

Mayor Patrick L. McCrory

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

Mayor Pro Tem Patrick De'Angelo Cannon

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

CITY COUNCIL MEETING

Monday, March 22, 2004

5:00 p.m.

Conference Center

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

6:30 p.m.

Citizens Forum

7:00 p.m.

Meeting Chamber

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

CITY COUNCIL AGENDA

Monday, March 22, 2004

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	Charlotte-Mecklenburg Utilities Budget Review	1	1
2.	Economic Development and Planning Committee: Elizabeth Avenue Redevelopment	1	
3.	Cable Television Franchise Renewal-A Process Overview	2	
4.	Committee Reports by Exception	2	
6:30 Citizens Forum			
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
5.	Consent agenda items 15 through 41 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.	3	
Policy			
6.	City Manager's Report	4	
7.	Future of Policing Committee	4	2

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
	Recommendations		
8.	Sustainability Index	5	3
9.	Council FY2005 Focus Area Plans and Priorities	6	4
10.	Communities Within A City Committee and Focus Area Name Change	7	5
11.	South Corridor Light Rail Vehicle Purchase	8	6

Business

12.	February 2004 Winter Storm Street Maintenance Budget Ordinance	10	7
13.	Storm Water Capital Investment Projects	10	8
14.	One NC Fund Agreement for Celgard	12	

Mayor and Council Topics

Consent I

15.	Various Bids		
	A. Briar Creek/Woodland Area Neighborhood Improvements	14	
	B. The Plaza Streetscape	15	
	C. Tryon/Bank Storm Drainage Improvements	15	
	D. Storm Water Maintenance, FY2004D	15	
	E. Security Fencing Installation	16	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
16.	Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Right-of-Way on Estelle Street and Onyx Street	16	9
17.	In Rem Remedy	17	10-14
18.	Refund of Property Taxes	18	15

Consent II

19.	Customer Service and Information Call Center Telephone System Replacement	19	
20.	Inspection of Qualifying Bridges-2004	20	
21.	Morris Field Drive Widening	21	16
22.	Water Quality Study Funding Agreement	22	
23.	Technical Amendment to Add 20 Parcels to the University City Municipal Service District	23	
24.	Airport Security Gate Guard Services	24	
25.	Airport Operating Agreement with Colgan Air, Inc.	25	
26.	Airport Ticketing Lobby Graphics	25	17
27.	Concourse E Site Development Contract	26	
28.	Change Order for Baggage Handling Devices	26	18
29.	South Corridor Final Design and	28	19

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
	Construction Management		
30.	Resolution to Support NCDOT Small Urban Funds Projects	29	20
31.	Police Video Teleconferencing System	29	
32.	Studman Branch Pump Station, Force Main and Gravity Sewer	30	
33.	Sanitary Sewer Construction-Coffey Creek Tributary	31	21
34.	Orchestra Lift for Blumenthal Performing Arts Center	31	
35.	Auctions for Disposal of Equipment and Donation of Transit Bus to City of Gastonia	32	22
36.	Airport Construction Settlement Agreement	33	
37.	Settlement Agreement with Danis Environmental Industries	34	
38.	Charlotte Area Transit Maintenance Facility Condemnation Settlement	34	
39.	Technical Amendments to City Code Chapters 10 and 11	35	23
40.	Property Transactions	37	
41.	Meeting Minutes	46	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Charlotte-Mecklenburg Utilities Budget Review

Resource: Doug Bean, Utilities

Time: 30 minutes

Synopsis

- Council deferred this topic from Council's Half-Day Budget Retreat on March 10, 2004 due to time constraints.
- A review of Utilities operating budget for FY2005 will be presented. Topics to be covered include the following:
 - FY2003 Budget results
 - Water and Wastewater plant flow and rainfall
 - Current year budget projections
 - FY2005 budget development and rates
 - Connection and Capacity Fees

Attachment 1

Powerpoint presentation

2. Economic Development and Planning Committee: Elizabeth Avenue Redevelopment

Committee Chair: John Lassiter

Resources: Tom Flynn, Economic Development Office
Bob Hagemann, City Attorney's Office

Time: 30 minutes

Synopsis

- Economic Development and Planning Committee reviewed the Elizabeth Avenue Redevelopment proposal and the public assistance requested by Grubb Properties, the developer. The Committee recommends approval of the Development Agreement and the Inter-Local Agreement for this project.
- Presentation reviews the information presented to the Economic Development and Planning Committee, including:
 - Staff's analysis of this project in terms of the proposed Sustainability Index
 - The proposed Development Agreement with Grubb Properties and Mecklenburg County

- The proposed Inter-Local Agreement with Mecklenburg County

Future Action

The recommendation from the Economic Development and Planning Committee will be on City Council's April 12 agenda.

3. Cable Television Franchise Renewal-A Process Overview

Resource: Doris Boris, Business Support Services

Time: 15 minutes

Synopsis

- City Time Warner Cable Franchise just entered into franchise renewal process:
 - Time Warner requested renewal of its 1991 15-year cable franchise – which expires in 2006;
 - Federal law provides for a 3-year franchise renewal negotiation “window”;
 - The City and Time Warner entered into these renewal negotiations in November 2003.
- City Council is required to approve all Cable Television Franchise Agreements.
- Presentation provides an overview of the franchise renewal process.

Future Action

- Within the next 3 years Council will be asked to approve the renewal of Time Warner's Cable Television Franchise Agreement.

4. Committee Reports by Exception

Communities Within A City Report

6:30 P.M. CITIZENS FORUM

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

CONSENT

- 5. Consent agenda items 15 through 41 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

POLICY

6. City Manager's Report

7. Future of Policing Committee Recommendations



Action: Approve the Community Safety Committee recommendation to accept the recommendations of the Future of Policing Committee.

