

**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, November 24, 2008**

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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, November 24, 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. State and Federal Legislative 2009 Agendas

**Resource:** Boyd Cauble, City Manager's Office

**Time:** 25 minutes

**Synopsis**

- On October 10 the City Manager's Office began soliciting suggestions from Council and staff for the City's federal and state legislative agendas. During the past six weeks, staff and the Government Affairs Committee have reviewed the requests.
- Statewide requests have been presented to the North Carolina League of Municipalities, the Attorney General's Office and the various professional groups for their input and potential sponsorship. Several requests have been deleted as alternatives to authorizing legislation have been identified.
- Council will review the remaining issues below, suggested for inclusion in the 2009 State and Federal Legislative Agendas.
- State Agenda
  - Transportation Funding – Roads/Transit (Potential Local and/or Statewide)
  - Criminal Justice System Funding/System Improvement (Statewide)
  - Annexation Protection (Statewide)
  - Scrap Metal Sales Documentation (Statewide)
  - Vehicle Titles with Salvage Sales (Statewide)
- Federal Agenda
  - Transit Corridor
  - Briar Creek
  - Gang of One
  - Economic Development Project(s)
  - Reauthorization of the Surface Transportation Act (Administrative Policy Issues)
- The final legislative package will be reviewed by Council on December 8. The Council approved state legislative priorities will then be presented to the Mecklenburg Legislative Delegation at a breakfast meeting in January 2009. The Council approved federal appropriation requests will be presented to the City's Washington Delegation in February.

**Future Action**

- Council to contact Boyd Cauble with any additional requests to be considered for the 2009 Legislative Agendas
- Council action at the December 8 Council Business Meeting

### **3. Naming Rights for Cricket Arena**

**Resource:** Tim Newman, Charlotte Regional Visitors Authority

**Time:** 15 minutes

**Synopsis**

- The Charlotte Regional Visitors Authority (CRVA) has been seeking a new naming partner for Cricket Arena since the Cricket contract expired in 2005.
- The CRVA has negotiated a new sponsorship for the Arena with Bojangles, a Charlotte based company.
- The CRVA staff believes this partnership is very positive, raising the profile of both the facility and a Charlotte based company, and will improve the fiscal performance of the facility.

**Future Action**

This is item 16, page 21 of this agenda.

### **4. Public Art Program Update**

**Resources:** Dawn Blobaum, Chairperson, Public Art Commission  
Robert Bush, Arts & Science Council

**Time:** 20 minutes

**Synopsis**

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On January 10, 2005 Council approved improvements to communications related to the Public Art Program, including a requirement for updates to the Council by November 30 and June 30 of each fiscal year.
- Council approved the administrative guidelines for the Public Art Ordinance on November 12, 2007.
- On June 9, 2008 City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- In accordance with the annual agreement and Council direction, this is the FY2009 mid-year reporting to Council on the status of projects as well as an audit report of the program activities for FY2008.

**Future Action**

This presentation is for information only.

**Attachment 1**

Public Art Commission Presentation

## **5. 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**

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

**CONSENT**

- 6. Consent agenda items 24 through 43 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 a Resolution to Abandon Plymouth Street

**Action:**   **A. Conduct a public hearing to abandon Plymouth 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**

Ralph O. Johnson, Jr.

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

Plymouth Street

**Location**

Located in the vicinity of the Southwest Community Development Beginning approximately 21 feet from Roundtree Road continuing approximately 354 feet south to its terminus

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the purpose of parking and controlled access entry to the existing commercial complex

**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 - None

Neighborhood/Business Associations

Clanton Park Community – No objection

Madison Park Homeowner’s Association– No objection

Southwest Area Neighborhood Coalition – No objection

Southwest Community Development Corporation – No objection

Southwold Drive Neighborhood Association – No objection

Spring Field Community Association – No objection

Tyvola Ridge at Yorkmont Park Association – No objection

Private Utility Companies – No objections

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 2**

Map

Resolution

**8. Public Hearing on a Resolution to Abandon Portions of Palmer Street, S. College Street and a Residual Portion of E. Carson Boulevard**

**Action:**    **A. Conduct a public hearing to close a portion of E. Palmer Street, S. College Street and a residual portion of E. Carson Boulevard, 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**

1200 South Boulevard, LLC – Tracy Finch/Harris Development Group

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

Portions of E. Palmer Street, S. College Street and a residual portion of E. Carson Boulevard

**Location**

Located within the Logan Community

E. Palmer Street – Beginning from South Blvd and continuing approximately 231 feet northwest to its terminus at the Lynx Blue light rail line

S. College Street – Beginning from E. Palmer and continuing approximately 77 feet to its terminus at E. Carson Boulevard

E. Carson Boulevard – Beginning 295 feet from South Blvd and continuing northwest approximately 254 feet to its terminus at the City Light Rail line

**Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed mixed used development. Rezoning petition #2008-088 was adopted by City Council on July 21, 2008.

**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

City of Charlotte – No objections  
 Vernon Simpson – No objections

Neighborhood/Business Associations

Charlottetown Terrace (Charlotte Housing Authority) – No objections  
 Dilworth Community Development Association – No objections  
 Kenilworth County – No objections  
 Olmsted Park Homeowner’s Association – No objections  
 Wilmore Neighborhood Association – No objections

Private Utility Companies – No objections

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 3**

Map  
 Resolution

**9. Public Hearing on a Resolution Abandon a Residual Portion of Lancaster Street**

**Action: A. Conduct a public hearing to abandon a residual portion of Lancaster 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**

Citiline Resortline – Karen T. Crane

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

A residual portion of Lancaster Street

**Location**

Located within the Brookhill (S. Tryon Community Mission Church) beginning approximately 138 feet from Youngblood Street continuing approximately 50 feet southeastwardly to its terminus

**Reason**

To incorporate the right-of-way into adjacent property own by the petitioner in affiliation with the proposed Silos at South End Project. Rezoning petition #2008-148 was adopted by City Council on May 15, 2006.

**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

McLeod Addictive Disease Foundation, Inc – No objections

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No objection

Brookhill Community Organization – No objection

Dilworth Community Development Association – No objection

Olmsted Park Homeowner’s Association – No objection

Savanna Woods – No objection

Sedgefield Neighborhood Association – 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 4**

Map

Resolution

## 10. Public Hearing on a Resolution to Abandon Victoria Avenue and Two 10-foot Alleyways

**Action:**   **A. Conduct a public hearing to close Victoria Avenue and two 10-foot alleyways, 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

Citiline Resortline Properties, LLC/Karen T. Crane

### Right-of-Way to be abandoned

Victoria Avenue and two 10 foot alleyways

### Location

Located within the Third Ward Community

Victoria Avenue beginning from West Forth Street continuing northeastwardly approximately 152 feet to its terminus

Alleyway (1) a 10 foot alleyway beginning at the northern most section of Victoria Avenue continuing southeastwardly approximately 58-feet to its terminus

Alleyway (2) a 10 foot alleyway beginning from West Forth Street Continuing northeastwardly approximately 385 feet to its terminus

### Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a future uptown development in conjunction with City Council approved rezoning petition #2008-086 on September 15, 2008.

### 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

David and Jan Kinney – No objections

#### Neighborhood/Business Associations

Bibleville Wellness Association – No objections

Biddleville Residents & Friends – No objections

Biddleville/Five Points Community – No objections

Edwin Towers (Charlotte Housing Authority) – No objections  
 Friends of Fourth Ward, Inc. – No objections  
 Greenville Homeowner’s Association & Residents – No objections  
 Seversville Community Organization – No objections  
 Third Ward (Committee to Restore and Preserve) – No objections  
 Third Ward Neighbors Association – No objections  
 Wesley Heights Community Association – No objections

Private Utility Companies – No objections

City Departments

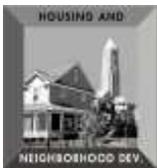
Review by City departments identified no apparent reason this closing would:

- 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 5**

Map  
 Resolution

**11. Public Hearing on Double Oaks Redevelopment**



**Action:** Conduct a public hearing regarding receipt of a \$10 million Section 108 award from the U. S. Department of Housing and Urban Development (HUD) for the Double Oaks Redevelopment project.

**Staff Resources:** Stanley Watkins, Neighborhood Development  
 Richard Woodcock, Neighborhood Development

**Policy**

- The City’s Mixed Housing Development Policy was adopted by City Council on September 24, 2003.
- The City’s FY2009 Consolidated Plan was approved by City Council on June 23, 2008. The Plan identified the need for affordable, safe and decent housing for low and moderate income families. The Plan reaffirmed the three basic goals of the City’s Housing Policy:
  - Preserve the existing housing stock
  - Expand the supply of affordable housing
  - Support family self-sufficiency initiatives
- On September 24, 2007 the City Council approved an amendment to the City’s FY2008 Consolidated Plan to designate the Double Oaks area as a Neighborhood Revitalization Strategy Area.
- On November 26, 2007 the City Council approved the “Development Funding Agreement” for the Double Oaks Redevelopment.
- On June 23, 2008 City Council approved the Housing Trust Fund recommendation of \$2.4 million for the Statesville Avenue Apartment, which is part of the Double Oaks Redevelopment project.

**Explanation**

- The Double Oaks Redevelopment project is a mixed income and mixed use development on 98 acres of land along the Statesville Avenue Corridor.

The project is roughly bounded by Statesville Avenue, Anita Stroud Park, Interstate 77 and LaSalle Street.

- This Double Oaks Redevelopment project entails converting 576 deteriorating apartment units built in 1949 to a new mixed use and mixed income community consisting of 108,000 square feet of non-residential uses and 940 residential units. The total cost of the project is about \$120 million with a total City investment of \$25 million.
- A public hearing is required by HUD.

