

**Mayor Patrick L. McCrory**

Nancy G. 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, February 11, 2002**

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**5:00 p.m.**

**Conference Center**

**Dinner Briefing  
(See Table of Contents)**

**7:00 p.m.**

**Meeting Chamber**

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**



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

### **1. Urban Street Design Guidelines**

**Resource:** Carl Jarrett, Engineering & Property Management

**Time:** 10 minutes

#### **Attachment 1**

### **2. Mayor's Travel and Tourism Task Force Report**

**Resources:** Jim Richardson, Task Force Chair  
Peter Sidebottom, Task Force Vice-Chair

**Time:** 20 minutes

#### **Attachment 2**

### **3. Beaverdam Creek Watershed Study**

**Resource:** Steve Sands, Engineering & Property Management

**Time:** 15 minutes

#### **Attachment 3**

### **4. Sports and Entertainment Complex**

**Resource:** Pam Syfert, City Manager  
Ron Kimble, Assistant City Manager  
Curt Walton, Budget and Evaluation

**Time:** 45 minutes

#### **Attachment 4**

### **5. Committee Reports by Exception**

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

### **CONSENT**

- 6. Consent agenda items 15 through 31 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

### **ZONING DECISION**

- 7. Zoning Petition #2000-09**  
This item will be included in the Friday, February 8<sup>th</sup> Council Manager Memo.

# POLICY

## 8. City Manager's Report

## 9. Sports and Entertainment Complex

**Action:**

- A. Approve the recommended Capital Financing Plan for an uptown sports and entertainment complex;**
- B. Authorize the City Manager to negotiate to purchase land for an uptown sports and entertainment complex; and**
- C. Direct the City Manager to negotiate a lease agreement with the major tenant once the tenant is secured.**

**Focus Area:** Economic Development

**Staff Resources:** Pam A. Syfert, City Manager  
Ron Kimble, Assistant City Manager  
Curt Walton, Budget Director

### **Background:**

On January 7, 2002 Ken Thompson, CEO of Wachovia Corporation, and Ken Lewis, CEO of Bank of America, presented a commitment for \$100 million of private participation in a new sports and entertainment complex. The business community requested a response to their proposal no later than February 11, 2002 in order to work with the NBA during its consideration of the Hornets' relocation application.

The Council directed the City Manager to take the following actions:

- Evaluate potential financing strategies for an uptown sports and entertainment complex;
- Conduct an analysis of potential sites for the complex; and,
- Complete that evaluation and analysis prior to February 11, 2002.

On February 4 the Manager presented a status report on the financial strategy for the City's portion of the project cost, a discussion of the options for placing the facility in Third Ward (Graham/Second/Fourth/Mint Streets), and an overview of four additional sites that are being evaluated for placement of the facility.

### **Explanation:**

#### **A. Approve the recommended Capital Financing Plan for an uptown sports and entertainment complex**

Construction of an uptown sports and entertainment complex without any additional revenue sources and with only one dedicated tourist-related

revenue will require the use of general revenues. General revenues are those that can be used for any governmental purpose without restriction. A portion of general revenues is derived from property taxes, although no property tax increase is recommended. The appropriate and priority use of these general revenues is a Council policy decision.

The City Manager recommends the following financing strategy for the sports and entertainment complex, the total financing capacity of which is estimated to be \$231 million:

- \$50 million from the sale of the existing Coliseum and related parcels and the old convention center. If additional value is necessary to reach \$50 million, Parcel C (part of the original land purchase for the Carolina Panthers' practice fields) will be included. Value in excess of \$50 million goes to the City of Charlotte and is dedicated to this project. The City will receive the funds at closing.
- \$50 million from the underwriting of permanent seat licenses, luxury suite deposits, pouring rights, food and beverage equipment, energy equipment and naming rights. Revenue received in excess of \$50 million goes to the City. Funds will be received at the beginning of construction.
- Approximately \$80 million in debt capacity, supported by \$3.5 million annually from the existing hotel/motel tax.
- \$15.5 million from capital reserve in the Pay-As-You-Go Capital Fund. Approximately \$9 million is currently available. In addition, proceeds from the sale of the Duke Power/City Parking Deck (\$6.8 million) are available for appropriation.
- The City purchased the former City Chevrolet land on East Trade Street in 2001 for \$10.7 million to reserve the land for a future federal courthouse. The land may be sold to the federal government, to Mecklenburg County (which would then swap the land with the federal government), or by upset bid. The financial model for this project assumes the City will recover its \$10.7 million by October 2003.
- \$11 million in Certificates of Participation is available from new, general debt capacity.
- Dedication of the interest earnings from all of these funds to the sports and entertainment complex project.

All of these revenues, except the hotel/motel tax, are considered general revenues and are available for any City project; however, use of these revenues for this project displaces no currently funded City capital project.

**B. Authorize the City Manager to negotiate to purchase land for an uptown sports and entertainment complex**

The City evaluated 5 sites for the placement of the sports and entertainment facility. Analysis of these sites will be distributed on Friday, February 8<sup>th</sup>.

