity

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

Funding

Transit Operating Budget

29. Airport Engineering Contract Amendment

- Action:**
- A. Approve amendment # 1, in the amount of \$1,828,417, to the agreement with Talbert, Bright & Ellington, Inc. of Charlotte for additional services for the third parallel runway, and**
 - B. Adopt a budget ordinance appropriating \$1,828,417 from the Airport fund balance to be replaced with the proceeds of future FAA grants and General Airport Revenue Bonds.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In July 2004, the City advertised for statements of qualifications to serve as Project Engineer and received proposals from six teams. The Selection Committee recommended the team led by Talbert, Bright & Ellington (TB&E).
- On December 21, 2005, the City executed a contract for \$3,394,000 with TB&E for the design and bidding portion of the engineering work elements needed for the runway project. The remaining work elements were withheld from the scope until the first design work was completed because funding and permitting were not completed and US Airways was still in bankruptcy.
- This contract amendment provides for the balance of the required work elements:
 - Design of navigational equipment and systems (runway lighting system)- \$753,917
 - Contract administration, which consists of attendance at bi-weekly progress meetings, responding to request for information from the contractor, approving submittals and pay applications and preparing record drawings after project completion-\$500,000
 - A full-time, on-site inspector for the next three years-\$487,500 (\$75 per hour for 6,500 hours)
 - Design of the relocation of an additional section of Wallace Neel Road from Walkers Ferry Road to Old Dowd Road to expedite continued neighborhood access-\$87,000.

Budget Ordinance

- The budget ordinance will appropriate Airport reserve funds to be repaid from the proceeds of a future federal grant under the FAA letter of intent issued in December 2005 and the proceeds of the 2007 General Airport Revenue Bonds scheduled to be issued in August 2007. Funding for this action is within the budget reflected in the bond documents.

Disadvantaged Business Opportunity

Talbert, Bright & Ellington, Inc. will subcontract 9.5% (\$175,000) of the additional scope to DBEs AccuTech (\$105,000) Richa Graphics (\$30,000) and Avcon (\$40,000).

Funding

Airport Fund Balance

Attachment 19

Budget Ordinance

Fast Track Construction Process

29. Federal Homeland Security Grant Disposition of Authorized Equipment

- Action:**
- A. Approve the disposition of Homeland Security related equipment purchased using Fiscal Year 2004 Urban Areas Security Initiative (UASI) Grant funds from Department of Homeland Security to the City of Mooresville, and**
 - B. Authorize the Fire Chief to execute any documentation required to finalize such disposition.**

Staff Resources: Luther Fincher, Fire
Jeff Dulin, Fire

Explanation

- The Department of Homeland Security (DHS), through the office of Grants and Training created the FY2004 Urban Areas Security Initiative Grant (UASI) to reimburse state and local governments for equipment, training, planning and exercise activities related to preparing for terrorism.
- Charlotte received a UASI Grant under the FY2004 program in April 21, 2004 in the amount of \$6,316,266. City Council approved the grant implementation on May 24, 2004.
- As required by grant guidelines, Charlotte applied for the grant based on a regional approach that included the North Carolina counties of Cabarrus, Catawba, Gaston, Iredell, Lincoln, Stanly and Union and the South Carolina counties of Lancaster and York.
- Approval of the disposition of equipment to the City of Mooresville (see attached chart) will allow Charlotte to comply with its procurement and

disposition responsibilities under the UASI grant. City Council approval of this disposition is required by N.C.G.S. 160A-274.

- All equipment is detailed by the Homeland Security Grant Program Fiscal Year 2004 Authorized Equipment List.

Funding

Fiscal Year 2004 Urban Areas Security Initiative Grant funds from the U.S. Department of Homeland Security.

Attachment 20

List of Equipment

30. Cashiering System Contract

Action: Authorize the City Manager to negotiate and execute a contract with System Innovations, Inc. for the purchase of a new cashiering system in an amount not to exceed \$338,000. The initial term of the contract will be three years and includes the software application, hardware, implementation services, and maintenance and support services.