Committee Chair: Mayor Pro Tem Patrick Cannon

Staff Resource: Chief Darrel Stephens, Charlotte-Mecklenburg Police Department (CMPD)

Future of Policing Committee

- Future of Policing Committee formed by County Commission to address concerns regarding cost of police service
- Committee comprised of all police chiefs and city and town managers in Mecklenburg County

Committee Charge

- Identify policing model to provide most effective and efficient police services in Mecklenburg County
- Identify funding mechanisms for police services
- Examine the delivery of specialized police services
- Define service level expectations for all of Mecklenburg County

Community Safety Committee Recommendations

- On March 3 the Community Safety Committee unanimously approved the Future of Policing Committee recommendations:
 1. Maintain current policing model with modifications
 2. Cap the County payments to the City at their present level for the next four years
 3. Davidson PD respond to calls in sphere of influence; City of Charlotte provide dispatch services
 4. Maintain current method of delivering specialized police services
 5. Allow each jurisdiction to define its own service level expectations
 6. Keep the Committee intact as a forum for discussing issues of mutual concern

Future Action

- Davidson – CMPD Interlocal Agreement

Attachment 2

Executive Summary of Future of Policing Committee Report
 Community Safety Committee Minutes: March 3, 2004

8. Sustainability Index

Action: Approve the Economic Development and Planning Committee recommendation for staff to use the Sustainability Index to review and evaluate land development and redevelopment projects that request public assistance.

Committee Chair: John Lassiter

Staff Resource: Tom Flynn, Economic Development

Sustainability Index

- The Sustainability Index evaluates a project on the City Council's Strategic Priorities and Smart Growth parameters, including:
 - Establishes Healthy and Diverse Neighborhoods
 - Integrates Land Use & Transportation Choices
 - Uses Public Resources Effectively
 - Makes City Safer
 - Enhances Prosperity
 - Promotes Design for Livability
 - Builds Planning Capacity
 - Safeguards the Environment

- The Sustainability Index also evaluates a project on parameters that analyze financial need and financial risk, including:
 - Demonstrates financial gap through a pro forma analysis
 - Demonstrates need through project fees and returns
 - City exposure
 - Private equity contributions
 - Acceptable financial return to the City

- Staff will evaluate each parameter on a scale of: Excellent, Good, Fair, Poor and Not Applicable.

Committee Recommendation

- On February 18 the Economic Development and Planning Committee unanimously recommended use of the Sustainability Index to review and evaluate projects that request public assistance.

Attachment 3

Sustainability Index

Summary Minutes from February 18, 2004 Economic Development and Planning Committee

9. Council FY2005 Focus Area Plans and Priorities

- Action:**
- A. Approve Council Focus Area Plans, including:**
 - 1. Communities Within A City**
 - 2. Community Safety**
 - 3. Economic Development**
 - 4. Restructuring Government**
 - 5. Transportation**
 - B. Affirm the 2005 Council Priorities of Community Safety, Economic Development and Transportation.**

Staff Resource: Vi Lyles, City Manager's Office
 Julie Burch, City Manager's Office
 Ron Kimble, City Manager's Office
 Curt Walton, City Manager's Office

Focus Area Plans

- Annually City Council identifies areas of focus for community needs
- Council identified five focus areas: Communities Within a City, Economic Development, Public Safety, Restructuring Government and Transportation.
- Council and staff work together to create Focus Area Plans that are written as 5-year plans with 2-year initiatives. Each initiative has a set of measures for evaluation.
- The FY2005 Plan is an update of the FY2004-FY2005 Plan

Proposed Changes

- Council referred a possible name change for the Communities Within A City Committee to the Communities Within A City Committee. The Committee recommended that the name of the Committee and the Focus Area be changed. That change will be voted on in a separate Council action.

Council Priorities

- Each year, Council determines priority areas for emphasis during the calendar year.
- At the Annual Council Retreat, Council identified Community Safety, Economic Development, and Transportation as the priority areas for 2005
- Staff will develop an action plan for each of the priorities and will bring the action plans to Council for approval in May.

Attachment 4

FY2005 Strategic Focus Area Plans:

- Communities Within a City
- Community Safety
- Economic Development
- Restructuring Government
- Transportation

10. Communities Within A City Committee and Focus Area Name Change



Action: Approve the Communities Within A City Committee recommendation to change the name of the Communities Within A City Focus Area and Council Committee to Housing and Neighborhood Development.

Committee Chair: Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Overview

- City Council's Focus Areas are strategy plans to implement Council's vision and objectives for improving the City's quality of life.
- First initiated in 1990, City Council established strategy plans for five focus areas – Economic Development, Transportation, Community Safety, Communities Within A City and Restructuring Government.
- City Council reviews and updates the focus areas annually to address community challenges.

Request to Change Name

- At City Council's February 2004 Retreat, Council member Susan Burgess raised the issue of changing the name of the Communities Within A City Committee.
- A name change would aid the public's understanding of the purpose of the Council Committee and Focus Area.
- The matter was referred back to the Committee for further discussion and a recommendation to the full Council.

Committee Recommendation

- On February 24, 2004 the Communities Within A City Committee considered the following names for the focus area:
 - Housing and Neighborhood Development
 - Neighborhood
 - Neighborhood and Community Development
 - Neighborhood Development and Housing
 - Neighborhood Development
- The Committee unanimously recommends changing the name of the focus area and Committee to Housing and Neighborhood Development.

Attachment 5

Committee Summary Minutes

11. South Corridor Light Rail Vehicle Purchase

Action: Approve the Transportation Committee recommendation to:

- A. Approve a multi-year contract with Siemens Transportation Systems, Inc. for the manufacture and delivery of 16 Low Floor Light Rail Vehicles for a price not to exceed \$52,500,000 subject to receipt of a Letter of No Prejudice from the Federal Transit Administration,**
- B. Approve a resolution certifying compliance with the competitive procurement proposal requirements of Section 8.87 of the City Charter, and**
- C. Adopt a budget ordinance appropriating \$52,500,000 for the manufacture and delivery of 16 Low Floor Light Rail Vehicles.**

Committee Chair: Pat Mumford

Staff Resources: Ron Tober, CATS
Greg Gaskins, Finance

Explanation

- Authorizes purchase of 16 Low Floor Light Rail Vehicles and support services that include engineering, testing, training, warranties, manuals, technical support, and spare parts.
- Provides the option to purchase up to 25 additional vehicles within 48 months of Notice To Proceed.
- Requires a separate Council action to approve extension of South Corridor Final Design contract to include engineering services and support of this contract. (agenda item 29, page 28)
- Metropolitan Transit Commission and Transit Services Advisory Committee recommend these actions.

Committee Recommendation

- Council Transportation Committee unanimously recommended these actions at its March 1, 2004 meeting.

DBE Compliance

Siemens Transportation Systems has certified their compliance with the Federal Transit Administration's (FTA) Regulation 49CFR Part 26.49.

