

Mayor Patrick McCrory

Rod Autrey
Patrick Cannon
Nancy G. Carter
Mike Castano
Malcolm Graham

Mayor Pro Tem Susan Burgess

Don Lochman
James Mitchell, Jr.
Sara Spencer
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Monday, January 24, 2000

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Citizens Forum**

7:00 p.m.

- **Awards and Recognitions**
- **Formal Business Meeting**

1999 Council Retreat Priorities

Top Priorities for 1999

Transportation Plan

Policing Evaluation and Direction

State Roads Action: Increased Funding

Transit Plan and 1/2¢ Sales Tax: Implementation

West Side Strategic Plan Implementation

High Priorities for 1999

Corridor Plan

**Planning for the City: The Economic Development and
the Center City Plan**

Court System: Expansion

Business Retention Strategy and Action Plan

Community Strategic Plan for Housing

Neighborhood/Business Revitalization Strategy

Eastside Strategic Plan

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Council Retreat Planning Committee Report

Committee Spokesperson: Susan Burgess, Mayor Pro Tem

Resource: Vi Alexander Lyles, Assistant City Manager

Time: 10 minutes

Attachment 1

2. Regional Wastewater Agreements

Resource: Doug Bean, Utilities Director

Time: 20 minutes

Attachment 2

3. Old Convention Center

Committee Chair: Lynn Wheeler, Economic Development &
Planning Committee

Resource: Tom Flynn, City Manager's Office

Time: 20 minutes

Attachment 3

4. Charlotte - Mecklenburg Government District Joint Facilities Master Plan Study 2000-2020

Resource: Jim Schumacher, Engineering & Property Management

Time: 10 minutes

Attachment 4

5. Tryon Street Landscape Improvements

Resource: Karen Weston-Chien, The FWA Group

Time: 10 minutes

Attachment 5

6. Committee Reports by Exception

- CWAC - Employment Security Commission Contract Extension
- Lakewood CDC Rental Housing Development Loan
- Ad Hoc Rules of Operation Committee
- Proposed Council and Staff Guidelines of Operations

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

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

CONSENT

- 7. Consent agenda items 21 through 32 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Tom Flynn

PUBLIC HEARING

8. Public Comment and Adoption of the McAlpine Creek Watershed Floodplain Maps and Proposed Amendments to Floodway Regulations

Action: A. Conduct a public hearing;

B. Adopt the McAlpine Creek Watershed floodplain maps; and

C. Adopt proposed amendments to the Floodway Regulations.

Staff Resource: Stephen Sands

Focus Area: Economic Development

Explanation:

Floodway regulations are designed to prevent further encroachment of structures into the floodplain and provide a basis for federally subsidized flood insurance. Local floodplain regulations are based on Federal Emergency Management Agency (FEMA) maps that illustrate the floodplain and provide flood elevations. Most of the current maps were originally developed in the 1970's. The City and County are currently cooperating with FEMA to re-study and update floodplain maps throughout the City and County.

In October 1999, City Council adopted interim flood protection elevations 5.7 feet higher than the existing map elevations. Preliminary studies indicated the new maps would result in significant increases in flood elevations, and the interim restriction provides some level of protection until the new maps can be produced. The City Council also adopted a policy of regulating floodplains based on future land use; and a policy of allowing approximately 25 percent of the floodplain's width to be filled during development and construction, a change from approximately 50 percent allowed by the existing maps.

The McAlpine Creek watershed study is complete. The study results, based on existing land use, indicated the McAlpine flooding depths increased approximately one foot over the original study. The study also indicated the total flooding depths would increase by approximately three feet with future land use. The remaining 12 major watershed studies will be considered for adoption as they are completed over the next year.

State Law requires the City to conduct a public hearing before adopting floodplain maps and amending an ordinance addressing planning and regulations of development. The purpose of the public hearing is to receive comments on the proposed floodplain maps and ordinance amendments necessary to implement the new standards. The County Commission is also being asked to hold a public hearing and vote to accept the McAlpine Creek watershed floodplain maps and adopt the proposed amendments to the floodway regulations at their January 19, 2000 meeting.

Council received a briefing on the floodplain maps and floodway regulations during the January 10, 2000 meeting.

Community Input:

A community meeting was held January 13, 2000, to present the study results and floodplain maps for the McAlpine Creek watershed. The meeting format allowed property owners to ask specific questions by interacting with staff on a one-to-one basis. All property owners (2,500) within the revised floodplain boundaries were invited by mail. Newspaper advertisements and signs adjacent to the creeks in the watershed have also been used. Approximately 50 citizens attended the community meeting. Topics discussed included the impacts and benefits of the new floodplain studies on insurance rates, mortgage loans, ability to construct within the floodplain, future plans for channel maintenance, future plans for other floodplain studies, etc.

The Storm Water Advisory Committee (SWAC) supports the updated McAlpine Creek Watershed floodplain maps and the proposed Floodway Regulation amendments.

Attachment 6

Summary of Proposed Changes to the Floodway Regulations, January 2000 (A copy of the complete regulation with the proposed changes is available in the Council-Manager Library.)

