

Mayor Patrick McCrory

Nancy Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING

Monday, April 28, 2003

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**

CITY COUNCIL AGENDA

Monday, April 28, 2003

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6:30 P.M. Citizens Forum

Meeting Chamber

7:00 P.M. Awards and Recognitions

Meeting Chamber

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. **SafeLight Management Contract**

Resource: Doreen Szymanski, Transportation

Time: 15 minutes

Synopsis of Presentation:

City Council approved the red light photo enforcement program, Safelight, in January 1998. Since that time, the City has met original program goals and realized significant safety improvements at locations with monitoring.

The current contract expires in May 2003. CDOT released a Request for Proposal on February 4. After a review of six proposals, the selection committee recommends Peek Traffic Systems as the program service provider. The current provider is ACS State and Local Solutions.

While much of the proposed service is similar to current practices, the briefing will focus on proposed changes including:

- Changing camera technology from a wet film system to a more modern digital camera. Photos produced by digital cameras are more cost efficient and will rival those produced by wet film.
- Changing vehicle detection technology from in-pavement loop vehicle sensing to radar detection. This will not require cutting the asphalt, as the current loop system does.
- Consolidating SafeLight offices with Park It! on-street parking offices to improve customer service and oversight of both programs.
- Changing the amount of contractor compensation. Currently, the \$50 citation is split between the contractor and City: \$28 to contractor, \$22 to City. The proposed new rate with digital technology is \$35 to contractor and \$15 to City. Five years ago, the program was new and no one really knew how the program would perform. Since the City's original contract, no other city has received as favorable a contract. To attract qualified vendors for bidding, the compensation arrangement changes were necessary.

Future Action:

Council will consider the contract at tonight's Council Meeting.

2. Arena Update

Resource: Jim Schumacher, Engineering and Property Management

Time: 20 minutes

Synopsis of Presentation:

Existing Buildings - The arena site includes a group of four, existing buildings at the corner of Trade Street and Brevard Street. While the buildings must be removed for a number of reasons (see attachment), the project team has investigated the viability and approximate cost of preserving the building facades for use at another location. Hunt Construction Group has provided an order of magnitude estimate of \$1,500,000 to remove the facades, catalogue and warehouse the materials, and reconstruct them at another location.

Since the arena budget does not include these costs, another party would need to provide the funding and the new location. The schedule would require that the relocation occur during July. With the City Council's consent, the City Manager will invite interested parties, such as the Historic Landmarks Commission and Center City Partners, to determine if they can identify a party that would take ownership of the facades, subject to the above conditions.

Owner's Representative - The planning, design, and construction of any major project requires proactive oversight by the owner of the designers and contractors hired for the project. This role is routinely provided for City building projects by the project management team in Engineering & Property Management. Due to the scope, complexity, and specialized features of a \$200 million sports and entertainment arena, the City Engineer recommends that the staff be supplemented with an individual or firm providing "owner's rep" services. The Engineering staff issued a "Request for Qualifications" and has interviewed two firms/individuals. The recommended firm's qualifications will be outlined at the dinner briefing.

Future Action:

Council will consider award of an owner's representative contract on May 12.

Attachment 1

Issue Paper #2 – Existing Buildings

3. 2003 Housing Trust Fund Multi-Family Rental Request for Proposal-Project Recommendations

Resource: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Time: 20 minutes

Synopsis of Presentation:

The purpose of this presentation is to brief City Council on housing developments that will be recommended for funding commitments, letters of support, and/or waivers of the City's Housing Locational Policy (HLP). The recommendations are based on the review and evaluation of proposals submitted as part of the Housing Trust Fund Request for Proposals process. Neighborhood Development has prepared a 2003 Housing Trust Fund Project Report that includes Impact or Summary Reports for each development.

Impact Reports have been prepared for two developments that fall under the Housing Locational Policy. The two developments are Mayfield Terrace and Rocky Branch II. Mayfield Terrace is located in a prohibited area as determined by the Housing Locational Policy (HLP) and will require a waiver. Mayfield Terrace is a targeted revitalization area, which lends support for a waiver. Rocky Branch II is located in a HLP priority area.

The impact report is a requirement of the HLP that was approved by City Council in November 2001. The analysis includes a project description, neighborhood profile, compliance with land use and neighborhood plan and relating policies, impact on area schools, impact on traffic and related crime data.

Summary Reports have been provided for the other six projects that are exempt from the HLP because they are rehabilitation, elderly, or special needs population housing or Council has already approved a project waiver.

Project rankings are based on the City of Charlotte Housing Trust Fund Request for Proposals for Multi-Family Rental Housing Development and the City of Charlotte Loan and Grant Guidelines for Housing Development as adopted by the Housing Trust Fund Advisory Board. The Housing Trust Fund Advisory Board received a briefing on the projects, rankings and funding recommendations on April 10, 2003.

Future Action:

The Council may permit the recommendations to move forward for a Council decision on May 12, 2003 or refer the recommendations to a Council Committee for additional review. The City must submit its recommendations to the North Carolina Housing Finance Agency by May 31, 2003.