Funding

50% - Certificates of Participation

50% - South Corridor Light Rail Project State Full-Funding Grant Agreement

Attachment 6

Resolution Certifying Compliance with competitive procurement requirements.

Vehicle Price Comparison and Siemens' vehicle attributes.

Budget Ordinance

Transportation Committee Summary Minutes

Procurement Summary

BUSINESS

12. February 2004 Winter Storm Street Maintenance Budget Ordinance

Action: Adopt a budget ordinance appropriating \$682,852 from General Fund fund balance for street snow and ice removal expenses for the February 2004 Winter Storm.

Staff Resource: Ruffin Hall, Budget and Evaluation

Budget Ordinance

- Unbudgeted expenses for snow and ice removal total \$682,852.
- Absorbing these unbudgeted expenses will reduce funding for the year's street maintenance, including pot hole repair and resurfacing.
- Budget ordinance appropriates \$682,852 from General Fund fund balance so that the unbudgeted expense will not impact the current street repair program.

History

- The two prior years' snow removal expenses totaled \$276,972 (FY02) and \$195,344 (FY03).
- Street Maintenance Division was able to absorb the additional expense above its annual budget of \$100,000 in FY02 and FY03 without adversely affecting the annual repair program.
- The Winter Storm 2002 cleanup totaled \$5.2 million, which was reimbursed by FEMA.

Funding

General Fund Fund Balance

Balance totaled \$56,900,000 prior to this request, or 15.2 % as of June 30, 2003

Attachment 7

Budget Ordinance

13. Storm Water Capital Investment Projects

Action:

- A. Adopt a resolution amending the Capital Investment Plan for FY2004-FY2008 to expand the scope of work to be accomplished by \$1,000,000 for Storm Water projects,
- B. Adopt a budget ordinance appropriating \$10,500,000 for Storm Water Capital Improvement Projects and \$1,000,000 for Storm Water Neighborhood Investment Projects, and
- C. Award the low bid of \$3,929,562.26 by Sealand Contractors Corporation, Charlotte, North Carolina for the Magnolia/Kirkwood Storm Water Project.

Staff Resource: Tim Richards, Engineering and Property Management

Resolution and Budget Ordinance

- Resolution amending the Capital Investment Plan is necessary to expand the scope of work by \$1,000,000 to accelerate neighborhood and back yard storm water repairs.
- \$10,500,000 appropriation will provide funding for the following capital projects:
 - Construction of Andover Phase II, Commonwealth, and Silver Stream
 - Design of Myrtle/Morehead and Jefferson
 - Planning of Robinhood/Dooley and Brantham/Gaynor
- \$1,000,000 appropriation will provide funding for upcoming neighborhood improvement projects:
 - Construction of Briar Creek/Woodland NIP and Ashley Park/Westerly Hills Neighborhood Improvement Projects

Magnolia/Kirkwood Storm Water Project

- Drainage improvements project will address street flooding, house flooding, stream erosion and deteriorated infrastructure in the Magnolia/Kirkwood area (within the Dilworth neighborhood).
- Project limits are Magnolia/Kirkwood is bounded by South Boulevard to the northwest, Park Road to the northeast, Cumberland Avenue to the southeast and Poindexter to the southwest.
- Project was initiated due to
 - Severity of drainage problems
 - Citizen service requests
 - Internal capital project ranking within Charlotte Storm Water Services
 - Project is scheduled for completion by the first quarter of 2006.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7%

Sealand Contractors committed 7% (\$280,324) of the total contract amount with the following certified SBEs: H & H Hauling, On Time Construction and Tar Heel Masonry

Funding

Storm Water Capital Investment Plan

Attachment 8

Resolution

Budget Ordinance

14. One NC Fund Agreement for Celgard

Action: Approve a Local Government Grant Agreement between the City of Charlotte and the North Carolina Department of Commerce that provides \$100,000 in State funds to Celgard to retain 284 existing jobs, and add 48 new jobs and \$20 million investment.

Staff Resource: Tom Flynn, Economic Development

Celgard

- Celgard researches/develops/manufactures high technology materials used in the lithium ion batteries that power laptops and other electronic devices.
- Celgard plans to hire 48 new employees
- It will invest over \$20 million on additional research and production.

Previous Action

- July 28, 2003 City Council approved a City/County Business Investment Grant totaling \$347,000 over five years to retain and expand Celgard in Charlotte.
- North Carolina Department of Commerce also pledged \$100,000 to Celgard from the One NC Fund program.

Local Government Grant Agreement

- Provides \$100,000 for the City to pass on to Celgard. (This \$100,000 does not reduce the City/County commitment of \$347,000.)
- Outlines the performance criteria that Celgard must meet to receive the \$100,000.
- Outlines the milestones that Celgard must meet for the monies to be disbursed.
- Establishes the City of Charlotte as the agency responsible for monitoring and reporting on Celgard's attainment of the performance criteria and milestones.

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

15. Various Bids

A. Briar Creek/Woodland Area Neighborhood Improvements EPM

Action:

Award the low bid of \$2,036,151.60 by Arvy Construction, Inc. of Charlotte, North Carolina. This project will construct infrastructure improvements in the Briar Creek / Woodland Area neighborhood. The neighborhood boundaries are Central Avenue, Eastway Drive, Commonwealth Avenue, and Briar Creek (the creek). Construction is anticipated to be complete by first quarter 2005.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3%

Arvy Construction, Inc. committed 3% (\$64,972) of the total contract amount with the following certified SBEs: ACS Parking Area Maintenance, Inc. and Badger Concrete

B. The Plaza Streetscape EPM**Action:**

Award the low bid of \$1,497,758.81 by Ferebee Corporation of Charlotte, North Carolina. This project will include infrastructure repair and road widening along The Plaza from W.T. Harris Boulevard to Plott Road. Construction is anticipated to be complete by first quarter 2005.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 6%

Ferebee Corporation committed 6% (\$88,283.60) of the total contract with the following certified SBEs: ACS Parking Area Maintenance and On Time Construction

C. Tryon/Bank Storm Drainage Improvements EPM**Action:**

Award the low bid of \$1,174,471.10 by Dellinger Incorporated of Monroe, North Carolina. This project includes a storm drainage system upgrade along the existing storm drainage basin between South Tryon Street (NC 49) and Bank Street bordered by Foster Avenue to the North and Herman Avenue to the South. The construction completion schedule is fourth quarter 2004.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 4%

