

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael 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, February 25, 2008

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, February 25, 2008

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. North Tryon Redevelopment Study, Segment 1, Brookshire to Sugar Creek

Resource: Tom Warshauer, Economic Development

Time: 20 minutes

Synopsis

- On December 11, 2006 Council approved a contract with Frank Warren and Associates (with subcontractors: ColeJenest & Stone, Kimley-Horn and Associates, and The Littlejohn Group) to examine North Tryon redevelopment in two segments – Segment 1 from Brookshire to Sugar Creek and Segment 2 from Sugar Creek to Old Concord Road.
- Segment 1 study is nearing completion. This includes:
 - Potential land use changes
 - Street network and circulation improvements to promote redevelopment and transportation mobility for all users
 - Improved intersections and streetscape design for North Tryon
 - Identification of four target areas for redevelopment (Catalyst Sites)
- Staff will present the study findings for referral to the Economic Development and Planning Committee to consider next steps for:
 - Implementation alternatives for catalyst sites
 - Creation of a phased streetscape improvement schedule for North Tryon
 - Creation of an Area Plan to be brought forward to Council for adoption

Action

- Refer to Economic Development & Planning Committee

3. Extension of Municipal Service District 4 (Historic South End) and the Establishment of Municipal Service District 6 (Elizabeth/Midtown)

Resources: Brad Richardson, Economic Development
Michael Smith, Charlotte Center City Partners

Time: 25 minutes

Synopsis

- Charlotte Center City Partners (CCCP) desires to extend the boundaries of Municipal Service District 4 (Historic South End) and establish a new Municipal Service District to serve the Elizabeth Avenue and Midtown areas.
- CCCP held a public meeting on the proposed extension of Historic South End on Wednesday, February 13.
- CCCP has met with a majority of property owners along Elizabeth Avenue and the Midtown area.
- Staff from CCCP will update Council on its recent accomplishments and current program of work, as well as their plans for providing services to these areas.

Action

- To enable the City to follow required statutory guidelines, Council must commission staff reports on the extension of the MSD #4 and the creation of MSD #6 for consideration by City Council in May 2008. This is item #16, page 19 of this agenda.

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
MEETING CHAMBER**

CONSENT

- 5. Consent agenda items 19 through 38 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

6. Public Hearings on Voluntary Annexations

- Actions:**
- A. Hold a public hearing for the Gallant Lane voluntary annexation petition,**
 - B. Hold a public hearing for the Flat Branch Park voluntary annexation petition,**
 - C. Hold a public hearing for the Burnt Umber voluntary annexation petition,**
 - D. Hold a public hearing for the Reedy Creek Park II voluntary annexation petition,**
 - E. Hold a public hearing for the Hucks Road Park voluntary annexation petition,**
 - F. Hold a public hearing for the Beatties Ford/I-485 voluntary annexation petition,**
 - G. Hold a public hearing for the Winget Road voluntary annexation petition,**
 - H. Hold a public hearing for the voluntary annexation of the City-owned Mallard Creek wastewater treatment plant property, and**
 - I. Adopt ordinances with an effective date of February 25, 2008 to extend the corporate limits to include these properties.**

Staff Resource: Jonathan Wells, Planning

Policy:

City Annexation Policy and State Annexation Statutes

Explanation

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Voluntary annexation petitions were developed for seven County-owned tracts immediately adjacent to the current City boundaries, consisting of:
 - Gallant Lane, located off Brown Grier Road in Steele Creek area (currently unimproved land)
 - Flat Branch Park, located along Ardrey Kell and Tom Short Roads in south Mecklenburg County (currently unimproved land)
 - Burnt Umber, located south of Plaza Road extension (currently unimproved land)
 - Reedy Creek Park II, which is a portion of Reedy Creek Park along Plaza Road extension (currently unimproved land)
 - Hucks Road Park, located on the south side of Hucks Road east of NC115 (currently unimproved land)
 - Beatties Ford/I-485, located north of future I-485 west of Beatties Ford Road (currently unimproved land)

- Winget Road, located off Winget Road in the Steele Creek area (currently developed with a park and an elementary school).
- In addition, Planning proposes to annex the City-owned Mallard Creek wastewater treatment plant property off North Tryon Street (also immediately adjacent to the current City boundary) to enable more orderly future annexation in this portion of Charlotte's extraterritorial jurisdiction.
- Annexation ordinances establish effective annexation date of February 25, 2008 for all of these properties.

Consistent with City Council Policies

- Annexations are consistent with voluntary annexation policies approved on March 24, 2003.
- Annexations will not adversely affect the City's ability to undertake future annexations.
- Annexations will not negatively impact City finances or services.
- Annexations will not result in situation where unincorporated areas will be encompassed by new City limits.

Attachment 1

Annexation Ordinances

Maps

7. Public Hearing on Resolution to Close a Residual Portion of Right-of-Way Located at the Corner of Elmhurst Road and Kirkpatrick Road

Action: **A. Conduct a public hearing to close a residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

Charlotte Mecklenburg Board of Education

Right-of-Way to be abandoned

A residual portion of right-of-way located at the corner of Elmhurst Road and Kirkpatrick Road

Location

Located within the Dilworth Community beginning from an iron pin on the southern side of Elmhurst Road continuing approximately 85 feet around the corner radius eastwardly to a pin on the southern side of Kirkpatrick Road

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the legal maintenance of the athletic track that encroaches into the existing right-of-way and for possible future expansion of Sedgfield Middle School's athletic field

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations

Dilworth Community Development Association (DCDA) – No objection
Hope Creek Neighborhood Association – No objection
Madison Park Neighborhood Association – No objection
Olmsted Park HOA – No objection
Rosedale Heights – No objection
Savanna Woods – No objection
Sedgfield Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 2

Map

Resolution

8. Public Hearing on Resolution to Close Quail Wood Drive

Action: **A. Conduct a public hearing to close Quail Wood Drive, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

Faison-Hollow, LLC – Tom Brasse

Right-of-Way to be abandoned

Quail Wood Drive

Location

Located within the Rockbridge Community beginning from Carmel Road continuing northwestwardly approximately 100 feet to its terminus

Reason

To incorporate the right-of-way that was originally dedicated to the existing Quail Valley Apartments that is now no longer needed into adjacent property owned by the petitioner for the purpose of redevelopment. Rezoning petition 2007-114 affiliated with this proposed redevelopment project was approved by City Council on October 17, 2007.

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations

Beverly Woods East Civic Association – No objection

Cameron Wood HOA – No objection

Carmel Acres HOA – No objection

Carmel Crescent HOA – No objection

Carmel Forest Association – No objection

Carmel Valley HOA – No objection

Giverny HOA – No objection

Kingswood Community Association – No objection

Montibello HOA – No objection
 Mountainbrook Neighborhood Association – No objection
 Quail View HOA – No objection
 Rockbridge HOA – No objection
 Royden HOA – No objection
 Seven Eagles HOA – No objection
 Shadowlake Neighborhood Association – No objection
 Sturnbridge HOA – No objection
 Tuckaway Park Maintenance Association – No objection
 Wilton Wood – No objection
 Winding Brook Civic Association – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 3

Map
 Resolution

9. Public Hearing on Resolution to Close Two Unnamed Portions of Right-of-Way Running off of Sandy Porter Road and Township Road

Action: **A. Conduct a public hearing to close two unnamed portions of right-of-way running off of Sandy Porter Road and Township Road, and**

B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

First Centrum, LLC – Eddie Moore

Right-of-Way to be abandoned

Two unnamed portions of right-of-way running off of Sandy Porter Road and Township Road

