

**Mayor Patrick L. McCrory**      **Mayor Pro Tem Susan Burgess**

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

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

**CITY COUNCIL MEETING**  
**Monday, April 27, 2009**

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

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**CITY COUNCIL AGENDA  
Monday, April 27, 2009**

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## **5:00 P.M. DINNER BRIEFING CONFERENCE CENTER**

### **1. Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### **2. Transportation Committee of 21 Report**

**Resources:** Ned Curran, Chair of the Committee of 21

**Time:** 30 minutes

**Synopsis**

- The Charlotte Chamber, City of Charlotte and Mecklenburg County appointed the Transportation Committee of 21 in May 2008 to concentrate on Charlotte-Mecklenburg's road needs, identify long-term funding options, and advocate for proposed funding.
- Transportation is a vital economic driver and a constant factor in our quality of life. The condition of roads and traffic across the county impacts air quality, the movement of goods and services, and the mobility of residents – whether as drivers, passengers, cyclists, or pedestrians.
- A \$12 billion road funding gap over the next 25 years stands to impede any significant improvement to mobility in Charlotte-Mecklenburg.
- The Committee has formulated a set of financing strategies to generate revenue for a long-term road construction and maintenance program in Mecklenburg County. These recommendations do not envision immediate levy of new taxes and fees in the current economic climate, but rather, a process of evaluating and refining the strategy by local and state elected officials with a goal of implementing road funding solutions up to two years from now when local officials deem economic conditions and the resulting community benefits support doing so.
- The Committee developed principles for the creation of a regional road entity that would be responsible for prioritizing and allocating funds to a road program from the proposed ½ cent sales tax. This governance structure would be established through interlocal agreement to insure county-wide roadway planning and priority setting.

**Future Action**

The recommended new revenue sources will require future legislative action.

**Attachment 1**

Committee of 21 Final Report

### **3. Solid Waste Services Conversion to Bi-Weekly Single Stream Recycling and Service Reorganization**

**Resources:** Victoria Garland, Solid Waste Services  
Gerald Gorbey, Solid Waste Services

**Time:** 30 minutes

#### **Synopsis**

- Information will be shared about the City's planned July 1, 2010 collection system conversion that includes:
  - Single stream recycling collection to be performed on a privatized bi-weekly citywide basis
  - Garbage, yard waste, and bulky item collection to be performed by city crews on a weekly citywide basis no longer restricted by collection zones boundaries

#### **Future Action**

- Item 16, page 17, recommends Council approval of the Privatization and Competition Advisory Committee (PCAC) recommended collection system conversion that includes outsourcing single-stream recycling collection and using City crews to perform citywide collection of garbage, yard waste, and bulky items.
- Other future actions required, beyond the April 27, 2009 Agenda include:
  - Issuing a Request for Proposal (RFP) to obtain private sector bids for a contract to provide curbside, single stream recyclables collection
  - Issuing an Invitation to Bid for the purchase of rollout containers needed for curbside collection of single stream recyclables and garbage
  - Issuing a RFP to obtain bids for a private sector contract for the maintenance and delivery of rollout containers used in the curbside collection of recyclables and garbage

### **4. Answers to Mayor & Council Consent Item Questions**

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

#### **Synopsis**

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

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

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

**5. Recognition of the Johnson C. Smith University Men's  
Basketball Team for Winning the CIAA Championship**

**Action: Mayor to recognize Johnson C. Smith University President Dr. Ronald Carter, Basketball Coach Steve Joiner, and the Men's Basketball Team to congratulate them on winning the 2009 Central Intercollegiate Athletic Association Men's Basketball Championship.**

## **CONSENT**

- 6. Consent agenda items 29 through 39 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 Zoning Petition 2009-038, Independence Boulevard Transitional Setback

**Action:** Continue the public hearing and render a decision on Part A and Part B of the proposed text amendment 2009-038 to modify the transitional setback regulations in the Zoning Ordinance and Subdivision Ordinance.

**Staff Resource:** Tom Drake, Planning  
Tom Warshauer, Neighborhood & Business Services

#### Explanation

- At the April 20 Zoning Meeting, the public hearing on this petition was opened and continued to April 27<sup>th</sup> since not all Council members were present.
- The Council voted on April 13, 2009 to consider a reduction in the transitional setback along Independence Boulevard through the zoning and subdivision petition 2009-038.
- Through the development process for the Independence Boulevard Area Plan, staff has determined that the ultimate build out of Independence Boulevard requires only 250 to 280 feet in these sections. (This build out provides for a median, implementation of Bus Rapid Transit/Light Rail Transit, one High Occupancy Vehicle/High Occupancy Toll lane in each direction, three travel lanes in each direction and one access/deceleration lane in each direction.) This reduction in the transitional setback provides an additional 35-50 feet on each side for property owners to build upon. This may assist in the redevelopment of vacant sites along Independence Boulevard.
- Staff recommends separating the petition into two parts: Part A, the submitted text amendment which proposes changes to the transitional setback, and Part B, staff recommended additions to the text amendment which reduce the proposed minimum right-of-way for Independence Boulevard between Briar Creek and the southeastern city limits.
- The submitted text amendments (Part A) propose the following modifications:
  - Provide the City Manager with the authority to reduce or eliminate the need for additional street right-of-way along thoroughfares, thus reducing or eliminating the transitional setback
  - Transfer authority to hear and decide variances to the transitional yard or setback requirements from the Zoning Board of Adjustment to City Council
  - Eliminate the right to appeal a variance to the superior court
  - Propose that where widening projects or other street improvements have been completed, unless another project has been designed, funded for construction, and included in the City or State Transportation Improvement Plan, then the transitional setback requirements will no longer apply along that street
  - Require the City or State Department of Transportation to acquire additional right-of-way within 18 months of the date that a project or improvements are included in the City or State Transportation Improvement Program. If the acquisition is not complete within 18 months, then the transitional setback will no longer apply

- Staff recommended changes for Part B include the following modification to the Zoning and Subdivision Ordinances:
  - Revise the proposed minimum right-of-way in the Zoning and Subdivision Ordinances for Independence Boulevard, and as a result the transitional yards and setbacks for properties that abut Independence Boulevard (see attachment, Part B). Currently, the proposed minimum right-of-way is 350 feet. The new proposed minimum transitional right-of-way along Independence Boulevard would be reduced to 280 feet (140 feet on each side, measured from the centerline) for the portion of Independence Boulevard from W.T. Harris Boulevard southeast to the City limits, and to 125 feet between Briar Creek and (125 feet on each side, measured from the centerline) W.T. Harris Boulevard.
- Staff Recommendation:
  - Defer indefinitely the submitted text amendments (named Part A). Staff believes that these amendments are overly broad and require further review.
  - Approve new text changes that modify the proposed minimum right-of-way for Independence Boulevard, and as a result the transitional yards and setbacks for properties that abut Independence Boulevard (see Part B). The text changes found in Part B are consistent with the preliminary recommendations in the pending draft Independence Boulevard Area Plan.

**Attachment 2**

Staff Analysis  
Part A and Part B

## 8. Public Hearing on the Homeless Prevention and Rapid Re-Housing Program



**Action: Conduct a public hearing to receive comments on the proposed federal Homeless Prevention and Rapid Re-Housing Program.**

**Staff Resource:** Stan Wilson, Neighborhood & Business Services

### Policy

- The U.S. Department of Housing and Urban Development (HUD) established the Homelessness Prevention and Rapid Re-Housing Program (HPRP), under Title XII of the American Recovery and Reinvestment Act of 2009 ("Recovery Act").

