

Mavor Patrick L. McCrory Mavor Pro Tem Susan Burgess

Michael Barnes
Nancy Carter
Andy Dulin
Anthony Foxx
Patsy Kinsey

John W. Lassiter
Don Lochman
James Mitchell, Jr.
Patrick Mumford
Warren F. Turner

CITY COUNCIL MEETING

Monday, June 25, 2007

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

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CITY COUNCIL AGENDA

Monday, June 25, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. NASCAR Hall of Fame Design Update

Resource: Jim Schumacher, Engineering & Property Management

Time: 30 minutes

Synopsis

- Staff and members of the design team will update City Council on the status of the design of the NASCAR Hall of Fame, Ballroom and Exhibits. Presentations will be given by:
 - Yvonne Szeto - Pei Cobb Freed & Partners
 - Marianne Schuit - Ralph Appelbaum & Associates

Future Action

The commissioning services contract with System WorCx is item 22, page 21 of this agenda.

2. NCDOT 2009-2015 Transportation Candidate Projects List

Resource: Andy Grzymiski, Charlotte Department of Transportation

Time: 10 minutes

Synopsis

- This presentation serves as a status report on the NCDOT 2009-2015 Candidate Projects List.
- NCDOT asked that Mecklenburg-Union Metropolitan Planning Organization (MUMPO) submit a Candidate Projects List as the first step of the preparation of the 2009-2015 Transportation Improvement Program. The Candidate Projects List details the highest priorities of the MUMPO and requests funding of these projects. Since the 2007-2013 Transportation Improvement Program did not fund any new projects, the 2009-2015 Candidate Projects List remains substantially the same as the 2007-2013 version.
- Attached is the draft NCDOT 2009-2015 Candidate Project List. At their July 13th meeting, the Technical Coordinating Committee will recommend approval of this list to the MPO Board, which will meet on July 18th.

Future Action

City Council will be asked to direct the vote of their MUMPO representative at the July 16th Zoning meeting.

Attachment 1

Draft Candidate Project List

3. Cost Analysis for City Regulatory and Policy Initiatives

Resources: Jim Schumacher, Engineering & Property Management
Daryl Hammock, Engineering & Property Management

Time: 20 minutes

Synopsis

- Three regulatory initiatives have been under development and are scheduled for consideration in 2007:
 - Environmental Chapter of the General Development Policies (GDP-E)
 - Urban Street Design Guidelines
 - Post Construction (stormwater) Controls Ordinance (PCCO)
- Following a preliminary review of the PCC ordinance developed by a county-wide stakeholders group, the City Council requested a more thorough analysis of the associated costs.
- Subsequently, the Chamber Land Use Committee requested the USDG and GDP-E be included in the cost analysis.
- An explanation of the costing methodology and a brief summary of the cost results will be presented.
- The detailed results will be studied by the Environment Committee as part of their review of the Post Construction Controls Ordinance, and the Transportation Committee as part of their review of the Urban Street Design Guidelines.

Future Action

The Committees will make recommendations to the full City Council regarding adoption and implementation of the three initiatives later in the year.

4. Double Oaks Redevelopment Proposal

Resources: Pat Garrett, The Housing Partnership
Debra Campbell, Planning
Tom Flynn, Economic Development Office
Stanley Watkins, Neighborhood Development

Time: 30 Minutes

Synopsis

- At the April 9, 2007 Dinner meeting, the City Council gave permission for City staff to work with The Housing Partnership to study the feasibility of the redevelopment of the Double Oaks Area.

- Over the past decade, The Housing Partnership, along with the City and other partners, has been engaged in comprehensive revitalization activities along the Statesville Avenue Corridor. Neighborhoods include Genesis Park, Greenville, Park at Oaklawn, Kohler Avenue and Druid Hills.
- In 2001, the Charlotte City Council adopted the Statesville Avenue Corridor Plan. This plan calls for the comprehensive revitalization of the Statesville Avenue corridor and neighborhoods along the corridor between the Graham Street/Statesville Avenue intersection and Interstate 85.
- The Housing Partnership has an opportunity to purchase the Double Oaks Apartments from the current owner, which will address a major impediment to revitalization efforts along the corridor.
- The 70 acre tract located on the west side of Statesville Avenue, between Badger Road and LaSalle Street, currently has 576 units in 165 barracks style buildings. Only two-thirds of the units are currently occupied.
- The Housing Partnership and City staff will present the redevelopment plan for the area and outline the City support needed for the plan.

Future Action

- Pursuant to the presentation, City staff requests that the proposal be referred to Council Committee for review and recommendation.

5. Committee Reports by Exception

Economic Development and Planning: McCullough Drive/City Boulevard Connector Road Reimbursement Framework

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

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

CONSENT

- 6. Consent agenda items 20 through 41 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on Resolution to Close a 10-foot Alleyway off Cleveland Avenue

Action: A. Conduct a public hearing to close a 10-foot alleyway off Cleveland Avenue, and

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Bailey Family of Mecklenburg County Alpha, LLC – Andy Heath Jr. (Heath Partners)

Right-of-Way to be abandoned

A 10-foot alleyway off Cleveland Avenue

Location

Located within the Dilworth Community beginning from Cleveland Avenue continuing northwestwardly approximately 189 feet turning westward continuing approximately 50 feet turning northwardly continuing approximately 10 feet, turning eastwardly continuing 50 feet, turning northwest continuing approximately 40 feet to its terminus at parcel #121-05-516

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the East Worthington Court Residential Condominium Project. Rezoning Petition #2006-162 was approved by City Council on January 16, 2007.

Notification

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

Adjoining property owners

Gus P. Mandrapillias – No objection
1919 South Boulevard Office Condominiums – No objection

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No objection
Dilworth Community Development Association (DCDA) – No objection
Olmsted Park HOA – No objection
Brookhill Community Organization – No objection

Private Utility Companies – No objections

City Departments –

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

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

Attachment 2

Map
Resolution

8. Draft University City Area Plan



Action: Receive public comments on the draft University City Area Plan.

Committee Chair: John Lassiter

Staff Resource: Kathy Cornett, Planning

Explanation

- Since September 2006, Planning Department staff has worked with University City Partners (UCP) and their consultants to develop a plan for the University City Municipal Services District (MSD).
- Public meetings were held in September 2006 and May 2007 with approximately 100 citizens attending each meeting. In addition, UCP held meetings with its board and stakeholders to provide input and direction on key land use and transportation recommendations.
- Staff sent out approximately 650 notifications for each of the public meetings regarding the plan, including this June 25th public comment with City Council. Additionally, staff provided information from each meeting on Planning's website, including the draft plan and a link to the University City Partners website.
- The plan was developed in response to conditions that have changed in the area.