Dellinger, Inc. committed 4% (\$44,000) of the total contract amount to the following certified SBEs: On Time Construction and Stinson Trucking

D. Storm Water Maintenance FY2004 D EPM**Action:**

Award the low bid of \$1,054,425 by Blythe Development Company of Charlotte, North Carolina. This is an on-going program to provide maintenance repairs to existing storm drainage systems and construction of new drainage systems within the City limits. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Storm Water Services uses 18 month "retainer" contracts to provide timely response to maintenance problems. The City may renew this contract up to three times.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 3%

Blythe Development committed 3% (\$32,000) of the total contract amount to the following certified SBE: R C Hauling

E. Security Fencing Installation

CMU

Action:

Award the low bid of \$491,733.19 to Gilbert Engineering of Statesville, North Carolina. This project consists of installing 7 foot high, steel fencing around three water treatment plants, for the purpose of increased security to the sites.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 1.2%

Gilbert Engineering complied with the good faith efforts and commits \$5,746 to the following SBEs:

C-Line Striping	\$350
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Perry's Lawn Care Service	\$5,396
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16. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Right-of-Way on Estelle Street and Onyx Street

Action: A. Adopt the Resolution of Intent to abandon a portion of right-of-way on Estelle Street and Onyx Street, and

B. Set a public hearing for May 10, 2004.

Attachment 9

Resolution

Map

17. In Rem Remedy

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

Public Purpose:

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

Policy:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 817 Pennsylvania Avenue (Neighborhood Statistical Area 22- Oakview Terrace Neighborhood)
- B. 4436 W. Tyvola Road (Neighborhood Statistical Area 7- Reid Park Neighborhood)
- C. 435 Dare Drive (Neighborhood Statistical Area 40- Sugaw Creek/Ritch Ave. Neighborhood)
- D. 4350 A,B,C,D Ashley Circle (Neighborhood Statistical Area 3- Jackson Homes Neighborhood)
- E. 1349 Bethel Road (Neighborhood Statistical Area 11, Westerly Hills Neighborhood)

Public Safety:

- A. 817 Pennsylvania Avenue**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 817 Pennsylvania Avenue (Neighborhood Statistical Area 22- Oakview Terrace Neighborhood).

Attachment 10

- B. 4436 W. Tyvola Road**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4436 W. Tyvola Road (Neighborhood Statistical Area 7- Reid Park Neighborhood).

Attachment 11

C. 435 Dare Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 435 Dare Drive (Neighborhood Statistical Area 40-Sugaw Creek/Ritch Avenue Neighborhood).

Attachment 12

D. 4350 A, B, C, D Ashley Circle

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4350 A, B, C, D Ashley Circle (Neighborhood Statistical Area 3 Jackson Homes Neighborhood).

Attachment 13

E. 1349 Bethel Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1349 Bethel Road (Neighborhood Statistical Area 11-Westerly Hills Neighborhood).

Attachment 14

18. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$92,263.29.

Attachment 15
Resolution
List of Refunds

CONSENT II

19. Customer Service and Information Call Center Telephone System Replacement

Action: Approve a contract with Unisys Corporation for a call center telephone system in the amount of \$1,289,000.

Staff Resource: Susan Johnson, Business Support Services

Customer Service and Information Call Center (CS&IC)

- The CS&IC is a general information City-County call center.
- At the February 2, 2004 workshop, Council was briefed on the procurement process underway to replace the existing CS&IC phone system that will be the platform for a new 311 call center phone system.
- CS&IC is currently staffed with 26 full-time employees who handle over 35,000 – 40,000 calls per month.
- General information inquiries include work order requests, citizen complaints, and animal control reports.

Future 311 Call Center

- CS&IC will be the foundation for a new consolidated 311 call center.
- July 1, 2005 is the target date to implement 311 call center.
- 311 will handle all non-emergency calls.

Difficulties with Existing System

- The existing telephone system is unable to support the current CS&IC operation and system failures are increasing.
- The existing system must be replaced to maintain the current level of service.

New System

- The contract includes hardware, software and professional services to support the current operation and the planned 311 operation.
- The new system will also accommodate calls for the Charlotte-Mecklenburg Utilities customer service center.
- Unisys will install a computer-based Telephone Platform to serve as the infrastructure for a distributed customer contact center.
- System has the potential to staff up to 125 agents, and includes a PBX/ACD system (Avaya S8700), IVR (Interactive Voice Response), CTI (Computer Telephony Integration) and call recording solutions.

Mecklenburg County Participation

- Currently, the County funds 26% of the CS&IC budget, a number that is determined by its proportional share of call volume. The County will continue to pay its proportional share of call center costs based on call volumes.
- The County is a part of the 311 planning and design team.

- Should the County decide to expand its role in 311 by adding additional functions and call volume, the new phone system can be enlarged to accommodate this growth.
- Should the new phone system need to be expanded due to County call volume, the County will reimburse the City for any additional costs incurred.
- With or without Mecklenburg County, this is the recommended phone system for the existing CS&IC, the CMU Customer Service Division, and the City's planned 311 center.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

- Small Business Development Program Manager waived the SBE goal
- To establish a goal there must be SBE firms certified in the City's Vendor Management System to perform the subcontracting opportunities
- There were no SBE firms certified to perform on this project.
- Project team did make an effort to incorporate SBE opportunity in the project by bidding certain hardware components of the project separately where SBE firms were identified
- The SBE firms identified did not respond to the bid.

Funding

General Fund Operating Budget; Department of Justice Office of Community Oriented Policing Services (COPS) Grant; Water and Sewer Operating Budget

20. Inspection of Qualifying Bridges – 2004

Action: Approve an agreement for \$251,532 with HDR Engineering, Inc. of the Carolinas for Engineering Services for the inspection of qualifying bridges.