### Explanation

- The HPRP is part of the American Recovery and Reinvestment Act of 2009. Based on HUD's formula allocation, the City of Charlotte has been allocated \$1,930,217 from this source of stimulus funds.
- In order to receive the funds, the City must submit a Substantial Amendment to the 2009 Consolidated Action Plan by May 18, 2009.
- The City's role is to administer the local program by distributing and monitoring funds.
- The HPRP focuses on housing for homeless and at-risk households. The funds under the HPRP are intended to serve two populations of persons facing housing instability:
  - Individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing), or;
  - Individuals and families who are currently in housing but are at risk of becoming homeless (prevention)
- HUD requires collaboration with the Continuum of Care (COC) agencies for the City of Charlotte. This group is represented by the Homeless Services Network (HSN).
- Based on collaboration with the Homeless Services Network the recommended three year budget for use of the Homeless Prevention and Rapid Re-housing program funds is as follows:
 

|  |             |      |
|--|-------------|------|
| - Rapid Re-housing                             | \$ 900,217  | 46%  |
| - Case Management                              | \$ 675,000  | 35%  |
| - Homeless Prevention                          | \$ 245,000  | 13%  |
| - Data Collection                              | \$ 20,000   | 1%   |
| - Monitoring and Reporting<br>for HSN Agencies | \$ 90,000   | 5%   |
| Total  | \$1,930,217 | 100% |
- Based on the proposed budget it is anticipated that approximately 263 households will receive assistance through the HPRP. The Rapid Re-housing program will provide financial assistance to approximately 100 households (\$9,000/household) and the homeless prevention program will serve approximately 163 households (\$1,500/household).
- Funds will be used to provide temporary financial assistance such as short and mid-term rental assistance, utility payments, moving costs, and housing relocation and stabilization services.
- All program participants, at a minimum, must receive an initial assessment with a case manager. Case management (develop individualized service and housing plans, coordinate services such as medical and mental health, substance abuse, housing assistance, completing applications, budgeting,

credit repair, legal and employment assistance) will be made available throughout the term of the rapid re-housing assistance to help families move from this temporary assistance program to a stable situation.

**Community Input**

- Staff has been meeting with the Homeless Services Network agencies since March 5, 2009 to develop Charlotte’s HPRP. Additionally, the N.C. Coalition to End Homelessness sponsored a Leadership Planning Summit focused on the HPRP. Seven planning sessions were conducted locally and agencies participating in the sessions include:

| <b>Agencies</b>                            |                                  |   |
|--|----------------------------------|---|
| A Way Home                                 | HomeAid                          | Regional HIV/AIDS Consortium                          |
| Area Mental Health                         | Homeless Helping Homeless        | Salvation Army  |
| Carolina’s Medical Center - Access Program | Legal Aid of NC                  | St. Peter’s Home                                      |
| Charlotte Emergency Housing                | Legal Service -Southern Piedmont | To Serve With Love                                    |
| Community Link                             | Mecklenburg County & DSS         | Uptown Shelter  |
| Crisis Assistance Ministry                 | NeXus                            | Urban Ministry  |
| Family Promise of Charlotte                | Parker’s House                   | Workforce Initiative for Supportive Housing (W.I.S.H) |

- In accordance with the City’s Citizen Participation Plan, the draft plan has also been advertised and made available to the public for comment at the following locations: Beatties Ford Road Library, Charlotte-Mecklenburg Main Library, West Boulevard Library, Amay James Recreation Center, Belmont Regional Center, Greenville Recreational Center, Charlotte Housing Authority, Neighborhood & Business Services Key Business Unit (KBU) and on the KBU’s website. Public comments will continue to be received through May 1, 2009.

**Next Steps**

- City Council will be asked to adopt the Substantial Amendment on May 11, 2009
- The Substantial Amendment will be submitted to HUD on May 13, 2009
- HUD approval of the Substantial Amendment (no later than July 2, 2009)
- City Council approval of agency contracts (no later than August 24, 2009)

**Funding**

Funding comes from federal Homeless Prevention and Rapid Re-Housing Program funds as part of the American Recovery and Reinvestment Act of 2009

**Attachment 3**

Substantial Amendment to 2009 Action Plan

## 9. Public Hearing on the FY2010 Consolidated Action Plan for Housing and Community Development

**Action: Conduct a public hearing to receive comments on the proposed FY2010 Annual Action Plan for Housing and Community Development.**

**Staff Resource:** Stan Wilson, Neighborhood & Business Services

### Policy

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

### Explanation

- The FY2010 Consolidated Action Plan includes housing and community development needs and resources for the City and the Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Huntersville, Matthews, Mint Hill and Pineville.
- The Plan also serves as the City's annual application to HUD to receive an estimated \$8.0 million in new federal grant program funds.
 

|   |                    |
|---|--------------------|
| - Community Development Block Grant (CDBG)            | \$4,647,877        |
| - HOME Investments and Partnerships (HOME)            | \$2,590,273        |
| - Emergency Shelter Grants (ESG)                      | \$ 206,304         |
| - Housing Opportunities for Persons with AIDS (HOPWA) | <u>\$ 671,000</u>  |
| <b>Total</b>  | <b>\$8,115,454</b> |
- The proposed FY2010 federal funding allocation shown above represents funding at the FY2009 level; HUD has not advised the City of the FY2010 funding allocations.
- The federal funds in the FY2010 Plan do not include any stimulus funding from the American Recovery and Reinvestment Act of 2009. Staff is awaiting information from HUD on upcoming stimulus funding opportunities.

### Community Input

- Four citizen forums were held to seek public input (citizens and partner agencies) and to inform the public of the Plan preparation process and timeline for completing the document. The public forums were advertised in the local newspaper, as required by HUD. A total of 25 people attended the public forums.
- More than 1,500 invitations were sent to neighborhood organizations, Neighborhood & Business Services' financial partners and interested individuals to promote the public forum and the public hearing.
- Neighborhood & Business Services advertised the Public Hearing in the local newspaper, as required by HUD.

- In accordance with the City's Citizen Participation Plan, the draft plan has been made available to the public for comment at the following locations: Beatties Ford Road Library, Charlotte-Mecklenburg Main Library, West Boulevard Library, Amay James Recreation Center, Greenville Recreation Center, Belmont Regional Center, Charlotte Housing Authority, Neighborhood & Business Services Key Business Unit (KBU) and on the KBU's website. Public comments will continue to be received through May 6, 2009.
- A copy of the Draft FY2010 Consolidated Action Plan is available in the Council library.

#### **Next Steps**

- On May 13, 2009 the Housing and Neighborhood Development Committee will receive an overview of the FY2010 Consolidated Action Plan.
- City Council will be asked to adopt the Plan on May 26, 2009.
- The FY2010 Consolidated Action Plan will be submitted to HUD on May 28, 2009.

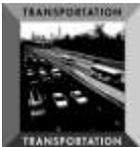
#### **Funding**

Federal CDBG, HOME, ESG and HOPWA funds

#### **Attachment 4**

Proposed Uses of Funds

## **10. Public Comment on Sharon & I-485 Transit Station Area Plan**



**Action: Receive citizen comments on the Sharon & I-485 Transit Station Area Plan, Concept Plan and Implementation Plan.**

**Committee Chair:** Anthony Foxx

**Staff Resource:** Kent Main, Planning

#### **Explanation**

- An interdepartmental team led by the Planning Department staff has been working with residents and stakeholders to develop a plan for about 1,200 acres surrounding the Sharon Road West and I-485/South Boulevard Transit Stations.
- This is sixth and final in a series of plans for station areas along the LYNX Blue Line from south of South End to I-485.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two public meetings were held: November 11, 2008 with 60 attending; December 11, 2008 with 28 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to Draft Document. Revisions address concerns about particular land use recommendations, and about potential street connections.

