

Mayor Patrick L. McCrory    Mayor Pro Tem Patrick De'Angelo Cannon

Susan Burgess  
Nancy Carter  
Malcolm Graham  
Patsy Kinsey  
John W. Lassiter

Don Lochman  
James E. Mitchell, Jr.  
Patrick Mumford  
John H. Tabor, ALA  
Warren Turner

# **CITY COUNCIL MEETING**

**Monday, April 12, 2004**

# CITY COUNCIL AGENDA

Monday, April 12, 2004

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

### **1. Cultural Facilities Master Plan Update**

**Resource:** Ruth Shaw  
Mark R. Bernstein  
Tim Arnoult

**Time:** 45 minutes

**Synopsis**

- Council received a briefing on the plan and funding policy issues at Half-Day Budget Retreat on March 10, 2004.
- Council requested an update on the Cultural Facilities Master Plan on April 12, 2004.

**Future Action**

- Cultural Facilities Master Plan will be considered in the budget process.

### **2. General Development Policies Phase II: Tentative Schedule**

**Resource:** Debra Campbell, Planning

**Time:** 10 minutes

**Synopsis**

- Council requested the draft schedule presented at the February Retreat be revised to compress the time frame and to include infrastructure as a topic.
- Staff recommends the following revised schedule:
  1. Environment: August 2004 – August 2005
    - Allows time for environment stakeholder group to define issues, scope and opportunities for coordination with related initiatives as other topics are discussed.
  2. Infrastructure: November 2004 – November 2005
    - Delayed start allows Planning Liaison to discuss CMS needs.
  3. Economic Development: 2005
    - Specific schedule to be coordinated with development of Economic Development Policy Framework
    - Economic Development considerations will continue to be addressed as part of the development of all General Development Policies (GDP) components. Once the Economic Development Policy Framework is completed, aspects relative to land use policy can then be incorporated into the GDP.

4. Office, Freestanding Retail: Phase III elements – schedule to be determined upon completion of Phase II

**Future Action:**

On May 10<sup>th</sup> Council will take action on the schedule.

### 3. Charlotte Business Hub

**Resource:** Richard Bargoil, Economic Development Office  
Tom McKinney, Chair, Charlotte Business Hub, Inc.

**Time:** 15 minutes

**Synopsis**

- Staff and representatives of the Charlotte Business Hub, Inc. will provide an overview of the BizHub-Center for Business Excellence scheduled to open the first quarter of 2005.
- Small Business Enterprise (SBE) Program recommended development of a small business center.
- BizHub is a collaborative effort with CPCC and other community partners.
- BizHub's mission is to increase the success rate of small businesses by improving access to information, technical assistance, capital and opportunities to do business in the Charlotte region.
- City is providing start-up funds in the amount of \$75,000 per year for 3 years (approximately 15% of the start-up and operating cost).

**Future Action**

The Agreement with the Charlotte Business Hub, Inc. is on page 10 of this agenda.

### 4. Committee Reports by Exception

Economic Development and Planning: Sunnyside Pedscape Plan; Elizabeth Avenue Redevelopment

Housing and Neighborhood Development: Charlotte Housing Authority, Charlotte Mecklenburg Development Corporation and Neighborhood Development Communications Resolution

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

**CONSENT**

- 5. Consent agenda items 18 through 45 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

## PUBLIC HEARING

### 6. Public Hearing on FY2005 Consolidated Regional Housing and Community Development Action Plan

**Action:** Conduct a public hearing to receive comments on the proposed FY2005 Consolidated Regional Housing and Community Development Action Plan.

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

**Policy**

- Consolidated Plan is the City’s one-year strategy for providing housing and community development activities.
- Plan supports the City’s housing policy – preserving the existing housing, expanding the supply of low and moderate-income housing and supporting family self-sufficiency – as well as the City’s neighborhood revitalization strategy.
- U.S. Department of Housing and Urban Development (HUD) mandates annual plan development to receive federal funding for housing and community development activities.

**Explanation**

- FY2005 Consolidated Plan serves as the City’s annual application to receive an estimated \$9.6 million in new federal grant program funds.
  - Community Development Block Grant (CDBG) \$5,599,000
  - HOME Investments and Partnerships (HOME) 3,244,347
  - Emergency Shelter Grants (ESG) 206,784
  - Housing Opportunities for Persons with AIDS (HOPWA) \$571,000
  - Total** **\$9,621,131**
- Proposed FY2005 allocation represents an increase of approximately 4% over the FY2004 funding amount.
- Plan includes housing objectives for the Charlotte Mecklenburg Regional Housing Consortium.
- Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.

**Community Input**

- Citizen’s forums held to inform the public of the Plan preparation process and timeline for completing.
- Forums also held with each member of the Regional Housing Consortium.
- Public Hearing advertised in local newspapers and 1,000 invitations sent to neighborhood organizations, financial partners and interested individuals.
- Public Hearing information also made available to participants at the March 27, 2004 Neighborhood Symposium.
- Draft copy of FY2005 Plan is available in the Council library.

**Funding**

Federal CDBG, HOME, ESG and HOPWA funds

**Attachment 1**

Proposed Uses of Funds

## POLICY

### 7. City Manager's Report

### 8. Sunnyside Pedscape Plan



**Action:** Approve the Economic Development and Planning Committee's recommendation to adopt the Sunnyside Pedscape Plan.

**Committee Chair:** John Lassiter

**Staff Resource:** Eddie Moore, Planning

#### Explanation

- During the adoption of the Belmont Area Revitalization Plan (2003), City Council directed Planning Commission staff to reevaluate the existing zoning and land use within the Sunnyside area.
- The Sunnyside Pedscape Plan envisions a well-designed mix of residential and office land uses in a compact, pedestrian-oriented environment.
- The plan includes two parts, a concept plan and implementation plan.
- City Council is only being asked to take action on the concept plan.

#### Summary of Concept Plan Recommendations

- Preserve the existing single-family core of the neighborhood by changing the adopted land use from multi-family to residential at a density of up to 8 dwelling units per acre.
- Create a compact mix of residential and office uses in the eastern part of the study area, and recommend a pedestrian overlay district be applied to this area.
- Better integrate land use and transportation by implementing new street cross-sections for Hawthorne Lane, Lamar Avenue, and Sunnyside Avenue as development occurs.
- Tree planting areas and on-street parking are also addressed in the cross-sections.
- Provide public improvements to enhance the existing neighborhood and increase redevelopment potential.

#### Implementation Plan Recommendations

- Rezone the western part of the Plan area from R-22MF and B-1 to R-8 to better reflect the existing lower-intensity residential land use.
- Rezone the eastern part of the Plan area to the PED overlay-zoning district. The underlying zoning (R-22MF, B-1, I-2, and UR-2) will remain.

**Committee Recommendation**

- At their February 18<sup>th</sup> meeting, the Economic Development and Planning Committee discussed revising the plan title to indicate that it includes land use recommendations.
- The Committee also discussed issues regarding underlying zoning and expansion of existing uses within the PED overlay district.
- PED allows all current “by right” uses except billboards and outdoor storage.
- The Economic Development and Planning Committee will meet on April 8<sup>th</sup>. The Committee recommendation will be provided at the April 12<sup>th</sup> Council meeting.

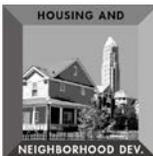
**Planning Committee Recommendation**

- At their March 16<sup>th</sup> meeting, the Planning Committee of the Planning Commission unanimously recommended adoption of the Plan with revised title of *Sunnyside Land Use and Pedscape Plan*.

**Access to Document**

The draft Sunnyside Pedscape Plan was provided for the February 23 Council meeting. The document is also on the department webpage at [www.charlotteplanning.org](http://www.charlotteplanning.org).

**9. Charlotte Housing Authority, Charlotte-Mecklenburg Housing Partnership and Neighborhood Development Communications Resolution**



**Action:** Approve the Housing and Neighborhood Development Committee’s recommendation to adopt a communications resolution between Charlotte Housing Authority, Charlotte-Mecklenburg Housing Partnership and Neighborhood Development.

