

**Mayor Patrick McCrory**

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

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, July 24, 2000**

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**5:00 p.m.**

**Room 267\***

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

**6:30 p.m.**

**Room 267**

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

**7:00 p.m.**

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

**\*Temporary location due to Council Chamber renovations**

# **2000 Council Retreat Priorities**

## **Top Priorities for 2000**

**Housing Policy and Strategy**

**Community Safety Strategy: Safest City in America**

**Road Improvements**

**Westside Strategy**

## **High Priorities for 2000**

**Business Corridor Revitalization**

**Eastside Strategy Plan**

**Financial Policies**

**Neighborhood Initiatives**

**North Tryon Strategy**

# CITY COUNCIL AGENDA

Monday, July 24, 2000  
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## **5:00 P.M. DINNER BRIEFING ROOM 267**

### **1. New Arena**

**Resource:** Pam Syfert, Curt Walton, Mac McCarley

**Time:** 30 minutes

#### **Attachment 1**

### **2. Rental Car Concessions**

**Resource:** Jerry Orr

**Time:** 15 minutes

#### **Attachment 2**

### **3. Airport Land Acquisitions for Parking**

**Resource:** Jerry Orr

**Time:** 15 minutes

#### **Attachment 3**

### **4. Westover Shopping Center Update**

**Resource:** Stanley Watkins

**Time:** 10 minutes

#### **Attachment 4**

### **5. First Ward Update**

**Resources:** Tom Flynn  
Laura Harmon

**Time:** 15 minutes

#### **Attachment 5**

### **6. Committee Reports by Exception**

**6:30 P.M. CITIZENS FORUM  
ROOM 267**

**7:00 P.M. AWARDS AND RECOGNITIONS  
ROOM 267**

**CONSENT**

- 7. Consent agenda items 22 through 52 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

**Staff Resource:** Julie Burch



## PUBLIC HEARING

### 8. Public Hearing and Adoption of an Ordinance to Change the City Code to Include the Irwin, Sugar, McKee, Back, Six Mile, Clem, Reedy, and Clarke Creek Watershed Floodplain Maps

**Action:** A. Hold a public hearing to receive comments on the proposed floodplain maps and ordinance amendment; and

B. Adopt an Ordinance to amend the City Code to include the Irwin, Sugar, McKee, Back, Six Mile, Clem, Reedy, and Clarke Creek Watershed floodplain maps.

**Staff Resource:** Stephen Sands

**Explanation:**

State law requires the City to conduct a public hearing before adopting floodplain maps and amending an ordinance addressing planning and regulations of development. The purpose of the public hearing is to receive comments on the proposed floodplain maps and ordinance amendments necessary to implement the new standards.

Floodway regulations are designed to prevent further encroachment of structures into the floodplain and provide a basis for federally subsidized flood insurance. Local floodplain regulations are based on Federal Emergency Management Agency (FEMA) maps that illustrate the floodplain and provide flood elevations.

Most of the current maps were originally developed in the 1970's. City Council delegated the day-to-day operation of the City of Charlotte floodplains to Mecklenburg County Storm Water Services. City Council resolves all policy and regulatory issues for the City of Charlotte floodplains. The City and County are currently cooperating with FEMA to re-study and update floodplain maps throughout the City and County.

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

**Community Input:**

Staff organized two community meetings to promote citizen interaction prior to the City Council public hearing. Staff invited approximately 2,800 citizens through direct mailings to property owners adjacent to the floodplain. The format of the meetings provided opportunities for citizens to interact with staff individually, review the new maps, ask specific questions, and express concerns.

The first community meeting occurred June 29, 2000. Staff presented the McKee, Back, Six Mile, Clem, Reedy, and Clarke Creek watershed study results to approximately 15 citizens. The second community meeting occurred July 18, 2000. Staff presented the Irwin and Sugar Creek watershed study results to approximately 25 citizens.

**Citizen Questions and Staff Response**

There were three main questions raised at the community meetings:

- Q. What is the reason for increasing flooding depths?
- A. The flooding depths are increasing due to more accurate computation methods, more accurate field survey, and additional upstream development since the original studies.
- Q. What is the status of the home buy-out program (flood hazard mitigation project)?
- A. A program has been initiated to purchase and remove homes located in the floodway throughout the City of Charlotte. Homes that receive the most severe flooding damages are planned to be purchased first. The program is initially funded with \$2.2 million from Mecklenburg County storm water fees and is matched by a \$9.4 million grant from Federal Emergency Management Agency (FEMA) and the state. This funding level allows for the purchase and removal of 116 homes in cluster locations throughout the city. Potential uses of the purchased property will be discussed with the adjacent neighborhoods and may include natural uses, greenway parks, etc. Property acquisition in these areas is scheduled to occur by summer, 2001. Home removal and re-constructing the floodplain in these areas is scheduled to occur by summer 2002.
- Q. Why did the City of Charlotte stop clearing the creek banks?
- A. The creek bank-clearing program has been reduced significantly because vegetation removal has negative impacts to stream water quality. Federal and state agencies do not allow creek bank clearing without a permit and mitigation of the negative impacts. The current creek bank-clearing program focuses on specific locations of floodplain where significant flood damage can be offset by the clearing.

The Storm Water Advisory Committee (SWAC) supports the updated Irwin, Sugar, McKee, Back, Six Mile, Clem, Reedy, and Clarke Creek Watershed floodplain maps.

**Background:**

The Irwin, Sugar, McKee, Back, Six Mile, Clem, Reedy, and Clarke watershed studies are complete. City Council adopted the McAlpine Creek watershed on February 28. City Council adopted the McDowell, Long, Mallard, and Four Mile Creek watersheds on March 27. City Council adopted the Little Sugar, Briar, and McMullen Creek watersheds on May 22. The remaining watershed studies will be considered for adoption as they are completed over the next year.

**9. Public Hearing to Close McCall Street**

**Action: Open the Public Hearing to close McCall Street and continue the public hearing on August 28, 2000.**

**Staff Resource:** Scott Putnam

**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.

CDOT recommends a continuation of the public hearing to allow the petitioner and affected abutting property owners to resolve issues regarding cost/responsibility of McCall Street pavement removal. Pavement removal at the McCall/Statesville and McCall/Oaklawn intersections and replacement with curb, gutter, and sidewalk is necessary to prevent through traffic from using McCall Street should it be closed by Council.

**Petitioner:**

Charlotte-Mecklenburg Police Department

**Right-of-Way to be abandoned:**

McCall Street (existing paved street)

**Location:**

McCall Street between Oaklawn Avenue and Statesville Avenue

**Reason:**

To ensure the safety of the children crossing the street that are involved in activities at the PAL Center and children playing in the park located between the PAL Center and the Fairview Homes Development. If this street is abandoned, the petitioner will close the street at Oaklawn Avenue and Statesville Avenue and remove the pavement.

**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**

Charlotte Housing Authority – No objection  
Hebrew Cemetery Association of Charlotte – No objection  
Hebrew Benevolent Society of Charlotte – No objection  
Victory Partners, LLC – No objection  
A.L. Hart - No objection

**Neighborhood/Business Associations**

Dillehay Courts Association – No objection  
Friends of Fourth Ward – No objection  
Greenville Home Owners Association – No objection  
Old Greenville Association– No objection  
McCrorey Heights Association – No objection  
Double Oaks Community Organization – No objection  
Druid Hills Association – No objection  
Fairview Homes Residents Organization– No objection

**Private Utility Companies – No objection**

**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 6**

Map

# POLICY

## 10. City Manager's Report

### Attachment 7

Police Redistricting Project  
Monthly Operations Report

## 11. New Arena Resolution



**Action:** Approve the Economic Development and Planning Committee recommendation to adopt a Resolution Directing and Authorizing the City Manager to Negotiate a Proposed Memorandum of Understanding for a New Uptown Arena.

**Committee Chair:** Lynn Wheeler

**Staff Resources:** Pam Syfert, Mac McCarley and Curt Walton

**Focus Area:** Economic Development

### Policies:

- 1996 Parameters for Decision-Making
- 1998 Amending Agreement
- 1999 Property Tax/Referendum Resolution
- 2000 Proposal Framework and Timeline

### Explanation:

The Economic Development and Planning Committee recommends the attached Resolution to guide the development of a Memorandum of Understanding (MOU) for a new uptown area. The Resolution authorizes the City Manager to negotiate a proposed MOU by December 31, 2000. The Resolution provides direction to the City Manager relative to:

- Arena Location, Land and Infrastructure
- Arena Design
- Arena Construction
- Arena Operation and Maintenance/Use Agreement

In addition, the Resolution:

- adheres to all existing Council policy documents;
- reserves Council's right to determine whether and when the City's participation in a new arena project will be subjected to a referendum; and

- does not commit the City Council to accept and approve an MOU negotiated by the City Manager setting forth a development and financing model for a new arena.

**Committee Discussion:**

The Economic Development and Planning Committee met on July 18, 2000. Committee Members Wheeler, Graham, Cannon, and Lochman were in attendance. Council Member Autrey also attended.

The Committee unanimously recommended the attached Resolution. The Committee amended the Resolution as recommended by City staff as follows (amendments indicated by italics.):

- Section B, Part 2: Council will consider securing land (estimated value \$20-25 million), *including a possible long-term ground lease.*
- Section E, Part 3: Facility revenues, *or rental payments determined*, should be allocated through a long-term (25 years) use agreement in light of construction cost contributions and life cycle operations and maintenance allocations.
- Section E, Part 4: Operation and maintenance/use agreements must preserve the structural and economic integrity of Ovens Auditorium and Independence Arena, *as long as operated by the City of Charlotte or the Auditorium-Coliseum-Convention Center Authority.*

The Committee Summary Minutes will be included in the Friday, July 21 Council Manager Memo.

**Funding:**

Costs associated with negotiation of the MOU will be funded from the New Arena capital account which was established in 1997. The balance is \$80,864.

**Attachment 8**

Resolution

**12. Conditional Use Rezoning Process (Zoning Petition 00-107)  
Amendment to City Code**

**Action: A. Approve a text amendment incorporating a purely legislative conditional rezoning process into the zoning ordinance; and**

**B. Direct staff to continue to refine rezoning process.**

**Staff Resource:** Keith MacVean

**Explanation:**

The City Council authorized the Planning Commission to file text amendment petition #00-107 to establish a purely legislative conditional rezoning process if it became available. The enabling legislation authorizing the legislative rezoning process was ratified on July 7, 2000. The public hearing on the text amendment was held on July 17. The Planning Commission voted 11 to 1 to approve the text amendment.