9. Convention Center-related Facilities Financing

Action: A. Hold a Public Hearing on the approval of the 2000 Contract Amendment and the 2000 Deed of Trust Amendment for Convention Center-related facilities which allows the City to increase the principal payable under the Contract by an amount not to exceed \$51,000,000; and

B. Approve a resolution to amend an installment purchase contract and related matters.

Staff Resource: Carey Odom

Focus Area: Economic Development

Explanation:

On November 22, 1999 Council approved a resolution authorizing the issuance of up to \$38,000,000 of Certificates of Participation (COPS) for the purpose of funding previously approved Convention Center related projects, which included:

- Scott Property Reimbursement - \$8,400,000 – on June 22, 1998 Council approved an advance to purchase this property located at Stonewall and Caldwell with the understanding that the advance would be reimbursed when a future financing was completed. This property is being held for future Convention Center expansion needs.
- Rail Corridor/Trolley - \$7,900,000 – On June 15, 1998, Council approved this project as part of the five-year Capital Investment Plan. This amount relates to just the Convention Center portion of the project.
- Convention Center Hotel Meeting and Parking Facilities - \$16,000,000 – on April 12, 1999 Council approved an agreement with Starport Partners for the City to participate in the Convention Center Hotel and Parking Deck Project in the amount of \$16 million.
- Reserves and Issuance Expense - \$5,700,000

In addition, Council is asked to approve an additional \$13,000,000 for:

- Purchase of ABC Board Property - \$9,600,000 – this property located on Second Street between Caldwell and Brevard will also be used for future Convention Center expansion. If staff has not finalized a purchase price with the ABC Board at the time of financing it will be eliminated from this item. Regardless, Council will be asked to approve the actual purchase of this property at a future date.
- Reserves and Issuance Expense - \$3,400,000

This action is necessary for Council to approve the documents, increase the project amount to \$51 million and to hold a public hearing related to this undertaking. The public hearing was advertised in the Charlotte Observer on January 13, 2000.

Funding:

Debt service on the Convention Center COPS will be paid from Prepared Food and Occupancy Taxes

POLICY

10. City Manager's Report

11. Council and Staff Guidelines of Operations

Information on this item will be included in the Friday, January 21, 2000 Council Manager Memo.

12. Year 2000 Federal Legislative Program

Action: Approve federal legislative work program for The Ferguson Group for the year 2000.

Staff Resource: Boyd Cauble

Explanation:

The City of Charlotte and Mecklenburg County have jointly retained a Washington, D.C. federal affairs company, The Ferguson Group, to assist with congressional appropriations and grant programs that complement the Council and County Commission's work programs. Each year The Ferguson Group prepares an annual work program that is geared to the congressional calendar year and annual appropriations process. Both the City and County will contribute \$66,000 each to The Ferguson Group's annual contract.

On Tuesday, January 4th, Council received a presentation from The Ferguson Group outlining a proposed federal legislative work program for the year 2000. In 2000, The Ferguson Group proposes to seek funding for: transportation programs; economic development activities; education initiatives; environmental protection programs (including flood control); health and human services enhancements; justice department funding; open space enhancements; housing; small business development; and, brownfields grants and program revisions.

In addition to direct grant and/or congressional appropriations assistance, The Ferguson Group will also assist the City and Mecklenburg County in coordinating Washington, D.C. visits, partnership and coalition building, and will provide timely information regarding potential grant programs that support the City focus areas.

Approval of the attached legislative work program, which was presented to Council on January 4th, will be the guideline for instructing The Ferguson Group to continue to work on the City's behalf in Washington, D.C. during 2000.

Attachment 7

City of Charlotte and Mecklenburg County Federal Legislative Agenda and Action Plan

13. Old Convention Center

Action: Approve the recommendation of the Economic Development and Planning Committee to set a deadline of 30 days from adoption for the receipt of proposals to redevelop the Old Convention Center.

Committee Chair: Lynn Wheeler

Staff Resources: Tom Flynn & Kent Winslow

Focus Area: Economic Development

Policy:

Market the Old Convention Center site with minimum business agreement requirements and have an Advisory Committee study the site and proposals and make a recommendation to City Council.

Explanation:

Since October 1999, staff has been marketing the Old Convention Center Site for redevelopment. Spectrum Investment Services submitted a proposal in November 1999 to redevelop the Old Convention Center. LCOR submitted a proposal on January 13, 2000 and Lincoln/Harris submitted a proposal on January 17, 2000. Several other developers have shown interest in the site, but none have submitted written proposals.

The Old Convention Center Advisory Committee has completed the review of the Spectrum proposal, but not the LCOR or Lincoln/Harris proposals. The Advisory Committee was formed by the City Manager and consists of 10 people who represent development expertise, uptown interests and a planning staff member. The Advisory Committee recommends that other developers be given 30 days to submit written proposals before City Council acts on the Spectrum proposal.

This 30 day period will allow time for the review of these proposals, and by setting a deadline, will avoid an open-ended discussion.

During the next 30 days, City staff and the Advisory Committee will immediately review any proposal. All submitted proposals will be presented to City Council with a recommendation from the Economic Development and Planning Committee in March.

Committee Discussion:

The Economic Development and Planning Committee approved this recommendation on a 5-0 vote (Wheeler, Graham, Cannon, Lochman, Carter). The Committee clearly indicated that proposals submitted by this deadline must include the business proposal (price, due diligence, contingencies, etc.) as well as the design proposal.

Committee members also discussed getting a recommendation from the Advisory Committee and staff on how proposals meet Center City plans, and which proposal is the best use for the site.