**Committee Chair:** Susan Burgess

**Staff Resource:** Stanley Watkins, Neighborhood Development

**Explanation:**

- Participating organizations in the 2<sup>nd</sup> Housing Retreat held on May 8, 2003 included: the Charlotte City Council, Charlotte-Mecklenburg Housing Partnership (CMHP) Board and Charlotte Housing Authority (CHA) Board.
- A communications strategy among the three organizations was one of five retreat action steps generated.
- The proposed communications resolution outlines how the organizations will communicate with each other around the preservation and production of affordable housing.
- The Resolution has been adopted by the CMHP and CHA Boards.

**Communications Resolution Highlights**

- Engage in regular communications to share information and resolve issues regarding affordable housing issues
- Meet quarterly to share information on housing development and finance; and discuss affordable housing preservation and production
- Participate in annual planning sessions to review capital funding requests; and recommend funding priorities to the Housing Trust Fund and City Council

**Committee Recommendation**

- On March 25, 2004 the Housing and Neighborhood Development Committee unanimously voted to recommend adoption of the Communications Resolution.

**Attachment 2**

Communications Resolution

March 25<sup>th</sup> Housing and Neighborhood Development Committee summary minutes

**10. Elizabeth Avenue Redevelopment**



**Action:** Approve the Economic Development and Planning Committee's recommendation to:

**A. Approve a Development Agreement with Mecklenburg County, Providence Road Land Partners, Grubb Properties, Novant Health and East Park for the development and funding of up 1,000 public parking spaces in the Elizabeth Avenue redevelopment, and**

**B. Adopt a resolution approving an Interlocal Agreement with Mecklenburg County to provide for the financing, ownership and operation of these public parking spaces.**

**Committee Chair:** John Lassiter

**Staff Resource:** Tom Flynn, Economic Development Office

**Policy:**

Policy Framework for Transit Corridor, Business District and Neighborhood Infill Land Redevelopment

**Explanation**

- Elizabeth Avenue Redevelopment Project is a \$220 million private sector investment that includes the following
  - 250,000 square feet retail
  - 340,000 square feet office
  - 810 residential units (for sale and rent)
  - 150 hotel rooms
  - 3,000 parking spaces (1,000 public parking spaces)

- The Development Agreement and Interlocal Agreement commit the City and County to use the incremental property tax revenues generated by this \$220 million investment to purchase up to 1,000 public parking spaces.

**Key Provisions**

Key provisions of these agreements are:

1. City does not purchase any public parking spaces until the incremental property taxes are 110% of the debt service for the public parking spaces.
2. A minimum of \$25 million in incremental property tax base must be generated before the City purchases any public parking spaces.
3. The City and County are responsible for the first 10 years or 50% of the debt service payment, and the Owner is responsible for the second 10 years or 50% of debt service payment.
4. All debt service payments are guaranteed by East Park (48.57%) and Novant Health (51.43%).
5. City and County pay pro-rata share of each debt service payment based on the then current Citywide and Countywide tax rates.
6. City of Charlotte will issue the debt and initially own the public parking spaces.

**Attachment 3**

Summary of Proposed Development and Interlocal Agreements

Resolution Approving the Interlocal Agreement

March 22, 2004 Presentation to City Council

## BUSINESS

### 11. Charlotte Business Hub, Inc. Funding Agreement

**Action:** Approve an Agreement to provide \$75,000 a year for three years to the Charlotte Business Hub, Inc.

**Staff Resource:** Richard Bargoil, Economic Development

#### Policy

- On July 22, 2002 City Council approved the City's Small Business Enterprise (SBE) Program.
- One of the components of the SBE program is the development of a small business center in partnership with other organizations assisting small businesses.

#### Background and Mission

- In 2003 a concept model for the BizHub was developed working with the City's consultant, Kaleidoscope Business Options, and representatives of CPCC, Charlotte Chamber, SBA, SCORE, MMCA and business owners.
- The mission of the BizHub is to increase the success rate of small businesses by improving access to information, technical assistance, capital and opportunities for business in the Charlotte region.
- The BizHub is scheduled to open in January 2005 in a building being built by CPCC on Elizabeth Avenue.
- The BizHub is developing performance measures to incorporate into the three year agreement (see attachment).
- Organizations operating programs at the BizHub will include the City, Charlotte Chamber, CPCC, SBA, SCORE, Small Business & Technology Development Center, and the Latin American Chamber.

#### Organizational Structure and Services

- The BizHub will be operated by the Charlotte Business Hub, Inc., a nonprofit 501c3 whose board of directors includes representatives of the City, CPCC, Charlotte Chamber, corporations and small business owners.
- The BizHub will be managed by an executive director, an administrative assistant with a third position budgeted for 2006.
- BizHub staff will refer business owners to appropriate resources, attract service providers to become affiliated with BizHub, coordinate events and schedule use of facilities, maintain data base of resource providers, master calendar of events and client tracking to measure success.

#### Revenue Development

- The City's three-year commitment provides approximately 15% of the funding with 85% coming from private sponsors, affiliate fees, rental income and in-kind contributions.

- CPCC's in-kind contribution for the facility is \$127,280/year based on its up-fit costs, dedicated classroom and meeting space and 7000 sq. ft. of space leased at below 50% market to the BizHub.
- The BizHub board of directors is undertaking a revenue development campaign to raise \$590,000 from its Founding Partners.
- Sources for the campaign and other on-going revenue include corporate sponsors (lending institutions and corporations), affiliate fees (businesses doing business with small business, i.e. CPAs, attorneys, marketing, advertising, PR firms and office suppliers) and rental income and fees.
- BizHub information and referral services are free for clients. Nonprofit affiliates co-located at the BizHub may charge fees for services and all affiliates may charge fees for meetings and events held at the BizHub.

**Funding**

Economic Development Operating Budget

**Attachment 4**

Contract Milestones/Performance Measures

Board of Directors

## 12. Economic Development Outreach Meetings

**Action:** Approve three Economic Development Outreach meetings during calendar 2004 to inform businesses of City of Charlotte economic development program opportunities.

**Staff Resource:** Tom Flynn, Economic Development Office

**Background**

- The City of Charlotte has successfully approved and implemented a number of economic development initiatives.
  - Business Financial Assistance Programs
    - Façade Improvement Grant
    - Infrastructure Grant
    - Security Grant
  - Small Business Opportunity (SBO) Program
  - Small Business Enterprise (SBE) Loan Fund
  - Small Business Hub Center now planned at Independence and Elizabeth
  - Business Equity Loan Program
  - Business Investment Program
  - Business District Organization Program
  - Possible Job Creation Pending Self-Financing Bond Referendum Results
- Mayor Pro Tem Cannon has expressed a desire to showcase these programs and inform citizens/businesses at community meetings held at strategic locations throughout the City.

**Recommendation**

- Staff recommends Council authorize economic development community meetings in three areas:
  - Districts 1, 4 and 5
  - Districts 2 and 3
  - Districts 6 and 7
- Purpose of these meetings is to take these new initiatives to the community so that small and existing businesses might be informed of and take advantage of the opportunities available.
- Meetings will also inform persons on getting access to capital for eligible business start-up or expansion projects as well as describe assistance available for writing a business plan.
- The general framework for the meetings is shown on the attached draft agenda.

**Attachment 5**

Draft Community Outreach Meeting Agenda

**13. 2003 Disparity Study-Employment Analysis Report**

**Action: A. Adopt MGT's March 25, 2004 Employment Analysis Report as a part of the 2003 Disparity Study, and**

**B. Refer the Report to the Restructuring Government Committee.**

**Staff Resource:** Cindy White, City Attorney's Office  
Tiffany Capers, Small Business Development Program

**Explanation**

- City Council adopted the 2003 Disparity Study findings in November 2003 and directed staff to develop program options in response to the findings.
- When the 2003 Disparity Study was adopted, MGT of America had not completed the Employment Analysis component of the Study because the Census data on which it is based was not available.
- The Census data subsequently became available and MGT provided its final Employment Analysis Report on March 25, 2004.
- MGT has stated that the report does not change the recommendations presented to Council in the 2003 Disparity Study Report.
- Adopting the report will provide further support for the findings and recommendations presented in the 2003 Disparity Study, and for the program options that Council may consider in response to the Study.
- The Restructuring Government Committee is scheduled to review Small Business Enterprise options on April 15<sup>th</sup>.