The enabling legislation requires the following legislative rezoning process:

1. Conditional zoning decisions are to be made in consideration of identified relevant land use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents.
2. Prior to the public hearing before the City Council, the petitioner must file in the Office of the City Clerk a written report of at least one community meeting held by the petitioner. Notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by City policy. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held.
3. The City Council may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the City Council holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing and no valid protest petition was filed.

The legislative rezoning process does not require a decision to be based solely on material or information presented during the public hearing. There is no legal limitation or prohibition on the timing, manner, or subject of communications between the public and members of the elected body. An elected official is not prohibited from having or expressing an opinion or position on a legislative zoning prior to the public hearing.

If this action is approved, conditional use rezonings will be heard beginning in September 2000.

Refining the rezoning process involves several actions.

1. Compiling the information received during the three community workshops.
2. This information would be forwarded to the Smart Growth Task Force for review and discussion.
3. Additional community workshops would be held.
4. The recommendations of the Smart Growth Task Force and the information from the community workshops would be forwarded to the Planning Commission.
5. The Planning Commission would then discuss the Task Force recommendations and information before making recommendations to the City Council.

Staff anticipates that by February/March of 2001 this process will be complete.

**Community Input:**

Community workshops were held on May 2, 2000, May 11, 2000 and June 22, 2000. Approximately 230 people attended the May 2 workshop. The agenda included a general overview of why and how the process will be revised and a question and answer session. At the May 11 workshop, approximately 140 people were divided into four groups to discuss the issues and concerns involved with the various structural options. Approximately 85 people attended the June 22 workshop where attendees asked questions and expressed concerns with each of the three structural options.

At each workshop, the participants generally supported the legislative option with some changes. A list of recommendations was submitted to staff by a coalition of neighborhoods that recommended procedural changes to the rezoning process, i.e. notify neighborhood leaders within two miles of the proposed site, notify adjacent property within 1,000 feet rather than 100 feet and others as indicated in the attached list.

**Background:**

On April 17, 2000, Superior Court Judge Ben Tennille issued a decision in the *Massey* case. Judge Tennille ruled that Charlotte did not have the authority to conduct its single-step legislative conditional process. In addition to invalidating the Albemarle Road rezoning decision, Judge Tennille's order effectively prohibits the city from processing any other conditional zoning cases using a purely legislative single-step conditional zoning process.

On April 24 the City Council approved a 90-day process to develop a new conditional rezoning system. The process included a set of guiding principles for developing a new rezoning process. The principles are as follows:



1. Fix what is specifically directed and required by the court case.
2. Complete within 90 days.
3. Create high level of legal certainty for the rezoning process.
4. Maintain an open process with good communication.
5. The product can be implemented in a timely manner.
6. Staff's role is to facilitate defining alternatives and options for elected officials.

Staff has provided numerous updates to Council at dinner meetings, Economic Development and Planning Committee meetings and workshops. Staff held three public meetings for community input and provided individual work sessions and joint meetings for City Council, Board of County Commission and Planning Commission.

#### **Attachment 9**

- Staff analysis
- Application
- Planning Commission recommendation

### **13. Providence Road/I-485 Area Plan Update**



**Action:** A. Approve the Transportation Committee's recommendation to adopt the *Providence Road/I-485 Area Plan Update – Volume I: Concept Plan as amended (Planning Issues #2-#6)*;

B. Decide Planning Issue #1, density for property in the northwest quadrant, which was a tie vote from the Committee; and

C. Receive as information *Volume II: Implementation Program*.

**Committee Chair:** Sara Spencer

**Staff Resource:** Laura Harmon

#### **Explanation:**

Planning staff will make a brief presentation on this area plan update during the meeting. In response to concerns about development around the I-485 interchange at Providence Road, the Mecklenburg County Commission directed Planning Commission staff to update the plan for the area surrounding the interchange. At the time, the interchange was in the zoning jurisdiction of both the City and the County. However, the unincorporated portion of the County is now located within the City's extraterritorial zoning jurisdiction.

The plan is divided into two reports:

- *Volume I: Concept Plan* identifies the planning issues, a vision for the area, and plan recommendations. This is the only document that staff is requesting be considered for adoption.
- *Volume II: Implementation Plan* spells out specific implementation actions needed to realize the vision for the Providence Road interchange area.

The plan recommendations are contained in three sections: Land Use and Community Design, Transportation, and Public Facilities. The recommendations are based on the plan vision which is to create a pattern of livable and sustainable communities around the Providence Road and I-485 interchange. These communities will:

- be predominantly residential, but will include a limited amount of complementary non-residential development,
- be designed in a manner that is compatible with existing neighborhoods,
- be linked together by an interconnected network of streets, pedestrian and bicycle paths, and parks and open spaces,
- incorporate natural features and historic structures into development,
- have a transportation system and the public facilities needed to serve the area, especially the residential neighborhoods, and
- be designed to foster a sense of community.

The Planning Committee of the Charlotte-Mecklenburg Planning Commission approved the draft plan, after making revisions, at their April 1999 meeting. The Mecklenburg County Commission voted to adopt Volume I (Concept Plan), with minor changes, at their August 17, 1999 meeting. The City Council held a public input session to receive public comments on the plan on June 12, 2000.

#### **Committee Discussion:**

Due to the workload of the Economic Development and Planning Committee, this plan update was referred to the Transportation Committee. The Transportation Committee discussed the *Providence Road/I-485 Area Plan Update* at three meetings held on January 10, 2000, January 27, 2000, and June 26, 2000. At the first two meetings, a wide range of issues were discussed including the relationship between the plan and zoning, vehicular access from the interchange, wetlands protection, screening along the interstate, and the area road network.

The committee also discussed specific issues that were identified during the Planning Commission and County Commission adoption process. These issues concerned:

1. a view corridor for the Jonesville AME Zion Church,
2. the appropriate land use for property on the west side of Providence Road, south of Allison Woods Lane, and
3. the appropriate land use for property between Ballantyne Commons Parkway, I-485, and Providence Road, just west of the AME Zion Church.

Further concerns, such as pedestrian connections, environmental protection, housing density, and plan implementation were expressed by citizens and discussed by the committee. The committee also identified the need to add a guideline concerning traffic calming to the Connectivity and Circulation section of the Residential Guidelines.

The committee members in attendance, Sara Spencer, Nancy Carter, Malcolm Graham, and Joe White, voted unanimously at the January 27, 2000 meeting to accept the staff recommendations, with the addition of traffic calming language, and to send the plan to the full City Council for public comments.

The Transportation Committee met again on June 26 and made its final recommendation on the draft plan. Committee members Sara Spencer, Rod Autrey, Nancy Carter, and Joe White attended. Council Member Don Lochman also attended the meeting. The discussion focused on outstanding issues, including issues raised at the June 12 public comment session. The issues discussed and committee recommendations are outlined below. A full discussion and review of staff, Planning Commission, County Commission, and neighborhood recommendations are found in the attachment.

PLANNING ISSUE #1: Desired density for the property located on the south side of Ballantyne Commons Parkway, between the proposed mixed-use center, existing AME Zion church, and proposed middle school (Plan Reference: Site 5 in the Northwest Quadrant).

**Background:**

In the original draft of the plan, staff recommended that this site be developed at 6-8 units per acre, consistent with the Residential Design Guidelines in the plan. This site was located within the County Commission's zoning jurisdiction when that body adopted the plan in August 1999; however, the site is now within the City's extraterritorial zoning jurisdiction.

**Transportation Committee Recommendation:**

There was a 2-2 vote to change the original recommendation for this site from 6-8 units per acre to 8-10 units per acre. The three options the Committee considered were:

1. The Neighborhood and the Initial Staff Recommendation for development at 6-8 units per acre,
2. the Planning Committee of the Planning Commission, County Commission, and Updated Staff Recommendation for 8-10 units per acre, and
3. the Planning Committee Minority Recommendation for 10-12 units per acre.

PLANNING ISSUE #2: Preservation of view corridor between Jonesville AME Zion Church and Ballantyne Commons Parkway (Plan Reference: Site located east of Site 5 in the Northwest Quadrant).

Background:

In the original draft of the plan, staff recommended preservation of a view corridor between the Jonesville AME Zion Church building and Ballantyne Commons Parkway, as long as the site is occupied by a church. Subsequently, staff has also recommended that the view corridor be at least 50' wide.

Transportation Committee Recommendation:

The committee voted 4-0 to recommend a 150' wide view corridor.

PLANNING ISSUE #3: Appropriate land use for the parcels fronting on the west side of Providence Road, south of I-485 (Plan Reference: Site 4 in the Southwest Quadrant).

Background:

The original draft recommended that these properties be developed with Residential at 6-8 units per acre and consistent with the Residential Design Guidelines. A rezoning from single family to office had been submitted to the City Council for the southernmost property prior to the Planning Committee review in April. This rezoning was approved by the City Council in May. The northern parcels remain zoned single family. The subject properties are located within the City.

Transportation Committee Recommendation:

The committee considered this issue in conjunction with Issue #4. The committee voted 4-0 to continue to show the subject properties as appropriate for residential development.

PLANNING ISSUE #4: Appropriate land use for approximately six acres in the southeast quadrant of the interchange (Plan Reference: Portion of Site 1 in the Southeast Quadrant).

Transportation Committee Recommendation:

See recommendation for Issue #3.

PLANNING ISSUE # 5: Wetlands Protection.

Background:

The draft plan recommends that wetlands be incorporated in open space (Plan Reference: Residential and Non-Residential Development Guidelines, Parks and Open Space, Guideline #2c (Residential) and #2b (Non-Residential)). However, citizens have indicated regulations are needed to address wetland protection (See attached letter from Dottie Coplon.).

Transportation Committee Recommendation:

The committee voted 4-0 to not add language to the plan on wetlands, but to ask staff to bring policies and procedures for addressing the wetlands issue on a citywide basis to the full City Council. (See the attached letter from Planning staff for more information on this item.)

**PLANNING ISSUE #6: Rezoning Proposals That Are Inconsistent with the Plan.**

**Background:**

Citizens have requested a new process for rezonings in the Providence Road/I-485 study area.

**Transportation Committee Recommendation:**

The committee voted 4-0 to ask Planning staff to bring to Council policies and procedures to address this issue on a citywide basis. (See the attached letter from Planning staff for more information on this item.)

**Community Input:**

The Planning Commission staff worked directly with an 11-member process steering committee to develop a public input process that would allow extensive public participation in updating of the plan. The input process included nine public workshops over a nine-month period, with typical attendance of over 50 citizens. The input from citizens was critical in the development of the plan recommendations.

