Council-Manager Memo #20
Wednesday, March 23, 2011

CHARLOTTE.

WHAT'S INSIDE:

Page

Agenda Notes:

Agenda Item #31 – LYNX Blue Line Extension Preliminary Engineering Contract Amendment #1 2

Agenda Item #53 K-T – Property Transactions (Murrayhill-Wedgewood Sidewalk Project Condemnations) 3-4

Information:

Update on House Bill 422 – No High-Speed Rail Money from Federal Government (Killian, Frye) 5

Update on Senate Bill 183 – Billboards/Selective Vegetation Removal/State Highways (Brown, Jenkins, Rucho, Tillman, and Walters) 6

Stimulus Information:

Economic Recovery Newsletter – *Stimulating Times* 7

Attachment:

February 28 Environment Committee Summary..... 7

AGENDA NOTES:

Agenda Item #31 – LYNX Blue Line Extension Preliminary Engineering Contract Amendment #1
Staff Resource: Danny Rogers, CATS, 704-432-3033, drogers@charlottenc.gov

CATS will be seeking authority to amend the Preliminary Engineering (PE) contract with STV/Ralph Whitehead Associates for the Blue Line Extension Light Rail Project (BLE) at the March 28, 2011 Council Meeting. As stated at previous council updates, adjustments to the project have required an increase in funding needed to complete PE. The amount being requested is the culmination of various changes that have been determined necessary for the successful implementation of the BLE. CATS will be seeking to increase its contract authority from $30 million to $35 million. CATS' current federal and state apportionments provide sufficient funds to complete the Preliminary Engineering phase of the project including this increase. Additionally, the updated project cost estimate includes the additional design cost being requested.

The need for additional funding for the STV Preliminary Engineering (PE) contract is due to three primary reasons:

1. Recent re-scoping of the project was required after 30% design to reduce the overall cost of the project.
2. The project was re-scoped after the successful opening of the South Corridor Light Rail Line and the alignment was changed to provide a second station on UNC Charlotte property.
3. Major alignment revision and coordination was required with NCDOT CRISP (Charlotte Rail Improvement and Safety Project) and the High Speed Rail Initiative.

Preliminary Engineering is scheduled to be completed in December 2011. The next phase of work will be to begin right-of-way acquisition and Final Design. A new contract will be required to complete Final Design.

Agenda Item #53 K-T – Property Transactions (Murrayhill-Wedgewood Sidewalk Project Condemnations)

Staff Resources: Jeff Reid, E&PM, 704-614-2122, jlreid@charlottenc.gov
Charles Anzalone, E&PM, 704-621-1093, canzalone@charlottenc.gov
Sonji Mosley, E&PM, 704-336-3214, smosley@charlottenc.gov

On March 28 Council will be asked to approve ten condemnations for the Murrayhill-Wedgewood Sidewalk Project: Property Transaction Items K, L, M, N, O, P, Q, R, S, & T (chart below).

These condemnations will allow installation of sidewalk in these locations within the public right-of-way:

- Murrayhill Road between Woodlawn Road and Lamont Drive
- The western portion of Wedgewood Drive from Murrayhill Road to Seneca Place
- A gap along the north side of Seneca Place between the Pinewood Elementary School driveway and the school entrance

This project, funded through the Sidewalk Program from 2008 and 2010 Street Bonds, has had substantial public involvement over the past two and a half years, including by City Council members. In response to residents' comments during fall of 2008, staff was able to design the sidewalk and reduce the typical planting strip width from eight-feet to five-feet to assure the sidewalk was maintained within the City's public right-of-way. (At a few locations the sidewalk meanders outside the right-of-way to preserve trees.) In response to resident comments early in the process, staff deleted a segment of the sidewalk on the eastern end of Murrayhill Road and added a segment along Seneca Place near Pinewood Elementary. Staff has worked diligently with residents to achieve the current design.

The majority of residents continue to support the sidewalk, as reported through comments received after the December 2, 2009 meeting. The Madison Park Homeowner's Association (HOA) also supports the proposed project design. However, some residents remain opposed to the City's design with a five-foot planting strip. A letter **(ATTACHED – SEE TABLE OF CONTENTS ON LEFT)** was sent to property owners and the HOA on January 29, 2010 responding to resident input, addressing the current design and the need for a planting strip on a street with valley curb.

This proposed sidewalk project will provide connectivity to other proposed and existing sidewalks in the neighborhood. Construction is expected to begin by the fourth quarter of 2011. The overall project budget is $1.2 million and approximately $490,000 has been spent to date.

Real Estate staff has obtained signed easements from 67 of the 83 property owners (81%), leaving the potential for 16 condemnations unless settlements can be reached. The 10 shown below are the first of the 16 necessary to complete acquisition. The remaining six

condemnations will follow in April unless negotiated settlements are reached.

This table explains each condemnation. In cases where compensation could not be agreed upon, City staff was unable to negotiate a settlement due to wide differences of opinion on compensation amounts, even after third-party appraisals were tendered.