Staff Resource: Gus Jordi, Transportation

Explanation

- Federal Highway Administration mandates that bridges and culverts be inspected every two years.
- Bridges greater than 20 feet in length qualify for federal reimbursement through the North Carolina Department of Transportation (NCDOT).
- City entered into a municipal agreement with NCDOT on January 27, 2004 to share the cost of the mandated inspections for bridges that qualify for matching funds.
- Under the municipal agreement, NCDOT will reimburse the City for \$201,225 (80%) of the costs.
- Engineering Services agreement provides for inspection services of
 - 149 bridges and culverts maintained by the City
 - over-street walkways within City-maintained streets

Small Business Opportunity

Established SBE Goal: 1%

Committed SBE Goal: 1%

HDR Engineering has committed 1% (\$2,515) of the total contract amount to a certified SBE - Torrence Reprographics

Funding

Transportation Capital Investment Plan

21. Morris Field Drive Widening

- Action:**
- A. Adopt a budget ordinance transferring \$660,000 from Westinghouse Boulevard Streetscape Project to Morris Field Drive Widening, and**
 - B. Award the low bid of \$4,852,941.46 by Propst Construction Company of Concord, North Carolina.**

Staff Resource: David Meachum, Engineering and Property Management

Budget Ordinance

- Both projects are part of the Westside Strategy Plan.
- Westinghouse Boulevard streetscape project is complete; funds are available for transfer to other funds.
- Scope of the Morris Field Drive Widening has changed to include: bike lanes, medians, and wider planting strips.

Morris Field Drive Widening

- Project will widen Morris Field Drive between Wilkinson Boulevard and Billy Graham Parkway
- An existing 12" water main will be upgraded and a section of CMU's 64" West Water Main will be installed.
- Construction completion is the fourth quarter of 2005.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 6%

Propst Construction committed 6% (\$272,733.80) of the total contract amount with the following certified SBEs: A-1 Pavement Marking, Martin Landscaping, On Time Construction and Reliable Woodwork, Inc.

Funding

Transportation Capital Investment Plan

Water Capital Investment Plan

Attachment 16

Budget Ordinance

22. Water Quality Study Funding Agreement

Action: Authorize the City Manager to approve and enter into a Storm Water Funding Agreement with Mecklenburg County in an amount not to exceed \$160,000.

Staff Resource: Tim Richards, Engineering and Property Management

Funding Agreement

- Funding Agreement will define Charlotte and Mecklenburg County responsibilities for services and funding of a joint water quality study.
- Funding is prorated based on municipality land area:
 - 70% City funds
 - 30% County funds
- City and County Storm Water staff will co-manage the consultant
 - Water Quality Study is estimated to take a year

Purpose and Outcome of the Water Quality Study

- Federal and state regulations require additional programs and activities that:
 - Protect water quality within the community
 - Are consistent with the Protect the Environment smart growth principle
- Current strategy for meeting federal and state regulatory requirements
 - Collect data
 - Evaluate options for improving water quality
 - Implement capital projects and local regulations on development that will improve water quality
- Water Quality Study will evaluate options for improving water quality, such as:
 - Construction of ponds and lakes that allow pollutants to settle out
 - Installation of filtration devices
 - Enhancing natural measures such as wetlands and vegetated streams.
 - Provide technical assistance to Post Construction Controls Stakeholder Group
- Following this study, the City will be able to make informed decisions that optimize the water quality benefits of capital investments and development regulations.

Funding

Storm Water Services/Water Quality Operating Budget

23. Technical Amendment to Add 20 Parcels to the University City Municipal Service District

- Action:**
- A. Direct staff to prepare a report pursuant to GS 160A-538(c) concerning district boundaries and services to be provided to 20 additional parcels in the University City Municipal Service District, and**
 - B. Designate Brad Richardson in the Economic Development Office to mail public hearing notices for the proposed additional parcels within the University City Municipal Service District.**

Staff Resource: Brad Richardson, Economic Development

University City Municipal Service District Additional Parcels

- Council approved a resolution creating the University City MSD on May 12, 2003.
- In preparing the tax database for district billing, staff discovered that owners of 82 parcels within district boundaries were not listed in the May 12, 2003 resolution.
- On June 23, 2003, Council approved a technical amendment adding 62 parcels where the respective owners had received prior notice of the public hearing.
- 20 of the parcels were not added to the June 23, 2003 technical amendment because the owners did not receive notification of the public hearing.
- Council and the organizers of the University MSD were informed that staff would process the addition of these parcels to the district prior to the beginning of fiscal year 2005.

Process Requirements

- To add these 20 parcels to the University City MSD, State law requires the City to prepare a report containing:
 - A map of the proposed district and the adjacent territory, showing the present and proposed boundaries of the district;
 - A statement showing that the parcels to be added meet certain statutory standards; and,
 - A plan for extending services to the parcels to be added.
- State law requires Council to hold a public hearing to add these parcels to the MSD.
- State law requires Council to designate a person to mail notices of the public hearing to the property owners and certify to Council that the mailing has been completed.
- State law requires that changes to MSDs must take affect at the beginning of the next fiscal year after the changes are approved.
- Notices of the public hearing will be sent in early April 2004, and a public hearing will be held on May 10, 2004.

- On May 10th following the public hearing, Council will be asked to approve an amendment to the University City MSD Resolution to add the 20 parcels effective July 1, 2004.

24. Airport Security Gate Guard Services

Action: Approve a contract amendment with Weiser Security Services, Inc. of Charlotte to provide security gate guard services at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- After September 11, 2001, the Airport used a combination of Airport personnel and temporary personnel employees to support additional federal security requirements.
- In December 2003, Airport staff sought proposals for private licensed security firms to provide long-term traffic control services.
- On February 9, 2004, Council awarded a three-year contract with Weiser Security. The contract began on March 1, 2004.

Contract Amendment

- Contract amendment will provide two additional officers 24-hours per day, 365 days per year, to man two security gates, which provide access to the Commercial Aircraft Parking Area as required by the Transportation Security Administration (TSA).
- First year pay rate is \$8.50 per hour for officers and \$9.00 per hour for the on-site supervisor. At the City's discretion, the contractor may ask for a rate increase annually to reward the officers, which typically averages 2% to 3%. The estimated cost for these services is as follows:

1 st Year:	\$215,000
2 nd Year:	\$225,000
3 rd Year:	\$235,000

Small Business Opportunity

This is a sole source vendor service - no subcontracting is anticipated in the scope of services defined under the agreement specifications. Sole source contracts are exempt from the SBO program, per section 2.21.

Funding

Aviation Operating Budget

25. Airport Operating Agreement with Colgan Air, Inc.

Action: Approve an agreement with Colgan Air, Inc. that permits Colgan to operate at the Airport as a commuter carrier for US Airways.