**Key issues identified and discussed at the meetings included:**

- the amount and pace of new development,
- development character and the compatibility of new development with existing neighborhoods,
- the loss of trees and open space as the result of development
- area traffic congestion and the inadequacy of the Outer Belt interchange,
- the lack of sidewalks and bicycle facilities, and
- the need for public facilities, especially schools and parks.

At the last two public workshops, the staff's plan recommendations were presented. In addition, the Mecklenburg County Commission received public comments before revising and adopting the plan. The City Council also heard comments on June 12, 2000.

**Attachment 10**

- *Providence Road/I-485 Area Plan Update* Volume I: Concept Plan and Volume II: Implementation Plan
- Issues Identification for *Providence Road/I-485 Area Plan Update*
- Letter from Dottie Coplon identifying Citizen Concerns for *Providence Road/I-485 Area Plan Update*
- Information from Planning staff on Wetland Preservation and Rezonings/Plan Amendments
- Meeting Summary from June 26, 2000 Transportation Committee Meeting

## 14. South District Plan Amendment



**Action:** Approve the Economic Development and Planning Committee's recommendation to amend the South District plan for a portion of the area northwest of the Providence Road and NC Highway 51 intersection.

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Laura Harmon

### **Explanation:**

The Candlewyck Homes Association and Providence Springs Association have submitted a request to amend the South District Plan for the Providence Springs subdivision, located northwest of the NC Highway 51 and Providence Road intersection, for three parcels located between the subdivision and Providence Road. The petitioners are requesting that the plan be amended to show single family at a density of three units per acre for the entire area. The South District Plan, which predates the Providence Springs subdivision, shows the southern portion of these properties as multi-family and the northern portion as single family/multi-family.

Planning staff recommended that the plan for the Providence Springs subdivision be amended to show single family with a base density of three units per acre. Staff also recommended that the plan be revised to indicate single family detached or townhouse development at 4 to 6 units per acre for the three parcels that front on Providence Road. Staff believes that development at 4 to 6 units per acre is consistent with the sites' location on Providence Road within ½ mile of the Arboretum, but that development at this density will also allow a form of housing that can be designed to complement the existing Providence Springs Subdivision.

The Planning Committee of the Planning Commission supported the petitioners' request to change the plan to show the subject properties as single family at a base density of three units per acre. This motion passed by a 4-3 vote, and a minority of the Planning Committee did not support the change.

A full discussion of the plan amendment and a map for the amendment are included in the Attachment.

### **Committee Discussion:**

The Economic Development and Planning Committee met on June 20, 2000 to discuss the proposed plan amendment. In attendance were Malcolm Graham, Don Lochman, Nancy Carter, and Patrick Cannon. Lynn Wheeler was absent. Planning staff provided an overview of the plan amendment request. Citizens that supported or opposed the plan amendment were given time to speak. In addition, David Anderson, chair of the Planning

Commission’s Planning Committee, explained the Planning Commission’s position on the proposed plan amendment.

The committee discussed the amount of multi-family zoning and housing in the area, the pros and cons of mixed housing types, and the potential impact of developing addition housing at a density of greater than three units per acre in the vicinity of Providence Springs. After discussion the Committee voted 3-1 to support the proposed plan amendment to change the South District Plan to indicate single family at three units per acre for the identified properties. Nancy Carter voted against it.

The June 20 Economic Development and Planning Committee Meeting Summary will be included in the Friday, July 21 Council Manager Memo.

**Community Input:**

The two neighborhood associations that submitted the plan amendment expressed concern about the impact of multi-family development in the NC Highway 51/ Providence Road area. They were especially concerned about the impact of multi-family development on Providence Road at the entrance to the Providence Springs subdivision. Representatives of the owners of the three parcels fronting on Providence Road indicated that they wished to amend the plan to allow single family detached housing at a density of up to 6 units per acre. The property owner's representatives also expressed concern that the Candlewyck and Providence Springs neighborhoods had submitted the plan amendment without their input.

**Attachment 11**

Plan Amendment and Map

**15. Hal Marshall Center/Former City Bus Maintenance Property Request For Qualifications**



**Action:** A. Approve the Economic Development and Planning Committee recommendation to approve the timetable for disposal of approximately 11 acres of County-owned property at the Hal Marshall Center complex and approximately 4 acres of adjacent City-owned property; and

B. Authorize Hunter Interests, Inc. to distribute a Request for Qualifications (RFQ) as outlined.

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Dan Thilo

**Policy:** Implementation of the Center City 2010 Vision Plan

**Explanation:**

In April 2000, City Council authorized the City Manager to partner with the County and Charlotte Center City Partners to sell City owned land (bus garage) and County owned land (Hal Marshall Center) for redevelopment. The City, County and the Charlotte Center City Partners have been working together with Hunter Interests, Inc. to develop a process for marketing this land. Solicitation of the property is intended to seek a developer to develop a mixed use "urban village" as outlined in the Center City 2010 Vision Plan:

*North Tryon Urban Village District. As North Tryon Street approaches the freeway; a mixed-use urban village should be developed. Centered on a retail street, this district should offer a cinema as well as art, cultural and entertainment facilities, restaurants, specialty retail and urban service retail such as grocery, hardware and pharmacy stores. Interesting open spaces, with possible connections to an expanded trolley line, are also essential elements. Most importantly, this development should provide a "sense of place" to support the emerging neighborhood around North Tryon."*...

After receiving the responses to the RFQ, staff and the consultant will make a recommendation on which developers should receive an RFP. This recommendation will be based on the following criteria:

1. The respondents' written statement of interest and the role that is sought in the overall development project.
2. The respondents' experience and technical competence in implementing successful projects of a similar nature and scope.
3. The financial capability and commitment of principals and parties included on the development team.
4. The extent to which the project envisioned by the developer conforms with public policy for development in Uptown Charlotte and the North Tryon Street area.

The proposed schedule for this process is as follows:

1. August 2000: Send RFQ to development community
2. November 2000: Council/Commission selection of qualified developers to receive RFP and approval of RFP
3. April 2001: Council/Commission selection of developer to negotiate on sale for redevelopment

The County Commission approved this process on July 11, 2000.

**Committee Discussion:**

The Economic Development and Planning Committee met on July 18. Committee Members Lochman, Wheeler, Cannon and Graham were present. Committee Member Carter was absent.



The Committee unanimously approved the recommended RFQ process and timetable. Committee Members Graham and Cannon asked that an affordable housing component be included to challenge developers and to set an expectation. Tom Flynn said this would be done in the RFP phase. Martin Cramton stated that developers would be expected to provide a full range of housing opportunities.

Committee Member Lochman asked if it is possible to have affordable housing with the high land values. Pam Syfert answered that developers will come back with proposals that will tell us what is feasible on the site.

Committee Member Cannon wants the process to have the definition of affordable to also include retail business space. Ms. Syfert responded that the proposals will be market driven. She said that Council ultimately will have to decide if their proposal is “affordable”.

The Economic Development and Planning Committee Meeting Summary will be included in the Friday, July 21 Council Manager Memo.

**Community Input:**

A community workshop was held in May. Adjacent property owners, architects, developers, City and County Staff, neighborhood representatives and others interested in the future of these sites were in attendance. In addition, Mr. Hunter held sixteen individual one-on-one conversations with organizations, property owners, community organizations, and similar groups that would be directly affected by the development.

**Funding:**

Funding for the solicitation is being shared 1/3 CCCP and 2/3 City and County. Cost for Hunter’s contract is \$15,000. Funds are available from the Asset Management Account.

**Attachment 12**

- Recommended Developer Solicitation Procedure
- Proposed Developer Solicitation Schedule
- Marshall Site RFQ Document (description of sections)
- Draft Planning Principles

## 16. Overstreet Walkway Policy



**Action:** A. Adopt an Overstreet Walkway Policy that allows new overstreet walkways with the following exceptions: walkways that connect new second floor retail; walkways that cross Trade or Tryon Streets; walkways that cross the transit corridor; walkways that connect parking decks to office towers; and walkways that cross the “green” streets (Second, Ninth, Poplar and Davidson); and

B. Approve keeping the overstreet walkway to the Old Convention Center site.

**Staff Resource:** Tom Flynn

### **Policy:**

Sale of the Old Convention Center to LCOR

Implementation of the Center City 2010 Plan 2010 Vision Plan

### **Explanation:**

This proposed policy provides a framework for Council’s decision on the future of the overstreet walkway over College Street to the Old Convention center site. The contract with LCOR requires the City Council to make this decision by the end of the due diligence period, August 20,2000.

To encourage transit ridership, the proposed policy would allow overstreet walkways that connect the transit corridor to office buildings. The proposed policy would also allow overstreet walkways that connect office buildings, unless one of the prohibited circumstances below occurs.

The proposed policy would allow future overstreet walkway connections except in the following circumstances:

- Walkways that connect to new second floor retail. (The Center City 2010 Plan recommends preventing the Overstreet Mall’s expansion and increasing the amount of retail on the ground floors of office buildings.)
- Walkways that cross Trade or Tryon Streets. (These are significant civic streets with a high level of pedestrian amenities and activity already in place.)
- Walkways that cross the Transit Corridor. (This is part of the Transit Corridor Concept Plan adopted by City Council.)
- Walkways that connects parking decks to office towers. (This will encourage greater integration of parking with office development as well as improve parking structure relationships to the street through ground floor uses and design of pedestrian entrances at the street level.)
- Walkways that cross Second, Ninth, Poplar and Davidson Streets. (The Center City 2010 Plan recommends these streets be “green streets”, focused more on pedestrians than the automobile.)

If City Council adopts this proposed policy, keeping the overstreet walkway over College Street to the Old Convention Center site would be justified for the following reasons:

- The retail in LCOR's proposal is all on the street level and focused on the street level. The retail could not be directly accessed from the overstreet walkway.
- This overstreet walkway connection would link the main Center City transit center with the rest of the Overstreet Walkway System.

The City Attorney's Office has determined that TrizecHahn, the owner of Bank of America Plaza, has a perpetual easement for this overstreet walkway. Therefore, if City Council desires to take down this overstreet walkway, TrizecHahn must agree with this request. City staff has discussed this issue with John Murray of TrizecHahn. Mr. Murray indicated a desire to keep this overstreet walkway but is waiting for Council action before making a final decision.

If City Council adopts this policy, staff would use this policy in reviewing plans and requests for overstreet walkway connections and making recommendations to City Council. City Council will still make the final decision on all requests because they involve the lease of City air rights.

