Council-Manager Memo #08
Friday, January 27, 2012

CHARLOTTE.

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WEEK IN REVIEW:

Mon (Jan 30)	Tues (Jan 31)	Wed (Feb 1)	Thurs (Feb 2)	Friday (Feb 3)
		City Council Retreat Pinehurst, North Carolina		

CALENDAR DETAILS:

Wednesday, February 1 – Friday, February 3
City Council Retreat, Pinehurst North Carolina

January and February calendars are attached (see "2. Calendar.pdf").

INFORMATION:

DNC Security Funding
Staff Resource: Carol L. Jennings, City Manager's Office, 704-336-7285, cljennings@charlottenc.gov

On February 1, 2011, City Council approved the 2012 Democratic National Convention Agreement and authorized the City Manager to award all contracts in furtherance of the City's obligation under the agreement.

On June 1, 2011, Homeland Security Director Janet Napolitano designated the 2012 DNC as a National Special Security Event (NSSE) which would allow federal funding of security operations. The Council appropriated $50 million in the FY2012 budget in anticipation of Congress appropriating $50 million for a grant from the Department of Justice (DOJ). This happened in late November and now staff is working to get the grant application from DOJ.

Since the NSSE designation, staff has coordinated all purchases with the DOJ in order to ensure proper reimbursement. As one can imagine, there is a long lead time for various pieces of equipment and the delay in getting the federal funding appropriated and funded has made the process difficult. CMPD worked very diligently to have the Command Center fully up-fitted by December in order to test it during the New Year's Eve uptown events.

To date the City has expended approximately $1.9 million on the following items:

- Technology – $965K
- Equipment – $131K
- Admin and Travel – $10K
- Facilities – $765K

Public records statutes allow the withholding of certain sensitive public security information.

A very large portion of the grant funding will provide for the overtime and/or salaries of CMPD officers as well as officers of other police departments who will come to assist during the convention. Therefore, that expense will not occur until August and September of 2012.

Multifamily Collection Service Contract Update
Staff Resource: Victoria Johnson, Solid Waste Services, 704-336-3410, vojohnson@charlottenc.gov

In May 2011, Cedar Greene, LLC and O'Leary Group Waste Systems filed a lawsuit alleging that the City's practice of paying landfill disposal fees for supplemental service only to the City's primary collection contractor was discriminatory. In December 2011, the trial court ruled that the City's practice was discriminatory, was in violation of state law, and ordered the City to begin reimbursing landfill disposal fees to any supplemental waste service provider that met the City requirements beginning on February 2, 2012.

If the City was not able to obtain a stay, whether temporary or permanent, of the Court Order before its February 2, 2012 effective date, then the City Manager, as authorized by the Council on January 23, 2012, would execute contracts to pay the landfill disposal fees of any supplemental service provided by solid waste haulers. On January 26, 2012, the City received a temporary stay of the Court Order while the North Carolina Court of Appeals reviews the City's motion of a permanent stay of the Court Order during the City's appeal. Council will be updated on the outcome of the City's motion for a permanent stay at a later date.

The City Attorney's Office filed an appeal because it believes the following: the trial court cannot direct the City to implement one remedy over an equally available remedy (*e.g.,* elimination of the reimbursement would not be discriminatory); the Court Order requires the City to provide the supplemental service indefinitely; and the Court Order exposes the City to future contempt proceedings.

In recent days, Ken Szymanski of the Charlotte Apartment Association has contacted several Council members with recommendations and questions about the future of multifamily collection service and the solid waste disposal fee.

This is a complicated issue which is further complicated by litigation. Staff will address these questions and clear up any misinformation once the legal process is complete and after a recommendation on how to proceed is developed and presented. This will include review of the $27 solid waste fee assessed annually per multifamily residential unit.

Follow-up on East Stonewall Street and South College Street Intersection
Staff Resource: Danny Pleasant, CDOT, 704-336-3879, dpleasant@charlottenc.gov
Debbie Self, CDOT, 704-336-3935, drself@charlottenc.gov

The Charlotte Department of Transportation (CDOT) completed its investigation regarding two recent pedestrian crashes that occurred at the intersection of E. Stonewall Street and S. College Street. CDOT reviewed historical crash data, current intersection design and traffic signal operations.

Based on the investigation and review of current operations, CDOT will place signs at all approaches to the intersection warning turning vehicles to yield to pedestrians. Drivers in both of the recent pedestrian crashes were cited as "failing to yield right-of-way." Turning vehicles are required by law to yield to pedestrians and this sign will reinforce the law. Installation of signs should be completed in approximately one week.