**14. North Carolina Employment Security Commission
Contract Extension**

Action: Approve the City Within A City Committee recommendation to extend the North Carolina Employment Security Commission contract for the Dislocated Worker Program. The six-month extension will increase the funding level by \$230,582 and provide services to 168 participants.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within A City and Economic Development

Policy:

The City Within A City and Economic Development Focus Areas emphasize preparing people for quality employment and meeting the workforce needs of employers. Employment and training activities provided by the Dislocated Worker Program are part of the City's overall efforts to improve the skills of individuals unprepared for the skill requirements of today's higher paying jobs.

Explanation:

The Dislocated Worker Program is designed to provide individuals displaced by major plant closings or mass layoffs with skills necessary to re-enter the job market at a comparable wage to the time of their job loss. Services provided include job assessment, support services (transportation and day care), counseling, skills training and job placement.

The existing contract, in the amount of \$227,975, has provided services to 250 participants resulting in 80 job placements. The six-month contract extension will provide \$230,582 to serve an additional 168 participants.

In August 1998, Congress passed the Workforce Investment Act (WIA) that replaces the Job Training Partnership Act as the nation's vehicle for providing workforce development activities for dislocated workers, youth and adults. The new legislation became effective in North Carolina on January 1, 2000. The six-month contract extension includes requirements of WIA and extends the contract through June 30, 2000.

Committee Discussion:

On January 5, 2000, the City Within A City Committee reviewed the Employment Security Contract extension. The Committee voted 4-0 to recommend that the City Council approve the six-month extension. Councilmembers Autrey, Mitchell, Spencer and Castano were present. Councilmember Cannon was absent.

The Committee discussed the eligibility criteria for the Dislocated Worker Program. In addition, the Committee discussed the length of time participants can receive the services and the nature of industry layoffs in the Charlotte region.

Community Input:

The Workforce Development Board approved the six-month contract extension on December 16, 1999.

Funding:

U.S. Department of Labor Grant in the amount of \$230,582

Attachment 8

- Employment Security Commission Dislocated Work Program Contract Extension
- City Within A City Committee Summary – January 5, 2000

15. Lakewood CDC Rental Housing Development Loan

Action: Approve the City Within A City Committee recommendation to provide a \$335,769 forgivable HOME Loan to the Lakewood Community Development Corporation (CDC) to finance the acquisition, rehabilitation, site amenities, landscaping and exterior beautification of three properties (six units) located at 416-424 Jones Street in the Lakewood community.

Committee Chair: Rod Autrey

Staff Resource: Stanley Watkins

Focus Area: City Within A City

Policy:

The City’s FY2000 Consolidated Housing Action Plan identifies a need for affordable, safe and decent housing for low-income families. The plan, which was approved by City Council on May 24, 1999, establishes guidelines for the expenditure of federal housing funds and recommends, as a priority, maintaining existing affordable housing for low and moderate-income families as well as increasing the capacity of community-based housing development organizations.

Explanation:

This is a request for funding to finance the acquisition and rehabilitation of three residential duplexes (six rental units) as well as provide site amenities, landscaping and exterior beautification in the Lakewood neighborhood located in northwest Charlotte. The rehabilitated duplex units will provide housing for families at or below 40% of the area median income (\$21,800 for a family of four) and help to reduce the waiting list for affordable housing.

The City is recommending a HOME loan in the amount of \$335,769 for a term of 15-years at 0% interest. HOME is a federal funding program that provides monies to cities for housing development. The City will have a first lien position on its Deed of Trust. The loan will be a deferred payment loan, forgivable after 15 years, provided that Lakewood CDC keeps the units affordable to low-income persons, maintains the units in a safe, decent and clean manner as well as demonstrates proper management of the project over the life of the loan.

The loan proceeds will be used to:

- finance the purchase of the property;
- complete rehabilitation of the six housing units by the Charlotte Mecklenburg Housing Partnership; and
- provide site amenities, landscaping and exterior beautification.

The Lakewood CDC will own the rehabilitated properties and will offer them as collateral for the HOME loan funds. The City will provide all of the financing for the project and funding will be used as follows:

Acquisition	\$83,347
Rehabilitation	223,272
Site Amenities	25,000
Professional Fees	2,700
Title & Recording Fees	250
Marketing & Lease-Up	1,200
TOTAL	\$335,769

The project consists of six, two-bedroom apartments that are approximately 670 sq. ft. each. The cost per unit is \$55,962 and the cost per square foot is \$83.52.

Background:

The Charlotte Mecklenburg Housing Partnership (CMHP) purchased the properties and provided rehabilitation estimates using its own construction and rehabilitation crews and subcontractors. Currently, CMHP has ownership of the properties.

The Lakewood CDC will partner with CMHP to rehabilitate the rental units and with the Enterprise Foundation to review all construction documents and proposals. Also, Lakewood CDC will work with CMHP during rehabilitation on design issues and to identify and qualify tenants. After the units are rehabilitated, ownership will transfer to Lakewood CDC to operate and manage the units with Enterprise Foundation providing technical assistance to the CDC.

Committee Discussion:

On January 5, 2000, the City Within A City Committee reviewed Lakewood CDC loan request of \$335,769. The Committee voted 4-0 to recommend that the City Council approve the loan request. Councilmembers Autrey, Mitchell, Spencer and Castano were present. Councilmember Cannon was absent.

The Committee discussed the City's recourse if the properties were not managed properly by the Lakewood CDC. Because the request is considered a loan, the City would have a lien position that would allow the City to foreclose and obtain possession of the property. The Committee also discussed the cost per square foot of the rental units and the use of the net cash flow for operations of the Lakewood CDC.