**Community Input:**

City staff discussed this issue with representatives of Center City Partners and major Center City employers and developers. They believe that the Overstreet Walkway System is an asset to Center City and provides a competitive advantage to Center City. They have found that the office tenants that lease space in Center City demand the connection between the office buildings. However, they also see a trend of retail back to the street level. Therefore, they support the proposed policy allowing future overstreet walkways to new office buildings but prohibiting the connection of future overstreet walkways to second floor retail. They also suggested that staff review the UMUD Zoning ordinance for other ways to encourage street level retail that promotes pedestrian activity.

**Attachment 13**

Overstreet Walkway System Background

## 17. Civil Service Board

**Action: Approve Council/Manager Relations Committee's recommendation to take no action in response to Civil Service Board Chair Valerie Woodard's letter to the Mayor and Council.**

**Committee Chair:** Susan Burgess

**Staff Resource:** Brenda Freeze

**Explanation:**

Valerie Woodard, Chair of the Civil Service Board, wrote a letter to the Mayor and City Council dated June 1, 2000. Ms. Woodard stated that in her opinion the Reverend James Samuel, a member of the Civil Service Board, made disruptive comments in a Board hearing on May 24, 2000 that were insulting to the Chair, Vice Chair and the other parties in the hearing. Ms. Woodard also said that Reverend Samuel spoke to the media on behalf of the Board after the hearing when the Board had taken a vote in December 1999 that specified the Chair of a hearing would be the media spokesperson. She asked that disciplinary action be taken against Reverend Samuel.

On June 5 City Council referred this matter to the Council/Manager Relations Committee.

**Committee Discussion:**

The Council/Manager Relations Committee met to discuss this matter on July 5, 2000. In addition to Committee Members Burgess, Carter, Lochman, and Mitchell, Councilmembers Cannon and Castano were also present. Committee Member Joe White was absent. The Committee was provided with the Court Reporter's transcript of the portion of the Civil Service Board Hearing that was the subject of Ms. Woodard's letter. The audiotape was also played for the Committee. Some Councilmembers felt Reverend Samuel was actually defending Ms. Woodard and meant no disrespect to Ms. Woodard or her position as Chair.

The Committee concluded 4-0, with Councilmember White absent, not to take any action against Reverend Samuel. They also suggested that the Civil Service Board hold a retreat, and that the guideline for speaking to the press be included in the written policy and procedures of the Civil Service Board.

**Attachment 14**

Council-Manager Relations Meeting Summary

## BUSINESS

### 18. Convention Center Hotel and Parking Garage



**Action:** Authorize the City Manager to execute the Parking Space Management Agreement with StarPort in an amount not to exceed \$2.7 million annually.

**Staff Resource:** Tom Flynn

**Policy:**

Develop strategies to support the Convention Center parking and hotel development and facility expansion plans.

**Explanation:**

In November 1999 City Council approved a Parking Space Management Agreement with StarPort for the management of the 500 city-owned spaces in the Convention Center Hotel Parking Garage. This agreement requires the City to pay up to \$2.5 million per year. This revenue stream would allow StarPort to raise \$25 million in debt. StarPort would repay this amount to the City annually from the net revenues of the project after hotel and parking debt and normal operating expenses are paid, but before any return on equity is paid.

Due to significant changes in the capital markets since November 1999, the annual City payment required to support \$25 million in debt now exceeds \$2.5 million. Therefore, City Council is requested to authorize the City Manager to execute a Parking Space Management Agreement in an amount not to exceed \$2.7 million annually. The exact amount will be set when the hotel financing is closed some time in early to mid-August.

This modification does not affect the rest of the Hotel Development Agreement. The City still:

- Contributes \$16 million
- Owns 500 parking spaces
- Owns the meeting facilities
- Obtains 600 room block commitment
- Obtains a trolley stop

The Hotel project needs the \$25 million in debt supported by the Parking Space Management Agreement in order to meet the banks' terms for lending StarPort \$75 million. The \$25 million is also needed to meet the returns expected by the equity providers.

The Parking Space Management Agreement includes the following safeguards to mitigate the City's risk:

- Cash flow guarantee by the parking deck operator

- Projected debt service coverage of 2 to 1 in the first year, and the project can only be refinanced if the debt service coverage is 2 to 1 or greater.
- A Letter of Credit of up to \$2 million during the first five years for the City to call on if the City is not repaid.
- A refinancing cannot increase the projects' debt above \$75 million.
- An escrow account funded out of available project revenues at a rate of \$12 million annually during years 6 to 10. The City can call on this account if the City is not repaid.
- The City receives a second mortgage on the parking deck.

The Parking Space Management Agreement includes the following incentives for the developer to terminate the agreement and end the City's obligation to pay the amount up to \$2.7 million, as soon as possible:

- The payment to the escrow account is before equity is paid.
- The debt ceiling of \$75 million.
- New ownership would want clean title to the garage (i.e. Eliminate the City's second mortgage on the parking garage.

### **Funding:**

The funds for the City's payment of the Parking Space Management Agreement will come from the 1% Prepared Food and Beverage Tax and second 3% Hotel/Motel Tax. These funds can only be used for Convention Center purposes. The up to \$2.7 million City payment is repaid to the Convention Center Fund from hotel cash flows in two payments a year.

## **19. Airport Rental Car Concessions and Non-Tenant Rental Car Fees**



**Action: Adopt an Ordinance to amend Chapter 4, Article 5 of the City Code to increase Non-Tenant Rental Car fees from 6% to 10%.**

**Staff Resource:** Jerry Orr

### **Explanation:**

The Airport generated \$72 million last year in rental car business for ten companies. Eight of these companies (Alamo, Avis, Budget, Dollar, Hertz, National, Payless and Triangle) have concession agreements with the Airport that expired in 1998. These concessions were extended by Council on a month-to-month basis until they could be rebid. The concessionaires pay the airport 10% of their gross revenues in concession fees.

Two off-airport companies (Thrifty and Enterprise) do not have concession agreements with the Airport, but serve Airport customers from facilities located immediately adjacent to Airport property. Pursuant to the Airport's Ground Transportation Ordinance, these off-Airport rental car companies pay the Airport 6% of their gross revenues from Airport-generated business. All

cessionaires and off-Airport rental car companies pick up and deliver their customers at the terminal in rental car shuttles.

The Airport, with City Council concurrence, is ready to solicit bids for nine new rental car concessions. (The other company, Payless, is a disadvantaged business enterprise (DBE) operation which has a different bid process.) This will allow both Thrifty and Enterprise to become on-Airport concessionaires, if they submit qualifying bids.

In connection with the rebid of the rental car concessions, the City Manager and the Aviation Director recommend that the City's Airport Ground Transportation Ordinance be amended to increase the non-tenant rental car fees from 6% to 10% for the following reasons:

1. Most Airport customers have made reservations before they get off the plane and do not require check-in at the terminal rental car counter. Instead, they go to the curb to catch a shuttle bus to the rental car service center.
2. Although off-Airport rental cars do not have a counter in the terminal, they are allowed to have an advertisement and courtesy phone in the rental car counter area in the terminal.
3. Although there is little operational or competitive advantage to being on-Airport, the concessionaires must pay 10% of their gross receipts to the Airport compared to 6% for the off-Airport concessionaires.
4. These circumstances create a business environment that may create an incentive for on-Airport companies not to bid and to become an off-Airport rental car company paying only 6%. For example, if Avis, Hertz, or National chose not to bid, the Airport would lose between \$575,000 - \$850,000 per year in concession revenues because of the fee differential.

This action will define the local climate for this highly competitive business for the next five years and is necessary to define the parameters of the bid process for perspective rental car bidders.

The Airport Advisory Committee recommends this action.

**Background:**

On February 22, 1993, Council adopted an ordinance to regulate commercial ground transportation services at the Airport. At that time, it was recommended that off-airport rental car companies be charged 8%. Council approved a phase-in of 5% of gross the first year and 6% the second year.

On April 12, 1993, Council awarded 5-year concession agreements to seven (7) companies (Alamo, Avis, Budget, Dollar, Hertz, National, and Triangle) based on a competitive bid process.

On April 13, 1998, the Airport made a presentation to City Council and proposed to extend the contract of the DBE operator (Payless), rebid seven in-terminal spaces, and impose an 8% fee on off-Airport operators. Council discussions suggested the Airport should investigate the opportunity to add 2 additional in-terminal spaces.

On April 27, 1998, Council approved the contract extension for the DBE Operator, extended the seven in-terminal rental car concessions and eliminated their minimum annual guarantee, and referred to Restructuring Government Committee for study to determine if additional rental spaces could be added in the terminal.

On October 11, 1999 Council approved the Restructuring Government Committee's recommendation to bid nine on-airport car concessions and maintain the off-airport fee of 6% (staff recommended 8%).

## 20. Appointments to Boards and Commissions

**Action: Vote on the blue paper ballots and give to Clerk at Dinner.**

### A. AIRPORT ADVISORY COMMITTEE

One appointment to serve three years. The Appointee must be a resident of the west side of Charlotte.

Deborah Forbes by Councilmember Castano

Brian Porras by Councilmember Autrey

James Roddey, Jr. by Councilmembers Cannon & Mitchell

### Attachment 15

Applications

### B. BUSINESS ADVISORY COMMITTEE

One appointment beginning immediately and ending April 2001.

Christopher Diamond by Councilmember Mitchell

Kami Hostetler by Councilmember Autrey

Kathryn Lawrence by Councilmember Spencer

Mike Spinelli by Councilmember White

### Attachment 16

Applications

### C. CITIZENS REVIEW BOARD

Two appointments for three years each beginning in August.

Tiara Able by Councilmembers Cannon & Mitchell



Reuben Blalock by Councilmember Autrey  
Harold Cogdell by Councilmembers Graham & Cannon  
Mack Gadsden by Councilmember Castano  
Deborah Jackson by Councilmembers Burgess & Carter  
Carolyn Millen by Councilmember Spencer  
Manuel Perez by Councilmember Burgess

**Attachment 17**

Applications

**D. MINORITY/WOMEN'S BUSINESS DEVELOPMENT**

Two appointments in the open category, serving two years each.

Victor Alexander by Councilmember Mitchell  
Martin Delgado by Councilmember Carter  
Ron Fisher by Councilmember Cannon  
Terry Fullard by Councilmember Graham

**Attachment 18**

Applications

**E. PLANNING COMMISSION**

One position beginning immediately and ending June 30, 2001.