Location

Located within the Steele Oaks/Braddock Green Community
Unnamed right-of-way #1 – beginning from Sandy Porter Road continuing west approximately 1,148 feet to its terminus
Unnamed right-of-way #2 – beginning from Township Road continuing northwestwardly approximately 930 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of a new single family housing development

Notification

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

Adjoining property owners

Rodrick J. and Helen M. McAllister – No objections
Jeffrey and Michele Jacobs – No objections
Kellie Fuller – No objections
First Group Investments – No objections
Eddie and Nellie Griffin – No objections
Terry B. and Emily C. Lindsay – No objections
Hellen Dove Ferrell – No objections
Paul D. and Nelda M. McDonald – No objections
Samuel T. Grissom Jr. – No objections

Neighborhood/Business Associations

Cedar Run HOA – No objections
Griers Fork HOA – No objections
Southwest Area Neighborhood Coalition – No objections
Steele Oaks/Braddock Green – No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 4

Map
Resolution

10. Public Hearing on Resolution to Close a Residual Portion of Heflin Street

Action: A. Conduct a public hearing to close a residual portion of Heflin Street, and
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

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

Petitioner

The City of Charlotte

Right-of-Way to be abandoned

A residual portion of Heflin Street

Location

Located within the Grier Heights Community beginning approximately 595 feet from Dunn Avenue continuing south approximately 91 feet to its terminus at parcel #157-012-13

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the proposed Grier Heights Connectivity Project #512-07-059

Notification

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

Adjoining property owners

City of Charlotte – No objections

Neighborhood/Business Associations

Briar Creek Commonwealth – No objections

Chantilly Neighborhood Association – No objections

Commonwealth Morningside Neighborhood Association – No objections

Commonwealth Park – No objections

Dwyer Solutions – No objections

Eastover Resident's Association – No objections

Echo Hills Neighborhood Association – No objections

Grier Heights Economic Foundation – No objections
 Grier Heights Neighborhood Improvement Association – No objections
 Sedgewood Circle/Meadowbrook – No objections
 Sedgewood Lake Drive HOA – No objections
 Wendover Hills HOA – No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 5

Map
 Resolution

11. Public Comment on the Draft Brevard Street Land Use and Urban Design Plan



Action: Receive public comments on the draft Brevard Street Land Use and Urban Design Plan.

Committee Chair: John Lassiter, Economic Development and Planning

Staff Resource: Dan Thilo, Planning Department

Explanation

- Since 2006 Planning Department staff has been working with property owners, business owners and interested citizens to develop a land use and urban design plan for properties located along Brevard Street between the Bobcats Arena and the NASCAR Hall of Fame, currently under construction.
- During a six month period, a consultant worked with the City in conducting stakeholder interviews, steering committee meetings and three public workshops. In addition, surveys were taken and a website was used to gather preferences.
- The consultant team did case studies on ten successful urban areas that have achieved the goals sought in this project. These studies provided the framework for developing design guidelines.
- The goal for this plan is to create a distinct, diverse and attractive vision for the study area that reflects and highlights the Memorable Streets- Brevard Street Connectivity Study.
- The plan updates various overlapping land use plans and once adopted, will serve as a guide for future growth and development in the area as well as guide public policy on future public and private development initiatives.

Plan Recommendations

Land Use

- Promote a mixture of land uses that support major public facilities in the study area: Bobcats Arena, Convention Center and NASCAR Hall of Fame

- Provide a minimum of 50% retail land uses on the first floor of all new buildings and a minimum of 75% retail along the street edge
- Land uses above the first floor should include residential, employment, and entertainment opportunities
- Reserve intersection/corner block locations for larger chain retailers
- Strategically locate a pocket park in the area to provide opportunities for social interactions

Urban Design

- Building heights should be a maximum of 60 feet or five stories at street level in order to create a consistent and appropriate pedestrian scale
- Behind a minimum 20 foot set back, building heights along Brevard Street may extend above 60 feet to unlimited heights
- Setbacks from the back of curb to the primary building façade along Brevard Street should provide adequate space for pedestrian activity and provide a continuous store frontage along Brevard Street
- Establish a change in building façades with architectural elements such as color variations, changes in the façade setback, or other means to achieve a varied but consistent streetscape
- Design parking structures to incorporate 75% of the exterior first floor with retail uses
- Create standards for parking structures that address design, parking requirements and pedestrian safety

Transportation / Connectivity

- Redefine Brevard Street as a two-way street with on-street parking on both sides
- Reduce the number of lanes and lane widths to emphasize the pedestrian environment
- Use the City's Wayfinding Signage System to provide guidance for pedestrians, cyclists, and motorists

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Commission received public comments on the plan at their January 22 meeting.
- Comments included concerns about making the retail space too long and narrow, incorporating historical markers noting the history of Second Ward and promoting the City's Affordable Housing Policy.
- The Planning Committee voted 5-0 to recommend adoption of the Brevard Street Land Use and Urban Design Plan with minor modifications. Those modifications include adding verbiage that supports the placement of historical markers in the area and recognizing the City's affordable housing policy.

Committee Discussion

- The Economic Development and Planning Committee received an overview of the plan on February 6 and asked for clarification on several of the recommendations. In addition, they discussed their experiences while visiting other cities. The Committee voted unanimously to forward the plan to Council for public comment (Lassiter, Mitchell, Foxx and Kinsey).

Attachment 6

Brevard Street Land Use & Urban Design Plan

POLICY

12. City Manager's Report

Cankerworm Aerial Spraying Update

13. Bryant Park Development



Action: Approve the Economic Development and Planning Committee recommendation to authorize the City Manager to negotiate and execute the following agreements in the Bryant Park area with:

- A. Martin/Grimes at the old Westwood Apartment site for street repairs on Evergreen and Fleetwood not to exceed \$350,000 from Powell Bill Street Maintenance Fund, and
- B. Merrifield/Crosland at the old Radiator Specialty site for the new Bryant Park Drive connecting Wilkinson to Morehead not to exceed \$3.2 million, using \$1 million in sales proceeds from the Arena Outparcel #1 and \$2.2 million in Synthetic Tax Incremental Financing through 90% of the tax increment generated by the development for ten years, and
- C. Adopt a budget ordinance appropriating \$1 million for the Merrifield/Crosland Radiator Specialty redevelopment.

Committee Chair: John Lassiter, Economic Development & Planning

Staff Resource: Tom Warshauer, Economic Development

Policy

Business Corridor Revitalization Strategic Plan

Explanation

- The Bryant Park Plan was developed in 2006-2007 after extensive community involvement and close work with the developers of Wesley Village (Wood Partners), Westwood Apartments (Martin/Grimes), and the old Radiator Specialty site (Merrifield/Crosland). Council adopted the Bryant Park Plan in July 2007. On January 28, 2008 Council approved participation in the Wesley Village Project.

Martin/Grimes Project

- The Martin/Grimes Project includes 600 new dwelling units in a combination of single family homes, rowhouses, condos and apartments on 36 acres where the old Westwood Apartments once stood. This project represents a \$116 million investment, generating \$533,444 in annual City taxes at completion in approximately 2011.
 - The developer discovered two public streets in the development, Evergreen and Fleetwood, were not built to City standard. The cost to bring the base to standard is approximately \$350,000.
 - Staff recommended assistance since the project is in a target corridor, improves housing stock and neighborhoods, and existing public roads are a City responsibility.