The 2003 Housing Trust Fund Multi-Family Rental Funding Recommendations Report was distributed to Council on April 14, 2003.

4. Connectivity Study Update

Resource: Julie Eldridge, Transportation

Time: 15 minutes

Synopsis of Presentation:

A study of four areas in Charlotte was completed last year to determine what opportunities might exist to improve internal neighborhood connections for pedestrians, bicycles and cars and to gauge the community's support for making those connections. Council emphasized the need for connectivity as a smart growth priority. Connectivity is not proposed for funding in the draft FY2004-FY2008 Capital Investment Plan.

Lessons Learned:

- Bicycle and pedestrian connections are much more acceptable than connections for cars in established neighborhoods.
- Vehicular connections are more acceptable during new land development.
- Connections to schools, parks and greenways receive the most support, but require building partnerships with other agencies.
- All connections involve tradeoffs between improved access for area residents and increased impacts for adjacent property owners. There are few win/win situations with connectivity.

Fears about increased traffic volumes, higher travel speeds and more escape routes for criminals were the most often-cited reasons for not wanting connections. Traffic calming was most-often mentioned as needed to reduce vehicle speeds on existing neighborhood streets. In areas with more concerns about crime, bike/ped connections were feared as creating a "haven for criminals". All projects will require more public participation and introduction of design features that mitigate crime to find support.

Four Ways to Implement Connectivity:

1. As part of land development or new construction
2. When requested by residents or property owners
3. Initiated by staff through existing programs and planning processes. Examples include Small Area Plans, Station Area Plans, or the Sidewalk, Bicycle and Traffic Calming Programs
4. By building partnerships with other government entities. Examples include working with Mecklenburg County to build connections to the Greenway System and County Parks, and with CMS to connect to schools through the School Walkability Program

Future Action:

The consultant's report will be completed by May 2003. CDOT recommends that this topic be forwarded to the Transportation Committee to review the draft policy recommendations.

Further work to be done includes defining partnerships with other agencies, review of the City's zoning ordinances to encourage connections and review of a list of 25 possible connectivity projects.

5. Committee Reports by Exception

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

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

CONSENT

- 6. Consent agenda items 15 through 25 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing and Resolution to Close a Portion of Kirkpatrick Road

Action: A. Conduct a public hearing to close a portion of Kirkpatrick Road, and
B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Policy:

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

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.

Petitioner:

City of Charlotte, Department of Transportation – David McDonald

Right-of-Way to be abandoned:

A portion of Kirkpatrick Road

Location:

Located within the Sedgefield Neighborhood Association beginning from Elmhurst Road continuing northeastwardly approximately 510 feet to its terminus

Reason:

To incorporate the right-of-way into adjacent property owned by Mecklenburg County for the Sedgefield Park Improvement Project. This project will provide a bicycle/pedestrian path connecting the park to the school surrounding the neighborhood.

Notification:

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

Adjoining property owners

Mecklenburg County – No objections

Charlotte Mecklenburg Board of Education – No objections

Neighborhood/Business Associations

Ashbrook Neighborhood Association – No objections

Dilworth Community Development Association - No objections

Rosedale Heights - No objections

South End (Historic) - No objections

Wilmore Neighborhood Association, Inc. - No objections

Aziz World Cultural Resource Center- No objections

Freedom Park Neighborhood Association- No objections

Sedgefield Neighborhood Association – No objections

Brookhill Community Organization- No objections

Kimberlee Apartments- No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 2

Map

8. Public Hearing on Proposed Revisions to the Floodplain Ordinance and Maps

Action: Hold a public hearing on the proposed revisions to the Floodplain Ordinance and Maps.

Staff Resource: Tim Richards, Engineering & Property Management

Explanation:

The purpose of this public hearing is to receive comments on the proposed revisions to the Floodplain Ordinance and Maps. The proposed revisions are recommended by the Storm Water Advisory Committee and City and County engineering staff. Council will consider the revisions at the May 12, 2003 Business Meeting.

The County Engineer administers both City and County Floodplain regulations. As part of this service, Mecklenburg County administers the process of revising the floodplain ordinance and locally adopted floodplain maps for streams in the City. The floodplain ordinance is being revised with minor changes that reflect new Federal Emergency Management Association (FEMA) requirements and to remove wording about the interim maps we have used since January 1999. The revised ordinance will put in place the new maps with the latest available data.

The major revisions to the Floodplain Ordinance and Maps are:

- The maps reflect recent flood studies that result in increases of approximately two-feet in 100-year flood levels.

- The maps reflect a development minimum elevation that is two-feet above the projected flood level (e.g., the two-foot safety factor).

- The ordinance retains the grandfathering rules used across the County (e.g., generally, unless a property has to re-build or renovate greater than 50% of the value of the structure, existing elevations can be used instead of the higher, new elevations).

In addition, the City and County would pursue a comprehensive flood level study of the Catawba River through the statewide remapping program or other study opportunities not funded by the City.