Julie Chiu by Councilmembers Graham and White  
Warren Cooksey by Councilmembers Castano, Lochman & Wheeler  
Joel Randolph by Councilmember Cannon  
Bill Strain by Councilmember Autrey

**Attachment 19**

Applications

**F. WASTE MANAGEMENT ADVISORY COMMITTEE**

One recommendation to the County Commission for a position beginning immediately and ending September 30, 2001.

James Lovett, Jr. by Councilmember White  
Carolyn Minnich by Councilmembers Carter & Spencer  
Steven Thomas by Councilmember Castano

**Attachment 20**

Applications

## 21. Motion for Closed Session

**Action: Adopt a motion to hold a closed session pursuant to G.S. § 143-318.11(3) for the purpose of conferring with the City Attorney concerning Massey, et al v. City of Charlotte and Albemarle Land Company, LLC lawsuit.**

## Introduction to CONSENT

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

Consent I consists of routine items that have been approved in the budget, are low bid, and have met MWBD criteria.

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE – African American

ABE – Asian American

NBE – Native American

HBE – Hispanic

WBE – Non-Minority Women

Contractors and Consultants

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

## CONSENT I

### 22. Various Bids

#### A. Johnston Road Extension - Phase 1

**E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$2,135,521.88 by Blythe Development of Charlotte, North Carolina. This project consists of constructing a new four-lane, median-divided roadway and utilities from the I-485 Interchange to McAlpine Creek. This is the first phase of a two-phase project connecting Highway 521 to Highway 51. The anticipated completion date for the opening is 2003.

| <b>MWBD Status:</b> | <b>Amount</b> | <b>% of Project</b> | <b>Project Goals</b> |
|---------------------|---------------|---------------------|----------------------|
| BBE                 | \$84,500      | 4%                  | 4%                   |
| WBE                 | \$53,073      | 3%                  | 2%                   |

**MWBD Compliance:** Yes.

**B. Central City Sidewalk Repair E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$272,435.00 by KIP Corporation of Charlotte, North Carolina. This project will help correct pedestrian trip hazards within the Central Business District. The work consists of repairs to existing sidewalk, related infrastructure repairs, and the addition of wheel chair ramps.

| <b>MWBD Status:</b> | <b>Amount</b> | <b>% of Project</b> | <b>Project Goals</b> |
|---------------------|---------------|---------------------|----------------------|
| BBE                 | \$0           | 0%                  | 2%                   |
| WBE                 | \$0           | 0%                  | 1%                   |

**MWBD Compliance:** Yes. KIP Corporation will self-perform.

**C. Trinity Neighborhood Improvement, Phase 1 E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$842,558.08 by 7-Star Construction of Rock Hill, South Carolina. This project will consist of concrete curb and gutter, sidewalk, driveways, asphalt pavement overlay, storm drainage, and waterline construction within the Trinity Park Neighborhood. This neighborhood is located off Beatties Ford Road and is adjacent to Hornets Nest Park.

| <b>MWBD Status:</b> | <b>Amount</b> | <b>% of Project</b> | <b>Project Goals</b> |
|---------------------|---------------|---------------------|----------------------|
| BBE                 | \$842,558.08  | 100%                | 6%                   |
| WBE                 | \$0           | 0%                  | 4%                   |

**MWBD Compliance:** Yes.

**D. Resurfacing, FY2000 B E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$818,471.30 by Crowder Construction of Charlotte, North Carolina. This annual contract includes traffic control, asphalt base failure repair, and resurfacing on approximately 4.8 miles of City streets. Also included is manhole/water valve adjustments; and construction of wheel chair ramps.

| <b>MWBD Status:</b> | <b>Amount</b> | <b>% of Project</b> | <b>Project Goals</b> |
|---------------------|---------------|---------------------|----------------------|
| BBE                 | \$55,920      | 7%                  | 4%                   |
| WBE                 | \$5,400       | 1%                  | 3%                   |
| HBE                 | \$0           | 0%                  | 1%                   |

**MWBD Compliance:** Yes. Crowder Construction met the Good Faith Efforts.

**E. Irwin Creek Aerial Replacement at Stewart Creek CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$446,754.00 by R.H. Price, Inc. of Charlotte, North Carolina. This project consists of steel gravity sewer pipe, aerial pipe support structures and various other appurtenances to be installed within existing sanitary sewer rights-of-way.

| MWBD Status: | Amount    | % of Project | Project Goals |
|--------------|-----------|--------------|---------------|
| BBE          | \$0       | 0%           | 3%            |
| WBE          | \$446,754 | 100%         | 2%            |

**MWBD Compliance:** Yes. R. H. Price is a certified WBE and will self-perform on this project.

**F. 24-Inch Water Main along Nations Ford Road CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$288,783.60 by R. H. Price, Inc. of Charlotte, North Carolina. This project consists of water pipe, one fire hydrant, and various other appurtenances to be installed within the road rights-of-way of Nations Ford Road, Olympic Street, Downs Road, Crompton Street and Forsyth Hall Drive.

| MWBD Status: | Amount       | % of Project | Project Goals |
|--------------|--------------|--------------|---------------|
| BBE          | \$0          | 0%           | 7%            |
| WBE          | \$288,783.60 | 100%         | 6%            |

**MWBD Compliance:** Yes. R. H. Price is a certified WBE and will subcontract to another certified WBE.

**G. Water and Sewer Main Construction-FY01 Contract #101-Street Main Extensions CMU**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$882,989.70 by R.H. Price, Inc. of Charlotte, North Carolina. This project consists of gravity sewer line, erosion controls, various pipes, manholes, and other appurtenances.

| MWBD Status: | Amount       | % of Project | Project Goals |
|--------------|--------------|--------------|---------------|
| BBE          | \$0          | 0%           | 5%            |
| WBE          | \$882,989.70 | 100%         | 6%            |

**MWBD Compliance:** Yes. R.H. Price is a certified WBE and will subcontract to other certified WBE's.

**23. Business Privilege License Refund**

**Action: Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of \$107.50.**

**Attachment 21**

- Resolution
- List of Refunds

**24. Order of Collection for Ad Valorem Taxes**

**Action: Adopt an order of collection empowering the Office of the Tax Collector to collect the City's ad valorem taxes.**

**25. Set a Public Hearing Date for Adoption of the Revised Tree Ordinance**

**Action: Set a public hearing on August 28, 2000 to hear comments on the adoption of the revised Tree Ordinance.**

## CONSENT II

### 26. General Obligation Bond Authorization

- Action:**
- A. Introduce a bond order for \$57,500,000 of Street Bonds;**
  - B. Introduce a bond order for \$40,000,000 of Neighborhood Improvement Bonds; and**
  - C. Approve a resolution to authorize \$57,500,000 of Street Bonds and \$40,000,000 of Neighborhood Improvement Bonds. Approval of the resolution includes:**
    - 1. Designating Finance Department staff to file the Sworn Statement of Debt with the City Clerk; and**
    - 2. Setting the City Council meeting on August 24, 2000 as the time for a public hearing concerning the bond orders.**

**Explanation:**

On June 26, 2000 Council approved resolutions authorizing staff to proceed with actions necessary to conduct a general obligation bond referendum for these bonds.

These bond orders authorize the type and amount of bonds to be placed on the November 7, 2000 Referendum and shall take effect when approved by the voters.

These bond orders authorize a tax sufficient to pay annual principal and interest on the bonds and confirm that a sworn statement of the City's debt is on file with the City Clerk for public inspection. The existing tax rate is projected to be sufficient to pay debt service on these bonds when they are issued.

The City's FY2001-2005 CIP includes projects to be funded by these bonds.

**Funding:**

Municipal Debt Service Fund Revenues

**Attachment 22**

List of Projects

**27. Airport Special Facility Financing**

**Action: Approve a Series Resolution authorizing the issuance of up to \$40,000,000 in Airport Special Facility Revenue Bonds for the purpose of funding projects for US Airways.**

**Explanation:**

Approval of this resolution is necessary to satisfy legal requirements.

Debt service on these bonds will be paid entirely by US Airways.

Projects to be funded:

|  |                     |
|--|---------------------|
| Upgrade Air Conditioning Units for 35 Gates      | \$ 2,450,000        |
| Concourse B Club Renovation                      | 550,000             |
| New Envoy Lounge                                 | 1,300,000           |
| Maintenance Hangar Renovations                   | 1,000,000           |
| Modifications to Accommodate New Airbus Aircraft | 4,628,000           |
| Line Maintenance Facility                        | 10,000,000          |
| Crew Training Facility                           | <u>12,884,000</u>   |
| Total  | <u>\$32,812,000</u> |

The balance of the funding (\$7,188,000) is for a reserve, issuance expense and contingency. This is consistent with other bond financings. The actual amount of debt to be issued will be determined at the time of sale.

**Funding:**

US Airways will pay debt service on the bonds.

**28. 1999 General Airport Revenue Bonds-Bond Redemption**

**Action: A. Adopt an ordinance transferring \$6,825,000 of 1999 Series D General Airport Revenue Bonds to the Debt Service Fund; and**

**B. Adopt an ordinance to return \$2,047,032 of previously appropriated Airport funds.**

**Explanation:**

On December 2, 1999, the City issued \$88,805,000 in variable rate Series D General Airport Revenue Bonds. Proceeds from these bonds will fund the acquisition of land previously approved by Council on April 28, 1997 as part of the Airport's 1997 Master Plan. It was the intent of the City to redeem up to \$60,000,000 of these bonds upon the receipt of Federal Grants, over a period of nine years. On November 22, 1999, the City accepted \$6,824,532 of federal funds, representing the first in a series of Federal Grants which will be utilized in the redemption of the Series D Bonds. This action is needed to



transfer Bond Funds to the Debt Service Fund, which will be used to redeem a portion of the outstanding debt.

On November 1, 1999, the City issued \$102,255,000 in fixed rate General Airport Revenue Bonds. Proceeds from these bonds will fund various construction projects, and provide permanent funding requirements for the Airport's 1987 and 1997 Part 150 Programs. During the late 1980's, City Council approved the appropriation of Airport Funds, to accelerate the implementation of the Airport's Part 150 Program, pending receipt of federal funds and permanent financing. Currently \$2,047,032 of Airport Funds remain appropriated in the Airport's Part 150 accounts. This action is needed to transfer Airport Funds to their original source due to the Part 150 Program being fully funded.

**Funding:**

Aviation Revenue Bonds and Fund Balance

**29. Utility Agreement-Charlotte Outer Loop (I-485) Resolution**

**Action:** Approve a resolution to authorize the Key Business Executive for Transportation to execute a Utility Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) relating to the Construction of Charlotte Outer Loop (I-485) from: North of Wilkinson Boulevard to north of I-85; South of Camp Stewart Road to Rocky River Road; and Rocky River Road to University City Boulevard (NC 49).