One of the 5 sites is bounded by a relocated Graham Street to the west, Fourth Street to the north, Mint Street to the east and Second Street to the south. The majority of the land is currently owned by Mecklenburg County, RBC Corporation (a subsidiary of Wachovia) and the North Carolina Department of Transportation. On February 5, 2002 the Mecklenburg County Board of Commissioners expressed their continued interest in working with the City to place the facility on land in the vicinity described above, but reiterated its preference that the arena be placed between Graham Street and the railroad tracks. The County did indicate, however, that they were willing to further explore placement of an arena separated from the railroad tracks by a relocated Graham Street as long as a park of at least six acres could be achieved.

This action authorizes the City Manager to negotiate with the County Manager and to bring back to Council for its consideration any agreements reached for the location of the complex on the designated land.

Should location of the sports and entertainment facility on the above reference land prove not to be in both the City's or County's best interests, and following the City Manager's communication of this situation to the Mayor and City Council, then this action further authorizes the Manager to negotiate with land owners on one or more additional sites for purchase of sufficient acreage on which to place the arena and the facilities necessary to support it, such as staging area. The final purchase agreements are subject to Council approval.

**C. Direct the City Manager to negotiate a lease agreement with the major tenant once the tenant is secured**

The City Manager recommends proceeding with the facility only after a major professional tenant is secured. Negotiations to determine a financing plan for the annual operating costs of the building cannot begin until that tenant is identified. Revenues that will be used to offset the \$10 million annual operating costs include, but are not limited to, event revenue, rent from the major tenant, a seat tax (presumed to be 3%), any amount of annual excess from the \$50 million private underwriting commitment and any additional revenues generated as a result of the project, such as development rights or retail leases.

The lease that the Manager negotiates with the major tenant must be approved by City Council.

**Attachment 5**

Answers to Councilmember questions from February 4<sup>th</sup>  
February 4<sup>th</sup> Dinner Briefing presentation

## BUSINESS

### 10. Water and Sewer Revenue Bonds

**Action:** **A. Approve a resolution adopting the bond order that provides for the sale of up to \$185,000,000 of Water and Sewer Revenue Bonds Series 2002A and up to \$140,000,000 of Revenue Refunding Bonds Series 2002B; and**

**B. Approve a resolution authorizing the approval, execution and delivery of various documents in connection with the sale of Water and Sewer Revenue Bonds, Series 2002A and B.**

**Staff Resource:** Greg Gaskins, Finance

**Explanation:**

The current (2002-2006) and prior Water and Sewer Capital Investment Plan includes funding from revenue bonds.

On December 10, 2001 Council authorized staff to take the steps necessary to complete the bond sale for up to \$195,000,000. Funding for the projects is \$175,000,000. Because the City has such high credit ratings the "up to" amount has been reduced to \$185,000,000 to reflect funding for only half of a normal reserve.

Subsequent to December 10, 2001 staff determined that the City may be able to realize interest rate savings by issuing up to \$140,000,000 of refunding bonds to refund a portion of the 1999 and 2000 Water and Sewer Revenue Bonds. The City has set a minimum savings level of 2% net present value or approximately \$2.5 million. The market will determine whether or not the City sells the refunding bonds. If the savings are not there, the bonds will not be refunded.

The bond order and bond resolution are legal documents that Council is required to approve before the City can sell bonds.

**Funding:**

Water and Sewer Capital Investment Plan

**Attachment 6**

List of Projects  
Resolutions

## 11. Ovens Auditorium Renovation

**Action: Approve a \$5 million interest free loan to the Auditorium-Coliseum-Convention Center Authority to renovate Ovens Auditorium.**

**Staff Resources:** Mike Crum, Coliseum Authority  
Curt Walton, Budget and Evaluation

**Explanation:**

The Auditorium-Coliseum-Convention Center Authority and the North Carolina Blumenthal Performing Arts Center have jointly funded a study and design process for renovating Ovens Auditorium. This two-phase project will cost approximately \$5 million. Phase 1 will upgrade the audience chamber aesthetics, acoustics and seating for the disabled. Phase 1 will take place during June-October 2002. Phase 2 will make improvements to the lobby and landscaping of Ovens and will be accomplished in summer 2003.

Renovations will bring the facility up to the standards of the City's other cultural facilities including the Belk Theatre. The renovations will:

- make it very marketable for events and sponsorships;
- reduce operating deficits;
- reduce the Broadway Series "experience gap" between Ovens and Belk Theatre; and
- enhance the theater-going experience for all Ovens' patrons.

In addition to providing maintenance to an important city facility, the renovation promotes an important destination on the southeast transit corridor and strengthens economic development in the area.

The Authority requested a \$3 million loan and a \$2 million grant. After discussion between the Authority and City staff, both agreed to recommend a \$5 million interest free loan for 10 years. The City would forego approximately \$1.5 million in interest earnings over the term of the loan.