Merrifield/Crosland Project

- The Merrifield/Crosland redevelopment of the old Radiator Specialty site includes 600,000 square feet of office and 250,000 square feet of residential on 34 acres. The Charlotte School of Law has started construction with completion of the entire project phased over 10 years. The project represents a \$170 million investment, generating \$779,000 in annual City taxes at completion in approximately 2015.
 - The Bryant Park Plan coordinated the location of new streets to support the redevelopment of the entire Bryant Park area, with a particular focus on creation of Bryant Park Drive connecting Wilkinson to Morehead.
 - The developer agreed to relocate and build this street in support of the plan, if the City could participate in those costs outside their proforma.

Staff Recommendations

- Staff recommends assistance for the following reasons:
 - In a targeted corridor
 - Provides high priority infrastructure that allows for future development
 - Creates jobs
 - Proven financing gap (with City participation, return is 8.69%, where the market is 9.5%)
 - Property taxes from all phases could repay proposed City investment by 2016
 - Meets City Tax Incremental Financing (TIF) policy

Committee Recommendation

- On February 6 the Economic Development and Planning Committee recommended the City reallocate funds in CDOTs' Street Resurfacing Program to cover street reconstruction costs up to \$350,000 for the Martin/Grimes project (3-0: Lassiter, Mitchell and Kinsey).
- On February 6 the Economic Development and Planning Committee recommended an Infrastructure Reimbursement Agreement not to exceed \$3.2 million to fund Bryant Park Drive, using \$1 million in sale proceeds from the Arena Outparcel #1 and 90% of the City tax increment generated by the development for 10 years. (4-0: Lassiter, Mitchell, Kinsey and Foxx)
- This Synthetic TIF would use approximately 2% of the total TIF capacity in the City's TIF Policy. Approximately 61% of the City's TIF capacity has been previously reserved by City Council for the following projects: Elizabeth, Midtown, Wachovia Cultural Facilities, Seaboard Street, Carolina Theatre, IKEA, Pope and Land, and Wesley Village.
- The February 6 Economic Development and Planning Committee discussion included:
 - Preserve the use of flexible Economic Development Business Corridor Funds for other projects by using Powell Bill Street Maintenance funds and sales proceeds from Arena Outparcel #1 to meet these projects' funding requirements
 - These development projects support one another. All three are needed to create the momentum for a successful neighborhood.
 - The road pattern established by these projects builds needed connections to support long term redevelopment efforts.

Small Business Opportunity

SBE goal will be established in the Reimbursement Agreement

Funding

- \$350,000 from the Powell Bill Street Maintenance Fund
- The budget ordinance appropriates \$1 million from the sale of Arena Outparcel #1.
- TIF reimbursement will be included in the annual budget ordinance.

Attachment 7

Budget Ordinance

BUSINESS

14. North Corridor Commuter Rail Engineering



| | |
|----------------|---|
| Action: | <p>A. Approve an agreement for consultant services with HDR Engineering, Inc. of the Carolinas to provide professional design and engineering services at an amount not to exceed to \$7 million for the North Corridor Commuter Rail Project,</p> <p>B. Approve an agreement at an amount not to exceed \$1.5 million with The Norfolk Southern Railroad Corporation (owner of the rail line) to provide professional design services as may be necessary for portions of the North Corridor Commuter Rail Project, and</p> <p>C. Adopt a budget ordinance appropriating \$5 million from the transit fund for the first phase of this project.</p> |
|----------------|---|

Staff Resource: Keith Parker, CATS
David Carol, CATS

Policy

Centers & Corridors, the 2030 Corridor System Plan, Transportation Action Plan

Explanation

- The North Corridor Commuter Rail project would extend a commuter rail service from the proposed Charlotte Gateway Station to Mooresville, connecting businesses, commuters, the three expanding towns of northern Mecklenburg County, and Mooresville with Uptown Charlotte using existing rail right-of-way. The proposed contract would cover the necessary architectural-engineering services to design the project.
- In November 2006 the MTC adopted the 2030 Transit Corridor System Plan that provided for the North Corridor to move forward into Preliminary Engineering.
- In July 2007 the MTC authorized CATS to advance engineering of the North Corridor project to further develop a financing strategy for funding the project.
- On August 20, 2007 the City issued a Request for Qualifications (RFQ) for preliminary design and engineering services for the North Corridor Commuter Rail Project. Four responses to the RFQ were received on September 19, 2007.
- An evaluation team comprised of representatives from CATS, Engineering and Property Management, and Planning made up of representatives from City KBUs selected HDR Engineering, Inc., of the Carolinas (HDR) as the most qualified firm for the work. Following the selection, the City and HDR entered into negotiations for the work.
- On February 11, 2008 staff presented an overview of the proposed North Corridor project to the City Council.

North Corridor Preliminary Professional Design & Engineering Agreements

- These agreements would advance engineering for the North Corridor Commuter Rail Project and are required to:
 - Develop a reliable project cost estimate
 - Advise Charlotte, Mecklenburg County and the four participating Towns of the amount of local funding required of them
 - Advance planning and scheduling of the work to be undertaken by the Norfolk Southern Railroad, owner of the existing rail line over which commuter trains will operate
- These agreements will be structured as a task assigned contracts that encompasses all engineering through final design and may include some construction management.
- The City will only be obligated under these contracts to pay for services as they are rendered and will have the contractual right to terminate the contracts at anytime without further obligation. Staff will periodically update City Council as the design work progresses and construction costs are determined.
- The City Manager (or designee) is authorized to terminate or modify these agreements.
- These agreements will use a cost reimbursement method which will provide for payment of allowable, incurred costs as described in the contracts and the scopes of work. These agreements will establish a total estimate of costs and limits on expenditures per task order that HDR and Norfolk Southern may not exceed without written approval from the City.
- Individual tasks will be assigned and monitored by City staff.

Small Business Opportunity

CATS will negotiate individual SBE goals (as appropriate) with HDR Engineering for each subcontract or work order let, as this project evolves. (Part C: Section 2.2 of the SBO Policy) HDR Engineering has listed in their proposal the following SBEs as supporting team members: C Design, Inc. and Utility Coordination Consultants, Inc.

North Corridor Funding Schedule

- Total project engineering, based on the current conceptual cost estimate, is projected to total \$8.5 million through final engineering and procurement.
 - CATS' FY2008 budget included \$5 million for North Corridor engineering.
 - The additional \$3.5 million required to complete engineering will be appropriated with the FY2009 Transit Capital Investment Plan budget.

Attachment 8

Questions and Answers from February 11 Dinner Briefing
Budget Ordinance

15. South Corridor Light Rail Project Contract Amendment for Construction Management Services



Action: Approve a contract amendment with STV, Inc. in an amount not to exceed \$800,000 for construction management services.

Staff Resource: Keith Parker, Charlotte Area Transit System
David Leard, Charlotte Area Transit System

Policy

Centers & Corridors, 2030 Transit Corridor System Plan, Transportation Action Plan

Explanation

- At the September 24, 2007 meeting Council approved a \$1,513,335 amendment to the STV contract. This amendment covered the extended completion timeframe for the South Corridor Light Rail Project and provided for construction management services and contractor claim support services as required through the construction and contract close out period for the South Corridor Project. At that time, the closeout period was estimated to extend to February 2008.
- The contract amendment will extend STV's contract to provide construction management services as required through the contract close out period for the SCLRP. All contracts are presently forecast to be closed by the end of April 2008. The request provides funding for STV services through May 2008. This funding will be allocated from Unallocated Contingency of the Full Funding Grant Agreement (FFGA).
- The amendment provides for the continued use of 11 full time STV staff persons. During this amendment period STV staff will:
 - Administer open construction contracts; including the Roadbed, Station Finishes, Traction Power, Signals & Communication, and Fare Collection contracts
 - Review and approve an estimated 90% of the documents required to close out the SCLRP contracts
 - Provide the City with support against potential contractor claims. STV staff will analyze the contractors' cases and assist the City to determine what if any liabilities may exist
- CATS and STV continue to work with the contractors to expedite contract close out. Should close out activities progress faster than anticipated, remaining funds will be returned to the City.