CDOT is continuing to evaluate structural changes to the intersection that would lower the speeds of vehicles making the westbound right turn from E. Stonewall Street onto northbound S. College Street. Specifically, CDOT is considering replacing the right turn lane with on-street parking. It would involve reducing the curb radius resulting in lower speeds and would increase the offset between the intersection and the loading dock ramp serving the Duke tower.

CDOT will work with CMPD regarding enforcement at the intersection to encourage appropriate driver behavior.

Sedgefield Safe Routes to School (SRTS) Sidewalk Project Grant Cancellation

Staff Resource: Danny Pleasant, CDOT, 704-336-3879, dpleasant@charlottenc.gov
Scott Correll, CDOT, 704-432-5219, scorrell@charlottenc.gov
Sonji Mosley, E&PM, 704-336-3214, smosley@charlottenc.gov

Safe Routes to School (SRTS) is a national program of the U.S. Federal Highway Administration (FHWA) and is administered by the North Carolina Department of Transportation. The program provides funding to implement projects and promote activities that will improve pedestrian safety near primary and secondary schools.

On January 12, 2009, City Council approved a resolution endorsing a $250,000 Safe Routes to School grant application for funding a sidewalk project serving Sedgefield Elementary School. The application was awarded by NCDOT for $235,000 to be reimbursed for construction costs only.

Subsequent to the grant being awarded, FHWA changed its regulations which would have increased administrative costs beyond the value of the grant. Therefore, CDOT has determined that declining the grant and building the sidewalk using the city sidewalk capital fund would be more cost effective and timely. Therefore, the City will not be accepting the grant and will be advancing the project through its customary process.

CMUD Annexation 2009 Update

Staff Resource: Barry Shearin, CMUD, 704-391-5137, bshearin@charlottenc.gov

Approximately 2,200 private water customers and 2,700 private wastewater customers will soon be served by Charlotte-Mecklenburg Utility Department (CMUD). Neighborhoods include: Avensong, Stewart's Crossing, Brawley Farms, Bristol Farms, Turtle Rock, Brookstead, Cambridge, Brookstead Meadows, Steeplechase, Lamplighter Village East, Reedy Creek Run, and The Preserve at Kinsley Lake.

Additional neighborhoods in the Town of Matthews were also part of the transfer. The neighborhoods inside Cabarrus County will be served by the Town of Harrisburg.

Timeline to switch customers to Charlotte-Mecklenburg Utility Department:

- January 23 - Transfer approved by NC Utilities Commission and City Council.
- January 24 - Letters mailed to update residents of the upcoming change. Residents specifically projected to experience a significant increase in their water pressure are being advised to protect their private plumbing by installing a pressure reducing valve (PRV).
- January 31 – CMUD activates sewer connections, and assumes operation of the water and sewer system accounts. Water will still be provided from the former systems' wells to give customers time to check plumbing for repair/installation of PRVs.
- Early February – Citizens receive final water and/or sewer bill from Carolina Water Services, Inc.
- Late February - Water customers connected to CMUD drinking water system.
- March – Customers receive their first water and/or sewer services bill from City of Charlotte.
- February through September - Water meters, meter boxes and lids replaced to CMUD's standards. Some meter boxes in driveways will be relocated outside of driveways.

New customers are encouraged to call 311 if they have a billing question, water or sewer emergency, or to change account information. Customers should call George Brant at 704-391-5130 if they have questions about the letter or the transfer of services.

March 28 – CATS Public Hearing on Proposed Fare Increase

Staff Resource: Olaf Kinard, CATS, 704-336-2275, kkinard@charlottenc.gov

CATS is proposing to increase transit fares and passes on all of its services starting July 1, 2012 as proposed in the FY2013 Transit Program Budget. The Metropolitan Transit Commission (MTC) will hold a public hearing at their March 28, 2012 meeting. The public is invited to speak and/or provide comments on the proposed fare increase by signing up to speak at the Public Hearing. The public must sign up before 3:00 p.m. on March 28, 2012 by:

- Calling CATS at 704-432-0872, or
- Sending an e-mail to mtcinterest@charlottenc.gov notifying CATS of their desire to speak at the public hearing, or
- Write to:

  CATS: Fare Increase
  600 East Fourth Street
  Charlotte, NC 28202

Citizens and riders can also provide comments to the MTC by sending an e-mail or writing to CATS as outlined above. The public can review the proposed fare changes by visiting CATS website at www.ridetransit.org and clicking on "Fares" and then "ProposedFareIncrease". The hearing will begin at 5:30 p.m. in Room 267 of the Charlotte Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, NC 28202.