- The corridor has been recommended as the next transit corridor to advance to the Preliminary Engineering phase.
- The major improvements planned for the US 29/NC 49 “weave” have significantly changed.
- UNC Charlotte plans to create a major gateway to the campus off US 29, including a rapid transit connection to the university.
- The plan updates this portion of the adopted Northeast District Plan (1996) and provides policy guidance for future growth and development.
- The plan includes Transit Station Area Plans for four proposed Northeast Light Rail Transit Corridor stations and streetscape plans for University City’s MSD.

Plan Recommendations

- Land Use
 - Specific land use recommendations focus transit supportive land uses around four proposed transit station areas and a mixture of residential and non-residential land uses around the “edge areas” outside of the transit station areas.
- Transportation/Streetscape Design
 - Recommendations include a proposed new internal street network that will provide increased connectivity and identifies future cross sections for many streets based on the City’s Draft Urban Street Design Guidelines.
- Following the June 25th public comment, the draft plan will go back to the Economic Development and Planning Committee in July for continued review and recommendation, with Council action to follow.

Charlotte-Mecklenburg Planning Committee

- The Planning Committee received public comments on the plan at their May 29th meeting.
- Comments included general support for the plan, concerns about growth in the area, consideration for parking at transit stations, clarity of the maps in the plan, the affect of the plan on the Wellen neighborhood and questions about the proposed street network.
- The Planning Committee is expected to make a recommendation on the plan at their June 26th meeting.

Committee Discussion

- The Economic Development and Planning Committee received an overview of the plan on June 6th.
- Committee discussion centered on:
 - Effect of a potential repeal of the transit tax on this area
 - Need for the City to be involved in planning for the UNCC on-campus transit station
 - Ensuring that student housing is considered for ridership numbers
 - Amount of communication with area stakeholders (e.g. notification that the plan is available, public comment meetings, etc.)
- The Committee set a June 25th public comment date.

Attachment 3
Draft University City Area Plan

POLICY

9. City Manager's Report

- North Corridor Update

10. Financial Impact of ½ Cent Sales Tax Repeal

Action: Receive a report regarding the possible financial impacts resulting from repeal of the ½ cent sales tax for public transit.

Staff Resources: Greg Gaskins, Finance
Ruffin Hall, Budget and Evaluation
Ron Tober, CATS

Explanation

- At the March 26th Council meeting, staff presented information on the possible impacts to the City's property tax rate if the effort to repeal the ½ cent sales tax for public transit was successful.
- The March 26th presentation outlined four possible scenarios of adjusting transit service without the ½ cent sales tax revenue and the possible impact to the City's property tax rate:
 - Scenario 1 – Reduced bus service only (no light rail)
 - Scenario 2 – Reduced bus service and South Corridor rail service only (no additional corridors)
 - Scenario 3 – Current bus service and South Corridor rail service only (no additional corridors)
 - Scenario 4 – Continue 2030 Transit Plan
- Finance, Budget and Evaluation and CATS staff have been working since the March presentation to refine the four scenarios outlined to Council. Staff has done additional modeling and financial calculations to improve the estimated financial impacts.
- Additionally, staff has received questions:
 - From Council members regarding the possible financial impacts if the ½ cent sales tax for transit was repealed and the City choose not to raise the property tax rate to cover the lost revenue
 - From members of the Metropolitan Transit Commission (MTC) on what the cost to the towns would be to maintain transit services
- For June 25th, staff will present the following:
 - Review of the four different transit service scenario definitions
 - Revised estimates of possible property tax rate impacts
 - Alternatives to covering the lost revenue besides raising the City's property tax rate
 - Using contributions from the Mecklenburg towns
 - Eliminating General Capital debt capacity
 - Making budget cuts in the General Fund operating budget

- This presentation is for information only – no action by Council is required.

11. Scaleybark Purchase Agreement

This item will be sent in the Friday, June 22nd Council-Manager Memorandum.

12. Light Vehicle Maintenance Property Acquisition

This item will be sent in the Friday, June 22nd Council-Manager Memorandum.

13. McCullough Drive/City Boulevard Connector Road Reimbursement Framework



- Action:**
- A. Approve the Economic Development and Planning Committee's recommendation to adopt a framework for developing a Reimbursement Agreement with Crescent Resources for the construction of the Connector Road, and**
 - B. Direct the City Manager to develop a Reimbursement Agreement for City Council's consideration.**

Committee Chair: John Lassiter

Staff Resources: Tom Flynn, Economic Development Office
Tracy Finch, Economic Development Office

Explanation

- Crescent Resources has requested City financial assistance in the construction of a road that will connect McCullough Drive from the north to City Boulevard. From the IKEA rezoning (06-155 approved May 21, 2007), the developer is responsible for the road extending from City Boulevard to the intersection of the IKEA entrance. The request for financial assistance is only for the portion of the road north of IKEA (see attached map).
- The framework for the Reimbursement Agreement includes:
 - 90% of the City's property tax increment on new development would be returned to Crescent Resources for a maximum of 10 years
 - Reimbursement payments would be for only those road costs from McCullough Drive to the IKEA intersection. This is estimated to be \$7.5 M. The City's contribution will not exceed \$5.4M, paid from synthetic tax incremental financing.
 - The 10 year reimbursement period will commence no later than three years after the Certificate of Occupancy is granted on IKEA.
 - Construction of the connector road will be completed no later than two years after IKEA's Certificate of Occupancy.

- Future development adjacent to the connector road will follow the design and land use patterns set forth in the University City Area Plan as adopted or amended.
- Crescent Resources will dedicate right-of-way for future extension of University Pointe Boulevard and the connector road extension south of City Boulevard to McFarlane Boulevard.

Committee Discussion

- On March 21, 2007 the Economic Development & Planning Committee unanimously recommended approval of this framework for the following reasons:
 - The road is part of an overall proposed road network that supports the at-grade intersection of N. Tryon Street (Hwy. 29) and City Boulevard (Hwy. 49).
 - While Crescent Resources owns a majority of the property surrounding the proposed road, the connection would not necessarily be made without City assistance due to topographical challenges that increase road costs and limit development potential.
 - University City Partners supports the project as it helps build the overall proposed road network set forth in the draft University City Area Plan.
 - The connector road will contribute to the overall accessibility of IKEA; a regional retailer projected to supply the City with over \$400,000 in annual sales tax from visitors outside Mecklenburg County.
- Committee members present were Lassiter, Dulin, Carter, Lochman and Mitchell.