### **Redevelopment Proposal**

- The redevelopment includes approximately 940 residential units and approximately 108,000 square feet of non-residential development. Elements include:
  - 300 affordable apartments
  - 120 market rate apartments
  - 308 market rate single family/townhouses
  - 212 condominiums
  - 108,000 square feet of retail, services and offices
- 51% of the proposed rental and ownership housing will be affordable to households earning 80% or less of the area median income, which equates to \$51,520 for a household of four. This is HUD's standard for low-income housing.
- On April 9, 2007 the City Council approved the Charlotte Mecklenburg Housing Partnership's (CMHP) request to work with City staff to develop a financing plan for the redevelopment of the Double Oaks Apartments.
- On July 23, 2007 City Council took the following actions:
  - Approved the Double Oaks Redevelopment
  - Approved the financial strategy
  - Directed the City Manager to include the infrastructure funding as part of the FY2009 Capital Budget
- On September 24, 2007 City Council authorized the City Manager to execute a Memorandum of Agreement with the CMHP for the Double Oaks Redevelopment and approved the submission of an application for a Section 108 Loan Guarantee.
- On November 26, 2007 City Council authorized the City Manager to execute a Development Funding Agreement with CMHP for the Double Oaks Redevelopment.

### **Future Action**

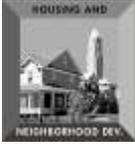
- On December 8, 2008 City Council will be asked to approve a number of actions to implement the Double Oaks Redevelopment project. These recommended actions are consistent with HUD requirements and the Development Funding Agreement between the City and the Charlotte Mecklenburg Housing Partnership adopted by City Council on November 26, 2007. These actions include:
  - Accept the \$10 million Section 108 award
  - Authorize the City Manager to execute various loan agreements and related documents with HUD
  - Authorize the City Manager to negotiate an agreement with the CMHP to use the proceeds of the loan
  - Authorize the City Manager to negotiate a contract with the CMHP for \$6 million of 2008 Infrastructure Bonds
  - Approve a contract with CMHP for \$500,000 for relocation
  - Approve the transfer of 1.3 acres of land to the CMHP

## POLICY

### 12. City Manager's Report

- Municipal Bond Market Update

### 13. Neighborhood Stabilization Program



**Actions:** Approve the Housing and Neighborhood Development Committee's recommendation to:

- A. Approve the Neighborhood Stabilization Program (NSP),**
- B. Approve submission of a federal application for the Neighborhood Stabilization Program Funding (\$5,431,777),**
- C. Approve submission of a state application for the Neighborhood Stabilization Program Funding (\$5,000,000), and**
- D. Adopt a budget ordinance appropriating \$10,431,777.**

**Committee Chair:** Susan Burgess

**Staff Resources:** Richard Woodcock, Neighborhood Development  
Stan Wilson, Neighborhood Development  
Stanley Watkins, Neighborhood Development

#### Policy

The City's FY2009 Consolidated Plan was approved by City Council on June 23, 2008. The Plan identified the need for affordable, safe and decent housing for low and moderate income families. The Plan reaffirmed the three basic goals of the City's Housing Policy:

- Preserve the existing housing stock
- Expand the supply of affordable housing
- Support family self-sufficiency initiatives

#### Explanation

- In July 2009 the U.S. Congress appropriated \$3.92 billion for the Neighborhood Stabilization Program (NSP) for state and local jurisdictions across the county. As part of a formula allocation, Charlotte is scheduled to receive \$5,431,777. The State of North Carolina was awarded \$52.3 million.
- The deadline to apply for the federal allocation is December 1, 2008. The City is also eligible to apply for a portion of the State's Grant up to \$5 million. A letter of intent was submitted to the State's Department of Commerce by the City Manager on November 3, 2008. Overall, the City Manager intends to seek \$10.4 million in funds to assist in foreclosure prevention. Funding from the State's NSP allocation is not guaranteed.

#### Key Program Requirements

- The NSP program is targeted to areas having high rates of foreclosures and abandoned housing. NSP grants can be used to acquire land and property; to demolish or rehabilitate abandoned properties; and/or to

offer down payment and closing cost assistance to low-moderate-middle income homebuyers (household incomes not to exceed 120% of the area median income).

- At least 25% of the NSP funds must be used to serve households earning 50% or less than the area median income.
- The acquisition price of properties acquired under the NSP must be discounted from the current market appraisal. The average discount for all properties shall be at least 15%, but the minimum purchase discount must be 5% on any one property.
- Each grantee must use its NSP funds within 18 months of receipt. Any program income (from sales or rents) can be retained and used by the participating jurisdiction until July 30, 2013.

### **Charlotte's Program Design**

- Pursuant to U.S. Department of Housing and Urban Development (HUD) requirements, NSP funds are to be distributed to neighborhoods of greatest need.
- Staff has mapped the "Areas of Greatest Needs" (attached), based upon
  - Estimated Foreclosure/Abandonment Risk Scores
  - Predicted 18 Month Underlying Problem Foreclosure Rate
  - Foreclosures Filed
- Within the "Areas of Greatest Need", the City is proposing two program initiatives with the NSP funds aimed at primarily stabilizing neighborhoods by increasing homeowner opportunities.

### **Down Payment Assistance/Rehabilitation Program**

- The City plans to use a modified program for NSP funds, similar to the City's House Charlotte Down Payment Assistance Program. This program would be limited to the area of greatest need.
- Up to \$10,000 would be provided for down payment assistance and up to \$10,000 would be available for code related repairs and minor rehabilitation. Experience with the Peachtree Hills foreclosure initiative has shown that many foreclosed properties will not be marketable without some repair. This program would be primarily driven by the private real estate market similar to the current House Charlotte program.
- The City is projecting 70 buyers (50 federal funded and 20 state funded) will receive down payment/rehabilitation assistance utilizing NSP funds. All recipients of down payment assistance will be required to complete a homebuyer education course provided by a HUD-certified housing counseling agency.

### **Neighborhood Revitalization Areas**

- The City has identified 11 neighborhoods as possible candidates for comprehensive neighborhood revitalization activities. These neighborhoods include concentrations of foreclosed housing. The neighborhoods under consideration are:

- |                                  |                         |
|----------------------------------|-------------------------|
| – Barrington                     | – Reid Park             |
| – Druid Hills                    | – Thomasboro/Hoskins    |
| – Grier Heights                  | – Washington Heights    |
| – Lakewood                       | – Windy Ridge/Todd Park |
| – Lincoln Heights                | – Wingate               |
| – Peachtree Hills /Grass Meadows |                         |

- Anticipated activities in revitalization neighborhoods include property acquisition, demolition, housing rehabilitation, new construction, neighborhood infrastructure investments and down payment assistance. These activities may be performed by the City directly or by non-profits under contract with the City. Non-profits include, but are not limited to, the Charlotte Mecklenburg Housing Partnership, Self Help Credit Union, Habitat for Humanity and the Charlotte Housing Authority.
- In addition to the physical development, the City will also establish neighborhood preservation goals and neighborhood preservation teams. Other services to be provided to these neighborhoods include; community safety, code enforcement, foreclosure prevention/financial literacy counseling, neighborhood capacity building, employment and youth services.

### **Grant Budget**

- Attached are the federal, state and combined program budgets. The federal budget is a total of \$5,431,777. The state's budget is a total of \$5,000,000. The combined federal and state budgets are \$10,431,777.

### **Leverage Opportunities**

- The City and its partners have begun identifying leverage opportunities for the grant. Thus far combined federal and state program commitments include \$6 million for Acquisition/Rehab loans and \$6.4 million for Mortgage loans from Self Help; \$1.1 million from the Housing Authority for Acquisition/Rehab; and \$780,000 in existing City resources, which represents support for the grant and planned investments in the identified redevelopment neighborhoods.

### **Grant Process**

- Each year the City submits to HUD an Action Plan outlining the uses of HUD funds for all programs. An amendment to that Action Plan serves as the NSP application and is due to HUD by December 1, 2008. HUD could approve the City's application as early as January 15, 2009. A proposed amendment has been placed on the City website for citizen review and comment as required by NSP regulations. The deadline for full grant applications for State funding has not been announced.

### **Committee Discussion**

- At the November 6, 2008 meeting, the Housing and Neighborhood Development Committee discussed the program and had several questions regarding the proposed mix of homeowner and rental units and program budgets. Given the current economy, some members expressed a preference for a more expanded rental program, which might be more realistic. However, pursuing a rental program would reduce the number of units that can be impacted by the program. The Committee also inquired about the funding and incremental increase in staff positions. There will be nine temporary positions funded by the grant. Of the nine positions, 2.5 will be temporary City positions and the remainder will be for non-profit partners.
- The Committee voted 4 to 0 to recommend that the City apply for grant funding under both the federal and state NSP programs (Council members Burgess, Mitchell, Cooksey and Lassiter). Council member Barnes was absent.

**Attachment 6**

Map of Area of Greatest Need

Action Plan Amendment/NSP Application

Detailed Federal, State and Combined Budgets

Budget Ordinance

Questions and Answers from November 6, 2008 Committee Meeting

**14. Mobile Food Vendor Text Amendment**

**Action: Approve the Community Safety Committee's recommendation to approve text amendment #2008-079 which modifies regulations for mobile food vendors.**

**Committee Chair:** Warren Turner

**Staff Resource:** Katrina Young, Planning  
Tammie Keplinger, Planning

**Explanation**

- In 2006 mobile food vendors and City Code Enforcement staff raised concerns about current standards regulating mobile food vendors.
- These type uses are regulated by Section 12.534 of the City's Zoning Ordinance for off premise retail sales.
- Issues identified with current regulations include:
  - The vendor can locate at a site for up to 12 times a year but for no longer than five day periods at a time. Each new permit required two inspections – one when the use located on the site and a second inspection, when the use was removed from the site.
  - The inspection resources required to enforce the regulations are being strained.
  - Having to repack and move every five days is burdensome and costly for the vendors since a new permit is needed with each move.
  - There is currently no definition of a mobile food vendor in the Zoning Ordinance.
- Staff also received complaints from community groups expressing concern about noise, littering, trash, illegal parking, and loitering that was spilling out from mobile food vendor operations into their neighborhoods
- Before recommending any new changes to the Zoning Ordinance a stakeholders group was formed in August 2007 to discuss these and other issues. The stakeholders group was comprised of mobile food vendors, neighborhood leaders and citizens, staff from Neighborhood Development Code Enforcement, Charlotte-Mecklenburg Police, and Mecklenburg County Environmental Health.
- The stakeholders held three meetings between August 2007 and October 2007.
- After completing their work, the stakeholders, by consensus, requested staff file the text amendment with their proposed changes.

**Text Amendment Summary and Comparison with Current Regulations**

- Issuance of a permit for up to 30 days at one location, renewable up to two additional times, for a total period of 90 days per calendar year at one

location (Changed from 12 times a year and only five days at one location. The recommended change adds 30 more days a year).