Community Input:

The Lakewood CDC held neighborhood meetings to obtain input into the project development.

Funding:

Federal HOME Funds

Attachment 9

- Letter from Enterprise Foundation date December 13, 1999
- Project proforma from original request by Lakewood CDC for Year 1
- Project proforma revised by City staff – Years 1-15
- City Within a City Committee Summary – January 5, 2000

16. Board of Education Zoning Request

Action: Consideration of approval of rezoning Petition No. 2000-13 by the Charlotte-Mecklenburg Board of Education for a change in zoning for approximately 17.3 acres located on the north side of North Tryon Street between Hilo Drive and West Craighead Road from I-1 (CD), light industrial to Inst. (CD), institutional conditional district.

Explanation:

At the January 18, 2000 Zoning Public Hearing meeting, City Council passed a motion to add the decision on Petition No. 2000-13 to the January 24 business meeting. This rezoning petition by the Charlotte-Mecklenburg Board of Education would allow the development of an elementary school on the North Tryon Street site.

Attachment 10

- Pre-Hearing Staff Analysis
- Petitioner's Response to Pre-Hearing Staff Analysis

17. Sale of City Property - South Cedar & Fourth Streets

Action: Approve the sale of 3.95 acres of City-owned land located at the corner of South Cedar Street and West Fourth Street to Summit Properties for \$29.54/sq. ft. (approx. \$5.1 million) for an urban, mixed-use development.

Staff Resource: Kent Winslow

Focus Area: Economic Development

Policy:

“City Council will balance the benefits of the sale of any of its assets with other Council policies and goals” *Guidelines for Services Contracting and Asset Management, July 25, 1994.*

The City Council-adopted *Third Ward Concept Plan* calls for urban, mixed-use development on this property.

Explanation:

The City acquired the 3.95 acres in Third Ward as an assembly of land for the NFL football stadium and practice fields. This land was excess to the NFL requirements.

The property had contaminated soil and was identified as a State Superfund site. Through the City's efforts, a Superfund site has been eliminated from the uptown area. The cleanup won the Phoenix award as one of the top three Brownfield projects in the country to restore land for new development.

The City spent \$13/sq. ft. for the land and remediation costs totaling \$2.2 million. This sale will result in getting a development that meets the 3rd Ward Plan goals and will make a profit for the City. The profit from the \$5.1 million sale will be deposited in the General Fund Capital Project – Asset Management account and will be used for future one-time CIP projects.

The sale price was established through an upset bid process that has been ongoing since January 1999. The development proposed will be built in accordance with the Third Ward Concept Plan and include mixed-use with ground floor retail and upper level apartments and/or condominiums.

Council was briefed on the sale of this property at the January 10, 2000 dinner meeting.

Community Input:

Public meetings were held with the neighbors in Third Ward to discuss the development of the City-owned land. Reactions were positive in the approach taken and the development proposed.

Attachment 11

Map

BUSINESS

18. Charlotte-Mecklenburg Government District Joint Facilities Master Plan Study 2000-2020

Action: A. Adopt a budget ordinance to appropriate \$250,000; and

B. Authorize the City Manager to sign a "Memorandum of Understanding" with Mecklenburg County defining roles and funding for the City and County related to the Charlotte-Mecklenburg Government District Joint Facilities Master Plan Study 2000-2020.

Staff Resource: David Garner

Focus Area: Economic Development

Explanation:

This action will allow the City to jointly participate with Mecklenburg County, the Charlotte-Mecklenburg Schools and CPCC to look at the collective future needs for space and parking in the governmental plaza. This study will provide space needs projections for all involved parties, compare these needs with the proposed 2010 Plan, and identify opportunities for partnering in new construction to make the best use of public property and funding.

A Selection Committee comprised of representatives of these organizations participated in the selection process and recommends the firm of Freeman-White be awarded this contract. The contract will be awarded by the County Commission, with the City and other participants contributing to the study costs by reimbursing the County through Memorandums of Understanding. The study is scheduled to be completed in September 2000. Council will be updated on the progress of this study, once it begins in late January.

Funding:

The budget ordinance appropriates \$250,000 from the Pay-As-You-Go Fund fund balance.

19. National Guard Armory Relocation

- Action:**
- A. Approve the acquisition of the National Guard Armory Site from the State of North Carolina for \$1,070,000;**
 - B. Adopt an ordinance appropriating \$1,070,000 of Airport monies to fund this acquisition; and**
 - C. Approve a 50-year lease agreement with the State of North Carolina to accommodate the relocation of the National Guard Armory and Maintenance Facilities.**

Staff Resource: Jerry Orr

Focus Area: Economic Development

Explanation:

The North Carolina National Guard (NCNG) has significant facilities at the Airport through their Air Guard and Army Guard units. Presently, the NCNG occupies approximately 94 acres on the Airport proper; 5.8 acres of the property is owned by the State of North Carolina, and the remainder is leased to the State through long term leases at a nominal rate.

The Army Guard unit occupies approximately 15 acres, 5.8 of which is State owned. The State acquired this 5.8 acres in 1955 and constructed the Army National Guard Armory to house vehicles and equipment to support the National Guard and Air National Guard operations. At that time, the site was a half mile from the then, new Airport terminal building, but was off Airport property. The Armory site now is surrounded by Airport property and sits in the middle of a \$35 million Air Cargo Development. This site was identified in the Airport's 1987 Master Plan for future acquisition by the City due to its proximity to valuable air cargo facilities and airfield frontage; therefore, 75% of acquisition costs are eligible for Federal funding.