### Plan Recommendations

- Land Use: Divided into two distinct geographies consistent with the *Centers, Corridors, and Wedges Growth Framework*. (This plan area does not include a Wedge area.)
  - Transit Station Area:
    - Promote mix of transit supportive land uses in Transit Station Area, generally within 1/2 mile of the stations
    - Support continuing use of major industrial operations near the Sharon station until owners are ready for redevelopment to transit supportive uses
    - Encourage incremental intensification of big box shopping center property with transit supportive uses
    - Ensure that new development adjacent to the neighborhoods provides good transition
  - General Corridor Area:
    - Maintain locations for office, commercial, light industrial and warehouse uses in vicinity of Hebron Street and Westinghouse Boulevard
    - Maintain the single-family portions of the Pine Valley and Sterling neighborhoods; existing multi-family zoning needs correction
    - Support moderate density residential use off of Sharon Road West, Sharon Lakes Road, and Westinghouse Boulevard under specific criteria, with specific density limits in the Sharonbrook and Sharon South neighborhoods south of Sharon Road West
    - Maintain moderate density residential character in portions of the area around Sterling Elementary School, with specific criteria for increased density in some areas closest to the I-485 station
  
- Transportation & Streetscape Design:
  - Maintain and enhance the transportation network to increase safety and connectivity for all users
  - Provide future cross sections for streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's *Urban Street Design Guidelines*
  
- Infrastructure and Environment:
  - Make street trees a feature of all streets, and reduce impervious surfaces. Design buildings to reduce stormwater runoff and improve water quality

### Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their February 17 meeting. A business property owner asked for clarification on new street requirements (new streets would be required in the event of redevelopment for intensive uses, but not if expanded under existing zoning.) Speakers from the Pine Valley Neighborhood supported a proposed corrective rezoning of their single-family neighborhood from R-17MF to R-5. Committee discussion revolved around land use recommendations within 1/2 mile of the station. (Areas in single family and some lower-density multi-family use are recommended for continuing use at current density even if within 1/2 mile of a station.)
- After additional discussion of land use recommendations at their March 17 meeting, Planning Committee voted unanimously to recommend adoption of the plan with the Proposed Revisions, with the addition of a clarification concerning density transition and tree preservation in the Sharonbrook and Sharon South neighborhoods, and with a further request that the proposed

corrective rezoning of the Pine Valley neighborhood be pursued as soon as possible upon plan approval by Council. The new revised language, as well as previous proposed revisions, is on the attached Proposed Revisions to Draft Document.

#### **Transportation Committee**

- City Council's Transportation Committee received an overview of the plan at their February 9 meeting.
- At their April 13 meeting, the Committee voted unanimously (Council members Foxx, Burgess and Carter) to forward the plan to Council for public comment.
- The plan will be reviewed again by the Transportation Committee after the public comment, with subsequent recommendation by the City Council.

#### **Attachment 5**

Sharon & I-485 Transit Station Area Plan  
Proposed Revisions to Draft Document

### **11. Public Hearing on a Resolution to Close a 10-foot Alleyway off Dotger Avenue**

**Action: Continue the public hearing to May 11, 2009 to close a 10-foot alleyway off Dotger Avenue.**

**Staff Resources:** Jeff McSwain, Transportation  
Linda Poissant, Transportation

#### **Policy:**

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

#### **Explanation**

- At the March 23, 2009 public hearing, Council voted to continue the public hearing for 30 days in order for City staff to notify the Elizabeth Community Association of the abandonment petition.
- On April 3, 2009 City staff hosted a meeting with the petitioner, the abutting property owners and the president and zoning chairs of the Elizabeth Community Association to discuss the abandonment of the alleyway. During this meeting, the Elizabeth Community Association president requested that the abandonment be continued until after their next neighborhood board meeting to allow other board members to consider the issue.
- The petitioner, the abutting property owners, and City staff all support the requested continuation to allow time for resolution of any outstanding issues.

#### **Background**

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- A Council decision to abandon removes land from public right-of-way status and attaches it to the adjacent property.
- City staff has circulated the abandonment petition to internal City departments, abutting owners, utility companies and neighborhood associations within a ½ mile radius for comments.

**Petitioner**

One Randolph Place, LLC – Mr. Darrell Avery

**Right-of-Way to be abandoned**

A 10-foot alleyway running off of Dotger Avenue

**Location**

Located within the Crescent Heights Neighborhood Association between Randolph Road and 7th Street, beginning from Dotger Avenue and continuing approximately 390 feet northwestwardly to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for future development of a proposed multifamily community

**Notification**

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

Adjoining property owners

Dessie Gilbert – Objects  
Gregory Chad Huffman - Objects

Neighborhood/Business Associations

Elizabeth Neighborhood Association – Has concerns  
Briar Creek-Commonwealth – No objection  
Chantilly Neighborhood Association – No objection  
Commonwealth Morningside Neighborhood Association – No objection  
Commonwealth Park – No objection  
Crescent Heights Neighborhood Association – No objection  
Dwyer Solutions – No objection  
Eastover Resident's Association – No objection  
Grier Heights Economic Foundation – No objection  
Grier Heights Neighborhood Improvement Assoc. – No objection  
Myers Park HOA, Inc. – No objection  
Sedgewood Circle/Meadowbrook – No objection  
Sedgewood Lake Drive HOA – No objection  
Wendover Hills HOA – No objection

Private Utility Companies – No objection

City Departments

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

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

**Attachment 6**

Map  
Resolution

## ZONING

### 12. Zoning Petition 2008-112

**Action:** Render a decision on proposed rezoning 2008-112 Westlake Holdings, LLC, for a change from R-3 (LWPA) single family residential and B-1SCD, shopping center district (LWPA) to B-1 (CD) neighborhood business conditional district, for approximately 24.81 acres located on the southwest corner of Brookshire Boulevard and Old Plank Road.

**Staff Resource:** Tammie Keplinger, Planning

#### Explanation

- The decision on this sufficiently protested petition was deferred on April 20 since not all Council members were present at the meeting.
- This petition is found to be consistent with the Northwest District Plan and the General Development Policies (GDP) with respect to the retail component and inconsistent with the GDP with respect to the proposed residential density, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
  - Enhanced pedestrian connectivity has been added between the retail parcels and new private and public streets by extending walkways from the retail portion to connect to the sidewalks along the adjacent proposed public and private streets.
  - A note has been added stating the proposed gates will be open daily for public traffic between 6:00 a.m. and 10:00 p.m., with the gates designed to comply with CDOT standards.
  - A note has been added stating the proposed private street will be designed to a public residential wide cross section with eight foot planting strips and six foot sidewalks on both sides, to connect to the retail outparcels and the school.
  - The 10 foot, shared bike pedestrian path has been extended to connect to the northernmost section of the proposed public street.
  - Conditional Note #2 has been amended to include office as a permitted use.
  - The required 100 foot Lake Wylie Watershed Overlay vegetative buffer has been identified on the site plan as requested by Storm Water Services.
  - A left-turn lane will be constructed on Bellhaven Boulevard into the private street.
  - The required buffer between the residential component and the retail component will be located on the commercial property.

#### Attachment 7

Zoning Committee Recommendation  
 Staff Analysis  
 Vicinity Map  
 Site Map  
 Site Plan  
 Elevations

### 13. Zoning Petition 2009-021

**Action:** Render a decision on proposed rezoning 2009-021 Belmore Hall, LLC for a change from R-3, single family residential to MX-1 mixed use (Innovative) for approximately 13.18 acres located on the south side of Windyrush Road between Sheffingdell Drive and Summerlin Place.

**Staff Resource:** Tammie Keplinger, Planning

#### **Explanation**

- The decision on this sufficiently protested petition was deferred on April 20 since not all Council members were present at the meeting.
- This petition is found to be consistent with the South District Plan and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee.
- The Committee voted unanimously to recommend approval of this petition with the following modifications:
  - A note has been added indicating that the minimum side yards for corner lots is 10 feet.
  - A note has been added limiting the height of the pedestrian lighting to 12 feet.
  - An innovative standard has been added reducing the side yard setback from 10 feet to five feet.

#### **Attachment 8**

Zoning Committee Recommendation

Staff Analysis

Vicinity Map

Site Map

Site Plan

## **POLICY**

### **14. City Manager's Report**

- Lynx Blue Line Extension Report on Design and Cost

### **15. Dissemination of Redistricting Plans**

**Action: Review the Redistricting Committee Rules of Operation regarding the dissemination of plans provided to individual council members.**

**Committee Chair:** Mayor Pro Tem Susan Burgess

**Staff Resource:** Bob Hagemann, City Attorney's Office

#### **Explanation**

- At its April 17 meeting, the Redistricting Committee discussed the fact that under the current Redistricting Committee Rules of Operation, redistricting plans requested by and provided to one or more Council members are not disseminated by staff to the Mayor and full Council unless the member asks staff to do so.
- The Committee unanimously voted (Burgess, Foxx, Lassiter, Peacock) to ask the full Council to review its Redistricting Rules of Operation regarding the dissemination of plans provided to individual Council members.