Disadvantaged Business Enterprise Opportunity (STV)

Established DBE Goal: 11%

Committed DBE Goal: 11%

This is an amendment to the original contract awarded by Council June 23, 2003. The DBEs identified were; GNA Design Associates Inc., Zapata Engineering and Altura Environmental

Funding

Full Funding Grant Agreement

16. Historic South End Municipal Service District Extension and Establishment of an Elizabeth Avenue/Midtown Municipal Service District

- Action:**
- A. Direct staff to prepare a report pursuant to GS 160A-538(c) concerning the extension of the Historic South End Municipal Service District (MSD), and
 - B. Direct staff to prepare a report pursuant to GS 160A-538(c) concerning the creation of a new MSD for Elizabeth Avenue and Midtown, and
 - C. Designate Brad Richardson in the Economic Development Office to mail public hearing notices for the proposed parcels to be added to the districts.

Staff Resource: Brad Richardson, Economic Development

Explanation

- Charlotte Center City Partners (CCCP) requests that the Historic South End MSD be extended and a new MSD for Midtown/Elizabeth be established effective July 1, 2008. To meet this request and enable the City to follow required statutory guidelines, staff proposes the following process for considering the district changes:

| Action | Date |
|--|-------------------|
| Council action to prepare MSD reports | February 25, 2008 |
| City notifies affected property owners about MSD | April 2008 |
| City staff finalizes and distributes MSD reports | April 2008 |
| Council conducts public hearing | May 2008 |
| Council resolution to extend the MSD | May 2008 |
| Council approves MSD contract with CCCP | June 2008 |

- The timing of this process is designed to coincide with the FY2009 budget process as the MSD tax rates and revenues must be included in the total City budget estimates.
- The City is required to prepare the MSD reports before conducting the public hearing. These reports will document proposed district boundaries, tax rate, and plan for providing services. Upon completion, these reports will be distributed to Council and key stakeholders. They will also be available through the City Clerk's Office and the City's Internet site.
- State law also requires Council to designate a person to mail notices of the public hearing to the property owners and certify to Council that the mailing has been completed.

Background

- State law allows cities to create municipal service districts (MSDs) to promote economic development and/or provide services at a higher level in the district than provided for the entire city.
- MSDs are funded through an assessment on all property owners within the district boundaries. All of the money raised by the MSD assessment must be spent on district enhancement programs.

Attachment 9

Map of Proposed Extension of Historic South End MSD

Map of Proposed Elizabeth/Midtown MSD

17. Closed Session

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

18. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. The City incorporated the SBO Program into its' overall procurement and contracting process beginning in 2003. Formal Contracts recommended for award as of June 15, 2007 comply with the provisions of the revised SBO Policy. Participation of small business enterprises (SBE) is noted where applicable.

State or Federal-funded projects may include a mention of either MWBE or DBE goals, and the compliance associated with each.

Contractors and Consultants

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

CONSENT I

19. Various Bids

A. Kensington Drive Sidewalks

EPM

Staff Resource: Sam Barber

Action

Award the low bid of \$462,778.34 by Ferebee Corporation of Charlotte, North Carolina. This project will construct sidewalk improvements along Nassau Boulevard, Thurmond Place and Kensington Drive to enhance pedestrian safety and accessibility. The work includes concrete sidewalk, curb and gutter, new pavement, drainage and utility adjustments and other associated work. Construction completion is scheduled for third quarter of 2008.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.05%

Ferebee Corporation committed 7.05% (\$32,635) of the total contract amount to the following SBE firms: D's Trucking Service and On Time Construction, Inc.

B. Bryant Farms Sidewalk EPM

Staff Resource: Geen Cheng Khoo

Action

Award the low bid of \$229,314.60 by Econ International Corporation of Charlotte, North Carolina. This project will add sidewalk and grass planting strips to the east side of Community House Road from Willow Rock Drive to Bryant Farms Road and the south side of Bryant Farms Road from Community House Road to Blakeney Heath Drive in south east Charlotte. Construction completion is scheduled for third quarter of 2008. The contractor must establish 95% grass turf and there is a one year warranty on the grass turf.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.23%

Econ International, a certified SBE firm, committed 5.23% (\$12,000) of the total contract amount to the following SBE firms: Bullington Construction, Draper Transport, and S & D Masonry & Construction, LLC.

C. Storm Water Maintenance FY2008 A EPM

Staff Resource: Gary Wright

Action

Award the low bid of \$1,115,750 by Blythe Development for construction of Storm Water Maintenance, FY2008 A. Authorize the City Manager to execute three renewals of the contract for \$1,115,750 each. This construction is part of an ongoing program to provide maintenance repairs to existing storm drainage systems and construction of new drainage systems. Individual projects are identified and prioritized based on severity of potential public/private property flooding.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.03%

Blythe Development committed 4.03% (\$45,000) of the total contract amount to the following SBE firm: RC Hauling, Inc.

D. Storm Water Quality/Stream Maintenance FY2008 EPM

Staff Resource: Darryl Hammock

Action

Award the low bid of \$1,098,630 by Blythe Development Co. of Charlotte, North Carolina. The two year contract will enable Storm Water Services to promptly address any stability problems during a stream projects' initial 'establishment phase'. Early detection and repair of these problems will avoid more costly repairs later, and ensure long-term success. This contract may also be used to

construct small scale stream restoration and environmental enhancement projects.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4.38%

Blythe Development committed 4.38% (\$48,094) of the total contract amount to the following SBE firm: Carolina Wetland Services, Inc.

**E. US Airways Training Center Expansion - Aviation
Construction Package**

Staff Resource: Jerry Orr

Action

Award the low bid of \$2,760,000 by Morlando-Holden Construction, Inc. of Charlotte, North Carolina for the construction of the US Airways Crew Training Facility that will house additional flight simulators. City Council approved the design contract on January 14, 2008.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 18.55%

Morlando-Holden Construction committed 18.55% (\$512,000) of the total contract amount to the following SBE firm(s): RDS Electrical Contracting of Charlotte (SM8238)

**F. FY2008 Sanitary Sewer Replacements – CMU
Contract Two**

Staff Resource: Doug Bean

Action

Award the low bid of \$1,085,059.50 by R.F. Shinn Contractor, Inc., Midland, North Carolina for replacing severely deteriorated sanitary sewer mains throughout Mecklenburg County. Sewers to be replaced have been identified and prioritized based on problems encountered during routine maintenance, service order history from customers and repeat sewer overflows within an area.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 10.88%

RF Shinn Contractor committed \$118,000 of the total contract amount to the following SBE firms: Conmat Development, Inc. D. W. Walker Construction Co., Ms. Sybil's Seeding, Tarpon Construction, Inc.

G. Fiber Extension and Traffic Control System Trunk Line Construction – General Commerce Drive Project **BSS**

Staff Resource: Dennis Baucom

Action

Award the low bid of \$166,860.79 by Fiber Technologies, Inc. of Suwanee, Georgia. This is a collaborative project between BSS, CDOT, and CMU to construct a 5.8 mile fiber route. The project includes:

- Install fiber optic cable to facilitate a trunk line for the traffic control system
- Extend the City computer network services to the General Commerce Drive facility
- Provide connectivity to the Charlotte Mecklenburg Utilities call center

Small Business Opportunity

Under the revised SBO policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required. (Appendix Section 29.1 of the SBO Policy).

20. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$64,572.37.

Staff Resource: Teresa Smith, Finance

Attachment 10

Resolution

List of property tax refunds

21. In Rem Remedy

For In Rem Remedy #A-G, 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. 3217/3219 Ross Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood)

Field Observation:

- B. 2309 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- C. 1212 & 1212-B Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- D. 5928 Johnnette Drive (Neighborhood Statistical Area 148 – Farm Pond Neighborhood)
- E. 2423/25 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- F. 230 W. Sugar Creek Road (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)
- G. 412-2 Wake Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)

Public Safety:

- A. **3217/3219 Ross Avenue**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3217/3219 Ross Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood).

Attachment 11

Field Observation:

B. 2309 Dundeen Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2309 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 12

C. 1212 & 1212-B Fairmont Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1212 & 1212-B Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

Attachment 13

D. 5928 Johnnette Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5928 Johnnette Drive (Neighborhood Statistical Area 148 – Farm Pond Neighborhood).

Attachment 14

E. 2423/25 Marlowe Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2423/25 Marlowe Avenue (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 15

F. 230 W. Sugar Creek Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 230 W. Sugar Creek Road (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood).

Attachment 16

G. 412-2 Wake Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 412-2 Wake Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 17

CONSENT II

22. Renovations to the North Carolina Blumenthal Performing Arts Center

Action: Authorize the City Manager to approve amendments to the Declaration of Easements, Covenants, Conditions and Restrictions with Bank of America and the North Carolina Blumenthal Performing Arts Center and other documents necessary to facilitate the proposed modifications to Founders Hall impacting the space of the North Carolina Blumenthal Performing Arts Center.

Staff Resource: Ron Kimble, City Manager's Office
Tom Gabbard, NC Blumenthal Performing Arts Center

Explanation

- Bank of America is undertaking renovations to Founders Hall as well as development of the new office tower and Ritz-Carlton Hotel.
- The modifications to Founders Hall will impact space currently used by the North Carolina Blumenthal Performing Arts Center. This particular space is owned by Bank of America, but used by the Performing Arts Center (PAC) via an air rights agreement.
- While the space being impacted is not owned by the City, the City is party to the Declaration of Easements, Covenants, Conditions and Restrictions with the PAC and Bank of America and also leases the Blumenthal Space to the PAC.
- Changes to Founders Hall to be undertaken by Bank of America include:
 - Reconfiguring and relocating the Booth Playhouse lobby and restrooms in order to accommodate a new overhead walkway across College Street
 - Renovating the Belk Theatre Lobby with a custom permanent ticket booth.
- In addition, Bank of America will provide approximately 1,500 square feet of space in the new office tower to be used by the PAC for administrative space to compensate for the loss of square footage.
- The PAC will close the Booth Playhouse from June-October 2008 in order to allow for the interior renovation work.
- Bank of America will pay for the construction costs to renovate Founder's Hall, to renovate the Booth Playhouse lobby and restrooms, to renovate the Belk Theatre lobby and to up-fit the 1,500 square feet of administrative space to be located in the new office tower.
- The PAC Board of directors has sent a letter endorsing these changes.

Attachment 18

Letter from Bank of America

Letter from North Carolina Blumenthal Performing Arts Center

23. Railroad Agreement for Fred D. Alexander Boulevard

Action: Authorize the City Manager to negotiate and execute a construction agreement with CSX Transportation (CSXT) in an amount not to exceed \$500,000 for railroad flagging, construction engineering and inspection.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Agreement with CSX Transportation

- Fred D. Alexander Boulevard Phase 1 will include construction of a bridge over the CSXT Railroad and other improvements within the railroad right-of-way.
- CSXT will not allow work to begin within the railroad right-of-way until a fully executed construction agreement with the City is in place and a prepayment check has been received.
- This action will allow the City Manager to negotiate and execute an agreement with CSXT for the City to pay up to \$500,000 for railroad flagging and construction engineering/inspection.
- This estimate was prepared by CSXT based on their review of construction plans and estimated time to complete the construction of the bridge over the railroad.

Fred D. Alexander Boulevard Project History

- This project is a proposed multi-lane roadway to connect NC27 to NC16 based on recommendations of the West Side Strategy Plan.
- The 2004 Transportation Bonds included \$5.8 million to complete design, right-of-way acquisition, and utility relocation.
- The 2006 Transportation Bonds included \$20 million to fund the first phase of construction. Additional funds for the second phase of construction are proposed for 2008 Bond Referendum.
- After completing construction of the bridge, two at-grade railroad crossings (Craig Street and Kenstead Circle) will be eliminated.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix Section 23.2 of the SBO Policy). CSXT has jurisdiction authority within the railroad right-of-way for this contract.

Funding

Transportation Capital Investment Plan

24. Engineering Services for Freedom Drive – Stewart Creek Parkway

- Action:**
- A. Adopt a resolution exempting the Freedom Drive – Stewart Creek Parkway project from the provisions of the North Carolina General Statute 143-64.31 for the procurement of engineering services, and**
 - B. Approve a contract with Kimley-Horn and Associates, Inc. for \$127,807 for engineering services for the Freedom Drive – Stewart Creek Parkway project.**

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Resolution Exempting Freedom Drive – Stewart Creek Parkway

- North Carolina Department of Transportation (NCDOT) selected Kimley-Horn and Associates, Inc. (KHA) to provide engineering design services for the Freedom Drive/Thrift Road intersection, a NCDOT Moving Ahead project.
- The intersection project was put on hold when a large development project, Wesley Village, was proposed and modified to meet the City's Bryant Park Area Plan. In order to avoid losing NCDOT funding, NCDOT agreed to take over construction of the Johnson-Oehler intersection using Moving Ahead project funding.
- Portions of the original planning and design work done by KHA for Freedom Drive/Thrift Road intersection can be used for the Freedom Drive-Stewart Creek Parkway project.
- By using KHA, the original design firm, the City will save time and money on the engineering fees.
- The statute allows the local government board to exempt projects at their sole discretion.

Contract with Kimley–Horn and Associates, Inc. for Freedom Drive – Stewart Creek Parkway

- On January 28, 2008 Council authorized the City Manager to negotiate and execute an Infrastructure Reimbursement agreement with Wood Partner for the Bryant Park – Wesley Village Infrastructure. Included in the Council Action item was a staff recommendation to use approximately \$970,000 in Transportation Capital Investment Plan funds to reconstruct the Freedom Drive/Thrift intersection.
- The new development project is adjacent to the Freedom Drive/ Thrift intersection.
- Approval of this contract will allow for the redesign of the intersection project and provide a left turn lane on Freedom Drive to accommodate the proposed Bryant Park-Wesley Village Infrastructure and improve the intersection of Freedom Drive, Thrift Road and the proposed Stewart Creek Parkway.

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). On this contract, no SBEs were selected as part of the overall Consultant project team.

Funding

Transportation Capital Investment Plan

Attachment 19
Resolution

25. Termination of Water Quality Tri-party Memorandum of Understanding

Action: Authorize the City Manager to execute an agreement to terminate a Memorandum of Understanding (MOU) with Mecklenburg County and the State of North Carolina, Division of Water Quality.