The City does not have the power to condemn the State's property without the State's consent. Discussions held to date have assumed that the City would purchase the existing Armory and a new Armory would be constructed by the National Guard at the Airport on another site provided by the City through a lease agreement.

This 50-year lease agreement is contingent upon the State of North Carolina conveying all property rights to its existing Armory site upon completion of the new Army Guard Armory and Maintenance Facility Project on the site provided by the City. The current appraisal value of the existing armory and land is \$1,070,000. The FAA has concurred in the proposed lease agreement that provides 11± acres of Airport property at the nominal rent of \$1.00 per year.

Funding:

The new Army Guard Armory and Maintenance Facility Project, which is estimated at \$8.6 million, will be funded with 75% Federal, 12.5% State and 12.5% Local funds (\$1,070,000 Airport Funds). The acquisition costs of the existing Army Guard site will be the only local funding for the Army Guard Project.

20. Appointments to Boards and Commissions

Action: Vote on the blue paper ballots and give to Clerk at Dinner so she will be able to announce results.

A. CITIZENS OVERSIGHT COMMITTEE FOR CABLE TV

Council policy has been to reappoint Committee members who have expressed an interest in continuing to serve and who have met the attendance requirements. cCarlton Crump and Victor Guzman meet these requirements but their reappointments were not acted upon at the January 10 meeting. Their terms will be for two years each beginning April 2000.

Vote for three citizens from the following nominees. Two will serve for two years beginning in April to replace Curtis McLeod and Gregory Ritch; one position will begin immediately and end March 2001 to replace Alexander Petok. Messrs. McLeod, Ritch and Petok did not fulfill Council's attendance requirements.

Doug Johnston by Councilmembers Wheeler & White
 Bea Quirk by Councilmember Graham
 Trey Taylor by Councilmembers Cannon & Spencer
 Shane Wolf by Councilmember Carter

Attachment 12

Applications

B. FIREMEN'S RELIEF BOARD OF TRUSTEES

One appointment beginning January 2000 for two years. Stephen Kearney is not eligible to be reappointed.

Lou Lesesne, Jr. by Councilmember Burgess
Vicki Vogt by Councilmember Wheeler

Attachment 13

Applications

C. MINT MUSEUM BOARD OF TRUSTEES

One appointment beginning immediately and ending July 2001. Christopher Keber did not meet Council's attendance policy.

Ervin Gourdine by Councilmembers Cannon & Graham
Paul Sedan by Councilmember Lochman

Attachment 14

Applications

D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

Two appointments beginning immediately and ending March 2001. Bill Bryant has resigned and Chalmers Johnson did not meet the attendance requirements. Two citizens to serve two years beginning March, 2000. James K. Polk is not eligible to be reappointed. James Showalter is eligible but does not wish to be reappointed. Vote for four:

John Cotham by Councilmember White
Clark Jackson by Councilmember Autrey
George Krauthoefer by Councilmember Castano
Fred Macholz by Councilmember Lochman
Sheila Neisler by Councilmembers Burgess & Cannon

Attachment 15

Applications

E. TRANSIT SERVICES ADVISORY COMMITTEE

One appointment for three years beginning February 2000. Theodore White, representing a neighborhood organization leader, did not meet Council's attendance policy.

Laura Blue by Councilmembers Autrey & Cannon
Kay Dumas by Councilmember Carter
Heather Sides by Councilmember Wheeler

Attachment 16

Applications

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 have met MWBD criteria.

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American

ABE - Asian American

NBE - Native American

HBE - Hispanic

WBE - Non-Minority Women

Contractors and Consultants

All contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

21. Various Bids

A. Colony Road Extension Landscaping

E&PM

Recommendation: The City Engineer recommends the low bid of \$344,822.78 by Crowder Construction. Colony Road Extension is currently under construction and ahead of schedule, with completion expected this spring. Early completion of the road extension allows the landscaping to be completed before opening the road, thereby reducing the risk of damage to new infrastructure and the constraints of working in traffic.

MWBD Status:	Amount	% of Project	Project Goals
MBE	\$0	0%	1%
WBE	\$4,584	1.5%	1%

MWBD Compliance: Yes. Crowder Construction met the good faith efforts.

Program Director Concur: Yes

**B. Americans with Disabilities Act (ADA)
Implementation Phase IV – Fourth Street Overhead
Walkway E&PM**

Recommendation: The City Engineer recommends the low bid, including Alternate No. 1, of \$123,890.00 by American Eastern Builders of Charlotte, North Carolina. The scope of work includes all general construction, and electrical work to build a wheelchair ramp and install a wheelchair lift to implement ADA upgrades at the Fourth Street Walkway, a part of the Overstreet Mall in Uptown Charlotte. The Fourth Street walkway connects the BB&T building to the Omni Hotel. We are in the fourth of five phases to make City facilities ADA compliant. The Fourth Street Walkway is the first of three construction projects that will comprise Phase Four.

MWBD Status:	Amount	% of Project	Project Goals
WBE	\$0	0%	1%
BBE	\$0	0%	3%

MWBD Compliance: Yes. Low bidder will self-perform all work.

Program Director Concur: Yes.

**C. International Concourse – Immigrations Area
Expansion Aviation**

Information for this item will be in the Friday, January 21 Council Manager memo.