- Proof of property owner permission to locate the mobile food vending service on the property (No change).
- Trash receptacles must be provided no further than 10 feet from the vendor (New).
- The vendor is responsible for removing all trash, litter, and refuse on the site at the end of each business day (Clarified).
- Hours of operation: 8:00 a.m. to 9:00 p.m. (No Change).
- Parking shall be provided and shall not be located in any minimum required parking spaces for other businesses on the site (New).
- Minimum 400 foot separation from any other mobile food vendor service (New).
- Minimum 400 foot separation to a residential use or residential zoning district (New).
- A zoning use placard must be posted in the front window of the vehicle or trailer (New).
- If a notice of violation is issued, then the operator is not eligible to renew the permit at the same location, during that calendar year (New).
- These regulations would not be applicable in the following situations:
  - Special events recognized by the City where mobile food vendors are permitted.
  - Non-profit, fundraising events of five days or less, where persons or organizations participate in duly recognized fundraising events, including religious, charitable, patriotic, or philanthropic events.
- A public hearing was held on May 19, 2008 for Petition #2008-079 Text Amendment which would affect regulations for mobile food vendors. In response to issues raised at the public hearing, Council referred the text amendment for further review and discussion to the Community Safety Committee. Staff was also asked to meet with vendors who spoke at the public hearing to further discuss these issues prior to the Public Safety Committee meeting. Planning staff hosted a meeting with vendors on June 11, 2008. The major request from the vendors was to extend their closing time from 9:00pm to 11:00 p.m. The Public Safety Committee voted against extending the hours and to forward the text amendment as presented to Council for approval.
- The text amendment was submitted for a decision at Council's July 28 Business Meeting and was again referred back to the Public Safety Committee to respond specifically to Council's issues concerning: separation requirements, hours of operation, consistency of enforcement, clarification of standards for vendors operating in Uptown and the definition of a mobile food vendor. Staff met with mobile vendors and stakeholders on November 6 to explain the differences between the existing regulations and the proposed changes.

#### **Committee Recommendation**

- This text amendment was discussed and voted on by the Community Safety Committee twice. At the first Committee meeting held on June 19, 2008, the committee principally discussed the idea of extending the operating hours for mobile food vendors during daylight savings time from 9:00 to 11:00 p.m. The Committee vote was 2 to1 against the extension with Council members Turner and Kinsey voting against and Council member Peacock voting for the extension. The Committee also voted 3 to 0 (Council members Turner, Kinsey and Peacock) to recommend that

Petition #2008-79 be recommended to full Council for approval as presented by staff.

- The Community Safety Committee met again to discuss the petition to clarify issues raised at the July 28 decision meeting on the proposed changes and the Committee voted unanimously on September 29, 2008 (Council members Turner, Kinsey, Dulin and Peacock) to recommend the zoning text amendment to the full Council for approval, as presented by staff
- Community Relations Committee (CRC) Director Willie Ratchford met with five mobile food vendors on September 26, 2008 to discuss their concerns. Vendor concerns include the following:
  - Would like hours of operation to be extended to 11:00 p.m. instead of 9:00 p.m. as proposed
  - Would like the 400 foot separation from residential area and mobile food vendors rescinded
  - Would prefer to have their businesses move once every six months instead of every three months
  - Concerned that their 911 calls for robberies are not responded to timely or at all in some cases
  - Alleged that they are being fined for not having their shops closed precisely at 9:00 p.m. even when they are in the process of closing down
- The CRC, Planning Department, City Manager's Office and Neighborhood Development staff met with mobile food vendors and stakeholders on November 6 to explain the differences between existing regulations and the proposed changes. There were more than 30 mobile food vendors and stakeholders in attendance. The major issues discussed at the meeting were clarifying the stakeholder process and the development of the recommendations. Information was shared comparing the existing regulations to the proposed changes. The impacts of the approved text amendment, along with enforcement regulations were also discussed. There were comments shared relating to the allegations of discrimination and finally, discussion as to how all parties might work together to make the changes work.

#### **Committee Discussion**

- City Council's Community Safety Committee received staff input at their September 29<sup>th</sup> meeting. Staff provided answers to questions raised at the previous City Council Meeting: (See attachments and exhibits)
  - Q1. Is there a definition for a mobile food vendor?
  - A1. Under the current regulations there is no definition for a mobile food vendor. The use is being regulated under Code Section 12.534 Off-Premise Periodic Sales. The proposed definition is mobile food vending service which is a service establishment operated from a licensed and movable vehicle (with or without an attached trailer) that vends or sells food and/or drink processed or prepared on-site to walk-up customers.
  - Q2. Are there locations available along South Boulevard, Independence Boulevard, Central Avenue, and Albemarle Road for new vendors with these new regulations?
  - A2. The attached map shows there are numerous locations along the major corridors for vendors with the separation requirement of 400 feet from residential districts and other mobile food vendors identified as Exhibit #1.

- Q3. What are the separation distances for other uses in the zoning ordinance?
- A3. The separation distances for other uses in the zoning ordinance are listed in the matrix identified as Exhibit #2.
- Q4. What are the hours of operation for other uses in the zoning ordinance?
- A4. Hours of operations for different uses in the zoning ordinance are listed in the matrix identified as Exhibit #3.
- Q5. Can examples be provided of the different uses?
- A5. Examples of the different types of retail uses permitted in the zoning ordinance and the applicable code sections are listed along with photographs depicting the uses are shown in the matrix identified as Exhibit #4.

### **Attachment 7**

Rezoning Petition #2008-079 Text Amendment  
Exhibits #1-4

## **15. 2009 Annexation Ordinance and Resolutions**

- Actions:**
- A. Adopt resolutions amending annexation reports,**
  - B. Establish the effective date for the annexations and adopt annexation ordinances for the Hood Road North, Hood Road South, Spring Park, Providence/I-485, and Berewick annexation qualifying areas,**
  - C. Adopt an annexation budget ordinance, and**
  - D. Adopt a resolution stating the intent of the City to pay economic loss to qualified solid waste collection firms.**

**Staff Resources:** Jonathan Wells, Planning  
Terrie Hagler-Gray, City Attorney's Office  
Bill Parks, Budget and Evaluation

### **Policy**

City Council's Policies for Considering Involuntary Annexation were adopted on June 23, 2003. The policies recognize annexation, to be taken on a regular two-year cycle, as a key tool in the orderly development and maintenance of the City. Policy is attached.

### **Annexation Report Resolutions**

- State annexation statutes require City Council to adopt Annexation Reports as pre-requisites to subsequently taking action on annexations.
- The Annexation Reports for the Hood Road North, Hood Road South, Spring Park, Providence/I-485, and Berewick qualifying areas approved by Council on July 28, 2008 require revisions.
- Revisions are required to:
  - Provide specific economic loss figures for solid waste firms that were not available when the reports were initially produced
  - Provide specific economic loss figures for volunteer fire departments that were not available when the reports were initially produced
  - Provide updated water and sewer system extension maps to more fully reflect extension of basic service into qualifying areas

- Provide updated numbers in Hood Road North and Hood Road South reports to reflect the cost of Reedy Creek sewer outfall
- Five resolutions will amend the Annexation Reports.
- Changes will not affect these areas' eligibility for annexation.

**Effective Date of Annexation**

- State annexation statutes require Council to adopt an ordinance extending the corporate limits to include all, or such part, of the areas described in the notice of the public hearing and which Council has concluded should be annexed. Council must also establish the effective date for the annexations which may not be less than 70 days or more than 400 days from the date of passage of the ordinance. The recommended date for the five annexation areas to become effective is June 30, 2009.

**Budget Ordinance**

- The annexation budget ordinance indicates the start-up costs and funding sources required in the current fiscal year. The ordinance is necessary to prepare for the extension of City services into the areas to be annexed effective June 30, 2009.
- Start-up expenses of \$4,216,469 are necessary to hire staff and purchase equipment in order to provide services on the first day of annexation on June 30, 2009.
- All of the start-up expenses will be appropriated from fund balance of the General Fund. The appropriation will not compromise the City's minimum fund balance requirement of 16%.
- In accordance with state annexation statutes, expenses also include payment of \$564,562 in economic loss to volunteer fire departments and payment of \$1,296,874 in economic loss to private solid waste collection firms
- Full year operating expenditures and revenues for the combined five annexation areas will be included as part of the FY2010-FY2011 Operating Budget Plans. For a summary of these expenditures and revenues, see attachment.
- Funding to begin the installation of water and sewer lines in the annexation areas is already included in the FY2009-2013 Capital Investment Plan.
- Funding for construction of one fire station is also included in the FY2009-2013 Capital Investment Plan.
- No other capital investment is required for this annexation.

**Economic Loss Resolution**

- The resolution states the intent of the City to pay economic loss to qualified solid waste collection firms operating in the annexation areas in lieu of a contract. A sum equal to the economic loss has been determined under subsection (f) of G.S. 106-A49.3. The total amount of the economic loss payment is \$1,296,874.

**Background**

- Council adopted Resolutions of Consideration on June 11, 2007, creating 2009 annexation study areas.
- Staff determined areas within study areas that qualified for annexation in Spring 2008.
- Council was briefed on 2009 Annexation Qualifying Areas on July 21, 2008.

- Council approved Annexation Reports and Resolutions of Intent for six Annexation Qualifying Areas on July 28, 2008.
- A public informational meeting for owners of properties within the Annexation Qualifying Areas was held on September 18, 2008.
- Council directed staff to exclude a small portion of one (Eastfield) annexation qualifying area, effectively creating two geographically separate qualifying areas (Eastfield North and Eastfield South), whose Annexation Reports were approved by Council on October 27, 2008.
- Council held annexation public hearings for the Hood Road North, Hood Road South, Spring Park, Providence/I-485, and Berewick annexation qualifying areas on October 27, 2008.
- Council opened the hearing on October 27, 2008 for the Eastfield area and will continue the hearing at their December 8, 2008 meeting.