Attachment 4

Recommended Reimbursement Framework

Connector Road Map

Presentation from March 21, 2007 Economic Development & Planning Committee Meeting

Status of City Boulevard Extension Project

BUSINESS

14. Airport Revenue Bonds

Action: Approve a resolution:

A. Authorizing the issuance of up to \$180,000,000 in Airport Revenue Bonds for Airport Capital Investment Projects and refunding of 1999A Bonds,

B. Selecting a financing team, and

C. Authorizing application to the Local Government Commission for approval of the Airport Revenue Bonds.

Staff Resources: Jerry Orr, Aviation
Greg Gaskins, Finance

Explanation

- This action is the first of two to approve the issuance of up to \$180,000,000 in Airport Revenue Bonds.
- Debt is being issued to fund:
 - Construction of a third parallel runway
 - Refund the cost of construction of the East Parking Deck
 - Reconstruction of concourse restrooms
 - Replacement of terminal signage
 - Acquisition of land for the Airport, and terminal improvements
- The resolution contains three actions:
 - Sets the financing team
 - Directs staff to apply to the Local Government Commission for approval of the sale of bonds
 - Sets a public hearing for July 23, 2007.
- In addition to providing new capital, this issue will refund \$7,950,000 in 1999A Airport Revenue Bonds which will result in approximately 5% net present value savings on interest cost.
- Repayment of this debt will be solely from Airport Revenues.
- The next actions required are a public hearing and approval of the bond order on July 23, 2007.

Funding

Airport Revenues

Attachment 5

Resolution

15. CMGC and Former Criminal Courts Building Leases

Actions: Adopt a resolution authorizing the City Manager to execute the following leases:

1. The lease of space on the fifth floor of the CMGC to Mecklenburg County for future use by Charlotte Mecklenburg Schools (CMS), and
2. The lease of space in the former Criminal Courts Building for future use by the City's Human Resource Department.

Staff Resource: Curt Walton, Assistant City Manager
David Garner, Engineering & Property Management

Explanation

- City and County Human Resources Departments have been co-located on the 5th Floor of the Charlotte-Mecklenburg Government Center (CMGC) for a number of years. Co-location better serves prospective applicants for City and County jobs, as applicants often apply for jobs with both jurisdictions at the same time. The departments share a common reception and application area.
- The Brooklyn Village Interlocal agreement between Mecklenburg County and the Charlotte-Mecklenburg Schools (CMS) calls for the County to provide CMS space on one floor of the CMGC. During development of the Interlocal Agreement, the City committed to facilitate the movement of CMS into the Government Center.
- To accommodate CMS, the County plans to move its Human Resources Department to the former Criminal Courts building, a building across the CMGC plaza made available by the opening of the new courthouse. Renovations are expected to take two years.
- Under the proposed plan the County would lease a portion of the 5th Floor from the City and then sublease the space to CMS, thereby allowing CMS to occupy the entire 5th floor of the CMGC. This would also require the City Human Resource Department to relocate to the former Criminal Courts Building. Both leases would be for 25 years with payment of \$1 per year plus the occupancy charges for building services (maintenance, janitorial, utility costs, security, etc). Ownership proportions of the CMGC will not change.
- In addition to keeping City and County Human Resources Departments together, this move would allow the City's Training Division, a division of the Human Resources Department, to relocate from the Third Floor of Old City Hall to the former Criminal Courts Building, which is a significant benefit to the City.
- This move would increase the City and County's Human Resources gross space from 26,152 square feet to 31,336 square feet.
- The County plans to spend \$8.3 million to renovate the 2nd floor of the former Criminal Courts Building to accommodate the City and County Human Resources Departments.

Terms of the Lease for space on the Fifth Floor of the CMGC

- County to lease ½ of the Fifth Floor occupied by the City Human Resources Department and given the right to sublease the space to CMS.
- Terms of the Lease Agreement:
 - 25 year term
 - \$1 per year
 - CMS responsible for renovation costs including all design, construction costs, permits and fees, moving costs, telecommunications infrastructure and project management
 - City, as manager of the CMGC, will have rights to require changes to design if needed where renovation connects to building infrastructure
 - CMS will involve City staff during schematic design, design development and final construction drawing phases of project
 - County to pay City for occupancy charges (per square foot of space leased) for building services (maintenance, janitorial, utility costs, security, etc.) consistent with the prevailing occupancy charge rate being charged by the City at the CMGC
 - County will provide 45 to 50 CMGC parking deck spaces to CMS from the County's existing allocation.
 - CMS's technology needs will be accommodated to the greatest extent possible within limited current capacities for specialized cooling and emergency power available in CMGC.
 - The members of the Board of Education and the Superintendent will be provided parking under the building.

Lease Agreement for space in the former Criminal Courts Building

- City Human Resources Department to relocate from 5th Floor of CMGC and a portion of the 3rd Floor of Old City Hall to 2nd Floor (Plaza Level) of the former Criminal Courts Building (700 E 4th Street).
- Terms of the Lease Agreement:
 - 25 year term
 - \$1 per year
 - County to be responsible for renovation cost, including all design and construction costs, permits and fees, moving costs, and telecommunications infrastructure costs.
 - County to be responsible for project management of design and construction providing internal support to City Human Resources
 - City to pay County occupancy charges (per square foot of space leased) for building services (maintenance, janitorial, utility costs, security, etc) based on actual costs. This charge will be capped at a rate that will not exceed the square footage cost of occupancy charges at the CMGC

Attachment 6

Resolution

16. Advertisement to Sell City-Owned Property Located Between Brookshire Boulevard and Hamilton Street

- Action:**
- A. Adopt a resolution declaring eight acres of City-owned vacant property located between Brookshire Boulevard and Hamilton Street as surplus,**
 - B. Authorize the advertisement of City-owned vacant property located between Brookshire Boulevard and Hamilton Street (PID #Tax ID 078-453-01) for upset bid, and**
 - C. Approve the offer received from the Drakeford Company, subject to receiving any competing offer(s).**

Staff Resource: Eric Johnson, 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 received an offer of \$300,000 (appraised value) from Bobby Drakeford of The Drakeford Company, to purchase eight acres of vacant city land currently zoned R-5 located between Brookshire Boulevard and Hamilton Street (Tax ID 078-453-01).
- Mr. Drakeford plans to build medium density single family residences designed to meet the needs of households earning 80% of area median income (AMI) with prices expected to range between \$150,000 and \$185,000.
- The Drakeford Company has expressed an interest in making a percentage of the units affordable.
- The property has been through the Mandatory Referral process.
- If authorization to advertise is approved the offer will be advertised in the proper print media.
- If competing offers are received the competing offers will be presented to Council for final disposition.