D. Ramp D Box Culvert Construction Aviation

Recommendation: The Aviation Director recommends the low bid of \$692,920 by T.P. Smith Construction Company of Carolina. This project, which is a portion of the Expanded International Arrivals Area, will extend a major drainage pipe culvert to accommodate the new Concourse E for regional aircraft.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$19,205	2.8%	
WBE	\$4,054	.6%	
NBE	\$65,760	9.4%	
DBE Total:	\$89,019	12.8%	15%

DBE Compliance: Yes

Program Director Concur: Yes

E. Business District Collection Rear Loader Refuse Truck Solid Waste

Recommendation: The Solid Waste Services Director recommends the only unit price bid of \$80,334 by Southern Truck Service of Charlotte, North Carolina be accepted for the cab and chassis. The low unit price bid of \$34,298 by Lodal South, Inc., Rockingham, North Carolina is recommended for the rear loader refuse body. The total estimated FY2000 expenditure under this contract is \$114,632. The contract is for one year with an option to renew for two additional one-year periods.

Program Director Concur: Yes. No known MWBD supplier of this equipment.

22. Sale of City Property - 4317 McKinley Drive

Action: Approve the sale of City owned property located at 4317 McKinley Drive.

Explanation:

The City has received an offer of \$10,000 from Larry Davis to purchase a vacant lot at 4317 McKinley Drive in the Wandawood Neighborhood.

The offer is \$10,000 with the Airport paying a 3% realty fee. In accordance with the Part 150 Plan, the Airport acquired 30 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75DNL).

The Airport listed the property in the Multiple Listing Service for sale to the public January 1999 for \$10,000. The airport received the following offers:

12/20/99	Shenova Hill	\$3,000
12/20/99	Larry Davis	\$6,000
12/21/99	Sopher/Ludwig	\$7,000
12/23/99	Shenova Hill	\$7,500
12/29/99	Larry Davis	\$8,000
1/4/00	Shenova Hill	\$8,500
1/10/00	Larry Davis	\$10,000

The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid. No offers were received. This is a vacant lot.

Community Input:

Airport Advisory Committee approved this action.

23. In Rem Remedy

For In Rem Remedy #A - #D, the public purpose and policy is outlined here.

Public Purpose:

- Eliminate a blighting influence in a City Within A City neighborhood
- Reduce the proportion of substandard housing from 2.3% to 1%. (One of the goals of City Within a City is to continue housing preservation efforts.)
- Increase tax value of property by making land available for potential infill housing development.

Policy:

- City Within a City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

The In Rem Remedy items are listed below by category identifying the street address and neighborhood.

Public Safety

- A. 6300 Macon Street (Todd Park)
- B. 1140 Bethel Road (Westover Hills)
- C. 1627-29 Remount Rd. (Pinecrest)
- D. 1633-35 Remount Rd. (Pinecrest)

Public Safety

A. 6300 Macon Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 6300 Macon St. (Todd Park Neighborhood), located in the City Within a City boundaries.

Attachment 17

B. 1140 Bethel Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1140 Bethel Road (Westover Hills Neighborhood), located in the City Within a City boundaries.

Attachment 18

C. 1627-29 Remount Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1627-29 Remount Road (Pinecrest Neighborhood), located in the City Within a City boundaries.

Attachment 19

D. 1633-35 Remount Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1633-35 Remount Road (Pinecrest Neighborhood), located in the City Within a City boundaries.

Attachment 20

CONSENT II

24. Contract with Pfeiffer University

Action: Approve a contract with Pfeiffer University, in the amount of \$122,050, for services provided to the Police Department's Carolinas Institute for Community Policing.

Explanation:

At its December 13, 1999 meeting, Council approved a grant from the U.S. Department of Justice to fund the third year of the Police Department's Carolinas Institute for Community Policing. The Police Department has entered into an agreement with Pfeiffer University to provide office space and part time secretarial support for the Institute staff. Pfeiffer will also provide classroom and computer lab space for the Institute's use. Pfeiffer will also conduct six Neighborhood Action Team Development Seminars for the Neighborhood Action Teams that the City has developed for Grier Heights and Wingate.

The contractual agreement with Pfeiffer University is for \$122,050 for one year. The contract is fully funded by the grant funds from the Department of Justice.

Funding:

Grant funds from the U.S. Department of Justice

25. 1999 General Airport Revenue Bonds - Appropriation of Proceeds

Action: Adopt an ordinance appropriating \$164,268,021.30 of 1999 General Airport Revenue Bonds and \$3,418,624.70 of estimated interest earnings on the bond proceeds.

Explanation:

On August 23, 1999, City Council approved a resolution authorizing the issuance of up to \$200,000,000 in General Airport Revenue Bonds, to fund projects approved in the Airport Master Plan.

On November 1, 1999, the City issued \$102,255,000 in fixed rate General Airport Revenue Bonds, with a term of thirty years at an average interest rate of 6.05%. Part of the proceeds from these bonds will reimburse the City for previously constructed airfield and terminal projects. Additionally, the bonds will fund expansions to Concourses A and D, expand the international arrivals area and construct a new Concourse E, which will include 21 commuter aircraft gates.

On December 2, 1999, the City issued \$88,805,000 in variable rate General Airport Revenue Bonds, with a term of thirty years at an initial interest rate

of 3.95%. Proceeds from these bonds will fund the acquisition of 1,476 acres of land previously approved by Council on April 28, 1997 as part of the 1997 Master Plan.

The difference in the appropriation amount and the issue amount is the associated debt service costs which will be appropriated in the mid-year ordinance along with the other adjustments to the Aviation Debt Service Fund.