#### **Attachment 9**

Redistricting Committee Rules of Operation

## 16. Solid Waste Services Conversion to Bi-Weekly Single Stream Recycling and Service Reorganization

- Action:** Approve the recommendation of the City Manager and the Privatization and Competition Advisory Committee (PCAC) to:
1. For a five year period beginning July 1, 2010, bid and award to the private sector single stream recycling collection service on a bi-weekly, citywide basis,
  2. For a five year period beginning July 1, 2010, allow the City of Charlotte to provide weekly garbage, yard waste, and bulky item collection services on a citywide basis not constrained by zones, and
  3. Develop in partnership with the PCAC over the next 90 days the appropriate performance measures for benchmarking/monitoring/auditing the future City costs of collection.

**Resources:** Trent Gustafson, PCAC Chair  
Victoria Garland, Solid Waste Services  
Gerald Gorbey, Solid Waste Services

### Explanation

- Under this proposal, single-family residential recyclable collection would be outsourced to a private contractor and provided citywide on a bi-weekly basis. Implementation of bi-weekly single stream collection is projected to produce savings of \$26.7 million over a ten year period. Solid Waste Services would not bid to provide the recyclable collection services.
- Residents will be provided a 96 gallon capacity rollout container for recyclables that will facilitate a bi-weekly recyclable collection program.
- Solid Waste Services crews would provide the weekly collection of garbage, yard waste and bulky items citywide, including in the West Zone. Implementation of this service reorganization is projected to produce savings of \$4.7 million over a ten year period. The City would not seek private sector bids to perform garbage, yard waste and bulky item collection.
- Solid Waste Services and the private recycling contractor would be allowed to provide their assigned services citywide without the restriction of having to conduct their operations as separate businesses in each of four collection zones.
- In addition, this change to a more uniform service delivery model would ensure that all City residents, regardless of their property location, would get identical curbside waste collection services from both Solid Waste Services crews and private contractor crews.

### Background

- The Solid Waste Interlocal Agreement with Mecklenburg County includes a July 1, 2010 commitment for the City to implement a single-stream recycling program. The County is making modifications to its material recovery facility to accept single-stream recycled materials.
- The West Zone privatized collection contract with Inland Services expires on June 30, 2010 and a new collection contract would be required for July 1, 2010.

- The startup of single stream recycling and the end of the West Zone contract presents the City an opportunity to improve the solid waste service delivery model, achieve operational cost efficiencies and provide enhanced customer service.
- On December 11, 2008 the City Manager briefed the PCAC on proposed changes to the solid waste service delivery model and requested their input. The City Manager gave the PCAC a memo sent to City Council on December 10, 2008, that communicated a City staff proposal to privatize recycling collection service citywide.
- At the February 23, 2009 Council Meeting the City Manager reported on major reorganizational strategies that the Solid Waste Services Department with input from the PCAC was exploring as a means of achieving operational savings and introducing a new single-stream recycling program.
- The PCAC met on four occasions to evaluate the service options, including on March 26, 2009, when the PCAC by a vote of 7-2 affirmed the City's proposal with the stipulation that performance measures be developed within 90 days.
- City staff and the PCAC would jointly develop the appropriate performance measures for benchmarking/monitoring/auditing the future City operating costs for collection.

**Funding**

Solid Waste Services General Fund Operating Budget

**Attachment 10**

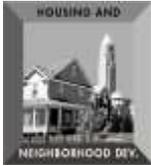
Solid Waste Service Delivery Models

Reorganization Projected Annual Savings

Single Stream Recycling Projected Savings

Single Stream Recycling Assumptions/Methodology

## 17. Sale of Afro American Cultural Center



### Action:

- A. Approve the Housing & Neighborhood Development Committee recommendation for the sale of the Afro American Cultural Center property with the following provisions:**
- 1. The City of Charlotte (City) shall sell the building and site of the current Afro American Cultural Center to the Little Rock AME Zion Church (Church) for \$590,000,**
  - 2. A permanent sidewalk easement will be retained by the City in the abandoned Myers Street right-of-way, and a license for driveway ingress/egress at the rear of the Afro American Cultural Center will be granted by the City to the Church,**
  - 3. The Church shall be contractually obligated to preserve the current historic designation status of the facility for a minimum of 10 years,**
  - 4. The \$590,000 sales proceeds shall be applied to the Harvey B. Gantt Center for African-American Arts and Culture Endowment Campaign funding,**
- B. Adopt a resolution authorizing the sale of the Afro American Cultural Center property to Little Rock AME Zion Church,**
- C. Adopt a budget ordinance appropriating the \$590,000, and**
- D. Authorize the City Manager to execute a contract with the Arts and Science Council for the use of these funds.**

**Committee Chair:** Susan Burgess, Mayor Pro Tem

**Staff Resources:** Ron Kimble, City Manager's Office  
Catherine Williamson, City Attorney's Office

### Explanation

- The Afro American Cultural Center (AACC) will relocate its operations from its current Seventh Street location to the new Harvey B. Gantt Center location on Stonewall Street this fall.
- In October 2007, City Council approved a framework which would lease with an option to purchase the current AACC site at Seventh Street to Little Rock AME Zion Church (Church).
- In October 2008, the Church offered to purchase the AACC site from the City for \$590,000.
- Negotiations since then have resulted in a Housing & Neighborhood Development Council Committee action on April 6, 2009 which unanimously recommends the sale with the four provisions noted above in the grey action box. Council members Burgess, Barnes, Cooksey and Lassiter were in attendance.
- Subsequent to Committee action, the contract containing these terms has been finalized.

- This sale meets City policy goals in the areas of asset management and historic preservation.

**Attachment 11**

October 2007 Council Approved Framework  
October 2008 Letter from Little Rock AME Zion Church  
Map of Site to be Conveyed  
Budget Ordinance

**18. MUMPO Directed Vote on the Augustalee Project**

- The Mecklenburg Union Metropolitan Planning Organization (MUMPO) has scheduled a special meeting to consider changes to the Transportation Improvement Plan (TIP) related to a proposed development in Cornelius called Augustalee. The Transportation Coordinating Committee (TCC) will meet to develop a recommendation on April 23 and the Transportation Committee will consider the item at its meeting on April 27. The agenda description will be included in the Friday, April 24 Council-Manager Memo.

**19. Amendment to House Bill 148, The Congestion Relief and Inter-modal Transportation 21<sup>st</sup> Century Fund**

- The Governmental Affairs Committee will meet on Friday, April 24 to consider a recommendation to the local state delegation to amend House Bill 148. The Committee's action will be included in the Friday, April 24 Council-Manager Memo.

## BUSINESS

### 20. Transit Capital Investment Economic Stimulus Grant



- Action:**
- A. Approve an application for Transit Capital Investment Grants funding under the American Recovery and Reinvestment Act, 2009, and**
  - B. Approve the renovation of the North Davidson Street Bus Garage as the primary project for the \$20,766,306 allocated to the City of Charlotte for Transit Capital Investment.**

**Staff Resource:** Keith Parker, Transit

#### Policy

Transportation Action Plan Goal 5 and Transportation Focus Areas Initiative 5

#### Explanation

- The American Recovery and Reinvestment Act, (ARRA) 2009 was signed into law by President Obama on February 17, 2009. The Act includes \$8.4 billion for transit capital investments. Through the formula process, the ARRA allocates \$20,766,306 to the City of Charlotte for Transit Capital Investment.
- The North Davidson Street Bus Garage was constructed in 1981 to house 200 buses. In 2005, a second bus garage was built on South Tryon Street. The two garages were planned at different locations to accommodate a total of 400 buses. CATS current fleet is 342 buses. The North Davidson Street Facility master plan includes a state of the art bus garage at the current location and plans for locating the CATS Special Transportation Services (STS) Operations (120 paratransit buses) and maintenance at this facility.

#### Phase 1 of Renovations (Actions A & B)

- ARRA funds are proposed for Phase 1 of the renovations of the North Davidson Street Bus Garage.
- Phase 1 has been determined to not require any rezoning or further environmental documents.
- Phase 1 renovations will address deteriorating facility conditions, upgrade mechanical, electrical and plumbing systems, and replace original bus maintenance equipment.
- This AARA funding will pay for a portion of the overall North Davidson Facility Master Plan. Included in the proposed project is the renovation of the existing Bus Operating Division Maintenance and Administration buildings, equipment upgrades, an associated parking deck and relocation of the CATS Special Transportation Services (STS) administrative section of the renovated facility.
- The Federal Transit Administration, Region IV, deadline for ARRA fund grant applications is May 29, 2009.