**Attachment 6**

2003 Disparity Study-Employment Analysis Report

## 14. 2004 North Carolina Legislative Agenda

**Action:** Approve the 2004 North Carolina Legislative Agenda.

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

### Short Session Criteria

- May 10, 2004 will begin the 2004 Legislative "Short Session" of the North Carolina General Assembly.
- The criteria for considering local legislative items are:
  - non-controversial local bills (unanimous Delegation support);
  - legislation having been approved by either the House or Senate in the previous session; or
  - certain budget or local retirement bills.

### Staff Recommendations

The following items are staff recommended legislative requests:

#### Special Obligation Bond

- Passed the Senate and House in the 2003 Legislative Session (S137), referred to Conference Committee to resolve differences.
- Expands authority to issue special obligation bonds currently used for solid waste, water, and sewer projects to include other economic development projects in special service districts.
- Transit corridors would be eligible for tax-exempt bonds.
- Charlotte's transit station infrastructure development would be eligible for the proposed special obligation bond financing.

#### North Carolina Travel & Tourism Development Act

- Passed the House in the 2003 Legislative Session (H1316)
- Rewards local governments that build facilities to attract tourism by reimbursing them a percentage of the sales and privilege tax generated by the facility.
- The City of Charlotte could receive up to 25% of the annual state taxes generated by an eligible project for a 10-year period.
- The total grant amount for a Charlotte project cannot exceed 25% of the total capital cost (\$2 million maximum grant/project).

#### Charlotte Regional Visitors Authority

- Merger of Auditorium, Coliseum, and Convention Center Authority and Visit Charlotte into an expanded Authority.
- Proposed member board composed of nine Authority members and four Visit Charlotte Board members.
- The merger will increase accountability; improve flexibility; streamline decision making processes; consolidate sales, marketing and facilities management operations; enhance collaboration on a regional basis; and strengthen partnerships with public and private sectors.
- There is currently no opposition to the proposed merger.

**Next Step**

The approved Legislative Agenda will be presented to the Mecklenburg Delegation at a breakfast meeting on Monday, May 3 in room 267.

**Attachment 7**

Proposed 2004 North Carolina Legislative Agenda

**15. Photo Radar Speed Enforcement**

**Action:** A. Adopt an ordinance establishing a new Division 4 in Chapter 14, Article IV, of the City Code, to authorize the use of photographic speed measuring systems, and

B. Authorize the City Manager to execute a contract with Peek Traffic Corporation for the photo radar cameras and administration of the ticketing system.

**Staff Resource:** Captain David Haggist, Charlotte-Mecklenburg Police Department

**Explanation**

- Council sought legislative approval to use photo radar cameras for speed enforcement in 2003.
- Legislature approved use of cameras for a trial period ending June 2006.
- Project will be evaluated independently by N.C. State University graduate students.
- Evaluation to include crash and speed data from areas where cameras deployed; focus groups to gauge public opinion.
- If program is successful, City will seek permanent approval from Legislature in 2006.

**Provisions of Ordinance**

- Requires posting of advance warning signs not more than 1000 feet from the location of a photo radar camera
- Establishes a \$50 noncriminal penalty for violation of the ordinance; no points on driver's license or insurance
- Additional \$50 penalty if citation not paid or appealed within 30 days
- Citation written in English and Spanish
- Establishes appeals process and method to document that registered owner not driving at time of violation
- Makes results of cameras admissible as evidence in nonjudicial administrative hearings
- System approved for use and calibrated by standards of North Carolina Criminal Justice Education and Training Standards Commission
- System operated at all times by sworn officer with radar certification
- Per state statute the City share of proceeds from citations, after operating costs, goes to Charlotte Mecklenburg Schools

- Lists 14 corridors where photo radar system may be used

**Provisions of Contract**

- Peek Traffic Corporation will supply three mobile photo radar cameras
- Peek Traffic Corporation will administer issuing of citations and collection of fines
- Peek Traffic Corporation paid out of proceeds from citations; \$39 for each of first 4380 citations per month; \$30 for each citation over 4,380 per month.
- Peek Traffic Corporation receives \$30 of late fee; City receives \$20.
- Police Department has total control over deployment of system.
- Implementation begins within 45 days.

**Small Business Opportunity**

There were no SBE firms certified to perform on this project.

**Attachment 8**

Ordinance

**16. Nominations to Boards and Commissions**

**Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.**

**A. BUSINESS ADVISORY COMMITTEE**

- One appointment recommended by the Charlotte Chamber.
  - Term will begin May 2004 and serve three years.
  - Johnnie Wallace is eligible for reappointment.
- Two appointments beginning April 2004 to serve three years.
  - Raymond Groth is eligible and would like to be reappointed.
  - Lynn Taylor did not fulfill Council's reappointment attendance requirements.

**Attachment 9**

Applications

**B. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORPORATION**

- One appointment will represent the general public.
  - Term begins July 2004 and serve three years.
  - Nan Barouth is eligible and would like to be reappointed.
- One appointment will represent the community/non profit category
  - Term will begin July 2004 and serve three years.
  - Don Russell is eligible but does not want to be reappointed.

**Attachment 10**

Applications

**C. CIVIL SERVICE BOARD**

- One vacancy exists for a three year term beginning May 2004.
  - Patrick Clark is not eligible to be reappointed.

**Attachment 11**

Applications

**D. CMUD ADVISORY COMMITTEE**

- One opening with the term beginning immediately and serving until June 2006.
  - Must represent a small town
  - Matthew Settlemyer has relocated.

**Attachment 12**

Applications

**E. COMMUNITY RELATIONS COMMITTEE**

- Fourteen vacancies exist for three year terms beginning July 2004.
  - Nine citizens, John Bradley, Kevin Campbell, Maura Chavez, Wendell Fant, Bettie Ann Fry, Judy Marshall, Jacqlin Robinson, Louise Shackleford, and Deborah Walker are eligible and want to be reappointed.
  - Diego Anselmo and Linda Lindfors do not want to be reappointed.
  - Two citizens, Tuyet Seethaler and Ruth Stevenson, are not eligible for reappointment.
  - Willie Bullock did not fulfill Council's attendance requirements. This term will begin immediately, serve until June 2004, and then serve the next full three year term.

**Attachment 13**

Applications

**F. HISTORIC DISTRICT COMMISSION**

- Five appointments beginning July 2004 and serving three years.
  - Tonya Brandon, representing a resident/owner, Wesley Heights, is eligible and wants to be reappointed.
  - Gregory Johnson, resident/owner, Fourth Ward, is eligible and wants to be reappointed.
  - John Phares, resident/owner, Dilworth, is eligible and would like to be reappointed.
  - David Stone, resident/owner, Plaza-Midwood, is eligible but does not want to be reappointed.
  - Lenore Deutch, open category, is not eligible to be reappointed.

**Attachment 14**

Applications

**G. HOUSING TRUST FUND ADVISORY BOARD**

- Two appointments beginning May 2004 and serving for three years.
  - Brian Simpson, representing banking/finance, is eligible and would like to be reappointed.
  - Patrick McNeely, representing the legal profession, is eligible and would like to be reappointed.

**Attachment 15**  
Applications

**H. KEEP CHARLOTTE BEAUTIFUL COMMITTEE**

- Two positions beginning July 2004 to serve three year terms.
  - Brenda Barger and Katina Stavrakas are eligible and would like to be reappointed.
- One appointment beginning immediately and serving until June 2006.
  - Beth Borchelt has resigned.

**Attachment 16**  
Applications

**I. PAROLE ACCOUNTABILITY COMMITTEE**

- One appointment beginning immediately and serving until June 2006.
  - Derrick Chambers did not fulfill Council's attendance requirements.
- Two appointments beginning July 2004 and serving three years.
  - Norris Anderson and Betty Lambert are eligible and would like to be reappointed.

**Attachment 17**  
Applications

**J. PLANNING COMMISSION**

- Two three year appointments beginning July 2004.
  - Warren Cooksey and Charles Hughes are eligible and would like to be reappointed.