26. Land Lease Agreement - LSG SkyChefs

Action: **A. Recommend approval of an amendment to the US Airways Cargo Catering Area lease; and**

B. Recommend approval of a 20-year land lease agreement with LSG SkyChefs for construction of an in-flight catering kitchen.

Explanation:

LSG SkyChefs has secured a 3-year contract with US Airways to provide inflight catering at 14 airports, including Charlotte. In order to meet their contract requirements, SkyChefs has been working with the Airport to identify a site to construct a 40,000 square foot inflight catering kitchen. SkyChefs' preferred site is located adjacent to US Airways cargo & catering operation. The new site will require US Airways to release approximately 2.4 acres of their 8.7 acre site to the City. The City will then lease the 2.4 acres directly to SkyChefs. This site will offer considerable efficiencies for both SkyChefs and US Airways.

The terms of this 20-year lease agreement with SkyChefs are as follows:

- The Airport will provide a 2.4-acre site for SkyChefs to finance and construct a new in-flight catering kitchen, estimated at \$5 million.
- SkyChefs will pay the Airport ground rent (to be adjusted every five years) and other airport charges totaling approximately \$110,000 per year, initially.
- In the event SkyChefs loses their contract with US Airways, the Airport will reimburse SkyChefs for the unammoritized portion of their facility costs and be able to re-lease the facilities to another operator.

Funding:

No funding required.

27. Black & Veatch Contract Amendment

Action: Approve Amendment 4 to a contract with Black & Veatch Engineering for a cost not to exceed \$165,000 for additional water and sewer line design work as a part of the 1997 Annexation. This amendment will increase the contract amount from \$3,444,679 to \$3,609,679.

Explanation:

Amendment 4 with Black & Veatch includes additional water and sewer line design for water and sewer service extensions requested by citizens. Black & Veatch was originally employed to design the off-street sewer required by the 1997 Annexation. Allowing the company to also include the design of adjacent street sewer extensions requested by citizens will expedite the service delivery.

Funding:

Water and Sewer Operating Fund

28. Amend Contract with Charlotte Center City Partners for Center City Circuit Operation

Action: Amend the Contract with Charlotte Center City Partners (CCCP) in the amount of \$360,000 as the City's portion of funding for the Center City Circuit.

Explanation:

This five-month contract amendment will allow future shuttle contracts to be on the City and CCCP's fiscal year cycle. The current contract expires January 31, 2000. This amendment only changes the contract timeframe and will not require any additional funding beyond the \$360,000 remaining in the FY2000 budget for circuit operations. CCCP obtains public and private funding for Circuit operations and contracts with America Charters, Ltd. for route operation. Among the funding partners are Bank of America, First Union, Convention and Visitors Bureau, and Duke Power Company.

Current funding is available through the FY2000 budget. This shuttle service has been reviewed by the MTC. Future funding will be approved through the MTC budget, and City Council, as the Circuit is identified in the 5-year transportation plan.

An oversight group composed of City of Charlotte, CCCP, Bank of America, First Union, Duke Energy, and other Uptown representatives have reviewed shuttle operations and addressed key policy and funding issues for the Center City Circuit over the past year. This group considers route and schedule changes based on usage.

Background:

The Center City Circuit began on March 2, 1998. The service consolidated the Uptown Circuit, a CCCP shuttle which carried approximately 100,000 passengers annually, with Bank of America's Gateway Shuttle, which had annual ridership of 450,000 passengers.

An estimated 660,000 passengers use the Center City Circuit annually.

The Center City Circuit operates weekdays from 7:30 a.m. to 6:00 p.m. with service up to 10:00 p.m. in select areas. The Circuit consists of shuttle buses operating along 4 routes in the uptown area.

Funding:

The FY2000 budget includes \$360,000 for Uptown Circuit operation as part of the Five-Year Transportation Plan

29. Sale of Hazardous Materials Truck

Action: A. Declare a Hazardous Material Truck as surplus; and
 B. Adopt a resolution for the sale of a surplus Hazardous Materials truck to the Lucia-Riverbend Volunteer Fire Department, Mount Holly, North Carolina for \$4,995.

Explanation:

The City Fire Department has replaced this 1986 vehicle and it is fully depreciated. The City is not planning to keep this vehicle because of high maintenance costs and condition. The Lucia-Riverbend Volunteer Fire Department of Mount Holly has an immediate need for this truck. The fair market value, based upon the condition of the vehicle is between \$4,500 and \$5,000. The Lucia-Riverbend Volunteer Fire Department has offered \$4,995 for this purchase.

Attachment 21

Resolution authorizing sale of surplus personal property to another governmental unit

30. SouthPark Small Area Plan

Action: Approve the date of February 28, 2000 to hold a public hearing to receive citizen's comments on the draft SouthPark Small Area Plan.

Explanation:

The Economic Development and Planning Committee requested that City Council hold a second public hearing on the draft plan prior to the Committee making a recommendation. The first public hearing was held on June 14, 1999. The Committee recognizes that there are several new Council members and would like for them to have the opportunity to hear from SouthPark area citizens.

Highlights of the draft plan recommendations include:

- Ensuring that new development and redevelopment meet specific design criteria including the provision of open space, pedestrian orientation, site design, height limitations, and streetscape improvements.
- Encouraging more residential development within the study area. Requiring that a community gathering space be provided as a condition for any expansion of SouthPark Mall.
- Retrofitting major roadway intersections to make them safer for pedestrians.
- Providing better linkages for pedestrians and bicyclists.
- Allowing a limited retail component to be introduced into multi-family developments in specified locations.
- Confining any non-residential expansion to the study area, with no expansion into the surrounding residential areas.
- Developing a transit hub, expanding existing transit service, and linking the SouthPark area to future mass transit.