#### Phase 2 – Future Renovations (no action presently requested)

- Phase 2 of the North Davidson Facility Master Plan will be comprised of a new STS Fleet maintenance facility with room for future office space on the second floor to handle future growth and delay the need for a third bus maintenance garage.

- Phase 2 will require zoning changes and environmental approvals, which are underway.
- With the time sensitivity of the initial ARRA allocation for Transit Capital Investment, Phase 2 of the master plan will either be funded by existing CATS revenue sources or funded through additional allocations of federal ARRA monies.

### Funding

ARRA funds require no local match. Funds will be appropriated following grant approval by the Federal Transit Administration.

## 21. Transportation Electrification Economic Stimulus Grant



**Action:** Approve participation in an application for federal stimulus grant funding through the U.S. Department of Energy, Recovery Act-Transportation Electrification, for hybrid electric vehicle purchases up to \$4,537,500.

**Staff Resources:** Robert Phocas, City Attorney's Office  
Keith Parker, Transit  
Jerry Orr, Aviation

### Explanation

- As part of Recovery Act-Transportation Electrification, the U.S. Department of Energy is expected to make available approximately \$378 million nationally for projects that promote the development and production of various electric drive vehicle systems that reduce petroleum consumption.
- The University of California, in coordination with DesignLine, a Charlotte bus manufacturer, is taking the lead on the development of an application for the production of 100 hybrid and electric buses.
- The University of California is committing to the purchase of 35 of the 100 buses, and seeks a partnership with other transit providers for participation in the application and commitments for the remaining 65 buses.
- A successful project application would result in stimulation to the local economy.
- The Charlotte Area Transit System (CATS) and Aviation seek to participate in the grant application and to commit to the purchase electric buses under this arrangement (up to ten for CATS and 15 for Aviation).
- Replacing older buses with new hybrid electric buses would have a positive effect on service reliability and a positive effect on the environment.
- CATS and Aviation would be required to provide a local match of 50% or up to \$4,537,500 for up to 15 buses.
- Each DesignLine International hybrid bus costs approximately \$605,000.
- CATS and Aviation have identified existing capital funds for bus replacement that can be used for local match.
- The deadline for the application is May 13, 2009.
- The benefits of hybrid buses based on CATS experience include a 34% improvement in miles per gallon and a 41% decrease in maintenance expenses, on average.
- City Council approved a contract on August 27, 2007 to purchase up to 200 buses from FY2008 through FY2012 from DesignLine International, LLC and/or Gillig Corporation.

**Funding**

Recovery Act-Transportation Electrification Stimulus Funding  
Transit Capital Investment Plan

**22. Diesel Emissions Economic Stimulus Grant**

**Action:** Approve an application for federal stimulus grant funding through the N.C. Department of Environment & Natural Resources, Air Quality Division, for diesel emission reduction projects up to \$475,000.

**Staff Resources:** Robert Phocas, City Attorney's Office  
Keith Parker, Transit  
Jerry Orr, Aviation

**Explanation**

- As part of the American Recovery and Reinvestment Act, the North Carolina State Department of Environment and Natural Resources (DENR) Division of Air Quality was granted \$1.73 million to be used to reduce emissions from diesel engines in North Carolina.
- The bulk of these state funds (\$1.1 million) will be used for projects to reduce mobile emissions from diesel engines.
- DENR's goal is to award funds to projects that maximize efforts to preserve and enhance air quality across the state of North Carolina through the reduction of diesel mobile source emissions.
- The deadline for the application is April 30, 2009.
- Staff has identified two projects to submit for this grant funding:
  - Engine rebuilds for up to 32 CATS buses
  - Retrofit of 21 Aviation vehicles (13 shuttle buses and eight trucks)
- Rebuilding older engines is a practice of the Charlotte Area Transit System that prolongs the life of a bus and reduces capital expenses. CATS has \$250,000 in its budget for FY2010 for engine rebuilds, and this existing budget can be used for the local match to apply for up to \$250,000 in stimulus funding.
- The Aviation vehicles are eligible for diesel particulate filter retrofits. The cost of retrofit technology for these vehicles (\$225,000) is covered at 100% and staff has not identified any long-term maintenance costs with these retrofits.

**Funding**

ARRA Stimulus Funding

## 23. Justice Assistance Economic Stimulus Grant



**Action:** Approve application with the U.S. Department of Justice, in the amount of \$4,453,144 for the Justice Assistance Grant (JAG).

**Staff Resources:** Deputy Chief Ken Miller, Police  
Darrellyn Kiser, Police

### Explanation

- The Justice Assistance Grant (JAG) is a formula grant awarded annually to states and local jurisdictions.
- Grant funds are to be used for law enforcement purposes including personnel, equipment, overtime, technology and crime prevention efforts.
- Allocations are determined by a formula that includes the jurisdiction's population, violent crime rate and percentage of the state's violent crime.
- In 2009, there is an additional JAG grant which is a part of the Recovery Act.
- The grant allocates \$4,453,144 to Mecklenburg County. Charlotte's share of the funds is \$4,267,393. The remainder of the funds, \$185,751, is allocated to Pineville, Matthews, Mint Hill, Huntersville and Cornelius.
- Under the enabling legislation for the grant, Charlotte and Mecklenburg County are considered a disparate jurisdiction because the County has the responsibility for incarceration of offenders.
- As a disparate jurisdiction, the City must share a portion of its JAG funding with the County. The County will receive 25% of the City's funds (\$1,066,848).
- The disparate jurisdiction legislation also requires all entities in Mecklenburg County that receive funding to file a joint application. The City of Charlotte will file on behalf of all grantees.
- The JAG Grant funds do not require City matching funds.
- The grant application is due May 5, 2009. While the budget for the City share of the funds (\$3,200,545) has not been finalized, CMPD anticipates seeking funding in the following categories:
  - Electronic case papering
  - Overtime for police officers
  - Youth Programs (Police Athletic League, Right Moves for Youth)
  - Equipment for police vehicles, including laptops
- The grant period runs for four years and grant budgets can be changed during the life of the grant should CMPD's needs change during the grant period.
- The final budget will be presented to Council when the grant award comes to Council for acceptance.

### Funding

U.S. Department of Justice

## 24. Queens Table Monuments

**Action: Accept an offer from Queens Table for four monuments to be erected at the S. Tryon Street Bridge over I-277 and accept maintenance responsibility for the four monument sites.**

**Resources:** Jim Kimbler, Transportation  
 Claudia Heath, Queens Table  
 Jamie McLawhorn, Queens Table  
 Dan Dodd, Land Design

**Explanation**

- At the April 6 Workshop, Council received a briefing on the Queens Table offer.
- Queens Table proposes to donate four monuments to the City. Two monuments would be erected in 2009 and two additional monuments would be erected at a future date. The monuments were designed by architect Friedrich St. Florian, designer of the World War II Memorial in the nation’s capital.
- Queens Table is asking the City to accept the maintenance responsibility for the four monument sites, and to accept the monuments as City property. A site plan for all four sites is attached.
- The monuments are planned for property adjacent to I-277 owned by NCDOT. Approval for use of the property has been granted by NCDOT pending approval of structural engineering plans and execution of an encroachment agreement between the City and NCDOT.
- A resolution is attached to accept the maintenance responsibility for the four monument sites, and to accept the monuments as City property.
- The design, fabrication and installation costs will be borne by Queens Table. The City is requested to maintain the sites through routine lawn mowing, planting and mulching, and monument maintenance and electricity. Costs are described below:

Queens Table Monument Costs

A final cost for the monuments has not been determined; however, the cost of each monument is expected to be in excess of \$250,000. Installation cost will also be paid by Queens Table.

Estimated Annual Costs by City

|   |                |
|---|----------------|
| • Annual Lawn Maintenance                   | \$4,500        |
| • Annual Planting/Mulch                     | \$2,250        |
| • Monument Maintenance                      | \$1,200        |
| • Electrical Power (lump sum@ \$500 per yr) | <u>\$ 500</u>  |
|   | <b>\$8,450</b> |

**History**

- Queens Table, a small group of anonymous donors established in 1991, celebrates Charlotte by filling needs that are not otherwise being met to enhance the quality of life in the City. Queens Table has made the following gifts in the City of Charlotte:
  - Four sculptures on the Square
  - The Hezekiah Alexander House at the Charlotte Museum of History
  - Queen Charlotte at Douglas International Airport
  - Aspire, bronze sculpture on the CPCC central campus
  - Wind Sculpture on West Trade Street

- Charlotte Center City Partners has been consulted and concurs that this project should go forward.