**Attachment 18**  
Applications

**K. PRIVATIZATION/COMPETITION COMMITTEE**

- One appointment beginning immediately and serving until March 2006.
  - Roosevelt Gardner has resigned.

**Attachment 19**  
Applications

**L. SISTER CITIES COMMITTEE**

- Seven appointments beginning April 2004 and serving two years.
  - Ann Marie Black, Bill Carstarphen, Robert Gefaell and Lisa Schwartz are eligible and want to be reappointed.
  - Laura Brosi is eligible but does not wish to be reappointed.
  - Victoria Howell and Paula Little are not eligible for reappointment.

**Attachment 20**  
Applications

**M. STORMWATER SERVICES ADVISORY COMMITTEE**

- One appointment beginning April 2004 and serving three years.
  - Must be employed full time as a construction contractor
  - In the lottery for selection of categories, the construction contractor category was drawn for City Council.

**Attachment 21**  
Applications

**N. WASTE MANAGEMENT ADVISORY BOARD**

- Two recommendations to the County Commission
  - Bradley Pearce is not eligible to be reappointed.
  - Appointment will begin immediately and serve until March 2007.
  - James Lovett has resigned.
  - Appointment will begin immediately and serve until October 2004, then serve the next full, three year term.

**Attachment 22**  
Applications

**O. ZONING BOARD OF ADJUSTMENT**

- One appointment beginning immediately and serving until January 2007.
  - Martha Odom has resigned.

**Attachment 23**  
Applications

**17. Closed Session**

**Action:** Adopt a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) for the purpose of considering the qualifications, competence, performance, character, and fitness of candidates for Planning Director, and the conditions of appointment or initial employment of the Planning Director.

## **MAYOR AND COUNCIL TOPICS**

**At the end of the formal agenda, Council members may share information and raise topics for discussion.**

## Introduction to CONSENT

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

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

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

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. 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.

## CONSENT I

### 18. Various Bids

#### A. Fire Burn Laboratory

EPM

##### Action

Award the low bid contract sum of \$176,739.20, plus Alternate #1 of \$28,759 and Alternate #2 of \$5,000 for a total of \$210,498.20 by D. E. Brown Construction, Inc. of Charlotte, North Carolina for a test burn facility to test reactions of certain materials under fire conditions. The facility will be used by UNCC Fire Science students and by CFD for continuing education. The City will construct the structure and the university will provide the testing equipment (including oven burners and exhaust hoods). The project includes the disassembly of two metal temporary fire stations no longer needed at 8904 Grier Road and 1120 Pavilion Boulevard. The structures will be relocated and reassembled at 1750 Shopton Road (Police and Fire Training Academy) as a single structure. Construction is anticipated to be complete by August 2004.

**Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 4%

D. E. Brown Construction committed 4% (\$8,300) of the total contract amount with the following certified SBEs: Electric Systems Specialists and Makk Services.

**B. West Craighead Road Sidewalk Improvements EPM**

**Action**

Award the low bid of \$417,357.62 by KIP Corporation of Charlotte, North Carolina. This project is part of the Thoroughfare Sidewalk Program and includes sidewalk, storm drainage, and curb and gutter along West Craighead Road between North Graham Street and Glory Street. Construction will be completed in third quarter 2004.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5%

KIP Corporation committed 5% (\$21,380) of the total contract amount with the following certified SBEs: Happy Jack Trucking and A-1 Pavement Markings

**C. Storm Water Maintenance FY2004-E EPM**

**Action**

Award the low bid of \$1,063,530 by Showalter Construction Company, Inc., of Charlotte, North Carolina. This on-going program provides maintenance repairs to existing storm drainage systems, and construction of new drainage systems where none exist. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Storm Water Services Division uses 18-month "retainer" contracts to provide timely response to maintenance problems. The City may renew this contract up to three times.

**Small Business Opportunity**

Established SBE Goal: 2%

Committed SBE Goal: 0%

Showalter Construction Company, Inc. met the good faith efforts.

**D. Resurfacing 2004-A EPM**

**Action**

Award the low bid of \$2,280,150 by Ferebee Construction Company, Inc., of Charlotte, North Carolina. This annual project is one of two paving contracts this year and resurfaces approximately 24 miles of city streets. The work includes traffic control; pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramp construction and temporary pavement markings.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 11%

Ferebee Construction Company, Inc. committed 11% (\$240,414) of the total contract amount with the following certified SBEs: Tarpon Construction, Inc., ACS Pavement Marking, and DOT Construction.

**E. Vest Water Treatment Plant Chemical System Improvements CMU**

**Action**

Award the low bid of \$1,515,525 by Dellinger, Inc., Monroe, North Carolina. This project provides for safer handling of chlorine at the water treatment plant.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 1.9%

Dellinger, Inc. met the minimum good faith effort for this project.

Dellinger, Inc. has committed \$30,305 to the following SBEs: Perry's Lawn & Landscaping, CITI, and All American Drywall.

**F. Water and Sewer Street Main Extensions Construction-FY2004, Contract #8 CMU**

**Action**

Award the low bid of \$1,072,474.78 by Allied Grading, Inc. of Huntersville, North Carolina. This project provides water and sewer line extensions within the City of Charlotte and Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 2.33%

Allied Grading, Inc. failed to meet the SBE goal for this project, but exceeded the minimum Good Faith Effort for this project. Allied Grading, Inc. has committed \$25,300 to Uprocon which is a SBE.

**G. Water and Sewer Street Main Extensions, Construction-FY2004, Contract #9 CMU**

**Action**

Award the low bid of \$1,119,525.70 by R. H. Price, Inc. of Charlotte, North Carolina. This project provides water and sewer line extensions within the City of Charlotte and Mecklenburg County.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 4.91%

R. H. Price committed \$55,000 of the total contract to two SBE firms:  
Huneycutt Utilities and Pave Carolina

## 19. Refund of Property Taxes

**Action:** Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$22,536.11.

### Attachment 24

Resolution

List of Refunds

## 20. In Rem Remedy

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

### **Public Purpose:**

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

### **Policy:**

- Housing and Neighborhood Development
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

### **Public Safety:**

- A. 4535 A & B Ashley Cr. (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- B. 4401 A, B, C, D Ashley Cr. (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- C. 4519 A & B Ashley Cr. (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- D. 4525 A & B Ashley Cr. (Neighborhood Statistical Area 3-Jackson Homes Neighborhood)
- E. 2421 LaSalle St. (Neighborhood Statistical Area 23-Washington Heights Neighborhood)

**Public Safety:**

A. 4535 A & B Ashley Circle

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4535 A & B Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

**Attachment 25**

B. 4401 A, B, C, D Ashley Circle

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4401 A, B, C, D Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

**Attachment 26**

C. 4519 A & B Ashley Circle

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4519A & B Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

**Attachment 27**

D. 4525 A & B Ashley Circle

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4525 A & B Ashley Circle (Neighborhood Statistical Area 3-Jackson Homes Neighborhood).

**Attachment 28**

E. 2421 LaSalle Street

**Action:** Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2421 LaSalle Street (Neighborhood Statistical Area 23-Washington Heights Neighborhood).

**Attachment 29**

## CONSENT II

### 21. Smallpox Vaccination Policy

**Action:** Approve the Smallpox Vaccination Policy to ensure in order to comply with North Carolina General Statutes regarding workers compensation benefits for employees receiving a vaccination against

**Staff Resources:** Cheryl Brown, Human Resources  
Hope Root, [Legal City Attorney's Office](#)

#### Explanation

Approval is required to comply with North Carolina General Statutes. The General Assembly required governmental entities to adopt such a policy following the September 11, 2001 terrorist attacks and the subsequent threat of biological attacks in the United States. The impact of this action will be to ensure that infection with smallpox or an adverse medical reaction to the vaccination will be covered by Workers' Compensation. In requiring this policy the General Assembly was particularly concerned about emergency response personnel.