Background

- The Greenville neighborhood is experiencing revitalization with multiple projects underway.
- The land was acquired by the City in 1911 at \$550 dollars and has a current assessed value of \$130,000.
- There has been no development activity on site for over 20 years.
- The community is in support of developing the site for quality residential development that is conducive to the neighborhood.

Attachment 7

Map

Resolution

Letter from Bobby Drakeford

17. Charlotte Center City Partners Board Appointments

Action: **A. Reappoint existing Charlotte Center City Partners (CCCP) Board members, and**

B. Appoint four new CCCP Board members.

Staff Resource: Brad Richardson, Economic Development Office

Explanation

- Charlotte Center City Partners is a nonprofit organization contracted by the City to provide services and promotional activities in the Center City and South End.
- CCCP's services and activities are funded through special property tax assessments in four Municipal Service Districts (MSDs) in Center City and Historic South End.
- The following existing members are recommended for reappointment to the Board:

Mary MacMillan (Chair)	Debra Campbell	James R. Palermo
John Lassiter	James M. Dulin	Pat Riley
Harvey B. Gantt	Art Gallagher	John D. Stamas
Parks Helms	Bob Morgan	Jeannie Falknor
Harry L. Jones, Sr.	Thomas J. Hughes	Krista Tillman
Lee C. Keesler, Jr.	Milton H. Jones, Jr.	Dorothy Cowser Yancy
Stefan R. Latorre	David Furman	Jim Turner
Bobby Drakeford	Peter Gorman	P. Anthony Zeiss
Tim Newman	Michael Marsicano	Jennifer Appleby
Phil Dubois	Ben Williams	Todd Mansfield
Curt Walton		

- The following new members are recommended for appointment to the Board:

Director

Ann Caulkins
Steve Harris
Ernie Reigel
Darrel Williams

Category

Class A – At Large
Class A – At Large
Class A – At Large
Class C – Center City Resident

- CCCP's Board approved the attached slate of nominees at its May 17, 2007 meeting. Council must either appoint this slate of nominees or request a revised slate of nominees from CCCP.

Attachment 8

List of Proposed Board of Director appointments

18. Nominations/Reappointments to Boards and Commissions

Action: Nominate or reappoint citizens to serve as specified.

A. AIRPORT ADVISORY COMMITTEE

- Two appointments for three-year terms beginning August 1, 2007.
 - Diane D. Carter and Andrew M. Riolo (Aviation Affiliate) are eligible and would like to be reappointed.

Attachment 9

Applications

B. CHARLOTTE REGIONAL VISITORS AUTHORITY

- Two appointments for three-year terms beginning June 30, 2007.
 - Anthony Fox is eligible and wants to be reappointed.
 - Joe Hallow (General Travel Category) is eligible and wants to be reappointed.

Attachment 10

Applications

C. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for three-years beginning August 1, 2007.
 - Rona Karacava is eligible to be reappointed.

Attachment 11

Applications

D. MINT MUSEUM BOARD OF TRUSTEES

- One appointment for a three-year term beginning August 1, 2007.
 - Patricia Ann Tracey is eligible to be reappointed.

Attachment 12

Applications

E. PUBLIC ART COMMISSION

- One three-year appointment beginning July 1, 2007. This is a new appointment for someone in the “Community” category (broad opportunity for selection by Council).

Attachment 13

Applications

F. WASTE MANAGEMENT ADVISORY COMMITTEE

- One three-year term beginning September 30, 2007 for recommendation to the County Commission.
 - Walter G. Bauer is eligible for reappointment.

Attachment 14

Applications

19. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

20. Various Bids

A. Stone Spreader for Street Resurfacing

CDOT

Staff Resource: Mike Clark

Action

Award the bid of \$167,126 by Reliable Tractor, Inc., doing business as Stafford of Charlotte, North Carolina for a Stone Spreader. This is a one time only equipment purchase to be funded in FY2007. A stone spreader places stone evenly on a layer of liquid asphalt, which is then covered with three inches of asphalt by the private contractor.

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.

B. Andover Storm Drainage Improvements Phase 3 EPM**Staff Resource:** Kate Labadoft**Action**

Award the low bid of \$3,008,821.20 by Ferebee Corporation of Charlotte, North Carolina. This is the third phase of a three-phase project. House and street flooding within and upstream of the project area are being addressed by this phase. This project includes installation of large storm drainage pipes and road improvements along Andover Road, Chelmsford Road, Tyng Way and Cheltenham Road. Construction completion is scheduled for third quarter of 2009.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8.22%

Ferebee Corporation met the established SBE goal and committed 8.22% (\$247,303.50) to the following SBE firms: D's Trucking Service, Inc., and On Time Construction Company, Inc.

21. Resolution of Intent to Abandon Street and Set Public Hearing for a portion of Community House Road and Ross Farm Road

Action: A. Adopt the Resolution of Intent to abandon a portion of Community House Road and Ross Farm Road, and

B. Set a public hearing for July 23, 2007.

Staff Resource: Linda Poissant, Transportation**Attachment 15**

Map

Resolution

CONSENT II

22. NASCAR Hall of Fame Commissioning Services

Action: Approve a contract with System WorCx, PLLC, in the amount of \$283,000 for building commissioning services for the NASCAR Hall of Fame.

Staff Resource: Eric Bilsky, Engineering & Property Management

Explanation

- Commissioning is a specialized process for managing the specification, design coordination, installation, and start-up of building systems, such as heating, cooling, electrical and plumbing. It has become a best practice for complex building projects.
- The commissioning firm assists the building designers and contractors in coordinating and integrating these complex systems. The firm will also oversee start-up of the systems and guide the building's managers in assuming responsibility for operations and maintenance of the equipment.
- Building commissioning firms are selected on a qualifications basis in accordance with state statutes. System WorCx was chosen by a committee representing Engineering Department staff, the Charlotte Regional Visitors Authority, and the project's Construction Manager and Architect.

Small Business Opportunity

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

Funding

Hall of Fame Capital Fund
Convention Center Capital Fund

23. CMPD Metro Division Office Design and Construction Administration

Action: Approve a contract with ADW Architects, Inc. in an amount not to exceed \$265,738 for design and construction administration services for the new CMPD Metro Division Office.

Staff Resource: Bruce Miller, Engineering & Property Management

Explanation

- CMPD determines the locations of field offices based on location of Patrol District boundary lines and main roads in the Patrol District.