Staff Resource: Daryl Hammock, Engineering and Property Management

Explanation

- The North Carolina Department of Natural Resources, Division of Water Quality (NCDWQ) established the Wetlands Restoration Program (NCWRP) for the purpose of restoring wetland and stream resources to protect and improve water quality.
- Certain public and/or private projects that impact streams or wetlands are required to compensate for impacts by paying into the NCWRP fund.
- The NCWRP uses the fees collected to design and construct restoration projects within the impacted watershed.
- On May 14, 2001 City Council authorized the City Manager to execute an MOU with Mecklenburg County and NCDWQ that described how the NCWRP would fund, design and construct stream and wetland restoration projects within the City or County jurisdiction.
- In 2003 the North Carolina Ecosystem Enhancement Program was created to replace the NCWRP and implement organizational and functional changes to better serve customers. These changes have made some of the language in the MOU obsolete.
- Some portions of the MOU related to process and procedure are too restrictive on the State, which reduces their ability to construct water quality projects in Charlotte.
- All parties agree that the MOU has become outdated and no longer best serves each party's interest.
- All parties still desire to work together, however, future agreements will be on a project-by-project basis.

26. Transportation Security Administration Grant

- Action:**
- A. Adopt a resolution accepting a grant in the amount of \$2,050,000 from the Department of Homeland Security's Transportation Security Administration to provide a closed circuit television system at Charlotte-Douglas International Airport, and**
 - B. Adopt a budget ordinance appropriating the proceeds of the grant.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The Transportation Security Administration (TSA) leased an extensive system of closed circuit television cameras in April 2004 at a cost of \$1,200,000 to test a security enhancement concept. That lease expired in January 2008 and the cameras will be removed in July. TSA can no longer lease the system but has offered a \$2,050,000 grant to the Airport to design, acquire and install a new replacement system.
- This action will accept the grant, reimburse \$84,475 paid to DB Consulting (Charlotte, NC) for design, and bid for a contractor to provide and install the new camera system.

Funding

Homeland Security Grant

Attachment 20

Resolution

Budget Ordinance

27. FY2008 Annual Financial Audit Contract

- Action:** Approve a contract with Cherry, Bekaert & Holland, LLP, Certified Public Accountants & Consultants, in the amount of \$151,000 to provide audit services for the fiscal year ending June 30, 2008.

Staff Resource: Teresa Smith, Finance

Explanation

- State law requires Council to select a certified public accounting firm to audit the accounting records and annual financial report and to evaluate internal controls at the end of each fiscal year.
- In FY2004 Council approved an audit contract with Cherry, Bekaert & Holland, LLP for four years.
- Due to new and increased auditing requirements, the City desires to contract with Cherry, Bekaert & Holland, LLP for an additional year.
- The prior year audit fee was \$145,000. The FY2008 fee of \$151,000 reflects an increase of 4.1%.
- Audit will be performed by returning personnel from the prior year.

Small Business Opportunity

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

Funding

General fund, Water and Sewer Operating, Airport Operating, Transit Operating, Storm Water Operating, Risk Management

28. Voluntary Annexation Public Hearing Date

Action: Adopt resolutions setting public hearings for March 24, 2008 for a Voluntary Annexation.

Staff Resources: Jonathan Wells, Planning Department

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- A voluntary annexation petition has been received for property in Charlotte's extraterritorial jurisdiction immediately outside the current City limits.
- Petitioners are Stafford Caldwell, LLC and Jack Wiley.
- Property is parcel i.d. number 105-181-34, located in the Caldwell Road area northeast of the current City limits
- The 6.7 acre property is vacant.
- The petitioned property shares boundary with current City limits.
- A public hearing is required prior to City Council taking action on annexation requests.
- The purpose of the required public hearing is to obtain public input on the requested voluntary annexation.

Consistency with City Council Policies

- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not have undue negative impact on City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The resolution sets Monday March 24, 2008 as the date for the public hearing on the voluntary annexation.
- City Council will be asked to take action on the voluntary annexation at conclusion of public hearing.

Attachment 21

Resolution

Map

29. FY07 Contract #2, Water and Sanitary Sewer Service Installations, Renewal #1

Action: A. Approve first renewal of the contract with B.R.S., Inc., Richfield, NC for installation of domestic water and sanitary sewer services (taps) to new customers throughout Mecklenburg County, in the not-to-exceed amount of \$2,080,789.51, and

B. Authorize the City Manager to renew the contract for two additional terms.

Staff Resource: Doug Bean, Utilities

Explanation

- The original contract was awarded by Council on April 9, 2007.
- The contract provides for three additional terms, with unit price adjustments based on the Engineering News Record Construction Cost Index.
- The contract provides for installation of domestic water and sewer services (taps) to new customers throughout Mecklenburg County.
- During 2007, 536 domestic meters were installed by B.R.S., Inc. City staff do not perform this work.

Small Business Opportunity

Utilities is renewing a contract with B.R.S., Inc. No SBE goal was set for this renewal because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

Funding

Water and Sewer Capital Investment Plan

30. Sardis Road Booster Pump Station

Action: Approve a contract with Black and Veatch International Company for the design and construction administration of the Sardis Road Booster Pump Station Expansion in the amount of \$438,146.

Staff Resource: Doug Bean, Utilities

Explanation

- This contract will provide design and construction administration services for the Sardis Road Booster Pump Station Expansion which is located in Matthews at the corner of Sardis Road and Highway 51.
- This booster pump station expansion will increase water supply service to the eastern portion of Mecklenburg County.

Small Business Opportunity

For service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, no SBO utilization goal was set for this contract because subcontracting opportunities were not anticipated.

Funding

Water Capital Investment Plan

31. Airport Engineering Contract Amendment

Action: Approve Amendment #2, in the amount of \$80,000, to the agreement with Talbert, Bright & Ellington, Inc. of Charlotte for additional services in connection with the design of the west airfield lighting vault for the third parallel runway.

Staff Resource: Jerry Orr, Aviation

Explanation

- In July 2004 the City advertised for statements of qualifications to serve as Project Engineer and received proposals from six teams. The Selection Committee recommended the team led by Talbert, Bright & Ellington (TB&E).
- On December 21, 2005 the City executed a contract for \$3,394,000 with TB&E for the design and bidding portion of the engineering work elements needed for the runway project. The remaining work elements were withheld from the scope until the first design work was completed because funding and permitting were not completed and US Airways was still in bankruptcy.
- On May 29, 2007 Council approved Amendment #1 in the amount of \$1,828,417 to the contract and added on site inspection, contract administration, NAVAIDS design and the design of an additional section of Wallace Neel Road to the scope of services.
- TB&E is now nearing the end of Phase II of the runway design package – Paving and Lighting. Originally the plans were to house the controllers and other equipment used in connection with the lighting for the third runway and taxiways in an existing runway electrical vault building. During the design of this package, consultants discovered lighting for the third runway and taxiways can be constructed and operated most efficiently by housing them in a new lighting vault building more proximate to the runway.
- Amendment #2 adds \$80,000 to the runway design contract and adds the design of the new lighting vault building to the scope of work.

Disadvantaged Business Opportunity

Talbert, Bright & Ellington, Inc. will subcontract 100% (\$80,000) of the additional scope to DBE IMDC (electrical engineering).

Funding

Airport Capital Investment Plan

32. Police Department Wireless Data Network Upgrade

| | |
|----------------|--|
| Action: | <p>A. Approve the purchase of wireless services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3), and</p> <p>B. Authorize the City Manager to enter into a three year agreement with Verizon Wireless for data communications to CMPD patrol car computers and other mobile CMPD officers and staff. The contract is not to exceed \$1,311,930, to be paid in monthly payments based on number of data modems in service.</p> |
|----------------|--|

Staff Resource: Ron Horton, CMPD

Cooperative Purchasing Exemption

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for competitive group purchasing.
- General Services Administration (GSA) Contract # GS-35F-0119P provides federally approved pricing for wireless communication services for government customers.
- Verizon Wireless has provided services to the federal sector for over 20 years.
- Verizon was the first U.S. wireless carrier to roll out a national high-speed wireless data network. Their sizeable 3G footprint supports voice and data in the same spectrum.
- Verizon Wireless continues to leverage its scale and synergies through network infrastructure expansion to accelerate the current deployment of 3G services, including Evolution Data Optimized (EV-DO) Broadband Access.