### **Funding**

Engineering & Property Management Operating Budget

### **Attachment 12**

April 6 PowerPoint Presentation and Photo

## **25. Resolution to the North Carolina Alcoholic Beverage Control Commission and Mecklenburg Delegation**

**Action: Consider resolutions to the North Carolina Alcoholic Beverage Control (ABC) Commission and Mecklenburg Delegation supporting the waiver of the three day application waiting period for private bar memberships.**

**Staff Resources:** Tim Newman, Charlotte Regional Visitors Authority  
 Ron Kimble, City Manager's Office  
 Eddie Levins, Police  
 Mark Newbold, Police

### **Explanation**

- NC General Statutes define private clubs as establishments that are organized and operated solely for a social, recreational, patriotic, or fraternal purpose, not open to the general public but open only to members of the organization and their guests.
- For many years, the ABC Commission has enforced the following rules for private clubs who operate with alcohol permits:
  - Business must be open only to members
  - New members must submit a written application for membership and the application must be kept on the premises as long as the person is a member
  - Membership to the private club cannot be issued to a new member until three days after submitting a written application for membership.
  - A membership roster with all members' names and addresses in alphabetical order must be kept on the premises at all times.
  - Proof of membership (membership card) must be issued to the member and kept in his or her possession.
  - Management and employees cannot solicit members to sponsor non-members who arrive at the door.
- The hospitality industry and several private clubs in Charlotte support the waiver of the three day application waiting period for private bar membership.
- All other rules described above would remain in place.
- Visitors who come into the City for business or events are often turned away at clubs because they do not learn of the membership requirements until they get to the door; they become frustrated as a result.
- During the last two CIAA tournaments, visitors had heard of private club establishments but were often turned away or had to seek out members for entry.

- With the NASCAR Hall of Fame and the Cultural Facilities on the horizon, the City will have a new wave of visitors to the City. Addressing this issue will help alleviate the potential problem of these visitors not feeling welcome.
- The three day application waiting period waiver will assist private club owners in having an accurate record of patrons inside the club for which the owner has ultimate responsibility.
- Since club owners are accountable and responsible for the behavior of patrons in their clubs, and ABC's Alcohol Law Enforcement branch have primary jurisdiction for alcohol related activities/violations, there is no material effect upon CMPD oversight, workload, or actions resulting from this change.
- Private clubs citywide including those located in business corridors also experience this same confusion for prospective patrons.
- Trying to limit this change to just the Uptown area would have difficult legal, functional and fairness hurdles to overcome.
- New Hanover County in North Carolina has already expressed its support for the waiver.

### **Attachment 13**

New Hanover County Adopted Resolution  
City of Charlotte Proposed Resolutions  
Proposed State Legislation

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

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

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

- One appointment for three year term beginning April 29, 2009.
  - Marc Friedland nominated by Council members Burgess and Foxx
  - George Wesley Jones nominated by Council members Mitchell and Turner
  - Nalan Karakaya-Mulder nominated by Council members Barnes and Cooksey
  - Kenneth M. Konopasek nominated by Council member Dulin
  - Ryan Licari nominated by Council members Dulin and Peacock
  - John Linker nominated by Council members Kinsey and Lassiter

### **Attachment 14**

Applications

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

- One appointment for three year term for at-large member beginning July 1, 2009.
  - Patrick L. Diamond nominated by Council member Dulin
  - Linda F. Hill nominated by Council member Carter
  - Lawrence F. Huelsman, Jr. nominated by Council member Dulin
  - George Wesley Jones nominated by Council member Turner
  - Chaunta Jones-Hunter nominated by Council member Barnes
  - J. Michael McGuire nominated by Council members Burgess, Cooksey, Lassiter, Mitchell and Peacock
  - Thomas C. Timmins nominated by Council member Peacock

**Attachment 15**

Applications

**C. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION**

- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
  - Renee Barfield nominated by Council members Barnes, Burgess, Foxx and Turner
  - George Cochran nominated by Council members Carter, Cooksey, Dulin, Kinsey, Lassiter, Mitchell and Peacock

**Attachment 16**

Applications

**D. KEEP CHARLOTTE BEAUTIFUL**

- One appointment for three year term beginning July 1, 2009.
  - Sara K. Downing nominated by Council member Peacock
  - Jennifer Kletter nominated by Council member Kinsey
  - Dean R. Pawlowski nominated by Council members Dulin, Lassiter and Peacock
  - Casey Peura nominated by Council members Barnes and Mitchell
  - Corine Thomas nominated by Council member Turner

**Attachment 17**

Applications

**27. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

**28. Closed Session**

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the case of Vision Ventures Construction Services, Inc. v. City Of Charlotte, County Of Mecklenburg, and the Charlotte-Mecklenburg Office Of The Tax Collector.**

## CONSENT

### Introduction to CONSENT

The consent portion of the agenda is divided into three sections: Previously Delayed Capital Projects, Consent I and Consent II.

Previously Delayed Capital Projects are items placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

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

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

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

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

#### Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

### Previously Delayed Capital Projects

Item 29 is a capital project that was placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

Through May 11, the previously delayed capital projects will be highlighted in the business agenda.

| <b>Project Item</b>  | <b>Project Type</b>         | <b>Contract Amount</b> | <b>Estimated jobs supported*</b>                                    |
|--|-----------------------------|------------------------|---|
| Engineering Services for Oakdale Road Farm-to-Market Project | <b>Engineering Services</b> | \$599,100              | 6 jobs for 18 months,<br>2 jobs for 6 months,<br>3 jobs for 1 month |

\*Job numbers requested from, and provided by, contractor or firm.

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## CONSENT - PREVIOUSLY DELAYED CAPITAL PROJECTS

### 29. Engineering Services for Oakdale Road Farm-to-Market Project

**Action:** Approve a contract in the amount of \$599,100 with RS&H Architects-Engineers-Planners, Inc. for the Oakdale Road Farm-to-Market Project.

**Staff Resources:** Jim Keenan, Engineering & Property Management  
Mark Grimshaw, Engineering & Property Management

#### Explanation

- Farm-to-Market roads are identified in the Transportation Action Plan and are generally deficient in their ability to adequately serve the rapidly developing urban land uses surrounding them.
- The Oakdale Road Farm-to-Market project will upgrade Oakdale Road, from Old Plank Road to Dale Avenue, to urban street standards to improve safety and traffic flow. Improvements may include additional lanes, sidewalks, bicycle lanes and landscaping.
- Planning on this project was completed in December 2008 under a contract with RS&H for \$285,000 executed in November 2007.
- This contract will provide funding for RS&H to complete the design phase.
- RS&H was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- Right-of-way acquisition and construction funding for this project is proposed to be included in the 2010 Transportation Bonds.

#### Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO policy). RS&H Architects-Engineers-Planners, Inc. listed in their proposal the following SBEs as supporting team members: Neighboring Concepts PLLC; R. Joe Harris & Associates, PLLC; and On Target Utility Locate Services, Inc. However, the work to be completed by the consultant in this phase will not require the services of those SBEs. Typical subcontracting tasks for the design phase of Farm-to-Market projects, such as utility relocation, landscape design and survey, are now performed in-house but may be subcontracted as needed.

#### Funding

Transportation Capital Investment Plan

## CONSENT I

### 30. Various Bids

#### A. Police Vehicle Light Bars BSS

**Staff Resource:** Mehl Renner, Business Support Services

**Action**

Award the low bid unit price of \$850 for Police Vehicle Light Bars to Emergency Technology dba SoundOff Signal and authorize the City Manager to renew up to two, one-year options with possible price adjustments at the time of renewal as authorized by the contract. Actual expenditures will depend on the capital outlay approved each fiscal year term of the contract for marked police and miscellaneous security vehicles used citywide. Expenditures for FY2009 currently total \$97,750.