**Attachment 8**

City Council's Policies for Considering Involuntary Annexation  
Resolutions Amending Annexation Reports and Amended Annexation Report  
Pages  
Corresponding Amended Annexation Report pages  
Economic Loss Resolution  
Annexation Ordinances  
Answers to Council questions posed at the October 27 public hearing  
Annexation Budget Ordinance  
Summary of Revenues and Expenses

## BUSINESS

### 16. Naming Rights for Cricket Arena

**Action:** Approve changing the name of Cricket Arena on Independence Boulevard to Bojangles Coliseum.

**Resource:** Tim Newman, Charlotte Regional Visitors Authority

**Explanation**

- The Charlotte Regional Visitors Authority (CRVA) has been seeking a new naming partner for Cricket Arena since the Cricket contract expired in 2005.
- The CRVA has negotiated a new sponsorship for the Arena with Bojangles, a Charlotte based company with over 400 restaurants in 11 states and 3 countries.
- The terms of the sponsorship include:
  - 10-year term
  - \$125,000 per year
  - The facility name becomes Bojangles Coliseum, with new signage.
  - The facility will sell Bojangles products and Bojangles will earn a commission on sales.
- The CRVA staff believes this partnership is very positive, raising the profile of both the facility and a Charlotte based company, and will improve the fiscal performance of the facility.

### 17. Solid Waste Services Facility Contract B

**Action:** Award the low bid of \$5,617,880 to Edison Foard, Inc. for construction of a new Solid Waste Services facility. The low bid includes Alternate No. 3 (finish all areas of the building) and Alternate No. 4 (high-energy efficiency mechanical system).

**Staff Resources:** Jeb Blackwell, Engineering and Property Management

**Explanation**

- This bid item is placed on the Business Section of the agenda rather than on Consent principally because it requires a policy decision as to whether or not to preserve the opportunity for a green roof at this facility at some point in the future. The cost of that option is \$108,000.
- This award is the second of three contracts associated with the construction of a new administration and ready room facility for Solid Waste Services at Otts Street. The facility consists of a 37,360 square foot, two-story administrative building and a 4,400 square foot storage building, with associated parking.
- The existing Solid Waste building is in poor condition. The new facility is adjacent the existing heavy vehicle maintenance facility and truck parking area, and will result in five acres of surplus property that can be sold for development as approved by the City Council in January, 2007.
- Due to the uncertainty of the bidding climate this year, the bid included alternates that provide flexibility in managing the project budget. Current economic conditions have resulted in very positive bids, allowing selection

of the add alternates, which finish all areas of the building and add a high-efficiency mechanical system, while staying within the budget for the building portion of the project.

- The City Council recently asked for an assessment of the feasibility of installing green roofs on existing City buildings. That assessment revealed that a few buildings are candidates for the addition of a green roof, but many are not because the roof structure will not support the extra weight. The development of green building policies has recently been referred to the Environment Committee.
- The benefits of green roofs include:
  - Improvement of storm water quality. Storm water runoff pollutants can be filtered by a green roof before leaving the site and entering a stream.
  - Reduction in storm water runoff – a portion of storm water is absorbed by the green roof and plant material, thus never leaving the site.
  - Extended roof life – experts say a green roof can last twice as long as a conventional roof due to the elimination of excessive temperature swings and exposure to sunlight.
- The new Solid Waste building design and base bid include a roof structure capable of supporting a green roof, should the City Council adopt a green roof policy in the future. Since an additional phase of site work and construction must still be bid, it is not recommended that a green roof be added from the current budget (\$370,000) at this time.
- A lighter roof structure that would not support a green roof in the future was bid as a deduct alternate, should that be necessary to maintain the budget. The deduction is not recommended in order to provide for the future green roof.
- Bids were received on September 25, 2008, in which Shelco, Inc. submitted the lowest base bid and Edison Foard, Inc. submitted the second lowest base bid. However, when alternate #3 and #4 are added to the base bid, Edison Foard becomes the recommended, low, overall bid (shaded in the table below).
- While the base bid includes the stronger roof structure to allow a future green roof, selecting alternate #5 for a lighter structure would result in a cost reduction and would make Shelco the overall low bidder.

Bidders	Base Bid	Alternate #3	Alternate #4	Total Bid w/ Alt. #3 & #4	Alternate #5	Total Bid w/ Alt. #3, #4 & #5
Shelco, Inc.	\$5,346,730	\$91,900	\$189,800	\$5,628,430	-\$108,165	\$5,520,265
Edison Foard	\$5,351,880	\$80,000	\$186,000	\$5,617,880	-\$ 95,000	\$5,522,880

- Construction of the buildings is scheduled for completion in the fourth quarter of 2009.

<b>Summary of Bids</b>	<b>Base Bid plus Alternate No. 3 and 4</b>
Edison Foard, Inc.	\$5,617,880.00
Shelco, Inc.	\$5,628,430.00
R.L. Casey, Inc.	\$5,683,275.00
Beam Construction, Inc	\$5,703,905.00
Sorensen Gross, Inc	\$5,736,888.88
D.R. Mozeley, Inc	\$5,741,700.00
LeChase Construction	\$5,817,441.06
TK Browne Construction	\$5,860,597.60
Hunter Roberts Constr.	\$5,892,100.00

PCL Construction	\$5,907,392.00
Mainline Contracting	\$5,919,220.00
J.F. Schultze Constr.	\$5,934,525.31

#### **Small Business Opportunity (Base Bid plus Alternate No. 3 & 4)**

Established SBE Goal: 9%

Committed SBE Goal: 1.12%

Edison Foard, Inc. failed to meet the SBE goal, but earned the required number of Good Faith Efforts Points (Part B, Section 2.1 of the SBO Policy). They committed 1.12% (\$62,679) of their total base bid plus Alternates 3 and 4 to the following SBE firms: Union Paving (\$20,679) and Carolina Fire Dogs, LLC (\$42,000). In addition, subsequent to bid opening, Edison Foard, Inc. committed an additional 11.44% (\$642,900) to one more SBE: Gastonia Iron Works.

#### **Small Business Opportunity (Base Bid plus Alternate No. 3, 4 & 5)**

Established SBE Goal: 9%

Committed SBE Goal: 2.99%

Shelco, Inc. did not meet the SBE goal or the Minimum Good Faith Effort points. However, the SBO Program Manager has issued a non-compliance waiver under Part B: Section 6.2 of the Program on the following grounds: (a) Shelco's proposed SBE utilization was higher than that of the second low bidder; (b) Shelco made a diligent effort to comply with the Program, earning 130 out of 155 of the minimum Good Faith Effort points; and (c) Shelco has no instances of past non-compliance with the Program. Shelco committed 2.99% (\$165,099) of their total base bid plus Alternates 3, 4, and 5 to the following SBE firms: Blind Man (\$5,700), Bullington Construction (\$54,000), Carolina Fire Dogs, LLC (\$42,000), Oliver Paving (\$28,000) and Vecumex Construction (\$35,399). In addition, subsequent to bid opening, Shelco committed an additional 14.23% (\$785,316) to two other SBEs: Gastonia Iron Works (\$646,500) and Siteworks LLC (\$138,816).

#### **Funding**

Government Facilities Capital Investment Plan

## **18. General Obligation Bond Referendum**

**Action: Certify and declare the results for the November 4, 2008 Special Bond Referendum in which the voters authorized the issuance of \$47,000,000 in General Obligation Neighborhood Improvement Bonds, \$170,200,000 in General Obligation Public Improvement Bonds and \$10,000,000 in General Obligation Housing Bonds.**

**Staff Resource:** Greg Gaskins, Finance

#### **Explanation**

- On June 23, July 28 and August 25 Council approved resolutions authorizing staff to proceed with actions necessary to conduct a general obligation bond referendum.
- On November 04, 2008 a Special Bond Referendum was held and voted upon by the voters in the City of Charlotte. The voters approved the authorization of \$170,200,000 in Public Improvement Bonds, \$47,000,000

- in Neighborhood Improvement Bonds and \$10,000,000 in Housing Bonds.
- This Council action certifies and declares the official results of the voter referendum with respect to \$170,200,000 in Public Improvement Bonds, \$47,000,000 in Neighborhood Improvement Bonds and \$10,000,000 in Housing Bonds.

Mecklenburg County Board of Election Results

	Yes	No
Public Improvement (Street) Bonds	74.37%	25.64%
Housing Bonds	62.56%	37.44%
Neighborhood Improvement Bonds	69.74%	30.26%

**Attachment 9**

- Resolution
- Statement of Results Public Improvement Bonds
- Statement of Results Housing Bonds
- Statement of Results Neighborhood Improvement Bonds
- Canvass Certificate

**19. Hope Haven Request for Second Loan Restructuring**

**Action: Approve Hope Haven’s request to convert part of a City loan to a grant up to \$443,209 to subsidize the organization’s program operations for the next three years.**

**Staff Resource:** Stan Wilson, Neighborhood Development

**Policy**

- The FY2009 U. S. Department of Housing and Urban Development Annual Action Plan adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City’s Housing Policy:
  - Preserve the existing housing stock
  - Expand the supply of affordable housing
  - Support family self-sufficiency initiatives

**Explanation**

- Hope Haven, Inc. has requested grant subsidy assistance from the City over the next three years because of reduced operating revenues and to avoid a reduction in services.
- Hope Haven is a 247-bed residential aftercare facility located on North Tryon Street that serves economically disadvantaged persons recovering from alcohol and chemical dependency. The facility serves very low-income households (less than 24% of AMI) and last year provided services to over 470 homeless individuals and families to help them become self-sufficient.
- On July 26, 1999 City Council authorized the City Manager to negotiate an agreement with the Hope Haven Foundation, Inc. to disburse \$3,000,000 in federal Community Development Block Grant (CDBG) Section 108 loan funds for the second phase of renovations of the Villages of Hope Haven (\$1,500,000) and refinancing of an existing bank loan with First Citizens Bank (\$1,500,000). The loan is guaranteed by the City’s CDBG allocation.
- On November 11, 2002 City Council approved Hope Haven’s request for a

temporary subsidy to address revenue shortfalls. Under the arrangement, Hope Haven made principal payments only on the loan and the City paid the interest payments for a five year period. The City subsidy (interest payments on behalf of Hope Haven) amounted to \$939,911.