Staff Resource: Rosemary Lawrence, Finance

Explanation:

- The City's cashiering system provides secure collection of water, sewer, storm water, and other revenues from over-the-counter customers at three locations (Government Center 1st Floor, Planning Commission and Transit Center). During fiscal year 2006, City revenue collections via over-the-counter payments exceeded \$151 million.
- The existing cashiering system has limited ability to provide maintenance and customer service. The potential lack of vendor support creates an unacceptable risk for the City. In addition, the existing system has limited reporting capabilities that requires manual manipulation of data to obtain reports from the system.
- An RFP was issued in May 2006. A team of City employees evaluated the three responses including vendor demonstrations and reference checks. System Innovators demonstrated the highest ability to meet the City's requirements and offered the most competitive price.
- The System Innovators, Inc. contract:
 - Provides improved cash collection capabilities
 - Interfaces with other financial systems
 - Provides flexible reporting
- The new capabilities will allow improvement of business processes, so that all monies will be processed at the time of receipt which will strengthen internal controls and increase interest income.

Funding

Finance Department Operating Budget

31. Design Repair to City Bridges

Action: Approve a contract for \$160,323.61 with Thompson-Gordon-Shook Engineers, Inc. for the design of bridge repairs.

Staff Resource: Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates that bridges/culverts be inspected every two years.
- In 2006 the City approved two contracts with Thompson-Gordon-Shook Engineers, Inc. (TGS) for \$364,840 for the inspection of city bridges and culverts.
- This contract provides funding for design, bid phase, and construction administration services for repairs noted from the inspection contracts with TGS.
- Bridge repair construction will be bid and awarded in a future action.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated. The future construction work associated with this bridge project (anticipated in the third quarter of 2007) will most likely contain an SBE goal, as subcontracting opportunities are anticipated.

Funding

Transportation Capital Investment Plan

32. Interlocal Agreement with Mecklenburg County for Infrastructure Improvements

Action:

- A. Approve an Interlocal Agreement with Mecklenburg County to fund design and construction of infrastructure improvements as part of the Metropolitan economic development project, and
- B. Adopt a budget ordinance appropriating \$2,000,000 in County contributions to the I-277/ Independence Intersection Improvement Project Fund.

Staff Resource: Sam Barber, Engineering and Property Management

Explanation

- The cooperative funding agreement with Mecklenburg County, approved by Council on February 26, 2007, provides for the County's contribution to infrastructure improvements related to the Metropolitan development.
- The County will fund up to \$2,000,000 for improvements that support the Little Sugar Creek Greenway, such as higher bridges, wider sidewalks on the bridge, and bridge aesthetics.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding contracts that are entered into without a competitive process this agreement is exempt from the Small Business Opportunity Program.

Funding

Funding is from Mecklenburg County in the amount of \$2,000,000.

Attachment 21

Budget Ordinance

33. **Regional High Occupancy Vehicle/High Occupancy Toll/Managed Lanes Study**

- Actions:**
- A. Authorize the Transportation Key Business Executive to negotiate a contract with PB Americas in an amount not to exceed \$525,000 to study potential High Occupancy Vehicle, High Occupancy Toll and Managed Lane locations in the region, and**
 - B. Authorize the Transportation Key Business Executive to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) to receive funds for the Charlotte Region HOV / HOT / Managed Lanes Study and to enter into a multi-party agreement with the three surrounding MPOs and RPOs and the City of Mooresville to receive the local shares of the overall project cost.**

Staff Resource: Tim Gibbs, Transportation

Explanation

- The City, in conjunction with the North Carolina Department of Transportation (NCDOT) and other regional transportation planning agencies, will undertake a study of potential High Occupancy Vehicle (HOV), High Occupancy Toll (HOT), and Managed Lanes projects in the region.
- The purpose of this study is to determine if there are any transportation corridors where HOV lanes are viable and/or HOT lanes will yield sufficient revenue to justify their installation, or if managed lanes (which include express or contra-flow lanes) are feasible.

- The study will also determine where and how these facilities might be connected to form a region-wide system.
- The study will provide information about new types of transportation projects that will be part of an overall regional effort to address congestion, mobility and air quality.
- The contract amount is \$525,000. NCDOT will provide \$250,000, and the three surrounding Metropolitan Planning Organizations (MPOs) and the Town of Mooresville will provide up to \$57,500. The remaining funds (up to \$217,500) have been authorized by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO).
- The City will enter into a multi-party agreement with the three surrounding Metropolitan Planning Organizations (MPOs), two Rural Planning Organizations (RPOs) and the City of Mooresville to receive the local shares of the overall project cost.
- The study will begin in summer 2007 and be completed by spring 2008.