Approval of the loan at this time, rather than in sequence with the budget, is to allow Phase 1 to be completed by the opening of the fall performance season in October 2002. The funding source for the loan will be debt service fund balance.

Repayment will be accomplished through a \$1 patron-based renovation fee on Auditorium events and a proposed sponsorship. The loan would be retired in July 2011. Should the loan not be repaid in full at that time, the Authority will pay interest on the outstanding balance at the City's lost opportunity rate. City Council received a briefing of this project on January 28, 2002.

**Funding:**

Debt Service Fund Balance

**Attachment 7**

Handouts from January 28<sup>th</sup> Dinner Briefing presentation

**12. Year 2002 Federal Legislative Program**

**Action: Approve federal work program for The Ferguson Group for the year 2002.**

**Staff Resource:**

Boyd Cauble, City Manager's Office

**Explanation:**

Since 1997, 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 for the congressional calendar year, which corresponds to the annual appropriations process.

On Monday, January 14<sup>th</sup>, Council received a presentation from The Ferguson Group reviewing the results of the federal work program for the year 2001 and the proposed 2002 program. They assisted in getting approximately \$21,000,000 in budget appropriations for the City of Charlotte and Mecklenburg County.

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 the City with timely information regarding potential grant programs that address strategic focus areas.

The attached work program will be the guideline for instructing The Ferguson Group to continue to work on behalf of Charlotte and Mecklenburg County in Washington, D.C. during 2002.

**Funding:**

The City and County each contribute approximately \$95,000 towards The Ferguson Group's annual contract of \$190,000. Approval of this contract will be a part of the budget process.

**Attachment 8**

City of Charlotte and Mecklenburg County Federal Agenda and Action Plan

### 13. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified.**

**A. CERTIFIED DEVELOPMENT CORPORATION**

This item was deferred from the January 14 and January 28, 2002 meetings.

Two citizens to represent a community organization; i.e, anyone who does volunteer work would qualify. Peter Awute is interested in being reappointed; however, he failed to attend any of the committee meetings. A letter from the Staff Advisor is in your attachments. Also, Reverend J. R. Covington has resigned.

These appointments would begin immediately and serve until May 2003.

**Attachment 9**

Applications

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

This item was deferred from the January 14 and January 28, 2002 meetings.

One appointment beginning immediately and serving until June 2003. Must represent a financial organization. Alfredo Marquetti has resigned.

Another appointment beginning immediately, serving until June 2002 and then serving the next full, two-year term to replace Rahman Kahn. In order to broaden the committee representation, the members changed their by-laws to include a general public category, which means anyone is eligible to serve.

**Attachment 10**

Applications

**C. CLEAN CITY COMMITTEE**

One position beginning immediately and serving until June 2004 to replace Thelma Wright, who has resigned.

Three positions beginning immediately and serving until June 2003 to replace Barney Haynes, Cille Holland and Mark Shawl, who have resigned.

One position serving until June 2003 to replace Eric Ritchie who did not fulfill Council's attendance requirements.

**Attachment 11**  
Applications

**14. Appointments to Boards and Commissions**

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

**A. BUSINESS ADVISORY COMMITTEE**

This item was deferred from January 28, 2002 and is a run off between the candidates receiving the most votes.

One appointment beginning immediately, ending April 2002, and then serving the next full, three year term to replace Fred Macholz, who has resigned.

Ray Groth by Councilmembers Lochman & Wheeler  
Derrick Knox by Councilmember Mitchell

**Attachment 12**  
Applications

**B. DOMESTIC VIOLENCE ADVISORY BOARD**

One appointment beginning immediately and ending September 2004 to replace Jennifer Cromwell, who has resigned.

Sherry Barnes by Councilmember Wheeler  
Rhonda Collins by Councilmember Carter  
Lisa Gaye Hall by Councilmember Spencer  
Yolanda Massey by Councilmember Graham  
Jessica Stanley by Councilmember White

**Attachment 13**  
Applications

**C. CONSIDER REAPPOINTMENTS**

There are three citizens who failed to meet Council's 75% attendance requirements. Requests for reappointments include:

**Business Advisory Committee**

Thomas McCracken, Chair, has requested reappointment of Jeffrey Feemster due to his ability to provide new ideas and perspectives, as well as his eagerness to learn and participate.

**Passenger Vehicle for Hire Board**

Evelyn Mitchell missed meetings for medical reasons.

**Transit Services Advisory Committee**

Keith Parker of CATS has requested reappointment of Laura Blue, due to her valuable input to the committee.

**Attachment 14**

Letters requesting reappointment

**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 and are low bid.

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

Disadvantaged Enterprises (DBE) is a federal program primarily used for Aviation and Transit. DBE is race neutral.