Explanation

- Current Police Department 1XRTT (1X Radio Transmission Technology) Data Network has been in place since 2005. This network provides data access for laptop computers in police vehicles and for laptop computers used by other mobile police officers and staff.
- The EV-DO data network is now available in Mecklenburg County. This network offers speeds five to 10 times faster than 1XRTT.
- The current service provider, Verizon Wireless, has a proven record of meeting CMPD security requirements and interoperability with other CMPD network components as well as providing required countywide coverage.
- Verizon Wireless has personnel located within the Mecklenburg commuting area for rapid resolution of problems and outages to minimize any public safety impact.
- Via the GSA contract, Verizon is offering costs per patrol car of \$48.59/month for EV-DO, less than our current contract rate of \$49.95/month for 1XRTT. During the transition to EV-DO, the monthly rate for 1XRTT will drop to \$45.00/month. Verizon is also providing an incentive of \$100/line for this contract renewal, which results in a one-time savings to the City of \$68,600.
- There are currently 686 data lines in service; CMPD anticipates that number increasing to a maximum of 800 during the life of this contract.
- Other city and county law enforcement agencies will be able to take advantage of this discounted rate and will pay with their funds.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix Section 23.3 of the SBO Policy).

Funding

Police Operating Budget

33. Assets Forfeiture Appropriation

Action: Adopt an ordinance, appropriating \$486,670 from police assets forfeiture funds, for CMPD equipment and programs

Staff Resource: Greg Crystal, CMPD

Explanation

- Federal law allows law enforcement agencies to use their share of seized assets for law enforcement related expenditures that are not included in the agency's annual budget.
- This ordinance appropriates \$486,670 from assets forfeiture accounts for expenditures which include:
 - Furniture and equipment for CMPD offices
 - Equipment for Highway Interdiction Traffic Safety
 - Video equipment for the training academy
 - Trauma plates for bullet proof vests
- A detailed spending plan is attached.

Funding

Police Assets Forfeiture Funds

Attachment 22

February 2008 Assets Forfeiture Spending Plan
Budget Ordinance

34. Public Safety Radio Interlocal Agreements

Action: A. Adopt a resolution approving an Interlocal Agreement with Union County for Public Safety Radio System Interoperability and Infrastructure Services and,

B. Adopt a resolution approving an Interlocal Agreement with the City of Gastonia for Public Safety Radio System Services.

Staff Resource: Dennis Baucom, Business Support Services

Explanation

- The City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte in December of 2003.
- The Interlocal Agreement anticipated the regionalization of the radio system by stating:
 - "The City and the County shall work together to foster regional use of the Radio Network and will develop a regional plan for approval by the

Radio Communications Council to promote regional participation. This plan will promote regional use of the Radio Network within the Network's present and future capacity. At all times public safety and homeland security users will have priority."

- The City of Charlotte is the designated lead agency for regional communications interoperability of public safety agencies within the Urban Area Security Initiative (UASI) 11 County region. As the lead agency, the City has completed establishing the infrastructure necessary for regional voice communications interoperability with the support of several grants.
- As highlighted in previous Council-Manager Memos, the City has received applications from Union County and all of its municipalities, as well as from the cities of Gastonia, Belmont and Mt. Holly. These jurisdictions have requested to enter into an agreement to join the regional public safety radio network infrastructure.
- The City has completed negotiations with Union County and the City of Gastonia on individual Interlocal Agreements. The Union County Board of Commissioners approved their agreement on February 5, 2008 and the Gastonia City Council will soon approve their agreement.
- In addition to meeting these provisions, the Interlocal Agreement with Union County allows their use of Federal Communications Commission (FCC) frequency (25 frequencies) held by the City and Mecklenburg County that are not being used and are at risk of recapture by the FCC. The use of these frequencies is required for the Union County system integration. The City and Mecklenburg County will retain ownership of the frequencies.
- The benefits for the City to enter into these agreements include:
 - Affording Union County the opportunity to use current FCC licenses owned by the City of Charlotte and Mecklenburg County that might otherwise be at risk of recapture by the FCC for nonuse
 - Offsetting some of the current fixed operating costs associated with the operation of the Charlotte-Mecklenburg radio network
 - Supporting current Public Safety Agencies Mutual Aid Agreements by ensuring seamless communications between jurisdictions outside of Charlotte-Mecklenburg
 - Supporting the regional interoperability strategy which is critical to receiving Homeland Security Grant funds necessary for the improving the radio infrastructure. Current and proposed grant applications, if successful, could fund at least 50% of the cost of moving to the next generation radio network

Funding

- The agreements comply with the requirements of the Charlotte-Mecklenburg Interlocal Agreement that requires jurisdictions joining the system to:
 - Fund all costs associated with the building or expansion of their portion of the radio system
 - Fund all annual operating expenses associated with their portion of the radio system
 - Contribute to the funding of current shared infrastructure fixed costs
 - Fund all cost associated with operational support by the City of Charlotte (personnel, parts, etc.) for their portion of the network, if applicable

Attachment 23

Resolutions

35. Fire Field Communications Unit

Action: Award a contract to E-ONE, Inc., of Ocala, Florida for an upgraded version of a Field Communications Unit via a trade-in at zero cost to the City.

Staff Resource: Buddy Caldwell, Fire Department
Mehl Renner, BSS/PSD

Explanation:

- The Field Communications Unit is fully outfitted with radio and communications equipment that will allow for disparate radio systems to be patched together allowing for on the scene command, responders and private partners to use the equipment.
- The equipment can be removed from the vehicle and supports remote deployment that allows for first responders to establish communications and command linkages at the impacted critical site.
- The Charlotte Fire Department has been offered a trade-in for a 2007 Chevrolet Suburban model and desires a new, upgraded 2008 model version of this Field Communications Unit at zero cost to the City.
- E-One, Inc. is willing to make this no cost trade-in because they have the opportunity to sell our trade-in unit to another fire department with identical units that would like to maintain standardization for their equipment.
- The City attorney advised Procurement Services that a new solicitation would be required in order to legally allow a trade-in program.
- A new Invitation to Bid was issued and advertised to allow other vendors an opportunity to participate.
- The new unit asset value is \$368,883, as stated by E-One, Inc. per their bid submittal.
- One other trade-in bid response was received from Bickford Broadcast Vehicles of Chantilly, Virginia at a new unit cost of \$296,892, allowing \$63,500 trade-in for a total cost to the City of \$233,392.

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).

36. Grier Subdivision Sanitary Sewer Property Transactions

- Action:** A. Adopt a budget ordinance appropriating \$41,350 in developer funding, and
- B. Approve two property transactions for Grier Subdivision Sanitary Sewer.

Staff Resource: Mike Knox, Engineering & Property Management

Explanation

- Utilities staff has approved design and construction of a sanitary sewer trunk main to serve Grier Subdivision (near McIlwaine Road in Huntersville) and the affected drainage area.
- The developer is paying for all expenses associated with this extension of services in line with current Utilities standards.
- This extension follows Utilities current policies of serving subdivisions requiring offsite sewer extensions.
- City Real Estate staff negotiated purchase of parcel #1 and recommends condemnation action for parcel #2.
- If condemnation is necessary and results in a higher price, the developer must deposit additional funds to complete the transaction.