Background:

Mecklenburg County began revising the floodplain maps for streams throughout the county almost three years ago. The maps are being produced by Watershed Concepts, an engineering consulting firm under contract with Mecklenburg County. The initial project did not include producing floodplain maps for the Catawba River. However, a floodplain-remapping project, which included the Catawba River, was completed for Gaston County in 2001 and that information simply transferred onto maps on the Mecklenburg County side of the river. An initial review of the maps indicated the 100-year flood elevations were increasing about 14 feet. In response, Mecklenburg County began an investigation of the large increase in flood elevations along the river.

Many hours of staff, consultant, and property owner time have been spent since May 2001 in an attempt to develop a study that provides accurate, acceptable results. The latest study indicates an increase of about 2 feet (compared with 1979 USGS elevations) in the area of concern on the Catawba River. This compares with an average increase of 1.9 feet on recently revised floodplain maps on other creeks throughout the County. FEMA, property owners, Watershed Concepts and staff accepted this latest study.

Recently, the Catawba River remapping issues have been evaluated by the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC) subcommittee and discussed at the December SWAC meeting. Property owners, staff and members of the SWAC subcommittee as well as the full SWAC have heard the pros and cons of various options.

The two-foot safety factor is in contention, residents prefer a one-foot safety factor. The two-foot safety factor accounts for the lack of certainty in the data available for the study, the inability to predict dam operations on the river and the future development of the 1,800 square mile watershed.

Community Input:

Several public meetings have been held since May 2001 to review issues, study results and resident concerns. Approximately six technical committee meetings and several meetings of the Storm Water Advisory Committee (SWAC) and its subcommittee have addressed these issues. Issues identified during this series of meetings include:

- Some residents prefer a one foot safety factor and feel that earlier in the process staff supported one foot. Staff considered the one-foot option, but issues raised and addressed during the community input process, including review by the technical committee and the SWAC subcommittee, resulted in a recommendation of the two-foot option.
- The remapping process, specifically allowing new SWAC board members to participate late in the process.
- Catawba River residents are in the City's ETJ, where they are regulated by the City, but are not allowed to vote for City Council members. A portion of the area will be annexed this June.

9. Public Hearing on University City Municipal Service District

Action: Conduct a public hearing to receive comments on the proposed creation of the University City Municipal Service District.

Resources:

Edna Chirico, University City Area Council
Matt Bronson, Budget and Evaluation
Tom Flynn, Economic Development

Policy:

Under North Carolina law (G.S. 160A-535 et seq.), Council may define any number of municipal service districts to provide additional services in addition to, or to a greater extent than, those maintained for the entire city. Urban area development projects are one of the municipal services for which a district can be created.

Explanation:

The Chamber's University City Area Council (UCAC) has requested that the City create a municipal service district (MSD) to enhance the economic vitality of the University City area. On February 10, 2003, Council approved the process to consider creation of this MSD and directed staff to prepare a report documenting district boundaries, tax rate and revenue, and plan for providing services. As part of this process, Council is required to hold a public hearing to receive comments on the proposed district.

Background:

MSDs are created to promote economic development through services, programs, and advocacy. MSDs are funded through an assessment on all property owners within the district boundaries. All of the money raised by the MSD assessment must be spent on enhancement programs within that district. The City currently has four MSDs: three in Center City and one in South End. The City contracts with Charlotte Center City Partners and Historic South End, respectively, to provide services in these four MSDs.

Overview

At the January 27, 2003 dinner briefing, the University City Area Council presented a proposal to create a municipal service district (MSD) in the University City area. The creation of an MSD is one of the action steps from the University City Strategic Plan approved by Council on December 9, 2002. The University City Area Council (UCAC) believes that a University City MSD would:

- promote, plan, and fund capital investments such as sidewalks and pedestrian lighting to enhance the economic vitality of the area
- promote and market University City to increase the tax base and create a unique identity for University City
- create an advocacy group to represent area interests and provide enhanced service needs, such as marketing materials, signage, and streetscape planning

These services would be provided by a proposed University City MSD tax rate of three cents per \$100 valuation for the property in the defined MSD area. This three-cent rate would generate approximately \$165,000 based on January 2003 property values, which reflect revaluation.

Boundaries

The University City MSD boundaries are primarily delineated by major transportation and transit corridors, beginning at the Highway 29/49 connector off Interstate 85, and include properties between Interstate 85 on the west, Mallard Creek Church Road on the north, and the rear property line of parcels on the east side of Highway 49.

State law outlines several guidelines for determining boundaries of municipal service districts. Properties within the University City MSD boundaries must satisfy at least one of the following guidelines:

- Location in or surrounding existing or redeveloping concentrations of retail, office, or significant employment-generating uses
- Surrounding major institutional uses, such as a university or hospital
- Location within 1,500 feet of major transportation and transit corridors, except for residential parcels which must be within 150 feet

The MSD boundaries generally exclude residential properties in the University City area that are further than 150 feet from these transportation and transit corridors. However, the boundaries include residential properties immediately surrounding the University Place development as provided under the first guideline. University Place is envisioned as the “downtown” of University City in the University City Strategic Plan and should significantly benefit from services provided by the proposed MSD. The MSDs in both Center City and South End contain residential properties within their boundaries.