Small Business Opportunity

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following Federal and State Requirements.

Funding

Transportation Capital Investment Plan

Attachment 22

Map of roadways to be analyzed

34. Installation of Traffic Signals at the Intersections of the I-485 Ramps and Harris Boulevard Municipal Agreement

Action: Adopt a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of traffic signals at the intersections of the I-485 ramps and Harris Boulevard.

Staff Resource: Charles Abel, Transportation

Explanation

- NCDOT authorized the installation of traffic signals at the I-485 ramp intersections with Harris Boulevard. A Municipal Agreement between the City and NCDOT will allow the City to be reimbursed for the work.
- The Municipal Agreement provides for reimbursement not to exceed \$275,400.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding

Transportation Capital Investment Plan and NCDOT

Attachment 23

Resolution

35. Sale of City Property at 2314 & 2316 Newberry Street

Action: Approve the sale of City-owned property located at 2314 and 2316 Newberry Street.

Staff Resource: Jerry Orr, Aviation

Explanation

- In accordance with the Part 150 Plan, the City acquired these properties because they are located in the highest Airport noise zones. The City's purchase was a voluntary transaction, and the owners were not under the threat of condemnation.
- Matthew and Donna Sullivan, owners of the adjacent parcel, have offered to purchase the property from the City.
- The property was appraised by Jack Morgan, MAI, for \$64,000 on April 20, 2007.
- The offer to purchase is \$64,000.
- The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid. No upset bids were received for the current offer. The advertisement was in the legal section of the Charlotte Observer on April 30, 2007.
- This property is zoned I2 and is being sold for use as a commercial business. The property will be sold subject to an aviation easement.
- Tax Code: 115-131-13 and 115-131-14

36. Property Transactions

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

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

- A. Project:** Airport Expansion
Owner: N.C. Department of Transportation
Property Address: Walkers Ferry Road (no street number assigned)
Property to be acquired: 1.24 acres

Improvements: vacant land

Purchase Price: \$12,075

Remarks: The purchase price was determined by N.C. Department of Transportation. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes.

Zoned: R3

Use: Vacant Land

Tax Value: \$13,400

Tax Codes: 113-361-23

B. Project: Airport Expansion

Owner: N.C. Department of Transportation

Property Address: 9074 Walkers Ferry Road

Property to be acquired: .57 acres

Improvements: vacant land

Purchase Price: \$5,550

Remarks: The purchase price was determined by N.C. Department of Transportation. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes.

Zoned: R3

Use: Vacant Land

Tax Value: \$7,900

Tax Codes: 113-361-22

C. Project: Airport Expansion

Owner: N.C. Department of Transportation

Property Address: 9068 Walkers Ferry Road

Property to be acquired: .41 acres

Improvements: vacant land

Purchase Price: \$3,990

Remarks: The purchase price was determined by N.C. Department of Transportation. The tax value is determined on a more generic basis and will be higher or lower for land/ house with certain attributes.

Zoned: R3

Use: Vacant Land

Tax Value: \$82,400

Tax Codes: 113-361-21

Condemnations

D. Project: Hubbard Road Sidewalk Project, Parcel # 30

Owner: The United House Of Prayer For All People Of The Church And Any Other Parties Of Interest

Property Address: 5500 West Sugar Creek Road

Property to be acquired: Total Combined Area of 36,311 sq. ft. (.834 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$16,950

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: 043-162-08

Total Parcel Tax Value: \$456,300

E. Project: Tuckaseegee Road 5035 thru 5109 - 8" Sanitary Sewer, Parcel # 2

Owner: Summerlake Of NC, LLC And Any Other Parties Of Interest

Property Address: Tuckaseegee Road

Property to be acquired: Total Combined Area of 1,895 sq. ft. (.044 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$575

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-4

Use: Single Family Residential - Rural Acreage

Tax Code: 061-171-90

Total Parcel Tax Value: \$20,200

37. Meeting Minutes

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

- April 23, 2007 Business Meeting
- May 7, 2007 Budget Presentation and Council Workshop