Budget Ordinance

The budget ordinance appropriates \$41,350 in developer funding for the acquisition of property for Grier Subdivision Sanitary Sewer.

Property Acquisition

Project: Grier Subdivision Sanitary Sewer Phase I, Parcel # 1

Owner(s): Charles S. Guignard

Property Address: 7821 McIlwaine Road

Property to be acquired: 10,272 sq. ft. (.236 ac.) in Sanitary Sewer Easement, plus 6,849 sq. ft. (.157 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$20,000

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: Transitional Residential District- Huntersville

Use: Single Family Residential - Rural Acreage

Tax Code: 015-071-13

Total Parcel Tax Value: \$148,500

Property Condemnation

Project: Grier Subdivision Sanitary Sewer Phase I, Parcel # 2

Owner(s): William W. Waters And Any Other Parties Of Interest And Any Other Parties Of Interest

Property Address: 8113 McIlwaine Road

Property to be acquired: Total Combined Area of 44,728 sq. ft. (1.027 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$21,350

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: Transitional Residential District- Huntersville

Use: Single Family Residential - Rural Acreage

Tax Code: 015-071-08

Total Parcel Tax Value: \$518,900

Attachment 24

Budget Ordinance

37. Property Transactions

Action: Approve the following property acquisitions (A-G) and adopt the condemnation resolutions (H-M).

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

Acquisitions

- A. Project:** Airport Master Plan Land
Owner(s): Airport Center Limited Partnership
Property Address: 3314 Cessna Rd; 3310 Cessna Rd; 3333 Piper Ln; 3313 Piper Ln; 3230 Piper Ln; 3224 Piper Ln; 3300 Cessna Rd; 3301 Cessna Rd; 3141 Piper Ln; 3140 Piper Ln; 3100 Piper Ln; 3215 Piper Ln; 3301 Piper Ln; 3151 Piper Ln; 3320 Piper Ln; 3321 Cessna Rd; 3313 Cessna Rd
Property to be acquired: 24.83 acres
Improvements: Commercial Buildings
Purchase Price: \$7,480,000
Remarks: The purchase price was determined by two independent appraisers and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: I1 Use: Commercial buildings
Tax Value: \$4,892,700
Tax Codes: 143-111-23; 143-111-29; 143-111-31; 143-111-32; 143-111-34; 143-111-36; 143-111-38; 143-111-40; 143-111-67
- B: Project:** Airport Master Plan Land
Owner(s): Jack Parks and Bonita Allison, Jr.
Property Address: 5821/5825 Wilkinson Boulevard
Property to be acquired: .413 acres
Improvements: Residence/Business
Purchase Price: \$192,500
Remarks: The purchase price was determined by two independent appraisers and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement

Zoned:

I2 Use: Residence/Business
Tax Value: \$91,500.00
Tax Codes: 115-161-05 and 115-161-06

- C. Project:** Conway/Briabend Storm Drainage Capital Improvement Project, Parcel # 4
Owner(s): Anthony J. Purrazzella and Ruth L. Purrazzella
Property Address: 4227 Firwood Lane
Property to be acquired: 14,375 sq. ft. (.330 ac.) in Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$235,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 149-115-05
Total Parcel Tax Value: \$115,600
- D. Project:** Conway/Briabend Storm Drainage Capital Improvement Project, Parcel # 6
Owner(s): Wesley Scott Conklin
Property Address: 4237 Firwood Lane
Property to be acquired: 17,250 sq. ft. (.396 ac.) in Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$175,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 149-115-07
Total Parcel Tax Value: \$101,300
- E. Project:** Jefferson Storm Water Capital Improvement Project-Phase II, Parcel # 184
Owner(s): Aubrey Keen
Property Address: 4901 Carmel Park Drive
Property to be acquired: 947 sq. ft. (.022 ac.) in Sanitary Sewer Easement, plus 2,256 sq. ft. (.052 ac.) in Storm Drainage Easement, plus 1,032 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,100
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 187-113-04
Total Parcel Tax Value: \$480,500

- F. Project:** Southwest Water Transmission Main-Phase B, Parcel # 18
Owner(s): Steele Creek Post No. 221 Of The American Legion, Inc.
Property Address: 7300 Steele Creek Road
Property to be acquired: 12,656 sq. ft. (.291 ac.) in Water Main Easement, plus 10,748 sq. ft. (.247 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$24,160
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 141-261-48
Total Parcel Tax Value: \$248,200
- G. Project:** Southwest Water Transmission Main-Phase B, Parcel # 22 & 23
Owner(s): John M. Long and Wife, Jessie Long
Property Address: 7100 Steele Creek Road
Property to be acquired: 44 sq. ft. (.001 ac.) in Utility Easement, plus 17,668 sq. ft. (.406 ac.) in Water Main Easement, plus 14,124 sq. ft. (.324 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$17,900
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 141-261-83 / 141-261-69
Total Parcel Tax Value: \$735,700

Condemnations

- H. Project:** 2005 Annexation Steel Creek North Withers Road, Parcel # 1
Owner(s): Siemens Real Estate, Inc. and Any Other Parties Of Interest
Property Address: 5101 Westinghouse Boulevard
Property to be acquired: Total Combined Area of 5,317 sq. ft. (.122 ac.) of Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$800
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial

Tax Code: 199-531-01
Total Parcel Tax Value: \$24,388,900

- I. **Project:** 2007 Annexation Moores Chapel Area - Required Sewer, Parcel # 7
Owner(s): Erick A. Apsitis and Wife, Patricia L. Apsitis And Any Other Parties Of Interest
Property Address: 1908 Wildwood Drive
Property to be acquired: Total Combined Area of 10,825 sq. ft. (.249 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,925
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: 055-211-06
Total Parcel Tax Value: \$133,600
- J. **Project:** Albemarle/Harris Interchange (a/k/a Lawyers Road Extension), Parcel # 9
Owner(s): John K. Moore and Wife, Patricia B. Moore and Any Other Parties Of Interest
Property Address: 6925 Albemarle Road
Property to be acquired: Total Combined Area of 658.41 sq. ft. (.015 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$625
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: B-2
Use: Commercial
Tax Code: 109-171-15
Total Parcel Tax Value: \$247,300
- K. **Project:** New Facility for Wastewater Collection, Parcel # 1,
Owner(s): The Charlotte Observer Publishing Company And Any Other Parties Of Interest
Property Address: Dwight Evans Road
Property to be acquired: Total Combined Area of 21,867.12 sq. ft. (.502 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$67,025
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 145-302-04

Total Parcel Tax Value: \$185,800

- L. Project:** Southwest Water Transmission Main - Phase B, Parcel # 27,
Owner(s): Davidland, LLC and Any Other Parties Of Interest
Property Address: Bynum Drive
Property to be acquired: Total Combined Area of 3,554 sq. ft. (.082 ac.) of Utility Easement, plus Water Main Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$850
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 - Vacant
Tax Code: 141-201-04
Total Parcel Tax Value: \$1,400
- M. Project:** Southwest Water Transmission Main - Phase B, Parcel # 28
Owner(s): Davidland, LLC and Any Other Parties Of Interest
Property Address: 6821 Steele Creek Road
Property to be acquired: Total Combined Area of 23,619 sq. ft. (.542 ac.) of Water Main Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,150
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2(CD)
Use: Industrial - Vacant
Tax Code: 141-041-07
Total Parcel Tax Value: \$1,770,500

38. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
 - January 22, 2008