Committee Discussion:

The Economic Development and Planning Committee began reviewing the draft plan on January 19, 1999, and toured the study area on March 16, 1999.

At the Committee's request, staff provided Council with a presentation of the draft plan at the May 3, 1999 workshop meeting. A public hearing was held on the plan on June 14, 1999.

The Economic Development and Planning Committee, including several new members, received an overview of the plan on December 21, 1999 and is scheduled to tour the study area on January 28, 2000.

City Council received a status report on the draft plan at the January 4, 2000 workshop.

Community Input:

A study group of neighborhood, business and development representatives worked with staff in developing the draft plan. The study group met 14 times between February and November 1998. All meetings were open to the public. In addition, public meetings were held in the community on April 2 and October 12, 1998. City Council held a public hearing on the plan on June 14, 1999. Staff also provided area neighborhood leaders with written updates during the plan development process and included similar information, as well as a summary of the draft plan, on the Planning Commission's web site.

31. Property Transactions

Action: Approve the following property acquisitions (A-H).

For property transactions A-E, the purchase price was determined by an independent appraiser and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired for Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition cost are eligible for Federal Aviation Administration reimbursement.

Acquisitions:

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Lillie M. Meadows
Property Address: * Cathey Drive
Property to be acquired: .410 acres
Improvements: Vacant land
Purchase Price: \$8,400
Zoned: RMH
Use: Vacant land
Tax Value: \$2,100
Tax Code: part of 113-111-21 & part of 113-111-12
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Mary Frances Moss and Marie C. Montgomery
Property Address: 7917 & 7925 Old Dowd Road
Property to be acquired: .987 acres
Improvements: Vacant Land

Purchase Price: \$18,000
Zoned: R3
Use: Vacant Land
Tax Value: \$11,000
Tax Code: 113-361-44 and 113-361-45

- C. **Project:** Airport Master Plan Land Acquisition
Owner(s): Frances Falls
Property Address: 8623 Old Dowd Road
Property to be acquired: .397 acres
Improvements: Three single-family homes
Purchase Price: \$76,000
Zoned: RMH
Use: Residential
Tax Value: \$81,010
Tax Code: 113-107-04
- D. **Project:** Airport Master Plan Land Acquisition
Owners: David and Jeannie Brown
Property Address: 6618 Dixie Road
Property to be acquired: 4.5 acres
Improvements: Single family houses
Purchase Price: \$319,532
Zoned: R3
Use: Residential
Tax Value: \$114,108
Tax Code: part of 141-121-10
- E. **Project:** FAR Part 150 Land Acquisition
Owners: Harvey Max Thomas
Property Address: 4712 Havelock Avenue
Property to be acquired: .747 acres
Improvements: Residential house
Purchase Price: \$87,000
Zoned: I2
Use: Residential
Tax Value: \$81,480
Tax Code: 061-043-12 and 061-043-13
- F. **Project:** Back Creek Tributary to Back Creek Church Road, Parcel #3
Owner(s): Ann Brower Caldwell
Property Address: Caldwell Road
Property to be acquired: 72,674.2 sq.ft. (1.669 ac.) permanent easement plus 65,181.95 sq.ft. (1.497 ac.) temporary construction easement
Improvements: None
Purchase Price: \$18,169
Remarks: The areas are needed for construction of a sanitary sewer line for Back Creek Tributary to Back Creek Church Road. Acquisition price is based on appraisals made in the area.

Zoned: R-3
Use: Single Family
Total Parcel Tax Value: \$14,360
Tax Code: 051-211-07 & 051-212-01

G. Project: Back Creek Tributary to Serve Back Creek Church Road, Parcel #1

Owners(s): William Arther Myers, Jr. & wf., Lucy S. Myers
Property Address: University City Blvd.

Property to be acquired: 16,199.25 sq.ft. (0.372 ac.) permanent sanitary sewer easement plus 9,719 .55 sq.ft. (0.223 ac.) temporary construction easement

Improvements: Trees

Purchase Price: \$15,000

Remarks: The areas are needed for construction of a sanitary sewer line for Back Creek Church. Acquisition price is based on appraisals made in the area.

Zoned: I-2

Use: Industrial

Total Parcel Tax Value: \$859,000

Tax Code: 051-141-04

H. Project: Monroe Road/Sharon Amity Road Improvements, Parcel #28

Owners(s): Crown Castle Atlantic, LLC

Property Address: N. Sharon Amity

Property to be acquired: 419.31 sq.ft. (.009 ac.) permanent easement plus 2,085.54 sq.ft. (0.048 ac.) temporary construction easement.

Improvements: Landscaping buffer

Purchase Price: \$15,700

Remarks: This acquisition is needed for intersection improvements at Monroe Road and Sharon Amity Road. The compensation was established by two independent, certified appraisals.

Zoned: B-1

Use: Office

Total Parcel Tax Value: \$84,650

Tax Code: 163-021-74

32. Meeting Minutes

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

- **December 20, 1999 Zoning Meeting**
- **December 21, 1999 Joint City/County/School Board Meeting**
- **January 4, 2000 Council Workshop & Citizen's Forum**