- In response to increasing crime and in order to better serve the citizens residing in the Beatties Ford Road, West Morehead Street and Statesville Avenue corridors and portions of Wilkinson Boulevard, the CMPD intends to provide a local field office for the Metro Division serving this area.
- Local studies have documented that the presence of CMPD field offices reduces crime in neighborhoods experiencing increasing crime.
- Pursuant to a qualifications-based selection process performed in accordance with state regulations, ADW Architects, Inc. was selected to provide the referenced services.
- Project was approved in FY2007 Capital Investment Plan.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 9.61 %

ADW Architects, P.A. committed 9.61% (\$22,400) of the contract amount to the following SBE firm: Charlotte Engineers.

Funding

Government Facilities Capital Investment Plan

24. Donald Ross Road YMCA Developer Agreement Termination

Action: Terminate the Developer Agreement for reimbursement with the YMCA of Greater Charlotte in the amount of \$138,359.95.

Staff Resource: Doug Lozner, Engineering & Property Management

Explanation

- The Donald Ross YMCA is located at West Boulevard and Donald Ross Road.
- The YMCA is adding a turn lane to Donald Ross Road associated with construction at the facility. An existing drainage culvert must be extended as part of the widening.
- Last year, the YMCA and Storm Water Services staff planned a cooperative project to extend and at the same time upgrade the culvert for future capacity. The City Council approved a Developer Agreement that anticipated the YMCA installing the new culvert and the City reimbursing it for the incremental cost of the upgrade.
- The culvert upgrade requires coordination and easements on a downstream property, which has not been secured because of development plans by that property owner.
- The YMCA needs to proceed with its construction and requests that the Developer Agreement be terminated.
- Storm Water Services staff agree with the request. The City is not responsible for any costs at this time. The eventual upgrade of the culvert will be a future project when appropriate for area drainage needs.

25. Wilora Lake Pond Rehabilitation

Action: Approve a contract amendment with Brown & Caldwell Environmental Engineers and Consultants in the amount of \$153,658 for design and construction services for the Wilora Lake pond rehabilitation.

Staff Resource: Doug Lozner, Engineering & Property Management

Explanation

- This project involves an existing pond that has drained due to a breached dam. The pond is located off Verndale Road near the intersection of Central Avenue and North Sharon Amity Road.
- The repair will improve the quality of water passing through the pond before it discharges into Campbell Creek. Improved water quality in the creek supports the City's objective to sustain the quality of the environment for future generations and will help address impairment of the degraded McAlpine watershed.
- Land owners have donated approximately 4.5 acres of land and easements to the City in order to complete the repairs.
- This project meets the criteria for the recent Pond Policy approved by Council May 29, 2007.

Agreement with Brown & Caldwell

- City Council approved the original contract in the amount of \$136,150 for planning and study phase services with Brown & Caldwell in June 2002.
- This amendment provides funding for design and construction phase services for Wilora Lake.
- The existing dam has breached and failed, draining the pond. The dam will be replaced as part of this project to meet applicable Dam Safety regulations.
- The total contract amount to date including amendment #1 will be \$289,808.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, Brown & Caldwell, Inc. and existing sub-consultants. This amendment complies with Section 103 of the SBO program policy.

Funding

Storm Water Capital Investment Plan

Attachment 16

Map

26. Airport Rental Car Agreements

Action: Authorize the Aviation Director to extend the terms of Airport rental car agreements and establish fair market value rentals for rental car service facilities at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport needs to relocate and redevelop rental car facilities to free up land for terminal expansion and to diminish the volume of shuttle buses operating at the Airport. On May 29, 2007, Council adopted an ordinance requiring rental car companies operating at the Airport to collect and remit a contract facility charge (CFC) to help fund new rental car facilities.
- The agreements under which the rental car companies operate at the Airport have expired and each company is operating under hold over status pending the adoption of the CFC ordinance. The next step in this program is to formally extend each rental car agreement to allow the incumbent concessionaires to continue to operate under a stable business environment while the Airport and the rental car companies work out the details of the new arrangement.
- This action authorizes the Aviation Director to extend each incumbent rental car concession agreement and service facility lease on a month-to-month basis for the duration of this planning/redevelopment process and to establish fair market value rentals for the rental car companies to pay for their continued occupancy of the service facilities on which their leases have expired.
- On May 14, 2007 Council received a briefing on the Airport contract facility charge.

27. Airport Boarding Room Seating

Action: A. Approve a purchase of concourse seating without competitive bidding, as authorized by the cooperative purchasing exemption of G.S 143-159(e) (3), and

B. Approve a contract with Klingman Williams, Inc., for the purchase of boarding room seating on E Concourse in the amount of \$659,749.13

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide 550 boarding room seats for the E Concourse Expansion and 250 boarding room seats for the existing boarding areas on E Concourse to match the existing seating.

Cooperative Purchasing Exemption

- Klingman Williams has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.
- US Communities pools the purchasing power of 87,000 public agencies.
- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for cooperative group purchasing.

Small Business Opportunity

Pursuant to Section 2.21 of the SBO Program Policy regarding purchases bought from complete bidding group purchase program, this contract is exempt.

Funding

Airport Capital Investment Plan

28. Airport Baggage Equipment Replacement

Action: Approve the purchase of baggage sorting equipment without competitive bidding, as authorized by the sole source exception of G.S. 143-129(e) (6) from Siemens Energy and Automation of Dallas, Texas in the amount of \$215,782.

Staff Resource: Jerry Orr, Aviation

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 - 1) performance or price competition are not available
 - 2) a needed product is available from only one source of supply, or
 - 3) standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because the needed product is only available from Siemens Energy and compatibility with the existing conveyor system is critical.

Explanation

- The existing equipment has been in service since 1994 has become unreliable, while passenger and baggage levels have increased dramatically.
- In 2003, the Transportation Security Administration provided and installed additional new baggage conveyors, sorting equipment, computer and software from Siemens Energy and Automation to comply with the congressional mandate to screen every bag before they were placed on any passenger flight.
- Maintenance of this system is the responsibility of the Airport.
- This purchase is to replace parts with Siemens equipment.
- The cost of this replacement will be recouped through airline rates and charges.
- The new baggage equipment will be operational in the third quarter of 2007.

Small Business Opportunity

This contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program policy.

Funding

Airport Capital Investment Plan

29. FAA Reimbursable Agreement

Action: Adopt a resolution authorizing the Aviation Director to execute a reimbursable agreement in the amount of \$112,712 with the Federal Aviation Administration (FAA) for the relocation of navigational equipment.

Staff Resource: Jerry Orr, Aviation

Explanation

- In August 2006 Council approved two Reimbursable Agreements with the FAA to provide the navigational aids for the new runway.
- This Reimbursable Agreement is the third in a series of agreements with the FAA required for the relocation of equipment and cables associated with the construction of the Third Parallel Runway.
- This agreement reimburses the FAA for engineering and construction assistance for the relocation of an existing navigational aid and the power and control cables that serve it.