At the suggestion of City staff, the University City Area Council (UCAC) considered the exclusion of select residential properties within the proposed MSD after further review of the boundaries, areas receiving most benefit from MSD services, and feedback from property owners. The UCAC recommended that seven residential parcels along Mallard Creek Church Road and North Tryon Street be removed from the MSD due to the properties’ distance from major transportation corridors and concentration of retail, office, and commercial areas. The attached MSD map reflects these revisions.

Future Actions

Following this public hearing, Council will be asked to vote on creating this district at the May 12, 2003 Business Meeting. If approved, Council would set the MSD tax rate as part of the annual budget ordinance to be approved on June 23, 2003. Pursuant to the statutes, Council’s action would be effective on July 1, 2003, at which point the City would enter into a contract with University City Partners, Inc. to provide services funded through MSD revenues. University City Partners is a new non-profit organization being created by UCAC to administer these services pending Council approval of the district.

Community Input:

A subcommittee of the UCAC recommended the proposed boundaries, tax rate, and proposed work plan for a University City MSD, which were then unanimously approved by the full UCAC Board. The UCAC based these recommendations on the service needs of the area and identifying properties that would benefit the most from being in a MSD. Input for the MSD boundaries, rate, and work plan was also generated from University City stakeholder meetings held in November 2002 and February 2003. The UCAC has also received support from major property owners in the district, many of whom will be on the Board of the new University City Partners organization.

As part of the public notification process, approximately 600 letters were sent in late March 2003 to all property owners within the district notifying them of the proposed MSD and public hearing. A legal notice about the public hearing and map of the area was published in *The Charlotte Observer* on April 21, 2003. The City staff report documenting the MSD proposal was also available through the City's Web site.

Attachment 3

Map of proposed University City MSD

Staff report on University City MSD

UCAC proposal for MSD and preliminary MSD work plan

10. Public Hearings and Actions on Installment Payment Contracts for New Arena



- Action:**
- A. Hold a public hearing concerning the installment payment contracts for up to \$200 million for the new arena,**
 - B. Hold a public hearing concerning the installment payment contracts for the new arena for \$16.8 million,**
 - C. Approve two resolutions authorizing the City to enter into installment payment contracts to finance the new arena, and**
 - D. Authorize the City Manager to negotiate and execute an equipment lease agreement with the Charlotte Auditorium-Coliseum-Convention Center Authority.**

Staff Resource:

Greg Gaskins, Finance

Explanation:

On April 14, 2003 Council authorized public hearings related to two installment payment contracts. Council also authorized staff to negotiate installment payment contracts for up to \$200 million and for \$16.8 million to finance the new arena and for up to \$10 million to refinance the 1993 Law Enforcement Center contract at a savings in excess of \$600,000. Approving these resolutions will authorize entering into these installment payment contracts.

The current plan is to issue approximately \$42 million of the \$200 million authorized capacity in May 2003 along with the \$10 million refinancing. Under the current financing plan, the balance will be issued in June 2004.

The equipment lease agreement with the Authority enables the City to receive payments from the Authority that are sufficient to service the \$16.8 million corporate underwriting installment payment contract. The leased equipment will be used by the Authority in carrying out its food and beverage and back of house responsibilities at the arena.

Background:

On November 11, 2002 Council approved an arena financing model and established and appropriated the \$265 million to the Sports and Entertainment Capital Projects Fund. These resolutions are part of the process to provide funding for that appropriation.

Funding:

Sports and Entertainment Capital Projects Fund - Arena
Municipal Debt Service Fund - Refinancing

Attachment 4

Resolutions

Zoning

11. Rezoning Petition #2002-140

Action: Consider decision on Petition #2002-140 by Donald and Linda Anderton for a change in zoning for approximately .585 acres located on the southwest corner of Badger Court and Statesville Avenue from R-8 to B-1.

Staff Resource: Keith MacVean, Planning

Explanation:

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of Mayor and Council, not excused from voting, in order to rezone the property.

This item was deferred from the April 21, 2003 Zoning Meeting due to the fact that the full Council was not present.

The Zoning Committee voted to recommend denial of this petition.

Attachment 5

Zoning Committee Recommendation for Petition #2002-140.

POLICY

12. City Manager's Report

BUSINESS

13. SafeLight Management Contract

Action: Approve a five-year management contract, with the option to extend for two additional one-year periods, with Peek Traffic Solutions to provide a turnkey service for the red light photo enforcement program.

Staff Resource: Doreen Szymanski, Transportation

Policy:

On January 12, 1998, City Council approved the Photo Citation Ordinance. This ordinance allows the Charlotte Department of Transportation to provide a photographic monitoring system for red light violations. Over the past five years, the program has improved safety at intersections where red light running is a problem.

Explanation:

The current *SafeLight* contract expires in May 2003. A new request for proposals was released in February 2003 and six firms provided proposals. A qualifications-based selection process was used to choose Peek Traffic Solutions. Peek was selected and is recommended as the new administrator for the City of Charlotte red light running enforcement program. The term of the new contract is for five years with an option to renew for two additional one-year periods.