- Hope Haven continues to have revenue shortfalls and has requested that the City continue to make interest payments (\$443,209) on its behalf for the next three years. In FY2011 the Section 108 loan will be eligible for refinancing with HUD and the restructured loan (principle and interest) could be reduced such that Hope Haven could make the full monthly loan payments. The loan payments (Hope Haven and City) will be disbursed as follows:

	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>
Section 108 Payments	\$302,575	\$302,575	\$302,575
Hope Haven Principle Payments	\$144,166	\$154,588	\$165,763
City Subsidy	\$158,409	\$147,987	\$136,812

- The City will review Hope Haven’s financial status annually to determine whether the forecasted subsidy (City interest payments) is needed. Hope Haven will submit annual audits detailing all revenues and expenditures.
- Not continuing these payments will cause Hope Haven to drastically reduce the scope of their operations and serve less of the homeless population. The City does not anticipate repayment of the requested funds.
- Hope Haven has pledged to continue to seek additional resources and manage expenses at levels acceptable to the City over the period of the grant. In addition, Hope Haven will immediately report any significant changes in funding to the City.

**Funding**

Federal Community Development Block Grant

**Attachment 10**

Background  
 Letter – Hope Haven, Inc.  
 Projected Income/Expense Report

**20. Urban Progress Zone Designation Renewal**

**Action: Adopt a resolution requesting the North Carolina Department of Commerce to renew the Urban Progress Zone designation in Charlotte pursuant to NCGS 143B-437.09(a).**

**Staff Resource:** Brad Richardson, Economic Development

**Policy**

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

**Explanation**

- This item was deferred at the November 10 Council meeting after Council requested staff to provide reasons for the exclusion of Census Tract 7 from the proposed Urban Progress Zone (UPZ).
- Census Tract 7 includes the area along Parkwood Avenue, Brevard Street and North Davidson Street between the Center City and 36<sup>th</sup> Street. It includes a portion of the Norfolk Southern intermodal rail yard and several commercial and industrial properties.
- While Census Tract 7 is eligible for the UPZ based on its zoning characteristics (as described in detail below), staff omitted it because it appeared to increase the total area of zone qualifying under this condition beyond the allowable limit of 35%. Its inclusion would have required the elimination of a larger tract that has more commercial and industrial sites.
- After some research, staff has concluded that Census Tract 7 can be included in the UPZ without violating the 35% limit. This is partly attributable to a mistake in the State's electronic application, which masked the error. Staff has since notified the Department of Commerce of this error.

**Background**

- In July 2006 the NC General Assembly passed legislation that created a new tax credit program, Article 3J Credits that replaced the William S. Lee Tax Credit Act.
- The legislation also replaced the State Development Zone with Urban Progress Zones (UPZ's).
- Projects located within a UPZ receive enhanced tax credits, which can be used against a company's State corporate tax liability.
- The role of City Council is to request the Secretary of Commerce to designate the zone. The program is administered by the North Carolina Department of Commerce. No City funding is involved.
- On September 10, 2007 City Council adopted a resolution requesting the Secretary of Commerce to designate a UPZ in Charlotte.
- The City's current UPZ expires on December 31, 2008 and the State requires the City to reapply for a UPZ designation.
- The current zone (see attached map) generally extends from the Center City southwest to Beam Road and west to the airport. It follows I-85 on the north (with the exception of two census tracts) and as far east as Eastway Drive and The Plaza.
- The City and Charlotte Chamber worked together to develop the current zone to maximize the UPZ benefits for Charlotte.
- Under the legislation, areas designated as UPZ's cannot exceed 15% of the City's area. This requirement, along with the specific guidelines for drawing a UPZ allow no opportunity to extend or significantly alter the current UPZ; therefore, staff recommends re-designating the current zone, including Census Tract 7.
- Every census tract and census block group that composes the zone must meet at least one of the following conditions:
  - Have more than 20% of its population below the poverty level according to the most recent federal decennial census
  - Be an adjacent census tract or block group in which at least 50% of the area is zoned as nonresidential. No more than 35% of the area of a zone may consist of census tracts or census block groups that satisfy this condition only.

- Have experienced a major plant closing and layoff within the past 10 years resulting in a layoff of at least 3,000 employees or 7% of the municipality's population laid off (whichever is greater)
- A list of the types of eligible businesses and the types of incentives available to them is attached.

**Attachment 11**

Resolution  
 Urban Progress Zone Map  
 Article 3J Tax Credits Summary Sheet

**21. Appointments to Boards and Commissions**

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

**A. COMMUNITY RELATIONS COMMITTEE**

- One appointment for a three year term beginning immediately and ending June 30, 2011.
- Two appointments for unexpired terms beginning immediately and ending June 30, 2010.
  - Aaron Bess nominated by Council member Mitchell
  - Jamal Donaldson Briggs nominated by Council member Barnes
  - Ansley H. Cheatham nominated by Council member Dulin
  - Sharon E. Ingram nominated by Council members Burgess and Carter
  - Celia Klein nominated by Council member Burgess
  - Audrey Madans nominated by Council member Lassiter
  - Christopher A. Sites nominated by Council members Burgess and Carter
  - Rebecca R. Vincent nominated by Council member Carter

**Attachment 12**

Applications

**B. DOMESTIC VIOLENCE ADVISORY BOARD**

- One appointment for an unexpired term beginning immediately and ending September 21, 2009.
  - Beatrice Cote nominated by Council member Carter
  - Debra E. Wideman nominated by Council member Burgess

**Attachment 13**

Applications

**C. NEIGHBORHOOD MATCHING GRANTS FUND**

- One appointment for an unexpired term beginning immediately and ending April 15, 2009.
  - Joshua Athey nominated by Council member Burgess
  - Christopher Robinson nominated by Council member Mitchell
  - Jennifer Sage nominated by Council member Dulin

**Attachment 14**

Applications

**D. TREE ADVISORY COMMISSION**

- One appointment for an unexpired term beginning immediately and ending December 13, 2009.
  - Ann Macon-Ellis nominated by Council member Kinsey
  - Matthew McLaren nominated by Council members Burgess and Carter

**Attachment 15**

Applications

**22. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

**23. 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 of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling and settlement of a workers' compensation claim.**

**Staff Resource:** Mac McCarley, City Attorney's Office

## Introduction to CONSENT

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

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

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

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

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

### Contractors and Consultants

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

## CONSENT I

### 24. Various Bids

#### A. Ford/Motorcraft Repair and Replacement Parts BSS

**Staff Resource:** Warren Ellington, Business Support Services

#### **Action**

Award the low bid unit price contracts for providing Ford/Motorcraft original equipment maintenance repair and replacement parts in the estimated annual amount of \$350,000 for a term of one year and authorize the City Manager to renew up to four additional one year terms with possible price adjustments as authorized by the contract to the following vendors: Auto Supply Company, Inc., for providing 61 various repair and replacement parts to be ordered as needed.

Young Ford, Inc., for providing 67 various repair and replacement parts to be ordered as needed.

These repair and replacement parts include, but are not limited to, emissions and exhaust components, body replacement parts, electrical and lighting components and transmission service and repair parts and will be used for equipment and vehicles, including Police, Fire, and other emergency response vehicles.

**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).

**Deferral Consequences**

The repair of equipment and vehicles is a critical and essential function. Without access to these repair and replacement parts, the City's fleet equipment and vehicles required to perform public safety (i.e. Police and Fire) would be unavailable for service.

**B. Synthetic Transmission Fluid & Related Services BSS**

**Staff Resource:** Karen King, Business Support Services

**Action**

Award the low bid unit price contract to Mack Truck Sales for providing Castrol/Transynd/Allison full synthetic transmission fluid for a term of one year and authorize the City Manager to renew up to four additional one year terms with possible price adjustments as authorized by the contract. The anticipated annual expenditure is \$75,000. Full synthetic transmission fluid is required to service, repair and maintain equipment and vehicles, including but not limited to Police, Fire, and other emergency response vehicles.

**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).

**Deferral Consequences**

Transmission fluid would have to be purchased off the open market with no guaranteed price or delivery. The informal purchases could potentially exceed \$100,000 per year.

**C. Southwest Water Transmission Main Phase C CMU**

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$7,433,482.81 by John D. Stephens for construction of the final phase of the Southwest Water Transmission Main. The entire Southwest Water Transmission Main project begins at the Franklin Water Treatment Plant, and ends at South Tryon Street. Total construction cost for all four phases is \$60,292,869. This final phase runs along Steele Creek Road, beginning at Shopton Road West

and ending at South Tryon Street. The completed project will eliminate intermittent water supply shortages, water pressure issues, and insufficient capacity in and around southwest portion of the County. This bid came in 33% lower than the engineer's estimate of \$10 million.

#### **Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 5.42%

All 12 bidders on this project failed to meet the SBE established goal. The low bidder also failed to earn the required number of Good Faith Effort points. The SBO Program Manager has granted a waiver under Sections 6.2 and 6.3 of the SBO Policy based on the following:

- John D. Stephens' SBE utilization is significantly greater than the next low bidder (5.42% vs. 0.35%).
- They made diligent efforts to comply with the Good Faith Efforts.
- Their violation was minor in nature.

John D. Stephens committed \$403,200 to the following SBE firms: Andolina Trucking, Paving Solutions, B&B Concrete Construction, Roberts Enterprise, Ms. Sybil's Seeding, New Beginning Landscape, A-1 Precision Fence, and CNG Signs & Zepco Displays.

#### **Deferral Consequences**

This project is recommended to continue because if the project isn't completed by summer when peak demands occur, the City may have to restrict future growth in the southwest portion of the County.