**Contractors and Consultants**

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

**CONSENT I**

**15. Various Bids**

**A. Westover Hills Neighborhood Improvement Project E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$882,206 by United Construction Company of Charlotte, North Carolina. This project is one of the 22 neighborhoods identified for improvements under the 2000 bond referendum. The project will include storm drainage, curb and gutter, concrete sidewalk and water line replacement in the Westover Hills Neighborhood, located north of West Boulevard between I-77 and Remount Road.

**B. Transit Bus Tire Lease CATS**

**Recommendation:** The Key Business Executive for The Charlotte Area Transit System (CATS) and the BSS Procurement Services Director recommends the award of a low bid lease agreement to Bridgestone/Firestone of Akron, Ohio for a total amount of \$1,643,503.28. This bid establishes a five-year lease price for the tire requirements for the eight bus vehicle types currently operated by CATS. The price is based on the tire tread wear rates and associate services for 257 buses. Each bus averages 40,000 annual miles.

<b>DBE Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
EPSI	\$164,000	10%	10%

**DBE Compliance:** Yes.

**C. Water and Sanitary Sewer Service Installations– FY 02 Contract D CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$420,990.75 by Foster Utilities, Incorporated of Pineville, North Carolina.

**D. Sanitary Sewer Construction–Coffey Creek Tributary to Shopton Road - Phase 1 CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$529,941.51 by Sanders Construction, Inc. of Belmont, North Carolina.

**E. Water Main Construction–24-Inch Water Main Along Shopton Road West from Westinghouse Boulevard to Rock Island Drive (Phase 2) CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$399,271.75 by Sanders Utility Construction Company, Inc. of Charlotte, North Carolina.

**16. Refund of Property Taxes**

**Action: Approve adoption of a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$18,487.29.**

**Attachment 15**  
Resolution  
List of Refunds

**17. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of South Gardner Avenue**

**Action: A. Adopt the Resolution of Intent to abandon a portion of South Gardner Avenue; and**

**B. Set a public hearing for March 25, 2002.**

**Attachment 16**  
Map

## CONSENT II

### 18. Concord Commuter Bus Service

**Action: Approve an amendment to an existing contract with America Charters, Ltd. in the amount of \$336,550, to include midday and Saturday services for the Concord Express and to extend the contract term to June 30, 2002.**

**Staff Resource:** Keith Parker, CATS

**Policy:**

A goal of Charlotte's Five-Year Transportation Plan is to provide transportation services to the greater Charlotte Area and provide access to Charlotte economic centers where employment is concentrated.

**Explanation:**

This contract amendment will extend the existing agreement four months to allow America Charters, Ltd to continue operating the Concord Express service until CATS completes a competitive procurement for this service. The current contract expires February 28, 2002. CATS will issue a request for proposals for the service in February. Therefore, this amendment extends the period of performance four months through June 30, 2002. This amendment will require an increase in funds for the contract with America Charters, Ltd in an amount not to exceed \$336,550. These funds will also be used to pay America Charters, Ltd. to operate additional midday and Saturday services which were added after the execution of the original contract. Current funding is available through the FY2002 budget. In addition, the City of Concord contributes 50% of the total operating cost of the service.

The Concord Express Service has been operated by America Charters since January 20,1999. The Concord Express has experienced a 23.7% increase in ridership in the first half of FY02 (22,022) over the same period in FY01 (17,802).

**Funding:**

CATS Operating Budget

### 19. Voluntary Annexation - Set Public Hearing Date

**Action: Adopt a resolution setting a public hearing for April 8, 2002 for a voluntary annexation of Hawk Ridge Elementary School and Fire Station 32.**

**Staff Resource:** Jonathan Wells, Planning  
Mike Boyd, City Attorney's Office

**Policy:**

City Annexation Policy and State Annexation Statutes

**Explanation:**

This resolution sets Monday April 8, 2002, as the date for a public hearing on the voluntary annexation of two parcels of land on the south side of Bryant Farms Road in south Mecklenburg.

The purpose of the requested public hearing is to obtain public input on this requested voluntary annexation.

Charlotte-Mecklenburg Schools – the petitioner – owns one of the two parcels, upon which Hawk Ridge Elementary School is located. The City of Charlotte owns the other parcel, upon which Fire Station 32 is built. The annexation which became effective on June 30, 1999 included the area immediately across (to the north of) Bryant Farms Road from these two parcels, such that both parcels are contiguous to the current City limit boundary.

The fire station's location immediately outside of the present City limits is strategic. When constructed in the late 1990's, the fire station was able to serve the adjacent City areas (including that which was annexed in 1999). Moreover, it is located such that it will also be able to serve unincorporated areas to the south, which will eventually be annexed into the City.

The school property contains 17.614 acres and the parcel upon which the fire station is located is 2.709 acres, resulting in a total annexation area of 20.323 acres.

The petitioner requests this action in order to increase the level of emergency service in the event that a request for fire services (which includes first response for medical emergencies) is needed by the school or occupants of the school. Since the school currently lies outside the City limits, it is served by the Carolina Volunteer Fire Department, rather than by the Charlotte Fire Department whose station is located beside the school. Annexation of the school campus into the City limits would enable the nearby Charlotte Fire Department to have emergency response responsibilities, rather than the Carolina VFD, whose station is located at 10101 Providence Road West, which is 2.25 miles from the school.