Peek Traffic Systems will provide and manage properly trained personnel to successfully carry out the turnkey service for red light photo enforcement.

Services will include providing:

- Installation of intersection cameras
- Monitoring of intersection cameras
- Citation processing
- Citation payment collections
- Excellent customer service to all citizens
- Management through local personnel

The new contract with Peek will include numerous program changes from our current vendor, ACS State and Local Solutions. These include:

- Changing camera technology from a wet film system to a more modern digital camera. Photos produced by digital cameras are more cost efficient and will rival those produced by wet film.
- Changing vehicle detection technology from in-pavement loop vehicle sensing to radar detection. This will not require cutting the asphalt, as the current loop system does.
- Consolidating SafeLight offices with the Park It! on-street parking offices to improve customer service and oversight of both programs.
- Changing the amount of contractor compensation. Currently, the \$50 citation is split between the contractor and City: \$28 to contractor, \$22 to City. The proposed new rate with digital technology is \$35 to contractor and \$15 to City. Five years ago, the program was new and no one really knew how the program would perform. Since the City's original contract, no other city has received as favorable a contract. To attract qualified vendors for bidding, the compensation arrangement changes were necessary.

Revenues from the program tend to fluctuate based upon motorist compliance, road construction, repaving and repair work. Overall, program revenues have declined over time. During 2000, the program issued 51,000 citations and during 2002, the program issued 25,000. The City earned approximately \$3,000,000 over the life of the current contract. Those revenues have supported the program and provided funding for pedestrian and traffic safety enhancements throughout the city and in school areas.

Because revenues have fallen sharply, staff anticipates the City earning approximately \$400,000 a year with the new contract. Revenues are sufficient to maintain a self-supporting program with half the revenue supporting the City's operation of the program and the other half continuing to fund pedestrian and traffic safety projects. The new contract start date is May 3, 2003.

Summary of Proposals:

The City issued a new request for proposals in February 2003. Proposals were received from the following six firms:

- Peek Traffic Systems
- Redflex Traffic Systems
- Mulvihill Intelligent Control Systems
- Nestor Traffic Systems
- Traffipax Safety Systems
- ACS State and Local Solutions

A five-member evaluation committee consisting of three staff members from the City's Department of Transportation, one member of the Charlotte-Mecklenburg Police Department, and one member from Business Support Services evaluated each proposal against criteria established by the RFP. The proposers were evaluated on the following:

- Customer service
- Experience
- Financial stability
- Staffing plan
- Meeting service requirements
- Technology and equipment
- Qualifications
- References
- Financial proposal

The proposal submitted by Peek Traffic Systems received an unanimous, highest rating from the selection committee, based on the RFP criteria.

Peek has been in the transportation industry for over 50 years and is currently providing *SafeLight* services in Greensboro, Wilmington, High Point and Rocky Mount.

Funding:
Self-funded

14. Appointments to Boards and Commissions

Action: Vote on the blue ballots for citizens to serve and give to the City Clerk before this point in the meeting so that she may be prepared to announce the results.

A. BUSINESS ADVISORY COMMITTEE

One appointment beginning April 2003 to serve three years.

Wanda Craig by Council member Lochman

Paul DiPirro by Council member Carter

Eric Kammerer by Council member Tabor

John Silvin by Council members Cannon & Wheeler

Attachment 6

Applications

B. CERTIFIED DEVELOPMENT CORPORATION

Vote for one citizen in the local government category to serve a three year term beginning May 2003.

Phillip Bosché Jr. by Council members Carter and Tabor
Terry Bradley by Council member Cannon
Pamela Wideman by Council member Mitchell

Attachment 7

Application

C. CHARLOTTE-MECKLENBURG PUBLIC ACCESS CORP.

Category: General Public

Vote for one citizen to serve beginning immediately and ending July 2005.

Charlotte Epley by Council member White
Rhonda Gantt by Council member Cannon
Claxton Graham by Council member Carter
Linda Williams by Council member Lochman

Category: Industry/Non-Public Access

Vote for one citizen to serve beginning immediately and ending July 2005.

Marshall Adams by Council member Wheeler
Ronald Bilek by Council member Carter

Attachment 8

Application

D. CITIZENS REVIEW BOARD

Two appointments beginning August 2003 to serve three years.

David Blough by Council member Carter
Charla Fisher by Council member Lochman
Leon Golynsky by Council member White
Lisa Marie Grigg by Council member Mumford
Hattie Hedgepeth by Council member Carter
Sean Johnson by Council member Lochman
Beverly Lawston by Council member Mitchell
Donna Varner by Council member Spencer

Attachment 9

Application

E. CITIZENS TRANSIT ADVISORY COMMITTEE

Vote for one citizen to serve three years beginning July 2003.

David Creech by Council members Carter & Tabor
Catherine Dolan by Council member Mumford
Michael Evans by Council members Spencer & White
David Johnson by Council member Carter
Virginia Woolard by Council member Mitchell

Attachment 10

Application

F. CIVIL SERVICE BOARD

Vote for one citizen to serve a three year term beginning May 2003.