Funding

Funding for this agreement comes from Federal Aviation Administration AIP grants in-hand and Airport Discretionary funds already appropriated, which will be replaced with proceeds from the upcoming 2007 General Airport Revenue Bond issue.

Attachment 17

Resolution

30. Airport Restroom Renovation

Action: A. Award the low bid of \$1,866,000 by Edison Foard, Inc. of Charlotte, North Carolina for restroom renovation construction, and

B. Adopt a budget ordinance appropriating \$1,960,000 from the Airports Discretionary Fund Balance to be repaid from future Airport General Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 27, 2006 Council awarded a contract to C Design, Inc. of Charlotte for the architectural design of the restroom facilities at the Airport.
- Some of the public restrooms are 25 years old and have had only minor renovations since they were built.
- These restrooms were constructed under old codes without ADA accessible facilities.
- The new design will provide for total reconstruction of the facilities to improve accessibility, layout, traffic flow, lighting and appearance, resulting in water and energy cost savings of approximately 25% or \$39,000 annually.
- The new design will also accommodate the use of restroom attendants for improved customer service.
- This contract will renovate approximately half of the restrooms. The second phase will be bid later.
- The restroom renovation will be complete before the end of 2007.
- The budget ordinance includes a 5% contingency of \$94,000 for unforeseen conditions in the renovation.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 4.34%

The contractor did not meet the overall goal, but did meet the Good Faith Efforts and will be using the following SBE's on this project: Superior Mechanical and Gastonia Iron Works.

Funding

Airport Capital Investment Plan

Attachment 18

Budget Ordinance

31. Old Dowd Road Relocation Grading & Drainage

Action: Approve a contract with Scurry Construction, Inc. of Charlotte, North Carolina in the amount of \$2,246,111.50 for the grading and drainage of the Old Dowd Road Relocation.

Staff Resource: Jerry Orr, Aviation

Explanation

- In the Fall of 2001, City Council awarded a contract to Gannett-Fleming, Inc. for the design of the relocation of Old Dowd Road.
- Due to the economic impact of September 11, 2001, the Airport delayed all capital improvements for two years. Because of the US Airway's two bankruptcies, projects were delayed again.

- In August 2006, Gannett Fleming was instructed to begin final design work on the roadway relocations.
- The project has been broken into two phases in order to expedite construction.
- This contract is for the first phase, which will include the clearing and grading of the road bed and installation of the deep drainage structures.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 4.6%

Scurry Construction complied with the outreach criteria and met good faith efforts. They have committed 4.6% (\$103,321) of the contract amount to the following DBE firms: Knox Contract Seeding, Inc. for \$72,935 and New Con Construction, Inc. for \$31,500.

Funding

Funding for this project comes from Federal Aviation Administration AIP grants in-hand and Airport Discretionary funds already appropriated, which will be replaced with proceeds from the upcoming 2007 General Airport Revenue Bond issue.

32. Airline Agreement Extension

Action: Approve an amendment to the Amended and Restated Airport Agreement and Lease with United Airlines at Charlotte Douglas International Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- United Airlines is one of six airlines (Signatory Airlines) that have executed the 1985 Amended and Restated Airport Agreement and Lease (Airport Agreement) for space at the Airport. Under the Airport Agreement, each Signatory Airline is obligated to pay its own rates and charges at the Airport and all of the Signatory Airlines are jointly and severally liable to pay debt service on the City's Airport Revenue Bonds, should Airport revenues be insufficient for that purpose.
- The Airport Agreement with United expires on June 30, 2007. The other five Agreements expire June 30, 2016. United has asked that it be permitted to execute an amendment to its Airport Agreement to June 30, 2016.

33. Furniture for Consolidated Laboratory Facility

- Action:** **A. Approve the purchase of office furniture without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
- B. Approve a contract with Knoll Furniture for the purchase of furniture in the amount of \$310,905.88.**

Staff Resource: Denise Foreman, Utilities

Explanation

- Utilities contracted with Gantt Huberman Architects to design the Utilities Consolidated Laboratory facility, located off Billy Graham Parkway near Irwin Creek Waste Water Treatment Plant.
- This facility will house Utilities' Laboratory Services Division, Industrial Pretreatment Division and the administrative offices of the Environmental Management Division (approximately 70 employees).
- The architect and Utilities selected Knoll's furniture because it can be reconfigured to meet future needs.

Cooperative Purchasing Exemption

- Knoll Manufacturing has a national contract through US Communities Purchasing Alliance that guarantees their prices to be the lowest offered to any public government entity nationwide.
- The Knoll contract was competitively bid by Fairfax County, Virginia and awarded by the Fairfax Board of Commissioners in April, 2007. This is a two-year contract with options to renew up to four additional one-year terms.
- Carolina Business Interiors is the local servicing dealer for Knoll furniture.
- Senate Bill 914, effective January 1, 2002 authorizes the competitive group purchasing exemption.

Small Business Opportunity

Pursuant to Section 2.21, purchases from a competitive bidding group procurement program are exempt from the requirements of Small Business Opportunity Program.

Funding

Water and Sewer Capital Investment Plan

34. Reimbursable Sewer Contract with TRAN I, LLC

- Action:** **Approve a five-year reimbursable sewer main contract with TRAN I, LLC.**

Staff Resource: Denise Foreman, Utilities

Policy

Charlotte-Mecklenburg Utilities Extension Program and Capital Improvement Program, 5-Year Reimbursable Extension Contract

Explanation

- TRAN I, LLC requests a contract for the construction of a gravity sewer main to serve new multi-family development near the intersection of Mt. Holly-Huntersville Road and Alexanderana in Charlotte.
 - Project begins at the Dixon Branch Outfall, extending in a northeasterly direction along Dixon Branch
 - 1,854 linear feet of gravity sanitary sewer main
- The total estimated cost of this project is \$417,150

Small Business Opportunity

The SBO Program does not apply to this type of contract. SBO goals will apply to the construction contract to be awarded by City Council when the project has been designed and bid.

Funding

The applicant has deposited 5% of the estimated project cost with Charlotte-Mecklenburg Utilities.