## **25. Resolution of Intent to Abandon a Residual Portion of Belle Terre Avenue**

**Action: A. Adopt a Resolution of Intent to abandon a residual portion of Belle Terre Avenue, and**

**B. Set a public hearing for January 12, 2009.**

**Staff Resource:** Linda Poissant, Transportation

#### **Attachment 16**

Map

Resolution

## 26. Refund of Property and Business Privilege License Taxes

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$13,415.88.**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$2,570.93.**

**Staff Resource:** Greg Gaskins, Finance

### **Attachment 17**

Resolution

List of property tax and business license refunds

## CONSENT II

### 27. South Corridor Federal Grant Close Out Steps

**Action:** Approve the following steps in the closeout of the Federal Full Funding Grant Agreement:

**A. Adopt a budget ordinance appropriating \$2,560,750 for CATS' Programs, and**

**B. Authorize the transfer of funds between funding sources in the amount of \$550,000.**

**Staff Resource:** Dee Pereira, Transit

#### Explanation

- CATS has conducted a financial review on the South Corridor Light Rail Project budget in preparation for final settlements and closeout of the Federal Full Funding Grant Agreement (FFGA). The project cost as defined in the scope of the amended FFGA is \$462.7 million.
- Action requested will not increase the FFGA budget of \$462.7 million.
- Some contracts that were approved by Council included tasks that were necessary to be performed by a single contractor, but were outside of the project scope as defined under the FFGA. These non-project expenditures are commonly referred to as betterments. The June 2008 monthly report notified Council of the betterment changes that would be forthcoming. During construction of the project, the cost of most of the betterments were either charged directly or transferred to the appropriate fund source (outside of the FFGA budget). However, any costs that were charged to the FFGA, but were outside of the FFGA budget, must now be handled through accounting correction. The identified corrections of \$3.1 million can be seen in the attached List of Betterments.
- The South Corridor Project FFGA budget of \$462.7 million is not impacted by these technical corrections. The requested budget ordinance aligns funds with expenses.
- Action A appropriates \$2,560,750 from the Transit Fund Balance.
- Action B transfers appropriations in the amount of \$550,000 between funds to realign project allocations.
- As federal auditors are expected to review the South Corridor Light Rail Project FFGA finances in the near future, delaying these actions would cause the project estimates to not be aligned properly with the general ledger.

#### Funding

Transit Fund Balance

#### Attachment 18

Budget Ordinance

List of Betterments

## 28. Park and Ride Lots Additional Appropriation

**Action:** **A. Approve a revision to Transit FY2009 Capital Investment Plan and additional appropriation for Park and Ride capital program by amending prior ordinances to change the source of funds, and**

**B. Adopting a budget ordinance appropriating \$5,000,000.**

**Staff Resource:** Dee Pereira, Transit

### Explanation

- Charlotte Area Transit System (CATS) competed for the Federal Transit Agency Bus Discretionary funding. Only 27 transit agencies in the country were selected to receive funds from the program. CATS was awarded \$5,000,000 through this competitive process. The funds are designated for procurement of bus and/or bus related projects.
- Prior to award of this Bus Discretionary grant, Council approved appropriation of funds from several other fund sources, including the Transit Fund balance, for the FY2009 procurement of buses.
- Since the grant funds are for procurement of buses, staff recommends a change in fund sources for the FY2009 bus procurement. Specifically, Council's action will allocate the \$5,000,000 toward the FY2009 bus procurement thereby releasing funds currently allocated to that procurement to be used in other capital programs.
- With the 17.4% increase in ridership in FY2008 and the 39.1% year to date increase in FY2009, together with the shortfall in transit revenue, CATS established three key priorities for FY2009 capital expenditure. The priorities are (1) Buses (2) Park and Ride Lots (3) Rail.
- In order for CATS to design and construct additional Park and Ride lots, Council is requested to approve :
  - A revision to the FY2009 Capital Investment Plan for Park and Ride lots from \$1.6 million to \$6.6 million
  - A portion of funds released from the bus procurement reallocated toward the design and construction of Park and Ride lots
- CATS originally programmed FY2009 Federal Formula funds, together with state and local matching funds for the FY2009 bus procurement. With the appropriation of the Bus Discretionary grant toward the FY2009 bus procurement, some funds currently appropriated to the FY2009 bus procurement will be freed up and re-appropriated to fund additional Park and Ride capacity needs within the system.
- Upon completion of the above requested accounting transactions, i.e. appropriation of the Bus Discretionary grant and re-appropriation of the Federal Formula grant funds together with local matching funds, CATS will recognize a savings of \$625,000, which will be returned to the Transit Fund Balance. The following tables describe the requested accounting changes:

<b>FY2009 Bus Procurement</b>	<b>Budgeted FY2009</b>	<b>Amended FY2009</b>	<b>Difference</b>
Federal Formula	\$4,000,000		(\$4,000,000)
Bus Discretionary		5,000,000	5,000,000

Federal CMAQ	920,000	920,000	0
Federal Fixed Guideway	237,049	237,049	0
State Grant Match	522,848	647,848	125,000
Local Funds	4,064,871	2,939,871	(1,125,000)
Total	\$9,744,768	\$9,744,768	\$0

<b>FY2009 Park &amp; Ride Lots</b>	<b>Budgeted FY2009</b>	<b>Amended FY2009</b>	<b>Difference</b>
Federal Formula	\$0	\$4,000,000	\$4,000,000
State Grant Match		500,000	500,000
Local Funds	2,131,729	2,631,729	500,000
Total	\$2,131,729	\$7,131,729	\$5,000,000

- The (\$625,000) savings to be returned to the Transit Fund Balance is computed by taking the difference of the (\$1,125,000) of local funds in the Bus Procurement table and the \$500,000 of local funds in the Park and Rides table.
- Action A requests Council approval for amendment of prior ordinances to change the funding sources of various previously appropriated capital projects.
- Action B requests Council approval to appropriate funds. Total appropriation is \$5,000,000 of which \$4,000,000 is estimated to be received from Federal Grants, \$500,000 from State grants, and \$500,000 from the Transit Fund Balance.

**Deferral Consequences**

This action is recommended to move forward due to the high demand for Park & Ride capacity and the available grant funding.

**Funding**

Federal FY08 Bus Discretionary Grant  
 Federal FY09 Federal Formula Grant  
 NCDOT Matching Funds  
 Transit Fund Balance

**Attachment 19**

Budget Ordinance

## 29. Property Maintenance and Refuse Removal for Lynx Blue Line

- Action:**
- A. Approve a contract with Greens Commercial Cleaning, Inc. for property maintenance and refuse removal for the Lynx Blue light-rail line for an initial one year term with an annual amount of \$ 297,600, and**
  - B. Authorize the City Manager to negotiate and approve four, one year extensions with price adjustments to be negotiated at the time of renewal that may not exceed a 4% increase annually.**

**Staff Resource:** Leonard Ganther, Transit

### Explanation

- Charlotte Area Transit System (CATS) currently uses an outside vendor on a month-to-month basis to provide property maintenance and refuse removal for the Lynx Blue Line light-rail line.
- A Request for Proposals (RFP) process was used to select a vendor to provide these services on a long-term contractual basis.
- Seven proposals were received. Selection criteria included maintenance and rubbish removal experience of similar size and nature, hiring and training practices, experience of local management and pricing.
- Greens Commercial Cleaning, Inc. offered the lowest price among those vendors that demonstrated sufficient strengths in the selection criteria.
- Pricing will hold firm for the first year of the contract. Price adjustments after the first year will be addressed at the contract renewal.
  - This allows the vendor to narrowly tailor cost estimates for the coming year.
  - The practice forestalls the necessity of a vendor projecting inflationary cost increases over the entire life of the contract, which can significantly increase the final contract amount.
- Greens Commercial Cleaning, Inc. will provide property maintenance and refuse removal services to include:
  - Park and ride lots
  - Embankments at overpasses along the CATS Lynx Blue light-rail line
  - Parking decks
  - Trolley stops
  - Light-rail stations along the approximately nine miles of rail alignment
- The City Manager is authorized to terminate or modify this agreement on behalf of the City, including considering price adjustments as stipulated in the contract.

### Small Business Opportunity

The selected most qualified service provider, Greens Commercial Cleaning, Inc., is a certified SBE. In addition, two other service providers that submitted proposals were SBEs. 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 subcontractors as no subcontracting was available.

### Funding

Transit Operating Budget

### 30. A Way Home Operating Grant

**Action: Authorize the City Manager to enter into a Memorandum of Understanding with Mecklenburg County to manage the contract and administer a \$30,000 grant to A Way Home.**

**Staff Resource:** Stan Wilson, Neighborhood Development

#### Policy

- The FY2009 U. S. Department of Housing and Urban Development Annual Action Plan adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy:
  - Preserve the existing housing stock
  - Expand the supply of affordable housing
  - Support family self-sufficiency initiatives
- On November 12, 2007, City Council adopted the 10-Year Plan to End and Prevent Chronic Homelessness as required by the U.S. Department of Housing and Urban Development.

#### Explanation

- On June 23, 2008 City Council approved the FY2009 Action Plan along with an amendment to include a grant in the amount of \$30,000 requested by A Way Home to support operating costs associated with the implementation of the 10-Year Plan to End and Prevent Homelessness. (This action was unanimously recommended by the Housing and Neighborhood Development Committee on June 11, 2008.)
- Mecklenburg County is also supporting A Way Home with operating funds (\$30,000) to administer the 10-Year Plan and has agreed to manage the contract on behalf of the City and County.
- Mecklenburg County would provide oversight, project status and performance reporting.
- The City Manager will enter into an agreement with Mecklenburg County and outline the terms associated with A Way Home's administration of the operating funds.
- The operating funds will be used for administration including staffing, management of the implementation committee and establishing an Advisory Board, establishing annual goals and performance reporting.
- The Memorandum of Understanding was delayed to allow A Way Home to develop a work program description and develop an agreement with the County.

#### Funding

Innovative Housing Fund (Pay-As-You-Go Capital)

#### Attachment 20

Background

A Way Home - Agency Budget

A Way Home - Deliverables

A Way Home - Administration Proposal

### 31. Friendship Community Development Corporation Neighborhood Revitalization Grant

**Action: Approve a grant for up to \$332,000 to the Friendship Community Development Corporation for the acquisition and demolition of property in the Lincoln Heights Neighborhood.**

**Staff Resource:** Stan Wilson, Neighborhood Development

#### Policy

- The FY2009 U. S. Department of Housing and Urban Development (HUD) Annual Action Plan was adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

#### Explanation

- The Friendship Community Development Corporation (Friendship CDC) is requesting a grant in the amount of \$332,000 for the acquisition and demolition cost of property (land and seven dilapidated housing units) located at 2208 Catherine Simmons Avenue and 2205 Custer Street in the Lincoln Heights neighborhood.
- The property is located in Neighborhood Statistical Area (NSA) 29, Lincoln Heights Neighborhood. Lincoln Heights is one of the City's targeted revitalization neighborhoods and is designated as challenged based on the 2008 Quality of Life Study.
- The Friendship CDC acquired the property with a loan from Wachovia Bank and is currently paying interest on the loan. A portion of the City's funds will be used to pay-off the bank loan (\$280,000). The remaining \$52,000 will be used for asbestos removal and demolition of the seven housing units.
- The existing seven housing units are currently under code enforcement and fall in the demolition category.
- The appraised value of the property (land and building) is \$290,500.
- The grant will be funded with federal HOME funds designated by the U.S. Department of Housing and Urban Development (HUD) for CDC projects.