Property Transaction	Property Address	Explanation
K	4911 Murrayhill Road	The property owner is against the project and has not responded to numerous contact attempts.
L	5027 Murrayhill Road	The title abstract indicates issues which prevent the ability to obtain clear title.
M	5051 Murrayhill Road	The title abstract indicates issues which prevent the ability to obtain clear title.
N	5101 Murrayhill Road	Staff and the property owner have not been able to reach agreement.
O	5111 Murrayhill Road	The property owner is against the project and refused to meet with staff or sign an agreement. Council action will create a permanent sidewalk easement at this address to accommodate a meander in the sidewalk to preserve trees.
P	5121 Murrayhill Road	The property owner is against the project and stated they would not sign an agreement.
Q	5229 Murrayhill Road	The property owner is against the project, does not like the design and stated they would not sign an agreement.
R	5345 Murrayhill Road	The property owner is against the project and has ceased communications.
S	5401 Wedgewood Drive	Staff agreed to the property owner's requested special provisions. However, the property owner has ceased communications.
T	5225 Wedgewood Drive	The property owner is against the project and refused many requests to meet with staff.

INFORMATION:

Update on House Bill 422 - No High-Speed Rail Money from Federal Government (Killian, Frye)
Staff Resource: Dana Fenton, City Manager's Office, 704.336.2009, dfenton@charlottenc.gov

Legislation has been introduced in the General Assembly to prohibit North Carolina Department of Transportation (NCDOT) action to "… apply for, accept, or expend any grant funding from the federal government for any high-speed rail project unless the project has been approved through an act of the General Assembly." The legislation is **ATTACHED (SEE TABLE OF CONTENTS ON LEFT)**.

If HB 422 is enacted and authorization is not granted by the General Assembly, then the use of $566 million of High Speed and Intercity Passenger Rail funding previously awarded by the federal government to the State of North Carolina is imperiled. Major uses of the funds in the Charlotte area include:

1. **$129 million** NS/CSX Grade Separation Project, which primarily benefits freight and intercity passenger rail, but also provides secondary benefits to the Red Line Commuter Rail
2. **$23 million** Phase 1 improvements at the Charlotte Maintenance Facility
3. **$235 million** double track between Charlotte and Greensboro
4. **$22 million** state match for the $42 million Sugar Creek Grade Separation project, which is proposed to be completed prior to the Blue Line Extension (BLE) bridge project at Sugar Creek; giving back the ARRA funds would require the project to be made part of the BLE project

The State of North Carolina will be applying for another round of High Speed and Intercity Passenger Rail projects very shortly. NCDOT intends to apply for funding for a number of projects. Absent authorization from the General Assembly, NCDOT would have to look for alternative funding for the following proposed projects in the Charlotte area:

1. **$56 million** Charlotte Gateway Station track and bridge improvements and **$40 million** for construction of Charlotte Gateway Station, which would be the terminus of the Red Line Commuter Rail from Center City Charlotte to Huntersville, Cornelius and Davidson
2. **$28 million** Charlotte south end track improvements including construction of a wye (an intersection where two tracks come together) at Charlotte Junction
3. **$32 million** proposed 36th Street grade separation project, which is part of the BLE project and assumes NCDOT's Rail Division will be a funding partner.

Staff will be monitoring the legislation.

Update on Senate Bill 183 – Billboards/Selective Vegetation Removal/State Highways (Brown, Jenkins, Rucho, Tillman and Walters)

Staff Resource: Dana Fenton, City Manager's Office, 704.336.2009, dfenton@charlottenc.gov

Since the March 18 State Legislative Update was issued last week, additional information has come to the fore on the Billboard bill, SB 183. SB 183 was introduced at the request of the outdoor advertising industry to establish one set of statewide standards for the maintenance of vegetation around and erection of billboards. In summary, the proposed legislation would supersede the City's authority in these areas.

The **ATTACHED (SEE TABLE OF CONTENTS ON LEFT)** chart prepared by Sandra Montgomery of Charlotte-Mecklenburg Planning Department compares SB 183 to the City's current ordinances governing maintenance of trees around and erection of billboards. Many of the provisions of the ordinances negotiated in good faith with the outdoor advertising industry would be superseded by SB 183. The substantial effort made by the City to develop a common set of regulations for the maintenance of trees would no longer be applicable to areas around billboards. More areas would be clear cut around billboards to enable drivers more time to view the messages. The legislation also allows billboards to be erected in more zoning districts and to be closer together.

SB 183 was heard in the Senate Transportation Committee on March 23. The many members of the committee expressed their concerns over the loss of local control. Senator Brown, the bill's sponsor, indicated that the primary issue for the outdoor advertising industry is the maintenance of vegetation and trees. The second concern is flexibility in the ability of converting existing billboards to electronic digital formats. At the meeting, only testimony and discussion occurred. The sponsor has agreed to assemble groups from both sides to discuss the bill in further detail before the committee votes on the legislation. City staff is actively engaged in the process and actively advocating for continuation of local control, in particular the preservation of the sections of the City's tree and zoning ordinances impacting outdoor advertising.

STIMULUS INFORMATION:

Economic Recovery Newsletter – *Stimulating Times*
Staff Resource: Kelly Setzer, Corporate Communications & Marketing, 704-336-4287, ksetzer@charlottenc.gov

The latest edition of *Stimulating Times*, the City's economic recovery newsletter, features updates on the Power2Charlotte campaign, the CATS Davidson bus garage renovation project, CMPD's Gang-of-One Greenville Center initiative and an introduction to the new Director of North Carolina's Office of Economic Recovery and Investment, Bob Etheridge. Two hard copies are attached to this Memo. An electronic version is **attached (SEE TABLE OF CONTENTS ON LEFT)** below.

Past issues, along with grant information and press releases, are available on the economic recovery page at charmeck.org:
http://charmeck.org/city/charlotte/econrecovery/Pages/default.aspx.

ATTACHMENTS (SEE TABLE OF CONTENTS ON LEFT):

February 28 Environment Committee Summary