35. Legal Services Contract for Neighborhood Development

- Action:**
- A. Approve a contract with Horack, Talley, Pharr and Lowndes, P.A. for legal services required for Neighborhood Development's Housing Development Programs and House Charlotte Program Services in the amount of \$258,812,**
 - B. Approve a Contract with Douglas K. Simmons & Associates for legal services required for Civil Penalty and Lien Collection Services and Title Searches related to Code Enforcement in the amount of \$108,700, and**
 - C. Authorize the City Manager to renew each contract two times for a maximum term of three years.**

Staff Resources: Richard Woodcock, Neighborhood Development
Anna Schleunes, City Attorney's Office

Explanation

- In accordance with Neighborhood Development's Competition Plan, proposals were solicited from firms in Charlotte for legal services required by programs administered by Neighborhood Development. The work is divided into three categories:
 1. Title Searches, Civil Penalty and Liens Collection Services Related to Code Enforcement

2. Housing Services Programs and Miscellaneous Services
3. House Charlotte Loan Program Services
 - Three firms submitted proposals for all or different portions of the work (Douglas K. Simmons and Associates, Horack, Talley, Pharr and Lowndes, P.A. and Poyner & Spruill LLP.) For the past three years this work has been divided up between the firms of Douglas K. Simmons and Associates and Horack, Talley, Pharr and Lowndes, P.A.
 - Representatives from Neighborhood Development (Code Enforcement and Housing Services), Procurement and the City Attorney's Office reviewed the three proposals and interviewed each of the firms to ensure they had a complete understanding of the nature of the work. Staff recommends the work be awarded as follows:
 - Housing Services Programs and Miscellaneous Services, and House Charlotte Loan Program Services to Horack, Talley, Pharr and Lowndes, P.A. for \$258,811.46 and;
 - Title Searches and Civil Penalty and Liens Collection Services Related to Code Enforcement to Douglas K Simmons and Associates for \$108,700.
 - The reasons for selecting the firms include:
 - Experience in performing the type of legal work required by Neighborhood Development
 - Cost competitiveness of proposals and fixed contract amounts limits the City's financial exposure
 - These contracts are for Fiscal Year 2008 and the City may, at its option, renew the contracts two times for a maximum term of three years.
 - Neighborhood Development's legal work during fiscal year 2008 includes the following:
 - 300 loan closings for the House Charlotte Program
 - 600 title searches for code enforcement
 - 25 collection actions for civil penalties and liens
 - 20 loan agreements for Selective Rehabilitation and Replacement Housing programs
 - 20 transactions concerning housing development, including preparing loan documents and meeting with developers
 - 125 deed restrictions for the Lead Based Paint Program
 - Follow up on collection activities and documentation for foreclosures
 - Miscellaneous services

Funding

Innovative Housing Fund

In Rem Fund

36. Budget Ordinance to Appropriate Private Developer Funds

<p>Action: Adopt a budget ordinance appropriating \$149,258 in Private Developer Funds for Traffic Signal Improvements.</p>
--

Staff Resource: Liz Babson, Transportation

Explanation

- The budget ordinance estimates and appropriates \$149,258 in private developer funding for traffic signals and work associated with developer projects. The funding is restricted to these projects.
- The following developer is fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
 - Colonial Properties Services, Inc. contributed \$149,258 to fully fund the design and installation of a traffic signal at the intersection of Baxter Street and Kings Drive.
- The above signal meets the same criteria as other traffic signals approved by the City.
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- CDOT will be installing and operating this new signal as part of the existing signal systems in the area.

Attachment 19

Budget Ordinance

37. Regional Hazardous Material Response Team

Action: Adopt a resolution authorizing the City Manager to execute a contract extension with the North Carolina Office of Emergency Management for \$57,000 to fund a regional hazardous materials response team for Region 7 with firefighters from the Charlotte Fire Department.

Staff Resource: Jeff Dulin, Fire

Explanation

- The North Carolina Office of Emergency Management (NCOEM) has awarded the Charlotte Fire Department the regional response team for Region 7. This means that Charlotte's hazardous materials team will respond wherever needed in the region.
 - Region 7 consists of 11 North Carolina counties: Cleveland, Gaston, Lincoln, Catawba, Alexander, Iredell, Rowan, Stanly, Union, Cabarrus and Mecklenburg.
- The NCOEM has requested that all Regional Response Teams (RRT) extend their contract for an additional six months to provide time to update the terms of the future contract and receive bids for the provision of the services from cities.
- The contract extension will be identical in all terms, conditions and stipulations as the original agreement. The original agreement provided for up to \$57,000 in funding every six months for operating costs including physicals, administrative costs, workers compensation and training. It also

stated that NCOEM will reimburse the Fire Department for all costs associated with activations. The Fire Department also has the ability to use the units and equipment provided for the RRT as needed throughout the City.

- NCOEM requires that City Council approve a resolution to accept the RRT funding.
- The contract extension will begin on July 1, 2007 and will expire on December 31, 2007.

Funding

NCOEM grant

Attachment 20

Resolution

38. Exchange of Land Rights along the South Corridor Light Rail Project

- Action:**
- A. Adopt a resolution authorizing an exchange of real property with Crescent Resources, Inc. (Developer), and**
 - B. Authorize the City Manager to execute an exchange of land rights with the Developer.**

Staff Resource: Tim O'Brien, Engineering & Property Management
Tina Votaw, Charlotte Area Transit System

Policy

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

Explanation

- The Developer proposes to build a project known as The "C" containing 360 rental apartments, and approximately 9,000 square feet of retail. The property is approximately six acres along the light rail corridor, just west of South Boulevard and immediately adjacent to the Bland Street Light Rail Station.
- In order to construct some ancillary elements of the project (described below), the Developer has requested the release of a portion of the City's rail corridor, approximately 11 feet wide and 410 feet long, for a total of 4,500 square feet.
- In order to proceed with the redevelopment of this property, the Developer would need to exchange property rights with the City for full and fair compensation as provided in the North Carolina General Statutes. Fair consideration can be any combination of cash, real or personal property, and other benefits.