James Samuel by Council members Mitchell & White
Michael Todd by Council member Cogdell

Vote for one citizen to serve an alternate position for three years beginning May 2003.

Derrick Chambers by Council member Mitchell
Eugene Chandler, II by Council member Mumford
Mary Hopper by Council member Carter
James Martin, Jr. by Council member Wheeler
Lawrence Parker, Jr. by Council member White
Michael Todd by Council member Tabor

Attachment 11

Applications

G. HISTORIC DISTRICT COMMISSION

Vote for one citizen representing a resident/owner in Plaza Midwood to serve beginning immediately and ending June 2004.

Gary Frame by Council member Mitchell
Christopher Metzler by Council member Graham
Damon Rumsch by Council member Wheeler
David Stone by Council member Carter

Attachment 12

Applications

H. NEIGHBORHOOD MATCHING GRANTS

Vote for two citizens to serve two year terms beginning April 2003.

Tara Beverly by Council member Mitchell
Roger Coates by Council member Mumford
Diane English by Council member Graham

Amy Farrell by Council member Lochman
David Frazier by Council member Mumford
Jean Greer by Council member Carter
Kevin Gullette by Council member White
Lina James by Council member Cogdell

Attachment 13

Applications

I. PAROLE ACCOUNTABILITY COMMITTEE

Vote for one citizen to serve three years beginning July 2003.

Henry Allison by Council member Carter
David Blough by Council member Lochman
Derrick Chambers by Council member Cannon
Kenneth Marsh by Council member Mumford

Attachment 14

Applications

J. PLANNING COMMISSION

One position to serve three years beginning July 2003.

Michael Bruno by Council member Mitchell
Diane Carter by Council member White
Dorothy Presser by Council member Wheeler
René Schneider by Council member Lochman
Tommy Teague, Jr. by Council member Tabor

Attachment 15

Applications

K. ZONING BOARD OF ADJUSTMENT

One appointment beginning immediately and serving until January 2006.

Jeffrey Davis by Council member Cogdell
David Grindstaff by Council member Lochman
Richard McElrath by Council member Mitchell
Paul Poetzsch by Council member Tabor
Dennis Slade Council member White

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 comply with the Small Business Opportunity good faith efforts.

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

The City's Small Business Opportunity Program's (SBO) 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 advertised as of March 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 contractors and consultants selections follow the Council approved process unless explained otherwise.

CONSENT I

15. Resolution of Intent to Abandon Whitten Street Between Kohler Avenue and Carter Avenue and Set Public Hearing Date

Action: A. Adopt the Resolution of Intent to abandon Whitten Street between Kohler Avenue and Carter Avenue, and

B. Set a public hearing for May 27, 2003.

Attachment 17
Map

16. Resolution of Intent to Abandon Carter Avenue Between Whitten Street and Statesville Avenue and Set Public Hearing Date

Action: A. Adopt the Resolution of Intent to abandon Carter Avenue between Whitten Street and Statesville Avenue, and

B. Set a public hearing for May 27, 2003.

Attachment 18

Map

17. Resolution of Intent to Abandon Street and Set Public Hearing for a portion of Galleria Boulevard and Sardis Crossing Drive

Action:

A. Adopt the Resolution of Intent to abandon a portion of Galleria Boulevard and Sardis Crossing Drive, and

B. Set a public hearing for May 27, 2003.

Attachment 19

Map

CONSENT II

18. Utility Billing Scheduling Software

Action: Approve the sole source purchase of AppWorx scheduling software for \$175,000 to automate and simplify the Utility Management System application batch processing. This purchase includes the initial system, installation, training, and four, one-year consecutive renewal options for maintenance.

Staff Resource: Al Alonso, Business Support Services

Explanation:

The North Carolina bid statute allows sole sourcing when performance or price competition is not available, when a needed product is available from only one source of supply or when standardization or compatibility is the overriding consideration. In this case sole sourcing is appropriate because AppWorx is the only one in the top ten job scheduling vendors recommended by the Gartner Group that is certified to run with Banner, the City's Utility Billing Software.

In October of 1999, the City implemented Banner Utility Billing System. The City runs a 7 by 24 hour operation using this software. Due to the increase in the customer base, the batch processing time takes longer. Currently, software is needed that can pre-schedule jobs to run unattended during the night and on weekends, thereby reducing labor costs. In addition, this software must have event notification to notify appropriate personnel when unexpected events happen and also accept and schedule jobs from interfacing applications.

BSS/IT approached this project by defining the essential issues and solutions. Research was initiated for purchasing the best scheduling software for our needs that would work seamlessly and without modifications and customizations to the base product or to our Banner system.

BSS/IT used the research of the Gartner Group to determine the best software for the City's environment and vendor application. Gartner researched Job Scheduling systems and recommended 10 vendors from which to select. The only vendor out of the 10 recommended by Gartner that was certified to run on Banner was AppWorx. In addition, Appworx is the only vendor that SCT/Indus has certified to run with the Banner Application.

A team made up of the BSS/IT Technical Banner Team and the Finance Functional Banner Team made up test scenarios to test and evaluated a test copy of the software. The scheduler was found to run flawlessly and provided additional functionality. For example, other interfacing jobs can be set to run on the scheduler software with edit and integrity checks.