#### Smallpox Vaccination Policy

- Policy ensures that absence from work due to an adverse medical reaction to the vaccination will be covered by Workers' Compensation for purposes of salary continuation and sick leave.
- Policy becomes part of City's Human Resources policies.
- Section 304 of Homeland Security Act addresses which employees should receive a smallpox vaccination.
- Smallpox vaccines are voluntary.

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#### Comply with North Carolina General Statutes

- Smallpox Vaccination Policy is required to comply with North Carolina General Statutes.
- General Assembly required governmental entities to adopt the policy following the September 11, 2001 terrorist attacks and the subsequent threat of biological attacks.

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#### Attachment 30

Smallpox Vaccination Policy

### 22. Myrtle/Morehead Storm Drainage Improvements

**Action:** Approve an agreement with Woolpert LLP for engineering services for Myrtle/Morehead Storm Drainage Improvements for \$842,394.

**Staff Resource:** Tim Richards, Engineering & Property Management

**Myrtle/Morehead Storm Drainage Improvements**

- Approve engineering services contract providing:
  - Review of the planning phase report
  - Drainage system hydraulic and hydrologic modeling
  - Construction plan preparation
  - Permitting, easement acquisition, utility coordination, and construction services
  - Facilitation of planning/design phase public meetings
- Scope was determined by the complexity and location of the project.
  - Project is in the Dilworth neighborhood, bounded by South Boulevard, John Belk Freeway, Morehead Street and Dilworth Road.
  - Level of public involvement is expected to be high.
- Project will address street/house flooding and deteriorated infrastructure in the Myrtle/Morehead area (within the Dilworth neighborhood).
- Planning phase construction estimate is \$9 million.

**Small Business Opportunity**

Established SBE Goal: 3%

Committed SBE Goal: 5%

Woolpert has committed 5% (\$40,812) of the total contract to the following certified SBE firms: Joel E. Wood & Associates, and Carolina Wetland Services.

**Funding**

Storm Water Capital Investment Plan

**23. McDowell Creek Wastewater Treatment Plant Phase III Improvements**

**Action:** A. Adopt a budget ordinance appropriating \$500,000 from McDowell Back-up Power Systems to McDowell Wastewater Treatment Plant Phase III Improvements, and

B. Approve amendment #3 to the Professional Services Contract with Black & Veatch for additional Phase III work at the McDowell Wastewater Treatment Plant for \$280,000.

**Staff Resource:** Doug Bean, Charlotte-Mecklenburg Utilities

**Explanation**

- Project timeframe expanded to accommodate the addition of various security upgrades and equipment.
- Black & Veatch will provide additional design services for Phase III of project.
- Budget ordinance transfers \$500,000 in savings from McDowell Back-up Power Systems.
- Staff anticipates two additional change orders that will use the balance of funds from the budget ordinance.
- Amendment #3 brings the total contract amount to \$3,890,111.

**History**

- Original contract, dated July 1999 for \$2,587,000
- Amendment #1, dated April 2002 for additional design services
- Amendment #2, dated May 2003 for additional time, due to construction delays

**Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 0%

All additional work involved in this Amendment, will be performed by the current contractor, Black & Veatch. Therefore, per Section 10.3 of the Small Business Opportunity Program, no SBE goals are required.

**Funding**

Wastewater Capital Investment Plan

**Attachment 31**

Budget Ordinance

**24. South Boulevard-Woodlawn Road Water Line and Bike Lanes**

**Action: Approve an agreement with Kimley-Horn and Associates, Inc. for engineering services for the South Boulevard-Woodlawn Road Water Line and Bike Lane Improvements Project for \$349,160.**

**Staff Resource:** David Meachum, Engineering & Property Management

**Explanation**

- Agreement provides engineering services for planning and design of water main and bike lanes.
- Project limits along Woodlawn Road
  - 8” water line from South Boulevard to Murray Hill Road
  - 16” water line West of South Boulevard
  - Bike lanes both sides from South Boulevard to Murray Hill Road
- Water line and bike lane improvements are City funded.
  - Charlotte Mecklenburg Utilities
  - South Corridor Infrastructure Project
- South Boulevard-Woodlawn Road Intersection transportation improvement project (TIP) is currently being designed by the same consultant.
  - Project is both City and North Carolina Department of Transportation (NCDOT) funded
- City would normally amend this contract and collaborate with the TIP for the design, planning and construction
- A new contract is required since NCDOT will not amend the municipal agreement and original contract for the TIP.

**Small Business Opportunity**

This agreement complies with Section 10.3 of the SBO Program.

**Funding**

Transportation and Water Capital Investment Plan

## 25. Arrowood Road Widening

**Action:** Approve Change Order #1 to the Arrowood Road Widening contract with Blythe Development Company for \$123,195.14.

**Staff Resource:** Dieter Crago, Engineering & Property Management

### Change Order #1

- Provides funds to complete construction of drainage and paving work due to:
  - Unexpected deterioration of existing pavement
  - Drainage issues identified after clearing trees
- Increases existing quantities of asphalt, masonry structures and concrete headwalls
- Adds new line items (due to change in scope) for oversized masonry boxes, 15" pipe, milling, and pavement marking removal
- Prices for this change order are:
  - Based on existing contract unit prices
  - Negotiated prices for new items
  - Appropriate for the work
- Construction completion second quarter 2004

### History

- Arrowood Road Widening was identified for improvements in the 2000 transportation bond referendum to address congestion and safety
- Project consists of widening Arrowood Road from Nations Ford Road to Old Pineville Road
- Council awarded the original contract on July 28, 2003
- Total construction cost is \$643,014.68.

### Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

Blythe Development Company committed 2% (\$2,463.90) of the total change order amount with the following certified SBEs: On Time Construction, ACS Pavement Markings.

### Funding

Transportation Capital Investment Plan

## 26. Prosperity Church Road Widening

**Action:** A. Adopt a budget ordinance totaling \$185,000 for current and future developer reimbursements for frontage improvements, and

B. Approve Change Order #2 to the Prosperity Church Road Widening Phase I contract with Crowder Construction Company of Charlotte, North Carolina for \$278,322.47.

**Staff Resource:** Gayle Golden Vaca, Engineering & Property Management

**Budget Ordinance**

- Transfer funds from the general capital investment plan (CIP) revenue account to the appropriate Prosperity Church Road Widening project accounts
- City's land development process sets requirements for private development to provide curb and gutter, drainage and sidewalk along their roadway frontage.
- Developers reimburse the City for constructing their required improvements when within the limits of capital improvement project.
- The widening project has or will construct the improvements for the following private developments:
  - Cochran Commons \$ 29,098
  - Hugh Haven \$ 2,500
  - Prosperity Park \$ 87,000
  - Prosperity Place \$ 13,000
  - Stonegate \$ 10,333
  - University City Presbyterian Church \$ 18,069
  - Future private development \$ 25,000
  - Total \$185,000
- Developer reimbursements received are deposited into a general CIP revenue account.

**Change Order #2**

- Provides funds to complete construction:
  - Additional quantities of median drain, temporary barrier wall (for worksite safety), and asphalt
  - Adjustment to unit price for asphalt cement
  - 24" water main relocation
- Prices for this change order are:
  - Based on existing contract unit prices
  - Negotiated prices for new items
  - Appropriate for the work
- Construction completion is second quarter 2004.

**History**

- Prosperity Church Road Widening Phase I was identified for improvements under the 1996 transportation bond referendum to address congestion and safety
- Project consists of widening Prosperity Church Road from the Mallard Creek/Mallard Creek Church Road intersection to Katelyn Drive
- Council awarded the original contract on April 8, 2002
- Change Order #1 was approved on June 23, 2002
- Total construction cost is \$4,030,053.87

**Small Business Opportunity**

This change order complies with Section 10.3 of the SBO Program.

**Funding**

Transportation Capital Investment Plan

**Attachment 32**  
Budget Ordinance

**27. US 29/NC 49 Interchange Improvement**

**Action:** Approve Amendment #1 with Gannett Fleming for engineering services for the US 29/NC 49 Interchange Improvements Project for \$2,009,181.