**Explanation:**

The construction of the Charlotte Outer Loop requires certain utility relocations/adjustments.

The Municipal Agreements provide for the NCDOT contractor to perform water and sewer line adjustment and relocation work for the project with costs reimbursed by the City.

The estimated cost to the City is as follows:

|  |                  |
|--|------------------|
| North of Wilkinson Blvd. to north of I-85 -      | \$396,309        |
| South of Camp Stewart Rd to Rocky River Rd -     | \$213,768        |
| Rocky River Rd to University City Blvd. (NC 49)- | <u>\$356,630</u> |
| <b>Total:</b>                                    | <b>\$966,707</b> |

**Funding:**

Water and Sewer Capital Investment Plan

### 30. Resolution Authorizing the Chief Executive Officer of CATS to Enter into a Funding Assistance Agreement with NCDOT

**Action:** Adopt a resolution authorizing the Chief Executive Officer of Charlotte Area Transit System (CATS) to enter into an agreement with the North Carolina Department of Transportation (NCDOT) for funding assistance for the Commuter Register Project.

**Explanation:**

On June 2, 2000, the North Carolina Board of Transportation approved funding assistance for the Commuter Register project in the amount of \$300,000. In order to execute the grant agreement, NCDOT requires a formal resolution authorizing the City of Charlotte to enter into an agreement with NCDOT.

### 31. Magnolia/Kirkwood Storm Drainage Improvement

**Action:** Approve the agreement for \$551,400 with W. K. Dickson & Co., Inc. (WKD) for engineering design services for Magnolia/Kirkwood Storm Drainage Improvement Project.

**Explanation:**

Magnolia/Kirkwood is a Capital Improvement Project to reduce house and street flooding along with stream bank erosion. On June 22, 1998 Council approved the agreement with WKD for \$113,382 for planning services. This agreement will provide funds for design services to address the flooding and erosion.

**MWBD:**

WBE: 1%

**Funding:**

Storm Water Capital Investment Plan

### 32. Arrowood Road/South Tryon Street Sidewalk

**Action:** Approve the agreement for \$101,957 with Concord Engineering & Surveying, Inc. (Concord) for engineering design services for Arrowood Road/South Tryon Street Sidewalk Project.

**Explanation:**

Funding for Arrowood Road/South Tryon Street Sidewalk Project was included in the 1998 voter-approved bonds.

This agreement will provide engineering design services for a new sidewalk on one side of Arrowood Road from Bramblewood Road to Forest Pine Road, and on one side of South Tryon Street from Kingman Drive to Tyvola Road.

**MWBD:**

HBE 1.9%

**Funding:**

Transportation Capital Investment Plan

**33. Mapping and Surveying Services**

**Action: Approve Amendment #1 to the agreement with Aero-Dynamics Corporation for \$156,901 for mapping services for the City of Charlotte and Mecklenburg County.**

**Explanation:**

The City and County cooperatively fund and procure mapping and surveying services for infrastructure improvements in the City and County. In June 1997, the City of Charlotte and Mecklenburg County entered into, and the City Council approved, a Reciprocal Mapping and Survey Related Services Joint Understanding Agreement.

The Agreement with ADC was approved on May 8, 2000, for \$245,710.33 and provided mapping and surveying services for the City and County. The City's portion was \$125,710.33, which services included preparation of topographic map sheets, and surveying for three City projects.

Amendment #1 will provide mapping and surveying services for two additional City projects.

**MWBD:**

HBE: 100%

**Funding:**

Transportation Capital Investment Plan

**34. North Tryon Street Police Substation and Library**

**Action: Authorize the City Manager to negotiate and enter into a Development Agreement with the Charlotte-Mecklenburg Public Library for the design and construction of a joint facility to be occupied by the Police Department and the Public Library.**

**Explanation:**

In the FY2001 budget, Council approved \$2 million for a new police district station in the David Three area. The Charlotte Mecklenburg Public Library had also planned a new branch in this area. A jointly occupied facility would be of benefit to both the Police and the Library. It would enhance the redevelopment of this area of North Tryon Street and would facilitate service delivery.

The intent of the agreement will be to share the cost of the land, design and construction of the facility. The final allocation of costs will be determined at the end of the project and be based on the actual amount of space used by each party.

The Library will hold and administer the contracts with the design firm and the contractor. During the design phase, Engineering & Property Management, Police, Budget, and Planning will review and approve the plans on the City's portion of the building. The Library will receive formal bids for the construction and follow MWBD guidelines.

Council will not be asked to award the design or construction contracts.

City and Library staff will also negotiate an Operation and Maintenance Agreement for this building. Council will be asked to approve this agreement in the fall of 2000.

Staff expects the design to be complete in March 2001 with construction beginning in the summer of 2001. The project should be complete in the fall of 2002.

**Background**

The project is located at 4101 North Tryon Street within walking distance of the Hidden Valley neighborhood.

Police will occupy approximately 10,000 square feet, or about 45% of the building.

**Funding**

Pay-As-You-Go Fund

**35. Federal Aviation Administration Navigational Aid Lease**

**Action: Approve a 20-year lease agreement with the Federal Aviation Administration (FAA) for use of Airport property for four Fixed Target Reflectors for the two parallel runways.**

**Explanation:**

The Federal Aviation Administration (FAA) provides, installs, and maintains navigational aids at the Airport. The Airport is required under the terms of the FAA grant assurances to provide sites for FAA facilities at no cost.

The FAA has requested that a 20-year lease be executed with the City for the sites for four Fixed Target Reflectors (FTRs). The FTRs will be located on the approach ends of each of the parallel runways.

The Airport Advisory Committee recommends this action.

**36. Resolution Accepting NCDOT Grant for Aviation**

**Action: A. Adopt a resolution accepting a North Carolina Department of Transportation (NCDOT) grant in the amount of \$400,000; and**

**B. Adopt a budget ordinance appropriating the grant.**

**Explanation:**

The North Carolina Legislature appropriated \$11.7 million to the NCDOT Division of Aviation to be disbursed by the Aeronautics Council to the state's airports. Charlotte's allotment from this fund is \$400,000. This grant will fund a portion of the construction of the commuter ramp expansion and airfield lighting system projects.

**37. Baggage Claims Conveyor Replacement**

**Action: Approve award of a construction contract to Stearns Airport Equipment Co. of Dallas, TX in the amount of \$565,813 for manufacture and installation of five baggage claim conveyors.**

**Explanation:**

The baggage claim conveyor systems located in Zones B and C were installed in 1982 as part of the original terminal. The belts and mechanical components are routinely in need of repair due to age and continual usage. This contract is for the design, manufacture, and installation of five-baggage claim conveyors in Zones B and C in the baggage claim area. The cost will be repaid through airline rates and charges. Replacing these conveyors will reduce downtime and provide better service for arriving passengers.

Stearns was the lowest responsive bidder. Van Der Lande was deemed unresponsive because their proposed baggage claim devices did not meet the technical specifications determined by the Airport's baggage design engineer, Brier Needles & Patrone.

The Airport Advisory Committee recommends this action.

**Summary of Bids:**

|                         |            |
|-------------------------|------------|
| Van Der Lande           | \$526,300* |
| Stearns                 | \$565,813  |
| G & T Conveyer Co. Inc. | \$610,658  |
| Rapistan                | \$815,270  |

\*Deemed unresponsive

**Funding:**

Aviation Capital Investment Plan

### 38. Change Order-Ramp “E” Expansion

**Action: Approve a change order with Talbert & Bright, Inc. in the amount of \$109,848.80 for additional engineering design work on the expansion of Ramp “E”.**

**Explanation:**

On September 13, 1999 City Council awarded an engineering design contract in the amount of \$574,000 to Talbert & Bright, Inc. to design the expansion of Ramp “E”. This original design included the aircraft parking ramp and a portion of the underground fuel system. The new contract amount will be \$683,848.80. The ramp expansion will accommodate the Concourse “D” expansion and new Concourse “E”. This change order will cover extra design fees for additional underground hydrant fueling for Concourse "E" and additional ramp for Concourse "E".

**Funding:**

Aviation Capital Investment Plan

### 39. Three-County Wastewater Reclamation Facility

**Action: Approve Charlotte-Mecklenburg Utilities participation in Task Order #4, for \$117,917, for the development of an Environmental Impact Statement (EIS) and an Interbasin Transfer Petition (ITP) in connection with the proposed Three-County Wastewater Reclamation Facility (WWRF).**

**Explanation:**

Charlotte-Mecklenburg Utilities (CMU), Union County and the Water and Sewer Authority of Cabarrus County (WSACC) have a Memorandum of Understanding to participate on a Regional Wastewater Treatment Facility,

known as the Three-County Regional Wastewater Reclamation Facility. This request is to approve funds for preparation of an Environmental Assessment and an Interbasin Transfer Petition as a part of the project. Each entity has agreed to share in the cost of a Professional Services Agreement between CH2M Hill Engineers and WSACC (the contracting agency) for these services.

The above referenced Memorandum of Understanding states that CMU will share in the cost of the services to prepare the EIS and IBT. The apportionment of costs by each entity is illustrated in the following chart.

Task Order No. 4

| Task            | Mecklenburg      | Union            | Cabarrus        | Subtotal         |
|-----------------|------------------|------------------|-----------------|------------------|
| EIS Preparation | \$83,517         | \$83,517         | \$83,516        | \$250,550        |
| IBT Preparation | \$34,400         | \$34,400         | N/A             | \$68,800         |
| <b>TOTAL</b>    | <b>\$117,917</b> | <b>\$117,917</b> | <b>\$83,516</b> | <b>\$319,350</b> |

The fee for the EIS will be shared equally by the three counties, amounting to \$83,517 each. The fee for the IBT will be shared by CMU and Union County, amounting to \$34,400 each, since there is no Interbasin Transfer required to serve Cabarrus County. Payment of the CMU share for this phase of work will be remitted directly to WSACC.

Phase I of the project was a Feasibility Study for the regional WWRF to serve Mecklenburg, Cabarrus, Union and Stanly Counties. Phase II was a more detailed study to refine the proposed service areas (limited to serving Mecklenburg, Cabarrus and Union Counties) and evaluate institutional, engineering and environmental impacts. Phase III was the Preliminary Water Quality Model Study to be used as a basis for design.

Future phase(s) include refinement of inter-agency agreements and the selection of the type of wastewater treatment method(s).

Council was briefed on Regional Wastewater Treatment Agreements at the February 7, 2000 dinner meeting.