#### Future Site Development Plans

- Friendship CDC plans to develop transitional rental housing (16 units) for households earning 60% or less (\$38,640 for a family of four) than the area median income, with a priority to serve households earning 30% or less (\$19,320 for a family of four).
- The new transitional rental units will support the Friendship CDC's planned 26-bed women's shelter. Residents of the shelter will receive supportive services and move into the new transitional housing, then to permanent housing and ultimately homeownership.
- Development plans for the transitional housing units and the women's shelter are in process and will be coming before the City Council with a funding request at a future business meeting.

**Funding**

Federal HOME funds

**Attachment 21**

Project Summary and Map

**32. Department of Justice Grant**

**Action: A. Accept a grant from the U.S. Department of Justice for the arrest and prosecution of child sexual predators, and**

**B. Adopt an ordinance appropriating \$321,350 in grant funds from the U.S. Department of Justice.**

**Staff Resource:** Lisa Goelz, Police**Explanation**

- Police has received a grant from the U.S. Department of Justice for the location, arrest, and prosecution of sexual predators who prey on children.
- The grant will allow law enforcement agencies in our 11 county region, along with state and federal agencies, to take a team approach to this issue.
- Coordinated multi-agency teams will work on child sexual predator cases with an emphasis on internet activity associated with those cases.
- The grant will provide training for officers and education for parents, through community forums on child sexual predators and internet safety.
- The grant also provides technology for use in this program (Oceans Systems dTective video and audio analysis system) and additional computer storage service for video and digital still pictures evidence.
- The grant budget covers the following:
  - \$186,158 for a digital video and audio analysis system and storage
  - \$113,130 for 960 hours of overtime for detectives
  - \$22,062 for travel and training, including local community education

**Funding**

\$321,350 from the Department of Justice; no City matching funds required

**Attachment 22**

Budget Ordinance

**33. Airport Runway Project Change Order**

**Action: Approve change order #6 with E.S. Wagner Co., LLC in the amount of \$1,976,046.07 for additional work on the Third Parallel Runway.**

**Staff Resource:** Jerry Orr, Aviation**Explanation**

- In February 2007 Council approved a contract with E.S. Wagner Co., LLC in the amount of \$43,626,829 for grading of the new runway.

- In August 2007 Council approved change order #1 in the amount of \$3,514,989, allowing the Airport to expedite the paving of Wallace Neel Road and providing additional clearing and erosion control modifications.
- In January 2008 Council approved change order #2 in the amount of \$1,585,744, providing funding for additional clearing around the runway to improve line of sight from the Air Traffic Control Tower, additional pavement for the relocation of Wallace Neel Road, and payment for fuel escalation.
- In May 2008 Council approved change order #3 in the amount of \$2,099,884, providing funding for constructing a road to the future airfield electrical vault, additional erosion control measures and maintenance, and payment for fuel escalation.
- In August 2008 Council approved change order #4 in the amount of \$1,468,699 for additional clearing for navigational aid lights and payment for fuel escalation.
- In August 2008 Council approved change order #5 in the amount of \$2,191,341 for additional clearing & grubbing and excavation in preparation for a separate contract to build two Taxiway Bridges.
- As with previous change orders, change order #6 takes advantage of favorable bid pricing due to large quantities in existing contract and facilitates an expedited construction schedule.
- Change order #6 includes:
  - Additional grading and erosion control measures for the navigational aid light line on the south end of the runway that gives pilots a visual reference for landing. The light line extends 2,400 feet past the end of the runway.
  - Grading for concrete pads for the navigational aid shelters that house the electronic equipment and electrical generators on both the north and south ends of the runway
  - Payment for fuel escalation as calculated using the NCDOT fuel escalation formula as required by contract
- The budget for the grading and drainage for the runway was \$71,457,950. The total contract amount to date, including this change order, is \$56,463,532.94.
- Funding for this change order comes from proceeds of the 2007 General Airport Revenue Bond Issue with debt service paid by Passenger Facility Charges and proceeds from federal grants.

#### **Disadvantaged Business Opportunity**

ES Wagner Co. committed to 13.5% DBE participation with the original contract. They maintain that commitment with the addition of this change order.

#### **Funding**

Aviation Capital Investment Plan

## 34. Environmental Monitoring System

- Action:**
- A. Approve the purchase of an environmental monitoring system without competitive bidding as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**
  - B. Approve a contract with CANBERRA Industries, Inc. for the purchase of this system in an amount not to exceed \$250,000.**

**Staff Resource:** Jeff Dulin, Fire

### **Sole Source Exemption**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available
  - A needed product is available from only one source of supply
  - Standardization or compatibility is the overriding consideration
- Sole sourcing is necessary since compatibility with existing CANBERRA equipment is needed.
- Sole source purchases require City Council approval.

### **Explanation**

- The Charlotte Urban Area Security Initiative (UASI) region has been awarded funds to purchase an environmental monitoring system and other ancillary equipment needed to make the system operational.
- The system monitors the air for hazardous materials and climatological events that may transport airborne materials that are not naturally occurring into the city and surrounding area. The system will allow staff to take precautionary measures against potential hazards and undue exposure to chemicals or gases.

### **Small Business Opportunity**

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of SBO Policy).

### **Funding**

UASI Homeland Security Funding

## 35. Enterprise Learning Management System

- Action:**
- A. Approve a contract with Plateau Systems, Ltd. for the provision of enterprise Learning Management System (LMS) and related services in the amount of \$332,256, and**
  - B. Authorize the City Manager to approve maintenance and operating support fees for FY2009 and FY2010 in an annual amount not to exceed \$50,000.**

**Staff Resource:** Jon Hannan, Fire  
Tim Mayes, Human Resources

### Explanation

- The Charlotte Fire Department (CFD) and the Human Resources Support Unit (HR) request a contract with Plateau Systems, Ltd. to expand the Learning Management System (LMS) currently used by Charlotte Mecklenburg Police Department (CMPD) and Charlotte Mecklenburg Utilities (CMU).
- Continuing Education hours are mandated for CFD in many areas, including Emergency Medical Technician (EMT) which is provided in conjunction with a First Responders agreement with the County Medical Director.
- Firefighters must complete a minimum of 48 hours of continuing education each year. This training is delivered via both classroom setting and videoconferencing. CFD units must go "out of service" and travel to the Training Academy for required classroom training that could be delivered online. Whenever CFD units are "out of service", they are not available to respond to emergencies, impacting overall response time.
- Using the Plateau LMS for mandatory training allows CFD to significantly decrease the "out of service" time for Fire units since training can be completed online from any place with an internet connection. CFD anticipates an "out of service" time reduction of approximately 40% (6,314 hours). This is crucial given that training is conducted Monday through Friday between 8:00 a.m. and 5:00 p.m.
- Plateau LMS allows the City to:
  - Identify training requirements and opportunities
  - Develop and deploy online training
  - Facilitate online course registration
  - Track usage to meet the needs of all Key Business Units simultaneously
- Many City employees must maintain certifications for professional and technical job requirements. Plateau LMS allows supervisors and employees to closely monitor various certification requirements and schedule resources.
- Plateau LMS allows for seamless delivery of training content purchased or developed by the City, or developed by Plateau. Additionally, this robust system allows modifications for department-specific training needs.
- CMPD, CMU and CFD make up 51% of the City's employees using Plateau for training administration and deployment.
- During the internal Technology Project Evaluation process the Enterprise Learning Management was ranked number 11 out of 90 projects requesting funding. Only the top 16 projects received funding in the budget process.

- HR will act as the enterprise LMS project manager for new users throughout the City.

### History

- CMPD and CMU have successfully and effectively used Plateau LMS for training purposes since 2001 and 2005 respectively.
- Through the early and ongoing successes of Plateau LMS for Police and Utilities, Human Resources and Fire evaluated the system's effectiveness for citywide use.
- HR's Organizational Development and Learning office has chosen Plateau LMS as the City's enterprise solution for its effectiveness, ease of use, efficiencies related to planning and organizing training, and increased work productivity.

### Small Business Opportunity

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

### Deferral Consequences

This project is recommended to move forward in order to maximize productivity within City departments, especially the Fire Department, while completing mandatory annual training.

### Funding

Technology Capital Investment Plan

## 36. Vehicular Wayfinding Design for Freeways and City Streets

**Action: Authorize the Transportation Key Business Executive to execute fixed fee basis contracts totaling \$756,290.28 plus authorized reimbursable expenses with HNTB, Inc. and Kimley-Horn Inc. for Vehicular Wayfinding Design of the Center City Parking and Wayfinding System.**

**Staff Resource:** Jim Kimbler, Transportation

### Policy

Implement Vehicular Wayfinding System to efficiently direct motorists to the parking supply available on a real-time basis (Center City Transportation Plan, April 2006)

### Explanation

- The two contracts provide design services for Center City Parking and Wayfinding Signs for freeways and City streets. The project goal is to efficiently direct motorists to parking for venues while reducing congestion and improving air quality. The project will provide an integrated vehicular and pedestrian wayfinding system to facilitate the efficient and safe circulation of vehicles and pedestrians into, throughout, and from the Center City.
- Vehicular Wayfinding Signage is the second phase of the Center City Parking and Wayfinding System; the first phase was pedestrian wayfinding. Vehicular Wayfinding Signage will include directional signage

to Center City along the Interstate, Expressway and Major Thoroughfare System outside of Center City, along the I-77/I-277 Loop which will serve as the primary distributor of traffic, and include directional signage from the Interstate/Freeway System along City Streets within Center City to direct drivers to parking facilities and major destinations. This and additional signage within the Loop will direct drivers to parking facilities that support districts of Center City as well as major destinations.

- Engineering consultants will provide design services, structural engineering services and other professional services for the vehicular wayfinding system as described below:
  - HNTB, Inc will provide design services, structural engineering services and other professional services for vehicular directional signs on the interstate/freeway portion at a cost of \$227,150 plus authorized reimbursable expenses.
  - Kimley-Horn, Inc. will provide design services, structural engineering services and other professional services for vehicular directional signs on City streets, design and develop the parking guidance system to support development of the Parking Collaborative, and design signage to guide motorists to parking within Center City at a cost of \$529,140.28 plus authorized reimbursable expenses.