**Staff Resource:** David Meachum, Engineering & Property Management

**Amendment #1**

- Engineering services amendment provides:
  - Additional design, environmental, and geotechnical services
    - North Carolina Department of Transportation revisions to “control of access” limits
    - Right of way acquisition changes
  - Professional construction services

**History**

- US 29/NC 49 Interchange Reconstruction project was approved in the 1998 Bond Referendum to improve roadway capacity and safety.
- Council awarded the original contract for design phase services on May 8, 2000 for \$897,450.
- Construction estimate is \$24 million.

**Small Business Opportunity**

Established SBE Goal: 0%

Committed SBE Goal: 8%

The selection process for this project took place in 1998, which preceded the implementation of the SBO Program for professional services contracts. This amendment for the change in scope of work complies with Section 10.3 of the SBO Program. Gannett Fleming has committed 8% (\$165,000) of the total amendment amount to a certified SBE: Utility Coordination Consultants, Inc.

**Funding**

Transportation Capital Investment Plan

**28. Extension of Jurisdiction for UNCC Campus Police**

**Action:** Approve an agreement between the Charlotte-Mecklenburg Police Department and the University of North Carolina at Charlotte, giving UNCC Campus police the authority to provide police services in property adjacent to the UNCC campus.

**Staff Resource:** Mark Newbold, Charlotte-Mecklenburg Police Department

**Explanation**

- Agreement allows UNCC Campus Police to provide more consistent service to student population.
- Gives UNCC Campus Police authority to police property and roadways adjacent to campus but within CMPD jurisdiction
- Properties included in agreement predominantly house students
- CMPD's authority is not diminished in affected areas.
- CMPD will still respond to felonies in affected areas.
- Vehicle pursuits conducted by Campus Police must be in accordance with CMPD policy.
- Includes mutual aid clause
- Agreement in effect for two-year period

**Attachment 33**

Map of UNCC Enforcement Area

## 29. Donated Funds for Identity Theft Campaign

**Action:** Adopt a budget ordinance, appropriating \$10,000 in donated funds from the U.S. Secret Service, to assist in offsetting costs associated with the Identity Theft campaign.

**Staff Resource:** Greg Crystal, Charlotte-Mecklenburg Police Department

**Explanation**

- Police Department and other agencies are sponsoring public education campaign on identity theft.
- Secret Service donated \$10,000 toward cost of campaign.

**Attachment 34**

Budget Ordinance

## 30. Charlotte Mecklenburg Development Corporation Budget Ordinance

**Action:** Adopt a budget ordinance appropriating \$20,000 from the Charlotte Mecklenburg Development Corporation (CMDC) to support staff cost of the Weed and Seed program.

**Staff Resource:** Toni Tupponce, Neighborhood Development

**Explanation**

- The five-year grant funding for Charlotte's Weed and Seed Initiative along West Boulevard Corridor ended March 2004.
- The City anticipates approval of the Weed and Seed site designation along Central Avenue Corridor in early April.
- Two Weed and Seed staff persons will support programs that serve children along the West Boulevard and the Central Avenue corridor.
- CMDC's \$20,000 grant will fund Weed and Seed staff through the remainder of the fiscal year.
- 25% of the Central Avenue grant resources will be used to maintain youth programs along West Boulevard.

**Funding**

Department of Justice

**Attachment 35**

Budget Ordinance

### 31. Sisters of Mercy of North Carolina Foundation Grant

**Action:** Adopt a budget ordinance appropriating \$25,000 from the Sisters of Mercy of North Carolina Foundation to develop a program proposal for work in the Wingate community.

**Staff Resource:** Toni Tupponce, Neighborhood Development

**Explanation**

- The Sisters of Mercy of North Carolina Foundation awarded a \$25,000 planning grant to Neighborhood Development.
- The Grant is to develop a pilot partnership project to assist residents in the Wingate Neighborhood.
- The pilot program will design a neighborhood capacity building model and bring service partners to the neighborhood; develop program linkages in housing counseling, economic counseling; and provide supportive adult education and support for children over a three year period.
- Planning phase will run from September 2004 through March 2005
- After the planning phase, Neighborhood Development will submit a grant application to the Sisters of Mercy Foundation for program funding.

**Attachment 36**

Sisters of Mercy Letter  
Budget Ordinance

### 32. 2003 Urgent Repair Program Grant

**Action:** Adopt a budget ordinance appropriating an Urgent Repair Program Grant in the amount of \$75,000.

**Staff Resource:** Diane Adams, Neighborhood Development

#### Explanation

- The City of Charlotte was awarded a \$75,000 Urgent Repair Program Grant by the North Carolina Housing Finance Agency.
- Grant funds will be used to rehabilitate 25 units of low and very low-income housing in the City's targeted action plan neighborhoods.
- Eligible households earn 30% or less of the AMI (\$19,230 for a family of four).
- Urgent repair funds will address emergency home repairs, provide accessibility modifications for elderly homeowners and other repairs to prevent displacement of homeowners.
- The City will provide a \$50,000 match, budgeted through local Innovative Housing Funds.
- The Urgent Repair Grant will be used in conjunction with the Selective Rehabilitation and Code Repair Programs.

#### History

- In FY03, the City of Charlotte was one of 22 housing providers in North Carolina to receive an Urgent Repair Grant.
- 25 units were rehabilitated using FY03 grant dollars.
- The North Carolina Housing Finance Agency issues grant applications on an annual basis.

#### Funding

N.C. Housing Finance Agency - N.C. Housing Trust Fund

#### Attachment 37

Letter from State of North Carolina  
Map of Target Area (indicated as census block groups)  
Budget Ordinance

### 33. Resolution Endorsing a Pedestrian Master Plan for the City of Charlotte

**Action:** Adopt a resolution endorsing the commitment of the City of Charlotte to develop a Pedestrian Master Plan.

**Staff Resource:** Vivian Coleman, Transportation

**Explanation**

- The North Carolina Department of Transportation (NCDOT) encourages the development of comprehensive municipal pedestrian and bicycle plans through a new matching grants program.
- A total of \$750,000 will be available over the next two years for this matching grant program: \$350,000 in 2004 and \$400,000 in 2005.
- CDOT is submitting a grant application for the maximum amount of \$37,500 (\$75,000 total after match) to prepare a Pedestrian Master Plan for the City of Charlotte.
- Currently, the City has an aggressive Sidewalk Program to build sidewalks, but does not have a comprehensive document that addresses all aspects of pedestrian mobility.
- The City has recently hired a full time Pedestrian Program Manager to manage the Sidewalk Program and to serve as the City's pedestrian advocate.

**Pedestrian Plan**

- The Pedestrian Plan will provide a comprehensive overview of all pedestrian needs, priorities and opportunities for improvement in making Charlotte a "walkable" and pedestrian oriented community.
- The plan will serve as a tool to address the following:
  1. Describe the pedestrian vision, goals and objectives
  2. Evaluate current conditions and programs in place
  3. Develop a pedestrian system plan
  4. Review local policies, guidelines and standards and recommend changes
  5. Identify opportunities for the implementation of education, enforcement and safety programs
  6. Identify and prioritize potential projects, including projects that can be integrated into the state's Comprehensive Transportation Plan and potential Transportation Improvement and Enhancement projects
- To be eligible for NCDOT funding, a Council resolution endorsing the pedestrian plan is required.
- Upon notification of an award by NCDOT, staff will prepare a Municipal Agreement for future Council approval.
- The grant application outlines a public input process.

**Attachment 38**

Resolution

**34. Corporate Fuel System Lease**

**Action: Approve a lease with Coca-Cola Bottling Company Consolidated (CCBCC) for a corporate fuel storage facility at Charlotte/Douglas International Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Coca-Cola Bottling Company Consolidated (CCBCC) leased a corporate hangar in the Airport's North Corporate Area.
- This agreement will lease CCBCC space in the Airport's North Corporate area Fuel Farm to store and dispense jet fuel for their corporate aircraft.
- The term of the lease is coterminous with the Coca-Cola's hangar lease and rent for the fuel facilities is approximately \$63,000 per year.
- The Airport Advisory Committee approved this action.