**Funding:**  
Sewer Capital Investment Plan

#### 40. Removal, Hauling and Disposal of Biosolids-Irwin Creek Wastewater Treatment Plant

**Action: Approve the service contract with Haren Construction Company, Inc. for the removal, hauling, and disposal of biosolids from Irwin Creek Wastewater Treatment Plant in the amount of \$ 1,498,350.**

**Explanation:**

The contract will provide labor and materials necessary to remove, haul and dispose of approximately 120,000 tons of biosolids from the Irwin Creek Wastewater Treatment Plant. The biosolids were produced during a time of changing regulations in the 1970's and were stored at the plant site while Utilities' land application program was developed. The material does not meet current land application standards and therefore must be disposed of at the BFI landfill. This disposal contract is part of CMU cleanup effort at the wastewater treatment plants.

The contract also includes restoration of the area affected by the removal and hauling process.

**Funding:**

Sewer Capital Investment Plan

#### 41. Sewer Flow Monitoring Program-Design and Implementation Services

**Action: Approve a contract for \$121,120 with Frazier Engineering, P.A. for design and implementation of a sanitary sewer trunk line flow monitoring program.**

**Explanation:**

Over the past few years, Charlotte Mecklenburg Utilities has worked to reduce and eliminate sanitary sewer overflows (SSO's) in the system. CMU must also try to anticipate unusually high sewer flows caused by rain events. Sanitary sewer flow monitors provide information for future planning and assist operations in anticipating unusual circumstances in the sanitary sewer system.

Currently, there are twelve monitors located in the sanitary sewer system. CMU has purchased an additional twelve flow monitors that will provide a more comprehensive view of the system. In addition, the new monitors will be able to also measure other parameters such as pH to signal wastewater treatment plants of other potentially hazardous or unusual wastewater that may be coming to the treatment plant.



The agreement with Frazier Engineering will provide for the installation of the flow monitoring equipment, maintenance (both existing and new), data retrieval, reporting, and training of CMU staff.

**MWBD:**

WBE: 17%

**Funding:**

Sewer Capital Investment Plan

**42. Rate Agreement for Maintenance Services at Sugar and Irwin Creek Wastewater Treatment Plants**

**Action: Approve a maintenance rate agreement with Expert Services, Intl., LLC and Energy Erectors, Inc. for providing maintenance service at the Sugar and Irwin Creek Wastewater Treatment Plants.**

**Explanation:**

Utilities recently completed a managed competition process for the operation and maintenance of the Sugar and Irwin Creek Wastewater Treatment Plants. City staff's proposal was accepted and a five-year Memorandum of Understanding (MOU) has been approved for the work. Staff's proposal included outsourcing maintenance of instrumentation, controls, and electrical equipment. Services contracts were negotiated with Expert Services Intl., LLC for maintenance of the instrumentation and controls systems and with Energy Erectors, Inc., for electrical maintenance. Both contracts were negotiated as part of the managed competition process.

The service agreements establish rates for time and materials required to perform the required work. Funding of both services is included in the staff proposal and MOU.

Rates in this agreement are valid through June 30, 2005, which is the term of the staff MOU.

**MWBD:**

HBE: 56%

**Funding:**

Sewer Operating Budget

**43. Reedy and McKee Creek Sanitary Sewer Basin-Engineering Services Contract**

**Action:** Approve a contract for \$302,240 with Woolpert LLP for preliminary planning and design services of sanitary sewer facilities to serve the Reedy Creek and McKee Creek Basins.

**Explanation:**

This contract will provide for planning and preliminary design services of sanitary sewer facilities to serve the Reedy Creek and McKee Creek Basins in east Mecklenburg County has implemented. A need for sewer service is based on anticipated growth and projected wastewater flow in this area.

**MWBD:**

WBE: 4%

**Funding:**

Sewer Capital Investment Plan

**44. North Mecklenburg Water Treatment Plant Clearwells and Upgrade**

**Action:** A. Approve a Budget Ordinance appropriating \$1,400,000;

B. Award a contract to Hickory Construction Company of Hickory, North Carolina for their low multi-prime bid for general construction of \$12,283,000; and

C. Award a contract to Southern Industrial Services of Charlotte, North Carolina for their low multiple prime bid for electrical construction of \$721,287.

**Explanation:**

This project will allow construction of two additional clearwells at the North Mecklenburg Water Treatment Plant. These clearwells will increase the plant capacity to more efficiently meet future water projection needs. Two high service pumping units will also be added which will allow the plant to pump a larger volume of water into north Mecklenburg to meet the increasing peak hourly demands during the summer period.

**Hickory Construction**

| MWBD Status: | Amount   | % of Project | Project Goals |
|--------------|----------|--------------|---------------|
| BBE          | \$0      | 0%           | 5%            |
| NBE          | \$0      | 0%           | 1%            |
| WBE          | \$38,945 | .312%        | 5%            |

**Southern Industrial**

| MWBD Status: | Amount    | % of Project | Project Goals |
|--------------|-----------|--------------|---------------|
| BBE          | \$0       | 0%           | 5%            |
| HBE          | \$111,302 | 15%          | 5%            |

**MWBD Compliance:** Yes. Hickory and Southern Industrial have made a good faith effort.

**Funding:**

Water Capital Investment Plan

**45. North Mecklenburg Rocky River Outfall Contract Amendment with McKim & Creed**

**Action: Approve Amendment #1 for \$191,000 with McKim & Creed for engineering services of a sanitary sewer main along North Mecklenburg Rocky River Outfall.**

**Explanation:**

The original contract with McKim & Creed was for the design of approximately 23,000 feet of sanitary sewer main along North Mecklenburg Rocky River Outfall.

Further investigations indicate that the existing sewer main that was to be utilized is not sized adequately and has further hydraulic problems limiting its capacity. Therefore, it is necessary to perform a complete analysis of the existing system. A complete survey and design is expected for a parallel system.

The upper reaches of the sewer system extend across property that has been designated by the State as Historic Property and it is expected that permits to cross this property will involve lengthy negotiations and numerous meetings with property owners and the State Historic Preservation Office. Additionally, it has been decided to survey, design, and construct three additional minor sewer outfalls on this property to consolidate design, permits, easements, and construction at this time.

This project will eliminate three existing pump stations in Davidson and provide sewer service to the west prong of the Rocky River Basin, south and east of the Towns of Davidson and Cornelius.

With this amendment, the contract with McKim & Creed will increase from \$156,000 to \$347,000. The original contract was approved by City Council on October 12, 1998.

**Funding:**

Sewer Capital Investment Plan

## 46. Briar Creek Relief Sewer and Reuse-Engineering Service Contract

**Action:** Approve a contract with Camp Dresser & McKee (CDM) for \$1,495,134 for preliminary design services of the Briar Creek relief sewer and reuse project.

### **Explanation:**

The contract with CDM will provide for planning and preliminary design of a relief sewer to meet projected flows in the Briar Creek Area. Briar Creek Interceptor is an old sewer that CMU has determined needs to be replaced/rehabilitated. This need is based sewer overflows which could arise with increased flow.

This contract will:

- study the condition of the existing sewers,
- determine the present and future flows within the Briar Creek basin,
- identify major problems areas within the basin, and
- implement short term plan to resolve these problems.

In addition, CDM will be recommending a plan of action for the long-term improvements to the sanitary sewers within the basin. It is anticipated that the design and construction of a replacement sewer line will be difficult due to the extent of the existing development along Briar Creek.

CDM will also be performing preliminary design of the reuse line from the Sugar Creek WWTP. CDM will be identifying reuse customers in the vicinity of Briar Creek and determining the feasibility of providing reuse water. CMU has initiated expansion of the system of reuse of highly treated effluent from the wastewater treatment facilities. The benefits of reuse are two fold for CMU in that it reduces the discharges to the creeks and reduces the demand on the potable water system.

### **MWBD:**

WBE: 12%

HBE: 4%

### **Funding:**

Sewer Capital Investment Plan

#### 47. McDowell Wastewater Treatment Plant Expansion- Engineering Services Contract

**Action:** A. Adopt a resolution to amend the Five-Year CIP for FY2001-2005;

B. Approve a budget ordinance appropriating \$10,700,000; and

C. Approve a contract with Black and Veatch for \$10,288,321 to provide engineering services for expansion of the McDowell Wastewater Treatment Plant and membrane filters at the McDowell Creek Wastewater Treatment Plant.

**Explanation:**

Engineering, design and construction management services for the design and construction will be provided for expanding the plant to 15-million gallons per day (MGD). The expansion will be built in 3 and 6 MGD increments. The membrane filters will remove very small particles that remain in the treated wastewater. This additional treatment step is needed to meet water quality requirements for Mountain Island Lake.

The McDowell Basin Study outlines a major need for the expansion of the McDowell WWTP. The McDowell Creek Plant currently treats 6 MGD.

**MWBD:**

HBE: 4%

**Funding:**

Sewer Capital Investment Plan

#### 48. Amendment to City Code Concerning Exotic Animals

**Action:** Approve an ordinance amending Chapter 3 of the City Code concerning exotic animals.

**Explanation:**

On February 29, 2000 City Council adopted an amendment to the animal control ordinance to allow the exhibition of wild and exotic animals for legitimate educational purposes. The need for that amendment arose when several organizations (such as Discovery Place) requested that they be allowed to host programs involving the display of animals by professional exhibitors. The amendment did not, however, allow the display of exotic animals in the public right-of-way.

The Novello Festival wishes to have an exotic animal exhibit as one of its feature attractions. The stage for the performance would, however, be located in the public right-of-way. The proposed ordinance would allow the display of exotic animals in the right-of-way as part of a featured performance at a special event with a city festival or parade permit where the animal handler is licensed by the United States Department of Agriculture.

#### 49. BellSouth Telecommunications Services Agreement

**Action: Authorize the City Manager to execute a contract with BellSouth for the provision of telecommunication services, upon completion of final negotiations. The projected annual contract amount is \$650,000.**

**Explanation:**

The City and County have shared a joint Agreement with BellSouth for Telecommunications Services (voice and data) that expired in March 2000. Prior to the expiration of the previous agreement, the City and County jointly commissioned a telecommunications study which assessed the City's and County's telecommunications needs. The study recommended that the City and County continue with the existing central office switching (Centrex) type of service.

BellSouth was the only vendor who could deliver the required end-to-end telecommunications services in a single vendor solution; therefore, a formal RFP process was not conducted. However, BellSouth was required to respond to a detailed scope of services document and their response was benchmarked against industry offerings in discussions with consultants, technology advisers, and numerous public and private telephone system users throughout the U.S.