Staff Resource: Jerry Orr, Aviation

Explanation

- Colgan Air, Inc. (“Colgan”) has requested to operate at the Airport, flying as US Airways Express.
- The terms and conditions for Colgan are equivalent to the terms and conditions for other commuter or regional carriers at the Airport.
- The agreement is month to month and requires Colgan to pay landing fees and gate rentals.

26. Airport Ticketing Lobby Graphics

Action: A. Award a contract to Camps Construction Co. of Charlotte, North Carolina in the amount of \$192,000 for installation of signage and graphics in the Airport Ticketing Lobby, and

B. Adopt a budget ordinance appropriating \$250,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 2002, the Airport’s Ticketing Lobby was expanded in conjunction with the expansion of Concourse D, the International Arrivals Area and construction of Concourse E.
- Expansion provides ticket counter space for international and charter flights.
- Contract provides graphics, signage, additional lighting and relocation of ticketing check-in counters.
- The budget ordinance funds the construction contract, design fees and a 5% construction contingency.

Small Business Opportunity

Established SBE Goal: 5%

SBE Committed Goal: 2%

Camps Construction Co. met the good faith effort requirements. They committed 2% (\$3,700) to SBE participation. The prime bidder is also SBE certified and will self perform 10% (\$20,000) of the project.

Funding

Airport Capital Investment Plan

Attachment 17

Budget Ordinance

27. Concourse E Site Development Contract

Action: Award a contract to Allied Grading , Inc.. of Huntersville, North Carolina in the amount of \$1,045,859.63 for site development for Concourse E expansion.

Staff Resource: Jerry Orr, Aviation

Explanation

- Project will provide earthwork and storm drainage for approximately 11 acres adjacent to Concourse E
- This area will be used for the construction of additional gates this year

FAA Disadvantaged Business Enterprise

This project falls under the Federal Aviation Administration's Disadvantaged Business Enterprise (DBE) program.

Allied Grading, Inc. has subcontracted 37.7% (\$394,250) of the work to DBE subcontractors.

Funding

Council accepted a Federal Aviation Administration grant in September 2003 to provide 75% of funding for this project. Council also appropriated a budget ordinance providing the remaining funding to be provided from the proceeds of future General Airport Revenue Bonds.

28. Change Order for Baggage Handling Devices

Action:

- A. Approve change order #2 with FKI Logistex Inc. of Louisville, Kentucky in the amount of \$189,579 for additional work and installation of a conveyor monitoring on Concourse D,
- B. Approve change order #3 with FKI Logistex Inc. of Louisville Kentucky in the amount of \$ 849,372 for installation of various baggage conveyor systems, and
- C. Adopt a budget ordinance appropriating \$900,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Change Order #2

- Change order settles claims for delays for Concourse D completion of work.
- The company's work schedule was impacted due to Concourse D construction delays.
- It will also provide a monitoring system for the Concourse D baggage conveyor system designed to assist with maintenance issues.

Change Order #3

- Change order replaces three baggage belts located in Zone A Baggage Claim. The current devices are over 18 years old.
- It is more economical to replace the devices than continue to repair them.
- It also installs a fourth bag claim conveyor in the new International Arrival Area, providing capacity for the increasing international service.

Background

- January 2001, Council awarded a contract to FKI Logistics to install and maintain the baggage conveyor system in the expanded Concourse D and International Arrivals Area.
- January 12, 2004, Council approved change order #1 in the amount of \$272,026 to replace two baggage-handling devices that serve Concourse A.

Small Business Opportunity

Established SBE Goal: N/A

Committed SBE Goal: 0%

The FKI Logistex contract was awarded under "self-performing" criteria prior to SBO program. The change orders' work-scope does not anticipate subcontractor use.

Funding

The budget ordinance appropriates \$900,000 from the Airport Discretionary Fund Balance, which will be repaid from the proceeds of future general airport revenue bonds.

Attachment 18

Budget Ordinance

29. South Corridor Final Design and Construction Management

- Action:**
- A. Approve an amendment to the existing Parsons Transportation Group Final Design and Construction Management Agreement for Light Rail Vehicle Engineering Support for an amount not to exceed \$2,250,000, and**
 - B. Adopt a budget ordinance appropriating \$2,250,000 for the Light Rail Vehicle Engineering Support.**

Staff Resources: Ron Tober, CATS
Greg Gaskins, Finance

Explanation

- On April 14, 2003, Council approved a \$36,036,154 agreement with Parsons Transportation Group (PTG) to provide professional final design, engineering and construction management services for the South Corridor Light Rail Transit Project.
- The light rail vehicle design and production support services were unfunded tasks identified in the scope of services at the time the City executed the Agreement with PTG.

Contract Amendment

- Contract amendment will authorize Consultant firm of PTG to provide technical support to CATS staff during the manufacture and delivery of the light rail vehicles.
- This support will ensure the vehicles are manufactured in accordance with the City's technical requirements.
- Contract amendment will authorize an increase in the existing agreement budget by \$2,250,000.
- Contract amendment will create an existing Agreement value of \$38,286,154.

Disadvantage Business Enterprise Opportunity

Established DBE Goal: 10 %

Committed DBE Goal: 12%

Funding

50% - Certificates of Participation

50% - South Corridor Light Rail Project State Full-Funding Grant Agreement

Attachment 19

Budget Ordinance

30. Resolution to Support NCDOT Small Urban Funds Projects

Action: Adopt a resolution supporting North Carolina Department of Transportation's (NCDOT) request for Small Urban Funds for five projects in Charlotte.

Staff Resource: Bill Finger, Transportation

Resolution

- Small Urban Funds are State funds distributed to the various Divisions for their use for Capital projects.
- NCDOT Resolution requested Small Urban Funds to make improvements at five locations in Charlotte.
- Because the projects will cost over \$150,000, the City of Charlotte must pass a resolution endorsing the projects.

Criteria

- Capacity (volumes), safety, and other considerations are all part of the criteria for selection
- Project must be on the State Street System, and the funds cannot be used to purchase right-of-way.