Since the fire station property is surrounded by the school campus on three sides and by the City limits on the fourth side, the fire station property is a logical extension of this annexation request. To annex the school property without also annexing the fire station property would leave the fire station property outside the City limits and entirely surrounded by properties within the City limits.

City Council will be asked to take action on the voluntary annexation at the conclusion of the Public Hearing on April 8, 2002.

**Attachment 17**  
Certificate of Sufficiency  
Resolution  
Map of Annexation Area

## 20. Baker Two District Office Lease Agreement

**Action: Approve a ten-year lease agreement, in the amount of \$1,280,462.03, between the Charlotte-Mecklenburg Police Department and John Ghiz c/o SouthStone Properties for the Baker Two District Office.**

**Staff Resource:** Capt. Dave Grose, Charlotte-Mecklenburg Police

**Explanation:**

The Baker Two District is moving its office from the Arboretum to the Arbor in the Green Office Condominium Park on Corporate Center Drive near the intersection of Pineville-Matthews Road and Johnston Road. The new location is larger and more centrally located within the district. The office will be 7,810 square feet and will include office space for the South Service Area Major as well as the Baker Two command staff and officers. The facility will also include locker room facilities, a roll call room, and a conference room that can be used for community meetings. The new space will include up to 90 parking spaces. Baker Two is expected to move into the new space in July 2002.

The lease with John Ghiz, c/o SouthStone Properties, is for ten years. The rate for the first two years of the lease is \$13.85 per square foot which is below the market rate of \$18 per square foot for that area of the city. The department was able to negotiate the lower rate because it was able to fund the \$205,819 upfit of the space through its operating budget and assets forfeiture funds. The lease rates, which include common area maintenance, will increase 2% per year in years 3-10 of the lease.

**Funding:**

Police Department Operating Budget, Assets Forfeiture funds

## 21. Arbitrary Profiling Cooperative Agreement and Budget Ordinance

**Action:** **A. Approve a cooperative agreement between the U.S. Department of Justice and the Charlotte-Mecklenburg Police Department for the funding of racial profiling data collection; and**

**B. Approve a budget ordinance appropriating \$151,193 from the Justice Department to support CMPD data collection efforts.**

**Staff Resource:** Paul Paskoff, Charlotte-Mecklenburg Police

### **Explanation:**

Effective January 1, 2002, the Police Department began collecting profiling data on traffic stops, requests for consent to search, and investigative detentions in the field. This data collection is required by state law.

The U.S. Department of Justice has selected Charlotte as one of the cities where it will assist in funding this data collection and analysis. The City's experience will be included in a technical assistance guide that will help other agencies implement or replicate arbitrary profiling data collection programs. Charlotte was selected based on the strength of its proposed data collection protocol.

The Justice Department has given CMPD \$151,193 which will fund:

- two outside consultants to analyze CMPD's arbitrary profiling data
- an intern to assist with data analysis
- electronic handheld data collection devices for motorcycle, bike, and foot patrol officers
- travel for CMPD personnel to a national conference on racial profiling
- printing for data collection forms, arbitrary profiling information packets, and printing of the first year annual report on the data collection findings

The cooperative agreement covers a period from August 1, 2001 through December 31, 2002. There are no matching funds required from the City.

The process for collecting racial profiling data was discussed extensively with a variety of community groups whose input was reflected in the final Police Department policy.

City Council was briefed on arbitrary profiling at the October 1, 2001 workshop.

### **Funding:**

U.S. Department of Justice Grant

**Attachment 18**  
Budget Ordinance  
Arbitrary Profiling Policy Background

**22. Police Assets Forfeiture Funds Appropriation**

**Action: Adopt a budget ordinance appropriating \$591,255 in Police Assets Forfeiture funds.**

**Staff Resource:** Deputy Chief Bob Schurmeier, Charlotte-Mecklenburg Police

**Explanation:**

Federal law allows the Police Department to use funds they receive from seized drug assets for law enforcement purposes. Several times per year, the department identifies needed projects or equipment purchases and requests the appropriation funds from its assets forfeiture accounts.

This ordinance appropriates \$591,255 in assets forfeiture funds for a variety of purposes including:

- a citizen satisfaction survey,
- leased vehicles and electronic equipment for the Vice and Narcotics Unit,
- training of a replacement drug dog, and
- upfitting of the new David Three District Office.

The expenditures are outlined in an attachment.