A City/County technical team has evaluated service options and recommends that both organizations proceed with a new seven year contract with BellSouth, based upon BellSouth's proposal which includes substantial discounts over current rates, improved service, and added features and capabilities.

This combination of services under one contract allows the City to obtain improved service delivery, enhanced capabilities, and reduced costs. The annual dollar savings to the City is forecasted to exceed \$180,000, depending on the final configuration of the system. Actual savings will be tracked and will be addressed in next year's budget development. The projected annual contract value is \$650,000, based upon existing voice, voice mail, and data services.

The new contract will enable all City/County facilities to operate as a single unified system. All employees may have direct telephone numbers, use five

digit-abbreviated dialing, and share the same voicemail system regardless of physical location within the County.

The County Commission approved a similar action on July 11, 2000.

**Funding:**

Key Businesses Operating Budgets

## 50. Professional Services Agreement with Ant Info Solutions

**Action: Approve contract with Ant Info Solutions for Utility Billing System technical project coordination for an amount not to exceed \$200,000.**

**Explanation:**

The City currently contracts with Al Newman of Ant Info Solutions to act as the Utility Billing System (UBS) Technical Coordinator. Mr. Newman provides day-to-day direction for the technical issues related to the UBS and is responsible for the management of all the technical aspects of the UBS including vendor coordination and technical resource management. The current three month contract, having a cap of \$50,000, was executed in May 2000 and expires August 2000. The current contract provides for three additional one-year term renewals. The one-year renewal shall be for an amount not to exceed \$200,000. This is a cooperative effort between Business Support Services Information Technology Division, the Finance Department and Charlotte-Mecklenburg Utilities Department.

**Funding:**

Technology Fund

## 51. Property Transactions

**Action: Approve the following property acquisitions (A-Q) and adopt the condemnation resolutions (R-U).**

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

**Acquisitions:**

- A. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Kim D. Hargett  
**Property Address:** 8514 Trexler Avenue  
**Property to be acquired:** .459 acres  
**Improvements:** Mobile home  
**Purchase Price:** \$30,000  
**Zoned:** RMH  
**Use:** Mobile home  
**Tax Value:** \$3,040  
**Tax Code:** 113-105-03
- B. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Walter and Billie Wynn  
**Property Address:** 8839, 8831, 8848, & 2.48 acres off Midwood Drive  
**Property to be acquired:** 5.471 acres  
**Improvements:** Single family home  
**Purchase Price:** \$173,000  
**Zoned:** R3  
**Use:** Single family residence  
**Tax Value:** \$107,700  
**Tax Code:** 113-361-52, 113-361-53, 113-361-54, 113-361-40
- C. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Erma Jean Dye  
**Property Address:** 8200 Bell Avenue  
**Property to be acquired:** .594 acres  
**Improvements:** Vacant land  
**Purchase Price:** \$7,000  
**Zoned:** RMH  
**Use:** Vacant land  
**Tax Value:** \$3,500  
**Tax Code:** 113-101-09
- D. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Andre S. Sterling  
**Property Address:** 8118 & 8124 Old Dowd Road  
**Property to be acquired:** 1.117 acres  
**Improvements:** Single Family residence  
**Purchase Price:** \$105,000  
**Zoned:** RMH  
**Use:** Single family residence  
**Tax Value:** \$65,750  
**Tax Code:** 113-111-08 and 113-111-20
- E. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Brian Cole & James Dougherty



**Property Address:** 7616 Frosch Road  
**Property to be acquired:** .652 acres  
**Improvements:** Warehouse/office  
**Purchase Price:** \$218,000  
**Zoned:** I1  
**Use:** Warehouse/office  
**Tax Value:** \$130,160  
**Tax Code:** 113-142-03

- F. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Mary Elizabeth Arrowood  
**Property Address:** \* Old Dowd Road  
**Property to be acquired:** .251 acres  
**Improvements:** Vacant Land  
**Purchase Price:** \$5,000  
**Zoned:** R3  
**Use:** Vacant land  
**Tax Value:** \$1,500  
**Tax Code:** 113-127-01
- G. **Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Keith M. Arrowood  
**Property Address:** 8823 Midwood Drive  
**Property to be acquired:** 1.72 acres  
**Improvements:** Vacant Land  
**Purchase Price:** \$30,000  
**Zoned:** R3  
**Use:** Vacant Land  
**Tax Value:** \$19,580  
**Tax Code:** 113-361-51
- H. **Project:** Master Plan Land Acquisition  
**Owner(s):** Shirley Armstrong & John Nesbit  
**Property Address:** 8600 Walkers Ferry Road  
**Property to be acquired:** .564 acres  
**Improvements:** Vacant Land  
**Purchase Price:** \$14,000  
**Zoned:** R3  
**Use:** Vacant Land  
**Tax Value:** \$5,200  
**Tax Code:** 113-361-32
- I. **Project:** FAR Part 150 Land Acquisition  
**Owner(s):** FUSO Enterprises Inc.  
**Property Address:** 7400 Wilkinson Blvd.  
**Property to be acquired:** 5.834 acres  
**Improvements:** Four houses  
**Purchase Price:** \$300,000  
**Zoned:** B2

Use: Residential  
Tax Value: \$99,730  
Tax Code: 113-371-15

- J. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Katherine R Melton  
**Property Address:** 7528 Old Dowd Road  
**Property to be acquired:** 1.753 acres  
**Improvements:** House  
**Purchase Price:** \$175,000  
**Zoned:** RMH  
**Use:** Residential  
**Tax Value:** \$123,700  
**Tax Code:** 113-091-09
- K. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Michael A Lukacs  
**Property Address:** 8724 Midwood Drive  
**Property to be acquired:** .54 acres  
**Improvements:** House  
**Purchase Price:** \$70,000  
**Zoned:** R3  
**Use:** Residential  
**Tax Value:** \$50,900  
**Tax Code:** 113-361-62
- L. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Lucille Tarlton  
**Property Address:** 8714 Walkers Ferry Road  
**Property to be acquired:** 1.23 acres  
**Improvements:** House  
**Purchase Price:** \$110,000  
**Zoned:** R3  
**Use:** Residential  
**Tax Value:** \$89,930  
**Tax Code:** 113-361-29
- M. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Lucille Tarlton  
**Property Address:** 8620 Walkers Ferry Road  
**Property to be acquired:** 1.97 acres  
**Improvements:** House  
**Purchase Price:** \$80,000  
**Zoned:** R3  
**Use:** Residential  
**Tax Value:** \$42,250  
**Tax Code:** 113-361-30

- N. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Janette F Boyles Heirs  
**Property Address:** 6127 Dixie Road  
**Property to be acquired:** 5.5 acres  
**Improvements:** House  
**Purchase Price:** \$253,810  
**Zoned:** I1  
**Use:** Residential  
**Tax Value:** \$253,810  
**Tax Code:** 141-031-11
- O. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Janette F Boyles Heirs  
**Property Address:** \* Garrison Road  
**Property to be acquired:** 6.14 acres  
**Improvements:** Vacant land  
**Purchase Price:** \$170,000  
**Zoned:** I1  
**Use:** Vacant land  
**Tax Value:** \$133,730  
**Tax Code:** 141-131-06
- P. Project:** 24-inch Water main along W. T. Harris Boulevard / Albemarle Road, Parcel #38  
**Owners(s):** Fall Investments Limited Partnership c/o H. Allen Tate, Jr.  
**Property Address:** 7212 Albemarle Road  
**Property to be acquired:** 3,837 sq.ft. (0.09 ac.) of permanent easement, plus 2,353 sq.ft. (0.05 ac.) of temporary construction easement.  
**Improvements:** Landscaping  
**Purchase Price:** \$14,700  
**Remarks:** The areas are needed for construction of a 24-inch water main along W.T. Harris Boulevard / Albemarle Road. Acquisition price is based on an independent certified appraisal.  
**Zoned:** 06CD  
**Use:** Office  
**Total Parcel Tax Value:** \$345,190  
**Tax Code:** 109-181-18
- Q. Project:** Myers Park Country Club Sanitary Sewer Replacement, Parcel #4  
**Owners(s):** Charles M. Carson, Sr. & Barbara K. Carson  
**Property Address:** 3022 Sharon Road  
**Property to be acquired:** 3,263 sq.ft. (0.075 ac.) of permanent easement plus 5,629 (0.129 ac.) of temporary construction easement  
**Improvements:** None  
**Purchase Price:** \$25,600

**Remarks:** Permanent easement and temporary construction easement needed for Myers Park Country Club Sanitary Sewer Replacement project.

**Zoned:** R-3

**Use:** Single Family Residential

**Total Parcel Tax Value:** \$398,560

**Tax Code:** 175-061-07

**Condemnations:**

- R. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** John and Linda Hurlahe  
**Property Address:** 3129, 3139, 3145, & 3209 Little Rock Road  
**Property to be acquired:** 3.3401 acres  
**Improvements:** Three commercial buildings  
**Purchase Price:** \$880,000  
**Zoned:** I2  
**Use:** Auto Rental and Parking  
**Tax Value:** \$505,320  
**Tax Code:** 115-172-18, 115-172-20, 115-172-21, and 115-172-22
- S. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Dirk and Gary Borchardt  
**Property Address:** 3140 Little Rock Road  
**Property to be acquired:** 3.0043 acres  
**Improvements:** One commercial building  
**Purchase Price:** \$600,000  
**Zoned:** I2  
**Use:** Auto Rental  
**Tax Value:** \$370,990  
**Tax Code:** 113-012-03
- T. Project:** Master Plan Land Acquisition  
**Owner(s):** Randall C. Strider ET AL  
**Property Address:** Garrison Road  
**Property to be acquired:** 1.14 acres  
**Improvements:** Commercial building  
**Purchase Price:** \$229,000  
**Zoned:** I1  
**Use:** WHSE/INDUS  
**Tax Value:** \$157,220  
**Tax Code:** 141-131-17
- U. Project:** Master Plan Land Acquisition  
**Owner(s):** Randall C. Strider & Roland Stout  
**Property Address:** 6134 Dixie Road  
**Property to be acquired:** 1.14 acres  
**Improvements:** Commercial building  
**Purchase Price:** \$700,000

**Zoned:** I1  
**Use:** WHSE/INDUS  
**Tax Value:** \$527,940  
**Tax Code:** 141-131-08

## 52. Meeting Minutes

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

- **June 5 Workshop, Budget Approval & Citizens Forum**
- **June 6 New Zoning Process**
- **June 12 Business Meeting**
- **June 19 Zoning Meeting**
- **June 26 Business Meeting**
- **June 29 New Zoning Process**