#### **Deferral Consequences**

- Loss of remaining balance of Federal Aid Grant for \$3.032 million
- Signage to NASCAR Hall of Fame and other venues opening in 2010 will not be in place

#### **Disadvantaged Business Enterprise**

NCDOT DBE/WBE goals apply to these federally-funded contracts.

#### **Funding**

NCDOT Congestion Mitigation and Air Quality Municipal Agreement  
Transportation Capital Investment Plan

### **37. Utilities Environmental Services Facility Contract Amendment**

**Action: Approve amendment #1 in the negotiated amount of \$337,961 to the contract with Gantt Huberman Architects PLLC for additional architectural services for the Environmental Services Facility.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- On December 9, 2002 Council awarded a professional services contract, in the amount of \$921,500, to Gantt Huberman Architects for design and inspection of the new Environmental Services Facility.
- The project is now complete and was completed under the project budget.
- This facility is located off Billy Graham parkway at Westmont Drive, and houses the Utilities' Laboratory Services Division, Industrial Pretreatment Division and the administrative offices of the Environmental Management Division.

- Amendment #1 covers additional expenses incurred by the architect for two primary reasons:
  - The original contract provided that the architect would perform a standard level of inspection for a commercial building. However, due to the complexity of construction with the laboratory portion of the building, architectural staff were required onsite more than anticipated. This additional time onsite was extremely beneficial in ensuring the quality of the building.
  - The construction was completed approximately one year after the scheduled completion. This delay resulted from a number of reasons including contractor issues, equipment start up delays, and building standards requests. This time extension resulted in more time spent on the site by the architectural field staff than planned. Delays associated with the contractors issues have resulted in liquidated damages being assessed against the contractor.
- The project is within the \$14.9 million budget.

#### **Small Business Opportunity**

All additional work involved in this amendment will be performed by Gantt Huberman. This amendment complies with Part D: Section 6 of the SBO Program.

#### **Funding**

Utilities Capital Investment Plan

### **38. NCDOT Municipal Agreement for Relocation of Utility Lines along Dixie River Road**

- Action:**
- A. Adopt a resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation, in the estimated amount of \$145,198 for relocation of utility lines along Dixie River Road, and**
  - B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

**Staff Resource:** Doug Bean, Utilities

#### **Explanation**

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT roadway projects prior to construction.
- The amount of the agreement is based on an NCDOT's engineer's estimate.
- Once completed, Utilities reviews the invoice, validating the charges and making corrections when needed.
- This Agreement is for the reimbursement to the state for the relocation and adjustment of municipally-owned water and sewer lines within the construction of Dixie River Road in Mecklenburg County.
- At the end of the project, the City will reimburse NCDOT for actual costs.

- Should the actual cost be different from the estimated amount of this agreement, the City Manager will sign a supplementary agreement for the cost differential. The final invoice is different due primarily to:
  - Actual unit price bids being higher than estimated
  - The length of time between when the estimate was prepared and the completion of the project
  - Required design modifications resulting from NCDOT project changes
- The format and cost sharing philosophy is consistent with past municipal agreements.

**Funding**

Utilities Capital Investment Plan

**Attachment 23**

Resolution

**39. 2009 Council Meeting Schedule Amendment**

**Action: Direct the City Clerk to amend the Mayor and Council's regular meeting schedule for 2009 by changing the date of the January 20 Council Zoning Meeting to January 26 in combination with the regular Council Business Meeting.**

**Staff Resource:** Brenda Freeze, City Clerk

**Explanation**

- N.C.G.S. 143-318.12(3) requires that the City Clerk keep on file a schedule of the time and place of Council's regular meetings.
- The Clerk is required by State Statute 160A-171 to give notice of Council's Regular Meetings and does so by keeping and posting the attached schedule.
- The current Zoning Meeting date of January 20, 2009, conflicts with the Presidential Inauguration in Washington, DC.
- Polling of Council members did not result in any day of the week of January 19, 2009 that would allow for 100% attendance at the Zoning Meeting. Petitioners with protested petitions usually request 100% attendance due to the ¾ rule.
- The date of the Zoning Meeting needs to be determined in order for Planning Staff to send out notices for January hearings with the appropriate date.
- The City Manager recommends the following for the January 26, 2009 Business Meeting:
  - 5:00 p.m. Dinner in Room 267
  - 6:00 p.m. Citizens' Forum in the Meeting Chamber
  - 6:30 p.m. Combined Business/Zoning Meeting in the Meeting Chamber

**Attachment 24**

Current Council Meeting Schedule

## 40. Revolution and Renaissance Public Golf Courses

- Action:**
- A. Approve Mecklenburg County entering into a long-term Lease, Operating and License Agreement with The First Tee of Charlotte (TFTC), Inc. to operate a Junior Golf Program at Revolution Park Public Golf Course,**
  - B. Approve Mecklenburg County entering into the proposed Management Agreement with Ratcliffe Golf Services for the operation of Revolution Public Golf Course, and**
  - C. Approve Mecklenburg County entering into the proposed Management Agreement with Ratcliffe Golf Services for the operation of Renaissance Public Golf Course.**

**Staff Resource:** Robert Drayton, Engineering and Property Management

### Explanation

- The 1992 Park and Recreation Consolidation Agreement requires the City to review and approve any long-term encumbrances the County enters into regarding operations of former City park properties.
- This action will authorize Mecklenburg County to enter into these agreements.
- The 1992 Park and Recreation Consolidation Agreement provided for the transfer of City park property to Mecklenburg County (County). The deeds stipulate that the property must be used for park and recreation purposes. Should the County cease to use any of the property for park purposes, upon request, the property will revert to City ownership.
- Leases and other encumbrances longer than ten years require City approval.
- All of these agreements either have terms in excess of ten years or have options such that they run longer than ten years.
- Several years ago the City Attorney's Office and the County Attorney agreed that any lease for a term in excess of ten years must be handled using sale provisions (GS 160A-272).

### The First Tee of Charlotte, Inc. (TFTC, Inc.) (Action A)

- The First Tee is a national program initiated by the World Golf Foundation and has as its mission "to impact the lives of young people by providing learning activities and educational programs that promote character development and life-enhancing values through the game of golf." Their goal is to provide the golf learning facilities and the experience that will enable kids from every walk of life to partake of a game that teaches values for life and which can be played for a lifetime.
- The Operating Agreement with TFTC, Inc. is for a term of 35 years with one, five-year extension.
- TFTC, Inc. is affiliated with a national organization that provides junior golf programs for youth aged six to 18. To date, more than 1,500 youth have participated in the programs in Charlotte.
- TFTC, Inc. proposes to centralize its junior golf programs and operations at the Revolution Park Public Golf Course.
- This change is endorsed by the Park and Recreation Department and the Revolution Golf Advisory Council.

**Golf Course Operating Agreements (Action B & C)**

- Ratcliffe Golf Services, Inc. is a locally owned and operated firm that provides professional management services of golf-related facilities. The firm currently manages Renaissance Park Golf Course, Revolution Park Golf Course, Charles T. Myers Golf Course, Paradise Valley Golf Course and Sunset Hills Golf Course in Charlotte.
- The agreements are for a 10 year initial term and two, five-year extensions.

**41. Exchange of Land Rights Involving the Stafford Drive Realignment Project**

**Action: Adopt a resolution and approve the exchange of real property including a payment of \$2,350 to the Matlock Family Trust, involving Tax I.D. 14701724 (City property) and Tax I. D. 06126206 (Matlock Family Trust property).**

**Staff Resource:** Tim O'Brien, Engineering and Property Management

**Explanation**

- The City recently realigned Stafford Drive with Harlee Avenue to reduce the number of intersections on Wilkinson Boulevard. Stafford Drive shifted approximately 200 feet to the west. During construction, new curb, gutter and sidewalk were built on 1,296 square feet of the Matlock Family Trust property. The appraised value of the area to be purchased along with roadway expenses owed to the Matlock Family Trust totals \$5,350.
- As a result of the Stafford Drive realignment, the City created 3,320 square feet of surplus City land that adjoins the Matlock Family Trust property valued at \$3,000. The Trust would like to purchase this land.
- The land exchange will result in the City paying the Matlock Family Trust \$2,350.

**Funding**

Neighborhood Capital Investment Plan

**Attachment 25**

Resolution

## 42. Property Transactions

**Action:** Approve the following property transaction(s) (A-C).

### Acquisitions

- A. Project:** Muddy Creek Stream Restoration, Parcel # 23  
**Owner(s):** Forest Ridge Apartments, LLC  
**Property Address:** 6100 Wingedelm Court  
**Property to be acquired:** 249,140 sq. ft. (5.719 ac.) in Conservation Easement, plus 18,208 sq. ft. (.418 ac.) in Access, plus 473 sq. ft. (.011 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$31,075  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-12  
**Use:** Multi Family  
**Tax Code:** 133-101-01  
**Total Parcel Tax Value:** \$15,822,700
- B. Project:** Muddy Creek Stream Restoration, Parcel # 24  
**Owner(s):** Charlotte East, LLC  
**Property Address:** 5800 Executive Center Drive  
**Property to be acquired:** 5,607 sq. ft. (.129 ac.) in Storm Drainage Easement, plus 3,354 sq. ft. (.077 ac.) in Conservation Easement, plus 142 sq. ft. (.003 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$18,725  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** O-1  
**Use:** Office  
**Tax Code:** 133-143-01  
**Total Parcel Tax Value:** \$6,397,200
- C. Project:** Southwest Water Transmission Main - Phase C, Parcel # 8 and 9  
**Owner(s):** Upchurch Investments, LLC  
**Property Address:** 10622 Steele Creek Road  
**Property to be acquired:** 16,109 sq. ft. (.370 ac.) in Utility Easement, plus 7,184 sq. ft. (.165 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$19,708  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** R-17MF

**Use:** Multi Family  
**Tax Code:** 199-181-08 and 199-181-07  
**Total Parcel Tax Value:** \$455,200

### **43. Meeting Minutes**

**Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:  
- October 20, 2008