**Funding:**

Police Assets Forfeiture funds

**Attachment 19**

Police Assets Forfeiture Expenditures  
Budget Ordinance

**23. Municipal Agreement – Left-turn Lane Construction and Resurfacing at Colony Road and Runnymede Lane**

**Action: Adopt a resolution authorizing the Transportation Key Business Executive to execute a Municipal Agreement between the North Carolina Department of Transportation (NCDOT) relating to left-turn lane construction and resurfacing at Colony Road and Runnymede Lane.**

**Staff Resource:** Leon Howe, Transportation

**Explanation:**

This project will coordinate with the private South Park Campus Task Force improvement project and the Charlotte-Mecklenburg Board of Education (CMBE) construction of a new Selwyn Elementary School. The City plans to build a left-turn lane on Runnymede Lane (a State maintained road) at Colony Road, and resurface Runnymede Lane from Colony Road to Sharon Road.

The total project cost is estimated to be \$600,000, with CMBE contributing up to \$200,000 and right-of-way.

The North Carolina Department of Transportation (NCDOT) be provide up to \$170,000 for this project. Therefore, a municipal agreement with NCDOT is necessary.

The Municipal Agreement provides for the City to perform all work for the project with the NCDOT reimbursing a portion of the cost as follows:

Resurfacing	\$70,000
Left-turn lane construction	<u>\$100,000</u>
Total	\$170,000

The left-turn and resurfacing project is currently in the bid phase, with a contract award scheduled for the March 25th Council meeting. Construction is expected to be complete by July 15, 2002.

The format and cost sharing philosophy with NCDOT is consistent with past municipal agreements.

**Funding:**

Transportation Capital Investment Plan

**Attachment**

Municipal Agreement Resolution

**24. Conveyance of Used Office Equipment to Non-Profit Arts Program**

**Action: Adopt a resolution conveying used office equipment to “The Arts Plus Writing Foundation,” a non-profit arts program.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

The City is authorized by state statute to support arts programs. For several years, the Aviation Department has sponsored a visual and literary arts competition for regional students. The competition is called “The Scholastic Arts and Writing Awards.” In addition to paying the expenses for the competition, the Aviation Department has arranged for the display of art works

in the terminal building and provided space for readings by the literature contestants.

Recently, a non-profit corporation was organized for the purpose of sponsoring this arts and writing program. The Airport wishes to assist in transitioning sponsorship from the Airport to the foundation, which is called "The Art Plus Writing Foundation." Therefore, the Airport wishes to convey approximately \$1,350 worth of used office equipment and supplies to the foundation.

- In addition, the City will pay the expenses for the 2002 competition and will allow the foundation to use a small amount of airport office space until June 30, 2003. Thereafter, the City will no longer sponsor (or fund) the competition. The City and the foundation will execute an agreement to that effect.
- All funds for the final year of sponsorship will come from Airport revenues.
- The Airport will continue to display the art works and provide space for readings.

With Council approval, state law permits the City to transfer the office equipment to the foundation without compensation, upon the condition that it continues to be used for the arts program. As a legal formality, the transfer will be structured as a private sale, despite the fact that no money will change hands.

The Airport Advisory Committee recommends this action.

**Attachment 21**  
Resolution  
List of Equipment

## 25. Briar Creek/Woodland Neighborhood Improvement and Cyrus Storm Drainage Improvement Projects

**Action: Approve Amendment #2 for \$131,381 with Woolpert LLP for engineering services for the Briar Creek/Woodland Neighborhood Improvement Project (NIP) and Cyrus Storm Drainage Improvement Project.**

**Staff Resource:** Jim Gerton, Engineering & Property Management

### **Explanation:**

In November 2000, the citizens approved the Neighborhood Improvement Bond referendum to fund the Neighborhood Improvement Program. This program was established to help maintain, stabilize and revitalize neighborhoods through comprehensive infrastructure improvements such as curb and gutter, storm drainage and sidewalks.

Briar Creek/Woodland was identified as one of 22 high-priority neighborhoods. On May 14, 2001, Council approved the original agreement for engineering and storm water planning services for \$153,582. On December 7, 2001, the City approved Amendment #1 for \$93,103 to add storm water planning services for the Douglas Branch project.

This amendment will provide funding to add design services for waterline improvements as requested by Charlotte-Mecklenburg Utilities and design services for the neighborhood improvements.

The construction period will be February 2003 to February 2004.

**Funding:**

Neighborhood and Water and Sewer Capital Investment Plans

## 26. Urban Street Design Guidelines

**Action: Approve the agreement with HNTB North Carolina, P.C. for \$225,000 for consulting services on the Street Design Guidelines project.**

**Staff Resource:** Carl Jarrett, Engineering & Property Management

**Explanation:**

The City of Charlotte has recently embarked upon a Smart Growth initiative designed to re-evaluate the City's approach to growth and development. Related to this initiative are a variety of efforts including:

- Planning for five rapid transit corridors;
- Focusing on better integration of transportation and land use planning;
- Accommodation of bicyclists when designing street improvements; and
- Adding pedestrian and streetscape improvements to public streets.

Together, the above activities suggest the need for updated street design standards, which reflect Charlotte's Smart Growth principles.