**35. Airport Law Enforcement Agreement**

**Action: A. Approve an agreement with the Transportation Security Administration to reimburse the City for additional law enforcement at the Airport, and**

**B. Add up to 13 positions to the Aviation Key Business Unit.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- After September 11<sup>th</sup>, the Transportation Security Administration was created by Congress to maintain security at airports.
- This agreement will provide reimbursement (at the rate of \$29.79 per hour for up to 72 hours/day) through September 30, 2004 for the City to provide additional law enforcement officers at the Airport.
- The Airport will hire and train up to 13 additional law enforcement officers. Until these officers are available, uniformed private security officers may supplement the existing Airport law enforcement staff.
- Funding beyond September 30, 2004 is subject to the federal budgetary process.

**Funding**

Aviation Operating Budget

**36. Airport Operating Agreement with Lufthansa German Airlines**

**Action: Approve an agreement permitting Lufthansa German Airlines to operate at the Airport.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

- Lufthansa German Airlines has requested to operate flights to and from the Airport and to lease space for its operations.
- The terms and conditions for Lufthansa are equivalent to the terms and conditions for other similar carriers at the Airport.

### 37. Airport Legal and Financial Services

**Action:** Approve a contract with Newton & Associates, Inc. for legal and financial services to the Aviation KBU.

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- Newton & Associates, Inc. (Newton) has been one of the City's legal and financial consultants on airport issues since 1990.
- In the next year and a half, the Aviation KBU will require services from Newton including the following.
  - Prepare an application to the FAA for a passenger facility charge
  - Revise major airline agreements to reflect new capital projects such as the third parallel runway and Passenger Facility Charge (PFC) implementation.
  - Review and analyze airport rates and charges
  - Provide operations advice
  - Prepare Fixed Base Operator (FBO) management contract preparation
  - Negotiate prospective tenant leases
- Newton will provide services at rates up to \$150/hour plus expenses, with the total fees and expenses not to exceed \$94,000.

**Small Business Opportunity**

The City Attorney waived the goal per Section 5 of the SBO policy.

**Funding**

Aviation Operating Budget

### 38. New Airport Parking Deck Facility Management and Control System

- Action:**
- A. Award a contract to Ascom Transport Systems, Inc. of Norcross, GA in the amount of \$482,306.41 for purchase and installation of the facility management and control system for the new daily parking deck, and**
  - B. Adopt a budget ordinance appropriating \$500,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.**

**Staff Resource:** Jerry Orr, Aviation

#### **Current Automated Parking System**

- The Airport's current automated parking system includes:
  - on-line computer that provides management and revenue control of all entrance gates,
  - ticket dispensers,
  - cashier terminals and inventory equipment.
- System was purchased and installed in 1982.
- Expanded and upgraded to accommodate significant airport parking facilities expansions.
  - The airport has invested \$2,989,212 to date for the purchase and installation of the parking management system.
  - Only Ascom Transport Systems, Inc. can provide software support due to the proprietary nature of the computer software.

#### **Ascom Contract**

- This contract will purchase and install entrance gates and inventory equipment for the new parking deck.
  - This contract was negotiated since it is an expansion of an existing system and only Ascom can provide software support.
- The Airport Advisory Committee recommends this action.

#### **Small Business Opportunity:**

This is a negotiated service whereby Ascom Transport Systems, Inc. is the sole-source provider and warrantor. At the Airport's direction, Ascom contacted five SBE firms to price some selective electrical work. The lowest, responsive price-quote was from a non- SBE.

#### **Attachment 39**

Budget Ordinance

### 39. Airport Change Order with Titan Construction Group

**Action:** A. Approve a change order with Titan Construction Group of Charlotte in the amount of \$643,144 for additional space upfit for airport and tenant use, and

B. Adopt a budget ordinance appropriating \$650,000 from the Airport Discretionary Fund to be repaid with proceeds from future General Airport Revenue Bonds.

**Staff Resource:** Jerry Orr, Aviation

#### Explanation

- Council awarded a contract to Titan Construction Group in February 2004 to upfit space for airport and tenant use.
- This change order will furnish and install millwork, rework electrical, data, sound and communications components at all 34 gates in Concourses B and C to accommodate boarding passes self-readers at the gate.

#### Small Business Opportunity

Established Goal: 5%

Committed Goal: 24%

This change order will not increase the work scope of the SBE contractors. The SBE scope included flooring/carpet and HVAC installation, which is not presently anticipated in the additional upfit.

#### Funding

The project will be funded from the 2004 General Airport Revenue Bond proceeds. The debt service of the bonds will be paid through airline rates and charges.

#### Attachment 40

Budget Ordinance

### 40. Standby Bond Purchase Agreement for 1993 Airport Revenue Bonds

**Action:** Adopt a resolution authorizing approval, execution and delivery of a Standby Bond Purchase Agreement for the 1993 Airport Revenue Bonds.

**Staff Resource:** Greg Gaskins, Finance

**Explanation**

- This action is necessary to change from Commerz Bank, the firm currently providing the Standby Bond Purchase Agreement (SBPA), to JPMorgan Chase Bank.
- Fees related to this agreement will not change.
- The 1993 Airport Revenue Bonds are variable rate bonds that are priced on a weekly basis.
- The SBPA is like an insurance policy.
- If there is insufficient demand for these particular bonds, the SBPA provider agrees to buy the bonds so the City doesn't have to redeem them prior to normal maturity.

**Funding**

Airport Debt Service Fund

**Attachment 41**

Resolution

**41. FY2004 Annual Financial Audit Contract**

**Action: Approve a contract with Cherry, Bekaert & Holland, LLP, Certified Public Accountants & Consultants, in the amount of \$109,000 to provide audit services for the fiscal year ending June 30, 2004. This contract is renewable for three additional years.**

**Staff Resource:** Teresa Smith, Finance

**Explanation**

- State law requires Council to select a certified public accounting firm to audit the accounting records and financial report and to evaluate internal controls at the end of each fiscal year.
- Three proposals were received and staff rated the proposals using a weighted numerical scale.
- The numerical qualification, capability and experience rating for Cherry, Bekaert & Holland, LLP was significantly higher than the other two proposals.
- Audit will be performed by Charlotte office with local personnel.
- The City seeks proposals for audits every four years.
- The contract is renewable for three years with up to a 5% increase per year.

**Small Business Opportunity:**

Established SBE Goal: 0%

Committed SBE Goal: 0%

There were no SBE's available to bid on this project.

**Funding**

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

**42. Electronic Document Management System for Transit**

**Action:** Approve an agreement with eiStream-Identitech for an Electronic Document Management System for CATS and authorize the City Manager to execute such agreement for an amount not to exceed \$460,409.

**Staff Resource:** Ron Tober, Charlotte Area Transit System (CATS)

**Explanation**

- Purchase agreement provides an Electronic Document Management System which meets federal transit requirements for the South Corridor project implementation.
- Purchase includes software, support and training.
- System use will be expanded to other areas of the transit program.
- Specific requirements that will be satisfied are:
  - Comply with federal, state and local regulations
  - Ensure proper storage and quick retrieval of records
  - Conserve office space and equipment
  - Protect critical records
  - Improve workflow and productivity
  - Protect the organization, customers, and personnel
  - Integrate records management with other processes
- eiStream-Identitech submitted the lowest price proposal for this purchase.
- The total value of the agreement will have a not-to-exceed amount of \$460,409.
- The purchase includes software, maintenance, training and professional services.

**Disadvantaged Business Enterprises Program (DBE)**

A race neutral requirement was applied where by the contractor is encouraged to make a good faith effort to meet DBE requirements where feasible.

**Funding**

CATS Transit Capital Program

**Attachment 42**

Procurement Summary

#### 43. Developer Acquisition Revenue and Condemnations

**Action:** A. Adopt a budget ordinance totaling \$143,775 based on revenue to be received from developer for acquisition of required property rights, and

B. Approve condemnations of Parcel #1 of Daniel J. McAulay (Parcel #025-281-06) and Parcel #2 of Daniel J. McAulay (Parcel #025-103-04) as part of the Northlake Center Parkway project.

**Staff Resource:** Kent Winslow, Engineering & Property Management

##### Acquisitions

- Private development projects sometimes require off-site improvements (i.e. turn lanes, sanitary sewer, etc.).
- These off-site improvements are required by City ordinances to resolve public safety issues or other public purpose.
- If the developer is unable to reach a negotiated agreement, City Real Estate Division negotiation services are engaged.
- The City may use the power of eminent domain to obtain the required property rights if negotiations are not successful.