It is through the testing and evaluation of this product on site, and the unanimous agreement by the Utility Billing Steering committee that staff recommends the purchase of the AppWorx software.

Funding:

BSS/IT, Finance Revenue and CMUD

19. McDowell Creek Wastewater Treatment Plant Change Order

Action: Approve Change Order #2 in the amount of \$287,559 with Hickory Construction Company for additional work at the McDowell Creek Wastewater Treatment Plant.

Staff Resource:

Doug Bean, Utilities

Explanation:

On February 12, 2001, City Council approved a contract with Hickory Construction in the amount of \$6,644,700. This contract will provide for dewatering and temporary storage of biosolids. Upgrades will also be provided throughout the plant including anaerobic improvements, ultraviolet disinfection equipment, final clarifiers, and addition of an automated sludge feed. Change Order #1 for \$97,211 was approved by the City Manager on November 19, 2002 for unforeseen concrete restoration and repair of the structural integrity of anaerobic digester #3.

Change order #2 is for miscellaneous additional work at the McDowell plant to improve existing processes and to prepare for the next expansion of the plant scheduled to begin next year. This work will involve process improvements to the methane gas system for two existing digesters, additional concrete restoration work, spill containment for several chemical feed tanks, an additional conveyor to provide for the installation of a future dewatering belt press, and upgrade of the non-potable water piping system. With this change order, the contract with Hickory Construction will increase from \$6,741,911 to \$7,029,470.

Small Business Opportunity: The construction contract with Hickory Construction Company was approved in February 2001, before the SBD program as initiated. Hickory will subcontract to a women owned painting firm and perform the remaining work with their own forces.

Funding:

Sewer Capital Investment Plan

20. Water and Sewer Service Installations FY02 Contract G Renewal

Action: Approve Renewal #1 with B.R.S., Incorporated for continued installation of FY02 Contract G water and sewer service connections. Renewal #1 will be in the amount of \$2,259,741.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue installation of water and sewer service connections throughout the City of Charlotte and Mecklenburg County. Request for new connections has exceeded the ability of City staff to install these connections in a timely manner. This is the first renewal of this contract and it will allow customers to receive service within four weeks of request.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. It will increase the contract amount for FY02 Contract G from \$2,259,741 to \$4,519,482.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 0%

B.R.S., Inc. complied with good faith efforts.

Funding:

Water and Sewer Capital Investment Plan

21. South Boulevard Phase 2 Storm Drainage Improvements

Action: Approve the agreement for engineering services with CH2M Hill, Inc. for \$566,214.

Staff Resource: Doug Lozner, Engineering and Property Management

Explanation:

The South Boulevard Storm Drainage Improvement Project is a high priority capital project. There have been numerous citizen requests for storm water services due to house, street and yard flooding, severe channel erosion and system failures. Planning for Phase 2 was completed under a separate agreement approved by the City on September 14, 1998 with CH2M Hill for \$282,198.

This agreement will provide design and construction administration services for Phase 2. The project boundaries are, in general, Woodlawn Road to the north, Furman Place to the south, Murrayhill Road to the west and Bradbury Drive to the east.

Funding:

Storm Water Capital Investment Plan

22. Tuckaseegee Road Streetscape Amendment

Action: Approve an amendment for \$129,245 with Woolpert, LLP for design services for Tuckaseegee Road Streetscape.

Staff Resource:

Bruce Miller, Engineering and Property Management

Explanation:

Tuckaseegee Road Streetscape project is identified in the Westside Strategy Plan and will provide enhancements including sidewalks, planting strips and street trees. The City approved the planning contract with Woolpert for \$49,260 on July 11, 2002 for planning services.

This amendment will provide design, construction administration services and extends the project limits from Glenwood Drive to Tennyson Drive. The original contract boundary was from Berryhill Road to Glenwood Drive.

Funding:

Economic Development Capital Investment Plan

23. West Elmwood Cemetery Grounds Maintenance, FY03

Action: Approve third low bidder for \$241,560 with John Todd Landscaping, Inc. for West Elmwood Cemetery Grounds Maintenance.

Staff Resource: Mike Shroyer, Engineering and Property Management

Explanation:

A three-year contract was competitively bid November 14, 2002 to provide grounds maintenance services for West Elmwood Cemetery beginning April 2003. On December 9, 2002, the contract was awarded to Dixie Lawn Service. On April 15, 2003, the City Engineer terminated the contract with Dixie Lawn for failure to perform the work. A performance bond was not required in order to provide small businesses opportunity to bid the work. The bids have since expired; however, staff contacted Roundtree Enterprises, the second low bidder, to determine if they would honor their bid. Roundtree declined. Staff then contacted John Todd Landscaping, the third low bidder, and they agreed to honor their bid. Staff recommends award to John Todd Landscaping for \$241,560.