This agreement with HNTB will provide funding for services to develop a "Street Design Guidelines" manual. These guidelines will be used in designing streets on City capital improvement projects and private sector land development. The guidelines will provide a range of design choices (such as turning radius, wide sidewalks, pedestrian refuge medians, on-street parking, and lane widths). The guidelines will help staff make design decisions for specific land uses.

CDOT's FY2002 operating budget included \$500,000 for Smart Growth initiatives. CDOT subsequently developed a Smart Growth Plan for part of the funding, which was reviewed and approved by the staff Smart Growth Work

Group in January 2002. The Urban Street Design contract is part of the City's Smart Growth Plan.

**Funding:**

Transportation Operating Budget

**27. Steele Creek Sewer Rehabilitation-Change Order #1**

**Action: Approve Change Order #1 for \$222,300 to the contract with Jones Brothers, Inc. for additional sanitary sewer rehabilitation work at the Steele Creek Receiving Outfall.**

**Staff Resource:** Doug Bean, Utilities

**Explanation:**

On December 10, 2001, City Council approved a contract with Jones Brothers in the amount of \$733,074. This contract will rehabilitate the severely corroded 30-inch diameter Steele Creek Receiving Outfall and associated manholes. Highly concentrated hydrogen sulfide gases from industrial sewer flows have caused the premature degradation of the concrete sewer main which has resulted in substantial pipe failure.

Change Order #1 will allow for the rehabilitation of approximately 1,900 feet of 24-inch sewer force main pipe that was not included in the original contract scope. Significant leaking of the force main was discovered during construction, which has required continuous bypass pumping around the deteriorated pipe. Installation of a cured-in-place pipe liner will eliminate future leaks and protect from corrosion and deterioration caused by sewer gases.

With this change order, this contract will increase from \$733,074 to \$955,374 and the contract time will be extended 30 calendar days.

**Funding:**

Water and Sewer Capital Investment Plan

**28. Water and Sewer Main Construction Street Main Extensions Renewal**

**Action: Approve Renewal #2 for \$848,801.70 with R. H. Price, Incorporated for continued construction of FY01 Contract #109 water and sewer street main extensions.**

**Staff Resource:** Doug Bean, Utilities

**Explanation:**

This renewal will enable Utilities to continue construction throughout the City of Charlotte and Mecklenburg County for applicants who have requested water and sewer main street main extensions.

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 good work. Renewal #1, in the amount of \$848,801.70, was approved by City Council on October 8, 2001. This renewal will increase the contract amount for FY01 Contract #109 from \$1,697,603.40 to \$2,546,405.10.

**Funding:**

Water and Sewer Capital Investment Plan

**29. Sale of City Owned Property Located at 440 Beaumont Avenue**

**Action: Approve the sale of .2380 acres of City owned property located at 440 Beaumont Avenue for \$55,260 (Tax Parcel 080-202-14).**

**Staff Resource:** Doris Moats, Engineering & Property Management

**Explanation:**

On June 14, 2001 City Council authorized advertising this property for sale through the upset bid process. That process is complete and the successful bidder for this property is Christina Jucuzzo.

The appraised value of 440 Beaumont Avenue is \$47,500. This is a residential property zoned R-5, located off of East 7th Street next to the Independence Boulevard sound barrier wall.

This is a buildable lot, which was formerly used for the City Engineering Materials Laboratory.

**Attachment 22**

Survey Map

### 30. Property Transactions

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

**Acquisitions:**

- A. Project:** FAR Part 150 Land Acquisition  
**Owner(s):** Estate of Norma Roback  
**Property Address:** 8421 McAlpine Drive  
**Property to be acquired:** .59 acres  
**Improvements:** single family residence  
**Purchase Price:** \$127,000  
**Remarks:** 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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement  
**Zoned:** R3  
**Use:** Single Family Residence  
**Tax Value:** \$87,780  
**Tax Code:** 141-223-03
- B. Project:** Old Statesville Road Widening, Parcels #10 and #12  
**Owner(s):** Boone Parts & Parts Service Company, Inc.  
**Property Address:** 6501 Old Statesville Road  
**Property to be acquired:** 3,889 sq.ft. (0.089 ac.) of Fee Simple Acquisition plus 6,506 sq.ft. (0.149 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$20,275  
**Remarks:** This acquisition is required for the Old Statesville Road Widening Project. Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-1 and R17MF  
**Use:** Industrial/Vacant  
**Total Parcel Tax Value:** \$574,430  
**Tax Code:** 037-421-06 and 037-421-08
- C. Project:** Old Statesville Road Widening, Parcel #122,  
**Owner(s):** Currin-Patterson Properties, LLC  
**Property Address:** West W.T. Harris Boulevard

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

**Property to be acquired:** 3,970 sq.ft. (0.091 ac.) of Fee Simple Acquisition, Permanent Utility Easement and Permanent Drainage Easement, plus 2,339 sq.ft. (0.054 ac.) of Temporary Construction Easement

**Improvements:** Sign

**Purchase Price:** \$39,955

**Remarks:** This acquisition is required for the Old Statesville Road Widening Project. Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** I-2