##### Compensation Funding

- The developer will remit funds to the City for the condemnation at appraised value plus all additional expenses related to the transaction.
- Upon approval by City Council, funds are appropriated, forwarded to the Clerk of Superior Court and the condemnation action is filed.
- In the case of Northlake Center Parkway, the City and NCDOT roadway plans require Faison, the developer, to purchase road right-of-way, drainage and temporary construction easements from private property owners.
- Faison is prepared to deposit \$143,775 to cover the condemnations.

##### Condemnations

**Project:** Northlake Center Parkway, Parcel # 1

**Owner(s):** Daniel J. McAulay

**Property Address:** Alexanderana Road

**Property to be acquired:** 146,863 sq.ft. (3.372 ac.) of Fee Simple outside existing Right-of-Way, plus Permanent Storm Drainage Easement, plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$143,775

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 025-281-06

**Total Parcel Tax Value:** \$249,000

**Project:** Northlake Center Parkway, Parcel # 2

**Owner(s):** Daniel McAulay

**Property Address:** Forest Drive

**Property to be acquired:** 145,638 sq.ft. (3.343 ac.) of Fee Simple outside existing Right-of-Way, plus Permanent Storm Drainage Easement, plus

Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$0

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City sStaff has yet to reach a negotiated settlement with the property owner. The appraisal determined that this property has no value because it is currently landlocked. The project will increase the value of this property.

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 025-103-04

**Total Parcel Tax Value:** \$41,500

**Funding**

Transportation Capital Investment Plan

**Attachment 43**

Budget Ordinance

**44. Property Transactions**

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

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

**Acquisitions:**

- A. Project:** Aiport Master Plan Condemnation Settlement  
**Owner(s):** Robert & Barbara Oliver  
**Property Address:** 7616, 7521, 7539, 7601, 7721, 7735, 7706, 7714, 7736, & 7744 Newell Road  
**Property to be acquired:** 6.771 acres  
**Improvements:** Single Family houses and business property  
**Approved Condemnation Price:** \$662,000  
**Additional Settlement Amount:** \$100,000  
**Remarks:** Settlement amount was determined by considering the age of the appraisals and evaluating the costs and risks of continuing with litigation where just compensation is contested.  
**Zoned:** R3

**Use:** home, residential rental properties & commercial business  
**Tax Value:** \$522,600  
**Tax Codes:** 113-132-10, 113-131-03, 113-131-04, 113-131-05, 113-131-13, 113-132-01, 113-132-09, 113-132-08, 113-132-07, 113-131-10, & 113-131-12

- B. Project:** Little Rock Road District Park Stream Mitigation  
**Owner(s):** Mecklenburg County  
**Property Address:** Starnes Road & Kendrick Drive  
**Property to be acquired:** Temporary Construction Easement  
**Improvements:** vacant land  
**Purchase Price:** N/A  
**Remarks:** The easement permits the Airport to conduct the mitigation project on County land. If the Airport performs mitigation, it will count toward the Airport's required mitigation resulting for the runway project. The Airport will not pay for the easement but upon accepting it, the Airport will be legally required to complete the mitigation project.  
**Zoned:** R3  
**Use:** vacant land  
**Tax Value:** \$280,600  
**Tax Code:** 055-241-08 and 055-254-15
- C. Project:** NC 49/US 29 Interchange Reconstruction, Parcel # 32  
**Owner(s):** Orchard Trace Owners Association  
**Property Address:** 405 Orchard Trace Lane  
**Property to be acquired:** 4,337 sq. ft. (.100 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$5,465  
**Remarks:** Compensation was established by an independent, certified appraisal in the area.  
**Zoned:** R-17MF  
**Use:** Multi-Family - Condominiums  
**Tax Code:** 089-25-C99  
**Total Parcel Tax Value:** \$0 (Home Owner's Association)

**Condemnations:**

- ~~C.D.~~ Project:** 2003 Annexation – Sanitary Sewer to Serve the Long Creek Area, Parcel # 40  
**Owner(s):** C River LLC and any other Parties of Interest  
**Property Address:** Mt. Holly-Huntersville Road  
**Property to be acquired:** 15,957 sq. ft. (.366 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easement  
**Improvements:** ~~NoneUnknown~~  
**Landscaping:** ~~NoneUnknown~~  
**Purchase Price:** \$2,525

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**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-4

**Use:** Residential - Vacant Land

**Tax Code:** 031-461-02

**Total Parcel Tax Value:** \$530,600

- E. Project:** Clear Creek Basin Sanitary Sewer - Gravity, Parcel # 9 & 10  
**Owner(s):** Richard D. Newton and wife, Lisa D. Newton and any other Parties of Interest  
**Property Address:** 9945 & 10121 Blair Road  
**Property to be acquired:** 36,116 sq. ft. (.829 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$1,900  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R (Residential District-Mint Hill Designation)  
**Use:** Residential - Vacant Land  
**Tax Code:** 137-131-06 & 07  
**Total Parcel Tax Value:** \$54,200
- F. Project:** Clear Creek Basin Sanitary Sewer - Gravity, Parcel # 11 & 12  
**Owner(s):** Betty Brafford Hough and any other Parties of Interest  
**Property Address:** 10137 Blair Road  
**Property to be acquired:** 30,545 sq. ft. (.701 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$2,500  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with property owner.  
**Zoned:** R (Residential District-Mint Hill Designation)  
**Use:** Residential - Single Family  
**Tax Code:** 137-131-14 & 16  
**Total Parcel Tax Value:** \$217,800
- G. Project:** Hickory Grove Road Widening, Parcel # 68  
**Owner(s):** Hesham Abdul Rahman and any other Parties of Interest  
**Property Address:** 5626 Hickory Grove Road  
**Property to be acquired:** 3,777 sq. ft. (.087 ac.) of Fee Simple, Existing Right-of-Way, and Temporary Construction Easement

**Improvements:** Brick Columns  
**Landscaping:** Trees and Shrubs  
**Purchase Price:** \$9,028  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Residential - Single Family  
**Tax Code:** 103-155-01  
**Total Parcel Tax Value:** \$59,400

- H. Project:** 2003 Annexation – Sanitary Sewer to Serve the Long Creek Area, Parcel # 12  
**Owner(s):** Huntersville Investment LLC and any other Parties of Interest  
**Property Address:** Riverside Drive  
**Property to be acquired:** 166,814 sq. ft. (3.830 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easements  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$22,825  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-4  
**Use:** Residential - Vacant Land  
**Tax Code:** 031-163-03  
**Total Parcel Tax Value:** \$285,600
- I. Project:** Charleston/Monroe Storm Drainage Improvements, Parcel # 23  
**Owner(s):** Deborah E. Branham and any other Parties of Interest  
**Property Address:** 4901 Charleston Drive  
**Property to be acquired:** 2,967 sq.ft. (.069 ac.) of Permanent Drainage Easement, plus Temporary Construction Easements  
**Improvements:** None  
**Landscaping:** Trees (Maple Tree, Pecan Tree, Two Azaleas)  
**Purchase Price:** \$950  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R- 5  
**Use:** Single Family Residential  
**Tax Code:** 163-013-22  
**Total Parcel Tax Value:** \$75,500
- J. Project:** Verhoeff Drive Sanitary Sewer, Parcel # 1  
**Owner(s):** Kathleen R. Young and Any Other Parties of Interest  
**Property Address:** 12425 North Statesville Road

**Property to be acquired:** 11,502 sq.ft. (.264 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement

**Improvements:** None

**Landscaping:** None

**Purchase Price:** \$1,075

**Remarks:** Compensation was established by independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** HC (Highway Commercial - Huntersville Zoning)

**Use:** Vacant

**Tax Code:** 017-201-05

**Tax Value:** \$258,800



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## 45. Meeting Minutes

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

- March 1, 2004 Workshop
- March 10, 2004 Half-day Budget Retreat
- March 15, 2004 Zoning Meeting