NCDOT Projects Requested

1. \$150,000 to construct left turn lanes on Margaret Wallace Road and Sam Newell Road
 2. \$150,000 to construct left turn lanes on Robinson Church Road and Harrisburg Road
 3. \$250,000 to construct double left turn lanes on Conference Drive at Monroe Road
 4. \$150,000 to construct double left turn lanes on NC 51 at Rea Road
 5. \$150,000 to construct a directional crossover on US74 at Wallace Road
- The Charlotte Department of Transportation fully supports the construction of these projects.
 - All construction is expected to occur within the next two years.

Attachment 20

Resolution

31. Police Video Teleconferencing System

Action: Approve a contract with Clark Powell Inc., in the amount of \$337,000 for the purchase of a video teleconferencing system for the Police Department.

Staff Resource: Chief Darrel Stephens, Charlotte-Mecklenburg Police Department

Explanation

- Purchase of a Polycom teleconferencing system to link all CMPD locations, the Fire Department and the City Manager's Office
- System operates on existing Local Area Network
- Additional sites can be added as needed
- System is compatible with equipment in CMPD Command Center
- System use will include: training, disaster planning and response and police division meetings

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

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

Funding

2003 Local Law Enforcement Block Grant

32. Studman Branch Pump Station, Force Main and Gravity Sewer

Action: Approve a change order for the Studman Branch Pumping Station, Outfall and Force Main project in the amount of \$488,519.59 with Gilbert Engineering Company.

Staff Resource: Doug Bean, Utilities

Change Order

- This change order provides funding for the following items:
 - Unforeseen additional sanitary sewer work, as assigned
 - Additional sewer line installation, and
 - Pump station enhancements

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

All additional work involved in this Change Order will be performed by the current contractor, Gilbert Engineering Company. Therefore, per Section 10.3 of the Small Business Opportunity Program, no SBE goals are required.

Funding

Sewer Capital Investment Plan

33. Sanitary Sewer Construction—Coffey Creek Tributary

- Action:** A. Adopt a budget ordinance totaling \$395,055 to appropriate funds from Utility Revenue Bonds to Major Interceptor Facility Improvements, and
- B. Approve the low-bid contract award of \$706,213.83 to Dellinger, Inc. of Monroe, North Carolina.

Staff Resource: Doug Bean, Utilities

Explanation

- Project provides sanitary sewer service to a developing, but unsewered area of the County.
- Coffey Creek is in the southwest portion of the city, along Sandy Porter Road and Shopton Road.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.38%

Dellinger, Inc. committed \$38,000 to SBE firms: Ms. Sybils Seeding: \$16,500, Pop's Trucking: \$7,000 and Southern Clearing: \$14,500

Funding

Sewer Capital Investment Plan

Attachment 21

Budget Ordinance

34. Orchestra Lift for Blumenthal Performing Arts Center

- Action:** A. Approve the purchase of an orchestra lift system without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f), and
- B. Approve a contract with Gala Theatrical Equipment for a Spiralift™ System in the amount of \$339,800.

Staff Resources: Sue Rutledge, Engineering and Property Management
Karen Ruppe, Business Support Services/Procurement

Explanation

- Gala Theatrical Equipment will provide a turnkey operation to include demolition of existing components, installation, shoring, and all electronic and mechanical synchronization by their own certified staff.
- Gala Theatrical Equipment is the only manufacturer of the self-collapsing orchestra lift and has obtained a patent on the Spiralift™ System.

History

- Current orchestra stage at the Blumenthal Performing Arts Center was installed with a jack system that screws through the floor, foundation and into the ground.
- This system has caused serious water damage resulting in needed renovation of the stage and of the existing floor underneath.
- To prevent this problem from reoccurring, a self-collapsing stage lift is recommended by Engineering & Property Management.

Small Business Opportunity

Gala Theatrical Equipment is a sole source vendor for this product. The SBO Program Manager waives SBE utilization goals for this contract. This project did not provide any opportunity for SBE subcontractor utilization.

Funding

Government Facilities Capital Investment Plan

35. Auctions for Disposal of Equipment and Donation of Transit Bus to City of Gastonia

- Action:**
- A. Declare specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus and approve a resolution authorizing them for sale by public auction on Saturday, April 17, 2004 and Friday April 30, 2004,**
 - B. Approve sale of police unclaimed property by public auction on Saturday April 24, 2004,**
 - C. Declare Bus # 249 as surplus and approve the donation of said bus to the City of Gastonia.**

Staff Resource: Susan Johnson, Business Support Services

Public Auctions

- Pursuant to North Carolina G.S. 160A-270(b) Business Support Services (BSS) requests approval to conduct three public auctions.
- The public auctions will be conducted on April 17, 2004, April 24, 2004, and April 30, 2004 to dispose of designated City-owned personal property and

police unclaimed property at the City-County Surplus Facility located at 3301 Rotary Drive, Charlotte, North Carolina.

- The City selected an auction service chosen through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings.

Declare Bus Surplus and Donate

- Pursuant to North Carolina G.S. 160A-274 Business Support Services requests approval to donate one 1991 Flxible forty foot transit bus to the City of Gastonia.
- This bus is fully depreciated and the age and mileage satisfies the federal guidelines for disposal without penalty. Estimated value is \$2,000.
- The City of Gastonia is in dire need of an alternate bus to complete daily scheduled routes.

Attachment 22

Resolution

Lists of property to be declared as surplus (Exhibits A, B and C).

36. Airport Construction Settlement Agreement

Action: Approve a settlement agreement with Aneco Electric resolving Aneco's claim for damages related to expansion of Concourse D.

Staff Resource: Jerry Orr, Aviation

Settlement Agreement

- Aneco was the electrical contractor on the Concourse D expansion. Aneco's contract, including all change orders, was for approximately \$7 million.
- After substantial completion, Aneco claimed delay damages of \$1.2 million.
- The parties submitted the dispute to mediation, as required by the contract. At mediation, the parties reached a tentative settlement.
- The settlement requires Aneco to finish punchlist items and requires the City to pay \$479,864.15 as payment in full for Aneco's work under the contract and in satisfaction of Aneco's claims.

Funding

Aviation Capital Investment Plan

37. Settlement Agreement with Danis Environmental Industries

Action: Approve a settlement agreement with Danis Environmental Industries for final payment and project closeout on the Mallard Wastewater Treatment Plant expansion.