**Use:** Industrial/Warehouse/Paint Store

**Total Parcel Tax Value:** \$80,410

**Tax Code:** 037-253-17

### **Condemnations:**

- D. Project:** 2001 Annexation Reames Road Area, Parcel #7,  
**Owner(s):** Earnhardt Equipment, Inc. and Any Other Parties of Interest  
**Property Address:** 9335 Old Statesville Road  
**Property to be acquired:** 17,186 sq.ft. (0.395 ac.) of Permanent Sanitary Sewer and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$8,450  
**Remarks:** This acquisition is required for the 2001 Annexation Reames Road Area 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:** I-2  
**Use:** Single Family Residential  
**Total Parcel Tax Value:** \$217,080  
**Tax Code:** 025-042-08
- E. Project:** Graham Street at Norris Avenue Intersection Improvements, Parcel #14  
**Owner(s):** McCoy Moretz and Any Other Parties of Interest  
**Property Address:** 906 Norris Avenue  
**Property to be acquired:** 938 sq.ft. (0.022 ac.) of Fee Simple Acquisition, Permanent Utility Easement and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$675  
**Remarks:** This acquisition is required for the Graham Street at Norris Avenue Intersection Improvements Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff is recommending condemnation in order to obtain clear title.  
**Zoned:** I-1  
**Use:** Vacant

**Total Parcel Tax Value:** \$217,080

**Tax Code:** 077-091-05

- F. Project:** Old Statesville Road Widening, Parcel #106,  
**Owner(s):** Robin Smith Properties, LLC and Any Other Parties of Interest  
**Property Address:** 8424 Old Statesville Road  
**Property to be acquired:** 8,486 sq.ft. (0.19 ac.) of Permanent Utility Easement and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$17,975  
**Remarks:** This acquisition is required for the Old Statesville Road Widening 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:** I-1  
**Use:** Warehouse/Industrial  
**Total Parcel Tax Value:** \$869,080  
**Tax Code:** 043-222-01
- G. Project:** North Tryon Sidewalk, Package 14, Parcel #8,  
**Owner(s):** Narendrakumar N. Patel and Any Other Parties of Interest  
**Property Address:** 5911 North Tryon Street  
**Property to be acquired:** 2,252 sq.ft. (0.05 ac.) of Permanent Sidewalk, Permanent Utility Easement and Temporary Construction Easement  
**Improvements:** Fences, Floodlights  
**Purchase Price:** \$7,200  
**Remarks:** This acquisition is required for the North Tryon Sidewalk, Package 14 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:** B-2  
**Use:** Motel  
**Total Parcel Tax Value:** \$202,350  
**Tax Code:** 089-203-02
- H. Project:** 2001 Annexation Hucks Road Area, Reames Road, Parcels #1 and #2  
**Owner(s):** K.B. Godley, II, LLC and Any Other Parties of Interest  
**Property Address:** 9440 Bob Beatty Road  
**Property to be acquired:** 40,164 sq.ft. (0.922 ac.) of Permanent Sanitary Sewer and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$16,925

**Remarks:** This acquisition is required for the 2001 Annexation Hucks Road Area, Reames Road 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:** I-1

**Use:** Vacant

**Total Parcel Tax Value:** \$148,650

**Tax Code:** 027-191-12 and 027-191-10

- I. Project:** Central Avenue Streetscape, Parcel #26  
**Owner(s):** Hang Di Ly and Wife, Binh Dang Tue and any other parties of interest  
**Property Address:** 3827 Central Avenue  
**Property to be acquired:** 3,087 sq. ft. (0.071 ac.)  
**Improvements:** None  
**Purchase Price:** \$4,850  
**Remarks:** This acquisition is required for the Central Avenue Streetscape 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:** R22MF  
**Use:** Single Family Residential  
**Tax Code:** 101-161-16  
**Total Parcel Tax Value:** \$72,600
- J. Project:** Airport Master Plan Land Condemnation  
**Owner(s):** Robert D. Hefner ET AL  
**Property Address:** 8601 Walkers Ferry Road  
**Property to be acquired:** 4.02 acres  
**Improvements:** Vacant Land  
**Purchase Price:** \$80,400  
**Remarks:** 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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned:** R3  
**Use:** Vacant Land  
**Tax Value:** \$49,200  
**Tax Code:** 113-133-10

- K. Project:** Airport Master Plan Land Condemnation  
**Owner(s):** Thomas & Candice Ertel  
**Property Address:** 4324 Wallace Neel Road  
**Property to be acquired:** 7.10 acres  
**Improvements:** Commercial Building  
**Purchase Price:** \$650,000  
**Remarks:** The purchase price was determined by four independent appraisers and was reviewed by a fifth 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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.  
**Zoned:** R3  
**Use:** Warehouses  
**Tax Value:** \$381,020  
**Tax Code:** 113-133-25

### 31. Meeting Minutes

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

- **January 14, 2002 Business Meeting**
- **January 22, 2002 Zoning Meeting**