- The “C” project is consistent with the Council adopted SouthEnd Station Area Plan and the Transit Oriented Development zoning district and is transit supportive.
- The Developer requires use of a portion of the right of way for the following purposes:
 - Installation of a fire lane, including an upgrade to grasscrete (a paving system allowing grass to grow between pavers)
 - Construction of a 12 foot wide concrete pedestrian trail on the Developer’s side of the tracks (i.e. the east side of the tracks) allowing pedestrian access the light rail station
 - Construction of a new 10 foot wide public access easement allowing pedestrian access to the light rail station from South Boulevard and along Rensselaer Avenue
 - Installation of additional landscaping along the rail corridor
- Therefore, the following exchange is recommended:
 - The City receives from Developer
 - “Fee” title to 31,040 square feet (typically being 35 feet in width from the centerline of the rail corridor and 850 feet in length) that will remain in use as the rail corridor, having an approximate value of \$90,500. This will convert the City’s charter right-of-way to full fee ownership.
 - Developer will build a new pedestrian trail paralleling the east side of the tracks allowing pedestrian access to the light rail station from the new development and install a fire lane adjacent to the trail allowing emergency vehicles to use the right of way and Developer’s property if needed.
 - Developer will create a new 10 foot wide public access easement that in effect extends Rensselaer Avenue to provide pedestrian access from South Boulevard to the light rail station. This includes approximately 160 feet of concrete sidewalk, lighting, landscaping and a decorative brick wall to screen a Duke Power substation.
 - Installation of additional landscaping along rail corridor
 - A secondary benefit is that property tax revenues for the new development will increase from approximately \$69,264 to \$672,000 per year.
 - Developer will receive from the City
 - Release of charter rights to 4,500 square feet having an estimated value of \$56,375.
- CATS has reviewed and approved the Developer’s plans and use of the rail corridor. The actual exchange of property rights between the City and the Developer will not occur until all Departments sign off on the Developer’s plans related to use of the right of way.

Background

- In 1999 the City of Charlotte purchased the 130-foot wide Charter Right-of-Way formerly owned by Norfolk Southern Railroad in the South End area.
- The right-of-way is wider than necessary for trolley and transit purposes. Also in 1999, the City adopted an Administrative Policy with regard to use of the rail corridor which indicated that the City would retain approximately 70 feet in width for rail purposes and 30 feet in width along both sides could be used for possible incorporation into adjacent properties as transit friendly

development or could be retained by the City as buffer areas if needed, pending transit friendly development.

- In 2005 City Council adopted the SouthEnd Transit Station Area Plan to guide development along the corridor. The Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right of way may be incorporated into adjacent transit friendly development.

Attachment 21

Artist rendering of proposed development
Map of the area involved in the transaction
Resolution

39. Land Exchange with Self Help Community Development Corporation

- Action:**
- A. Adopt a resolution declaring as Surplus the City-owned lot located at the end of Heflin Street (PID 157-012-29) consisting of approximately 0.66 acres, and**
 - B. Approve an even land exchange of the City-owned property on Heflin Street (PID 157-012-29) to Self Help Community Development Corporation (Self Help CDC) in exchange for all of 306 Orange Street lot and portions of 310 Orange Street, 337 Skyland Avenue, and 343 Skyland Avenue (consisting of approximately 0.52 acres), needed to connect Heflin Street to Orange Street.**

Staff Resource: Tim O'Brien, Engineering & Property Management

Explanation

- This action will allow for Heflin Street to be connected to Orange Street and enable Self Help CDC to create ten new residential lots for affordable housing.
- Heflin Street is a dead end street located in the Grier Heights Community that has struggled in revitalization efforts, partially due to being isolated from the rest of the Grier Heights neighborhood with access only via Dunn Street along the railroad tracks
- In an effort to stimulate new housing and a safer environment, the Self Help CDC has asked the City to partner with them to open Heflin Street by connecting it to Orange Street.
- The following transactions will need to occur as described below and shown on the attached maps:
 - Self Help CDC is proposing to donate all of lot 306 and portions of lots 310 Orange Street and 337 Skyland Avenue and 343 Skyland Avenue for the development of the connecting road from Heflin Street to Orange Street (see attached maps).

- City will donate its land located at the end of Heflin Street (PID 157-012-29) to Self Help CDC for the development of three affordable housing units.

Background

- Heflin Street is currently a long cul-de-sac with little integration into the neighborhood.
- In 2005 City Staff met with representative from the Grier Heights community as well as Self-Help CDC to discuss a land exchange that would provide connectivity from Heflin Street to Orange Street as well as allow for development of single-family homes Orange Street and Heflin Street.
- The Heflin Street connection will improve neighborhood circulation for motorists and pedestrians and will help to connect the Heflin Street residents with the residents on surrounding streets.
- A neighborhood meeting was held on June 4, 2007 to discuss the proposed new roadway connection and was favorably received.
- Planning Committee supports this project and its efforts to enhance and revitalize the Grier Heights neighborhood.
- The City will build the connection in the second half of 2008.

Attachment 22

Map of properties being traded
Aerial View of Neighborhood
Resolution

40. Property Transactions

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

For property, property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

Acquisitions

- A. Project:** Steele Creek Road at Westinghouse Boulevard, Parcel # 2
Owner(s): James C. Thomas And Wife, Susan R. Thomas
Property Address: 11518 Steele Creek Road
Property to be acquired: 1,852 sq. ft. (.043 ac.) in Storm Drainage Easement, plus 3,982 sq. ft. (.091 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: None
Purchase Price: \$12,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Commercial
Tax Code: 199-141-09
Total Parcel Tax Value: \$368,500

- B. Project:** South Corridor Light Rail, Parcel # 336
Owner(s): MSSC, LLC
Property Address: 3400 South Boulevard
Property to be acquired: 933 sq. ft. (.021 ac.) in Permanent Easement for Retaining Wall, plus 22,336 sq. ft. (.513 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$125,850
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-2
Use: Industrial
Tax Code: 147-021-34
Total Parcel Tax Value: \$703,500

Condemnations

- C. Project:** Cane Creek Outfall (Capital Improvement Project 04S35), Parcel # 19
Owner(s): John G. Cloer And Paul D. Cloer And Any Other Parties Of Interest
Property Address: 12060 Old Statesville Road
Property to be acquired: Total Combined Area of 25,889 sq. ft. (.594 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,525
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: NR (Neighborhood Residential)
Use: Single Family Residential - Rural Acreage
Tax Code: 019-111-20
Total Parcel Tax Value: \$81,300
- D. Project:** Fred D. Alexander Boulevard - Section C, Parcel # 34
Owner(s): Crowder Construction Company And Any Other Parties Of Interest

Property Address: 6433 Brookshire Boulevard
Property to be acquired: Total Combined Area of 122,079 sq. ft. (2.803 ac.) of Fee Simple, plus Storm Drainage Easement, plus Slope Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$30,675
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 035-055-09
Total Parcel Tax Value: \$1,479,300

Attachment 23
 Appraisal Explanation
 Map

- E. Project:** Fred D. Alexander Boulevard - Section B, Parcel # 11
Owner(s): American Real Estate Holdings, LP And Any Other Parties Of Interest
Property Address: 6733 Craig Street
Property to be acquired: Total Combined Area of 58,256 sq. ft. (1.337 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$34,725
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: I-2
Use: Industrial
Tax Code: 057-151-09
Total Parcel Tax Value: \$15,819,800

41. Meeting Minutes

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

- May 29, 2007 Business Meeting
- May 30, 2007 Budget Straw Votes