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

#### B. Medium & Heavy Trucks and Construction Equipment BSS

**Staff Resource:** Mehl Renner, Business Support Services

**Action**

Award the low bid unit price contracts for (see attachment for list of prices) providing Medium and Heavy Trucks and Construction Equipment for a term of one year and authorize the City Manager to renew up to two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. FY2009 expenditures are anticipated to be a combined total of \$1,411,915 with the following vendors:

M-B Companies, Inc.  
Parks Chevrolet  
Charlotte Truck Center, Inc.  
Reliable Tractor (dba Stafford)  
Capital Ford of Wilmington  
Piedmont Truck Center  
Keith Hawthorne Ford

On the attached list, items 1, 2 & 4 replace very sophisticated equipment used by CDOT for street painting equipment, which are generally 20 years old or more. Items 6-8 represent various medium and heavy truck configurations used by Utilities, but the contracts will be available for other key business units. The total expenditure per vendor and in total will depend on approved funding for each contract term.

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

**Attachment 18****C. Harlee Avenue Ramp****Aviation**

**Staff Resource:** Jerry Orr, Aviation

**Action**

Award the low bid of \$485,384.20 by 8 Star Construction Company, Inc for construction of a ramp from Josh Birmingham Parkway to Harlee Avenue. In September 2006, the Airport constructed an on-ramp from Harlee Avenue to Josh Birmingham Parkway to provide better access to the Airport from Wilkinson Boulevard. This contract will provide a complimentary ramp from Josh Birmingham Parkway to Harlee Avenue to provide continuity between Billy Graham Parkway and Wilkinson Boulevard.

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 7.06%

8 Star Construction Company committed 7.06% (\$34,255) to the following SBE firm: ACS Pavement Markings and Stinson Trucking. 8 Star is also a SBE

**D. Airport Drive Relocation****Aviation**

**Staff Resource:** Jerry Orr, Aviation

**Action**

Award the low bid of \$336,880.50 by Blythe Development Company for the reconstruction of Airport Drive. In 2004, a portion of Airport Drive adjacent to the Air National Guard Base was relocated with Department of Defense funds. The Utility Department has completed installation of a 72" water line in the next section of Airport Drive and this contract will realign the road, add curb and sidewalk, and repave the road.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.37%

Blythe Development Company committed 6.37% (\$21,466) to the following SBE firms: HowDel Trucking, Ground Effects, Bullington Construction, and Petra Land Surveying.

**E. Airport Roadway Signage Package****Aviation**

**Staff Resource:** Jerry Orr, Aviation

**Action**

Award the low bid of \$746,202.54 by Camps Construction Company to purchase and install roadway signage at the Airport. This contract provides new roadway sign faces for the Airport's circulation roads in

the terminal area complex and provides one additional overhead sign structure. The signage reflects changes in the roadways and parking facilities including the newest decks.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 12.75%

Camps Construction Company committed 12.75% (\$95,174) to the following SBE firm: Diversified Consulting. Camps Construction is also a SBE.

**F. Water and Sewer Main Construction FY2009 Contract #3 CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$1,242,934.38 to Davis Grading, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.00%

Davis Grading, Inc. met the SBE goal for this project and has committed \$62,200 to the following SBE firms: Capstone Civil Group and Dallas One Construction.

**G. Water and Sewer Main Construction FY2009 Contract #4 CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$1,148,295.80 to Bullseye Construction, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County as requested by residents under the Utilities Street Main Extension Policy.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 15.68%

Bullseye Construction, Inc. exceeded the SBE goal for this project and has committed \$180,000 to the following SBE firm: Dallas One Construction. Bullseye is also a SBE.

**H. Urban Search & Rescue Clothing Fire**

**Staff Resource:** Jeff Dulin, Fire

**Action**

Award the low bid of \$152,127 by MES-Carolinas for the purchase of urban search and rescue clothing. Purchase examples include parka

jackets, protective shirts and pants. The 2007 Homeland Security grant will fund the purchases.

**Small Business Opportunity**

No SBE goals are established for the purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

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

- |   |
|---|
| <p><b>Action:</b></p> <ul style="list-style-type: none"><li><b>A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,979.49, and</b></li><li><b>B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of 18,602.</b></li></ul> |
|---|

**Staff Resource:** Joel Levy, Finance

**Attachment 19**

List of property tax and business license refunds  
Resolution

## 32. In Rem Remedy

**For In Rem Remedy #A-H, the public purpose and policy are outlined here.**

**Public Purpose:**

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

**Public Safety:**

- A. 6042 Fox Crossing Drive (Neighborhood Statistical Area 119 – Oakdale South Neighborhood)

**Complaint:**

- B. 2215 Yadkin Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)

**Field Observation:**

- C. 1716 Berryhill Road (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- D. 300 Cromer Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- E. 6818 Dunmurry Lane (Neighborhood Statistical Area 199 – Yorkmount Neighborhood)
- F. 1001 Fern Avenue (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- G. 2411/13 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- H. 5220 Victoria Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)

**Public Safety:**

**A. 6042 Fox Crossing Drive**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6042 Fox Crossing Drive (Neighborhood Statistical Area 119 – Oakdale South Neighborhood).**

**Attachment 20**

**Complaint:**

**B. 2215 Yadkin Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2215 Yadkin Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).**

**Attachment 21**

**Field Observation:**

**C. 1716 Berryhill Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1716 Berryhill Road (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).**

**Attachment 22**

**D. 300 Cromer Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 300 Cromer Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).**

**Attachment 23**

**E. 6818 Dunmurry Lane**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6818 Dunmurry Lane (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).**

**Attachment 24**

**F. 1001 Fern Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1001 Fern Avenue (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 25**

**G. 2411/13 Marlowe Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2411-13 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).**

**Attachment 26**

**H. 5220 Victoria Avenue**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5220 Victoria Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 27**

## CONSENT II

### 33. Certificates of Participation Financing

**Actions: Adopt a resolution authorizing the following actions:**

- 1. Authorize staff to negotiate for (i) an installment purchase contract in an amount not to exceed \$90 million to finance the City's acquisition of certain equipment and capital projects and (ii) a related deed of trust,**
- 2. Authorize staff to apply to the Local Government Commission for its approval of the financing and make findings necessary for the Local Government Commission's approval, and**
- 3. Authorize the publication of a notice of public hearing on the proposed installment purchase contract scheduled for May 11, 2009.**

**Staff Resources:** Greg Gaskins, Finance  
Joel Levy, Finance

#### **Explanation**

- Certificates of Participation (COPS) are used to fund projects which have previously been approved by City Council as part of the Capital Investment Plan process. Examples of items used for COPS funding include police vehicles, fire stations, police stations and communication equipment.
- The City will enter into an installment purchase contract (Contract) in order to finance capital and equipment projects previously authorized by City Council. The City will repay the proceeds of the Contract in installments of principal and interest. The proceeds of the Contract will be raised through the sale to investors of debt instruments called Certificates of Participation, which will entitle the investors to receive a portion of the City's installment payments under the Contract.
- The City's obligations under the Contract will be secured by a deed of trust (Deed of Trust) which will create for the benefit of the investors a lien on a portion of the capital projects and a security interest in all of the equipment being financed. The City Council will approve the final Contract, Deed of Trust and other documents necessary for the financing in a later action following the May 11 public hearing on the Contract.
- This Action:
  - Authorizes the Finance Director and City staff to enter into negotiations for the Contract and Deed of Trust in connection with the financing of the equipment and capital projects
  - Authorizes City staff to apply to the Local Government Commission for its approval of the financing
  - Makes certain findings necessary for the Local Government Commission's approval of the financing
  - Sets a public hearing on the Contract for May 11, 2009 and directs the publication of notice with respect thereto

#### **Funding**

Municipal Debt Service Fund

**Attachment 28**

Resolution

**34. Police Metro Division Furniture Purchase**

- Actions:** **A. Approve the purchase of furniture for the new Metro Division Office, as authorized by the cooperative purchase exemption of G.S. 143-129(e)(3), and**
- B: Approve the purchase of furniture from Knoll Inc. in the amount of \$138,586.84.**

**Staff Resources:** Deputy Chief Ken Miller, Police  
Greg Crystal, Police

**Explanation**

- CMPD needs to purchase furniture for its new Metro Division Office which is expected to open in August 2009.
- The Metro Division Office, located at 1118 Beatties Ford Road, will house the 90 officers and command personnel assigned to the Metro Division. The number of police personnel using the building is expected to grow as CMPD adds additional officers. The building will also have a conference room that will be used by Metro Division residents for community meetings and events.
- The project was approved in the FY2007 Capital Investment Plan.
- Furniture to be purchased is manufactured by Knoll, Inc.
- Furniture will be purchased with funds from the Capital Improvement Fund-Police Metro Station funding.