Funding:

Engineering and Property Management Operating Budget

Summary of Bids:

Dixie Lawn Service	\$209,880
Roundtree Enterprises	\$213,840
John Todd Landscaping	\$241,560
G. W. Looby Landscaping	\$285,516
Carelock's Lawn Service	\$288,288

24. Property Transactions

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

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

Acquisitions:

- A. Project:** Magnolia/Kirkwood Storm Water Project, Parcel # 49
Owner(s): Charles Stephen Sevcik
Property Address: 2120 Kirkwood Avenue
Property to be acquired: 3,453 sq.ft.(.079 ac.) of Permanent Conservation Easement plus 1,882 sq.ft. (.043 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$20,000
Remarks: This acquisition is required for the Magnolia/Kirkwood SWCIP. Compensation was based on an independent, certified appraisal review.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 121-103-19

Total Parcel Tax Value: \$92,570

- B. Project:** The Plaza Streetscape, Parcel # 2
Owner(s): Harris Boulevard Storage, LLC
Property Address: 7339 The Plaza
Property to be acquired: 2,393 sq.ft. (0.055 ac.) of Fee Simple, plus 214 sq.ft. (0.005 ac.) of Permanent Easement, plus 4,308 sq.ft. (0.099 ac.) of Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$27,923
Remarks: This acquisition is required for The Plaza Streetscape Project. Compensation was based on an independent, certified appraisal and an appraisal review.
Zoned: BD-(CD)
Use: Storage Buildings
Tax Code: 105-091-16
Total Parcel Tax Value: \$181,210
- C. Project:** Southwest Water Transmission Main, Parcel # 55
Owner(s): Nick Koutsogoulas and Wife, Crystal Burrell
Property Address: 2219 Toddville Road
Property to be acquired: 5,916 sq.ft. (0.136 ac.) of Permanent Easement
Improvements: Landscape, Sidewalk/Steps, Retaining Wall, Handrails, Parking
Purchase Price: \$12,500
Remarks: This acquisition is required for the Southwest Water Transmission Main Project. Compensation was based on an independent, certified appraisal and an appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 059-091-13
Total Parcel Tax Value: \$80,610
- D. Project:** Southwest Water Transmission Main, Parcel # 41
Owner(s): Durham Memorial Baptist Church
Property Address: 1607 Toddville Road
Property to be acquired: 3,381 sq.ft. (0.078 ac.) of Fee Simple, plus 20,720 sq.ft. (0.476 ac.) of Permanent Easement, plus 5,747 sq.ft. (0.132 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$12,925
Remarks: This acquisition is required for the Southwest Water Transmission Main Project. Compensation was based on an independent, certified appraisal and an appraisal review.
Zoned: R-3 and R-17MF
Use: Church/Office
Tax Code: 059-104-18
Total Parcel Tax Value: \$3,106,880

- E. Project:** Third Street and Baldwin Avenue Intersection Improvements, Parcel # 9
Owner(s): Travel International Auto and Travel Club
Property Address: 1501 East Third Street
Property to be acquired: 5,764 sq.ft. (0.133 ac.) of Fee Simple plus Permanent Easement, plus Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$57,300
Remarks: This acquisition is required for the Third Street and Baldwin Avenue Intersection Improvements Project. Compensation was based on an independent, certified appraisal and an appraisal review.
Zoned: O-2
Use: Office
Tax Code: 125-112-01
Total Parcel Tax Value: \$214,680

Condemnations:

- F. Project:** Studman Branch Sewer Outfall and Force Main, Parcel # 8
Owner(s): Russell A. Davey and Wife, Vicki H. Davey and any other Parties of Interest
Property Address: 14731 Pleasant Hill Road
Property to be acquired: 35,044 sq.ft. sq.ft. (0.804 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Purchase Price: \$2,650
Remarks: This acquisition is required for the Studman Branch Outfall and Force Main Project. 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: Vacant
Tax Code: 217-241-16
Total Parcel Tax Value: \$180,600
- G. Project:** Studman Branch Outfall and Force Main, Parcel # 7
Owner(s): Jeffrey P. Fandal and Kay E. Fandal and any other Parties of Interest
Property Address: Shallow Pond Road
Property to be acquired: 7,733 sq.ft. (0.178 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Purchase Price: \$600

Remarks: This acquisition is required for the Studman Branch Outfall and Force Main Project. 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: Vacant

Tax Code: 217-241-32

Total Parcel Tax Value: \$61,900

H. Project: Studman Branch Sewer Outfall and Force Main, Parcel # 4

Owner(s): James S. Knox(Deceased), Rue A. Knox Trustees under James S. Knox and Rue A. Knox Trust dated March 31, 1995 and any other Parties of Interest

Property Address: Capps Road

Property to be acquired: 65,725 sq.ft. (1.509 ac.) of Permanent Easement plus Temporary Construction Easement

Improvements: None

Purchase Price: \$4,500

Remarks: This acquisition is required for the Studman Branch Outfall and Force Main Project. 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: Vacant

Tax Code: 217-241-20

Total Parcel Tax Value: \$518,100

25. Meeting Minutes

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

- **March 24, 2003 Business Meeting**
- **March 26, 2003 - Budget Retreat**
- **April 7, 2003 - Policy Retreat**
- **April 9, 2003 - Budget Retreat**