**Cooperative Purchasing Exemption**

- NC General Statute 143-129(e)(3) authorizes cooperative group purchasing.
- Knoll, Inc. has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest available to a governmental entity.

**Small Business Opportunity**

Cooperative purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

**Funding**

Government Facilities Capital Investment Plan

## 35. Police Cellular Phone Services and Equipment

- Actions:**
- A. Approve a contract for cellular phone services and equipment, as authorized by the cooperative purchasing exemption of G.S. 143-129 (e) (3),**
  - B. Approve a one year contract, with two, one year renewal options with AT&T to provide cellular phone services and equipment for the Charlotte-Mecklenburg Police Department at a cost not to exceed \$310,000 per year, and**
  - B. Authorize the City Manager to approve up to two, one year renewal options.**

**Staff Resources:** Deputy Chief Ken Miller, Police  
Major Chuck Johnson, Police  
Mike Bedard, Police

### Explanation

- CMPD personnel use cellular (cell) phones and blackberries to coordinate response to major incidents, exchange information and contact citizens. Personnel in the 39 response areas provide citizens with their cell phone numbers so they can address citizen concerns on a timely basis.
- The contract with AT&T will provide cell phone service, equipment, and accessories for an estimated 583 phones and 152 blackberry devices.
- AT&T is exchanging all existing cell devices, blackberries, and accessories to compatible AT&T components for free, equating to an initial savings of \$133,296.
- In addition, AT&T is providing a \$100 one-time credit per phone line, equating to a savings of \$58,300.
- AT&T is recommended as the most cost effective and overall best solution for CMPD's cell phone service requirements.

### Cooperative Purchasing Exemption

- NC General Statute 143-129(e)(3)(2002) authorizes competitive group purchasing.
- AT&T Mobility has a wireless communication services and equipment contract through the Western States Contracting Alliance (WSCA).
- The AT&T Mobility contract was competitively bid by WSCA and awarded on October 10, 2006.
- WSCA provides a discount for voice and data plans, equipment, and accessories.
- WSCA covers purchases for all government entities including but not limited to cities, counties, towns, and school districts in North Carolina.
- A Participating Addendum was initiated by the North Carolina League of Municipalities on December 7, 2006.

### Small Business Opportunity

Cooperative purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

### Funding

Police Operating Budget

## 36. Heavy Brakes and Related Components

**Actions:** **A. Award unit price contracts for heavy brake and related components for City and County vehicles and other rolling stock equipment in the combined estimated annual amount of \$300,000 for a term of one year to the following six vendors:**

1. Carolina Rim & Wheel
2. Charlotte Truck Center
3. Hale Trailer
4. National Fleet Services
5. Stone Truck Parts, LLC.
6. Transaxle, LLC.

**B. Authorize the City Manager to renew the contracts up to four additional one year terms with possible price adjustments as authorized by the contract.**

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

### **Explanation:**

- City Council previously awarded contracts for brakes and related components at the September 8, 2008 Council Meeting. This award took into consideration heavy brakes and related components.
- On January 8, 2009 the City received notification from one of the previously awarded contractors that they were unable to continue their contractual obligations, leaving the City with no primary or alternate source for certain brakes and related components.
- The decision to rebid heavy brakes and related components was made to secure additional and multiple vendors to support the City and County's brake needs.
- The City executes contracts with multiple vendors to provide all required brands of heavy brakes and related components because no single vendor can provide all of the needed components.
- This approach helps eliminate vehicle downtime and increases supply availability by providing primary and alternate sources for heavy brakes and related components during routine and emergency situations.
- An Invitation to Bid was issued and included specifications for 29 heavy brakes and related components for the City and County fleet.
- Eight bids were received with six deemed responsive, responsible and eligible for contract award.
- The City will continue to base individual purchasing decisions on heavy brakes and related components that best match vehicle operating conditions, as well as product purchase price and availability.

### **Small Business Opportunity**

No SBO goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Policy).

### **Funding**

Business Support Services Operating Budget

## 37. York Road and Grand Palisades Parkway/Riverpointe Drive Traffic Signal

**Action:** Adopt a budget ordinance appropriating up to \$284,000 in private developer funds for traffic signal improvements at York Road and Grand Palisades Parkway/Riverpointe Drive.

**Staff Resources:** Liz Babson, Transportation  
Scott Putnam, Transportation

### Explanation

- Crescent Resources, LLC has submitted a deposit to cover the cost of installing a traffic signal at the intersection of York Road and Grand Palisades Parkway/Riverpointe Drive in accordance with the conditional zoning plan for the Palisades project.
- The NCDOT and CDOT determined last spring that the signal should be installed, and due to the delay, have determined that the overall signal installation should include a temporary wood pole traffic signal for the interim period before the permanent steel poles/mast arms can be installed early next year. The temporary signal is expected to be operational by June 5, 2009.
- Crescent's deposit of \$219,718 is based on a cost estimate provided in July 2008 by the CDOT. The budget ordinance appropriation of \$284,000 allows for possible escalation of the cost and the addition of the temporary signals. The funding is restricted to this project.
- As is customary when developers pay for signals, any balance due or refund of the deposit will be settled with Crescent Resources upon completion of the project.
- CDOT will be installing and operating this new signal as part of the existing signal system in the area in accordance with a municipal agreement with the NCDOT. The steel pole/mast arm traffic signal is estimated to be complete by April 2010.

### Funding

Developer Contributions

### Attachment 29

Budget Ordinance

## 38. Property Transactions

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

### Acquisitions

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

- A. Project:** Airport Drive- Storm Water Easement  
**Owner(s):** Jackson Park Ministries  
**Property Address:** 5415 Airport Drive  
**Easement SF to be acquired:** 3,873 Square Feet  
**Improvements to be acquired:** none  
**Purchase Price:** \$8,000  
**Remarks:** The purchase price was determined by an independent MAI appraisal.  
**Zoned:** B1  
**Use:** Church property  
**Total Parcel Tax Value:** \$791,800  
**Tax Code:** 115-061-02
- B. Project:** Southwest Blvd Connection, Parcel # 1  
**Owner(s):** University Charlotte Apartments, LLC  
**Property Address:** 3101 Southwest Boulevard  
**Property to be acquired:** 6,870 sq. ft. (.158 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,000  
**Remarks:** Compensation was established as a result of damages.  
**Zoned:** R-17  
**Use:** Multi Family  
**Tax Code:** 069-144-20  
**Total Parcel Tax Value:** \$1,378,500

### Condemnations

- C. Project:** Fire Station 40 - Harrisburg Road, Parcel # 11,  
**Owner(s):** First Korean Presbyterian Church Of Charlotte And Any Other Parties Of Interest  
**Property Address:** 9832 Harrisburg Road  
**Property to be acquired:** Total Combined Area of 60,254 sq. ft. (1.383 ac.) of Fee Simple, plus Existing Right-of-way, plus Guy Easement and Overhead Electrical Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$12,600  
**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  
**Tax Code:** 111-092-05  
**Total Parcel Tax Value:** \$342,100

- D. Project:** Shasta Lane Sidewalk, Parcel # 14,  
**Owner(s):** Heirs Of The Estate Of Robert Bailey And Any Other Parties Of Interest  
**Property Address:** 401 Shasta Lane  
**Property to be acquired:** Total Combined Area of 2,245 sq. ft. (.052 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,825  
**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  
**Tax Code:** 185-142-28  
**Total Parcel Tax Value:** \$237,900
- E. Project:** Shasta Lane Sidewalk, Parcel # 17,  
**Owner(s):** Dupuy, David C. And Any Other Parties Of Interest  
**Property Address:** 439 Shasta Lane  
**Property to be acquired:** Total Combined Area of 2,020 sq. ft. (.046 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,425  
**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  
**Tax Code:** 185-142-31  
**Total Parcel Tax Value:** \$238,400

### 39. Meeting Minutes

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

- March 9, 2009
- March 19, 2009