Staff Resource:

Doug Bean, Charlotte-Mecklenburg Utilities

Settlement Agreement

- Danis was the construction contractor for the Mallard Wastewater Treatment Plant expansion.
- Danis agrees to pay \$900,000 in liquidated damages.
- Danis releases all claims it might otherwise have against the City.
- City withholds \$600,000 for the completion of all remaining work items through the use of various outside vendors and contractors. Upon completion of this work, the City will pay any balance to Danis
- City agrees to accept the work actually performed by Danis and release any claims the City may have for liquidated damages in excess of \$900,000.
- Remainder of the agreement establishes warranty dates and requirements, and establishes the terms and conditions for the payment of funds to Danis.

History

- In April 1999 Danis Environmental Industries, Inc. won the construction contract for the expansion of the Mallard Wastewater Treatment Plant. Total amount of the contract was \$25,011,000.
- In 2002 Charlotte-Mecklenburg Utilities (CMU) was notified that Danis' management decided to dissolve the company upon completion of their existing projects throughout the country.
- CMU worked with Danis and their bonding company until the project was substantially complete and operational.
- After lengthy discussions, Danis agreed to exit the site upon substantial completion of the project and the negotiation of a settlement agreement.

38. Charlotte Area Transit Maintenance Facility Condemnation Settlement

Action: Approve final settlement of \$3,900,000 in condemnation case captioned City of Charlotte v. Helen J. Fridell and F. Terrell Fridell, Jr., 03 CVS 2852, Mecklenburg County Superior Court.

Staff Resources: Diane Johnson, CATS Real Estate Program Manager
Catherine Williamson, Assistant City Attorney

Settlement Recommendation

- Staff recommends settlement for the total amount of \$3,900,000 based on the appraisals and other evidence expected to be produced at trial, in addition to savings in litigation expenses, including payment of interest, mediation fees and expert witness fees.
- The U.S. Department of Transportation approved this settlement, as federal funds are involved.

History

- The 26-acre property acquired by this condemnation is 3200-3201 South Boulevard, formerly Carolina Marble and Granite Works, Inc.
- In 2001 Council authorized condemnation for the new Transit Maintenance Facility in the appraised amount of \$2,530,000.
- In 2002 Council approved additional compensation based on an updated appraisal, which indicated a fair market value of \$2,800,000 for the property.
- In 2003 Council again approved additional compensation after the condemnation case was filed in court and an updated appraisal showed a fair market value on the date of taking to be \$3,024,000.
- Thereafter, the property owners obtained their own MAI appraisal showing the property's fair market value to be \$4,300,000.

Funding

Transit Capital Investment Plan

39. Technical Amendments to City Code Chapters 10 and 11

Action: Adopt an ordinance to make minor technical revisions to Chapters 10 and 11 of the City Code.

Staff Resources: Mujeeb Shah-Khan, City Attorney's Office
 Anna Schleunes, City Attorney's Office

Background

- On November 10, 2003, the Council approved a recodified City Code, effective January 1, 2004.
- City staff recommends minor technical changes to Chapters 10 and 11 of the City Code.

Amendments

- Revising Section 10-212 ("Sign Ordinance") of the City Code creates a usable standard for the public and Code Enforcement inspectors on where signs can be placed.
 - Currently, the Sign Ordinance is difficult to understand and comply with and for the City to enforce, as it refers to "within eleven (11) feet from the edge of any public rights-of-way."

- The new standard of “within eleven (11) feet of the edge of the pavement of any road, roadway, street, or alley, or within any public rights-of-way” is easier for the public to understand, since it sets a clear line from the edge of a street, instead of a right-of-way, which is not easy to find.
- The change still makes it a violation for someone to place signs in the right-of-way, including medians of roads.
- The new standard will also be easier for Code Enforcement inspectors to administer.

- Revising Section 10-64 of Chapter 10 of the City Code replaces a process which is not an adequate deterrent to violations, with a streamlined process that is easier for the public to understand and for the City to administer.
 - The amendment to Section 10-64 eliminates an additional \$50 penalty that the City charges if citations are not paid within 30 days after a citation is issued.
 - The current Section 10-64(5) of the City Code allows the City to charge the violator with the costs of using a contractor when the contractor remedies violations of Chapter 10 of the City Code.
 - For example, the City uses contractors to mow lawns, tow cars, or clean up excessive trash. When the City uses a contractor, the City passes along the costs of using the contractor and an administrative fee, as part of the citation.
 - If the violator does not pay the citation within 30 days, the current ordinance requires that an additional penalty of \$50 is added.
 - However, the additional penalty has not deterred violations of Chapter 10 of the City Code, and is difficult to administer.
 - Removing the additional penalty will be easier for the public to understand and comply with Chapter 10, and will result in streamlined administration of Chapter 10.

- Revising Section 11-77 of Chapter 11 of the City Code makes the local minimum housing standard for ceiling height consistent with the North Carolina Building Code’s standard, which is currently seven feet.

Attachment 23
Ordinance

40. Property Transactions

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

For property transaction A, 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 costs are eligible for Federal Aviation Administration reimbursement.

For property transactions D, P, and Q - T, 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/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

Acquisitions:

- A. Project:** Airport Master Plan Acquisition
Owner(s): Charlotte One Center, LLC
Property Address: 5601 Wilkinson Boulevard
Property to be acquired: 3.438 acres
Improvements: Billboards on part of property (to be acquired)
Purchase Price: \$226,200
Zoned: I2
Use: two industrial office buildings
Tax Value: [acquiring 3.5 acres of the 17.9 acres]
Tax Code: part of 115-162-13
- B. Project:** Sanitary Sewer to Serve 7321 North Tryon Street, Parcel # 1
Owner(s): Alfred Mark Green
Property Address: 7305 North Tryon Street
Property to be acquired: 3,252 sq.ft. (.075 ac.) of Permanent Easement plus 2,065 sq.ft. (.047 ac.) of Temporary Construction Easement
Improvements: None

- Landscaping:** None
Purchase Price: \$12,100
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-1
Use: Medical Business-Office
Tax Code: 047-221-20
Total Parcel Tax Value: \$303,700
- C. **Project:** NC49/US29 Interchange, Parcel # 51
Owner(s): Howard P. Brady and Frances L. Brady
Property Address: 100 Sandy Avenue
Property to be acquired: 8,495 sq.ft. (.195 ac.) of Fee Simple plus 3,325 sq.ft. (.076 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$113,000
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Single Family Residential
Tax Code: 049-113-21
Total Parcel Tax Value: \$76,700
- D. **Project:** NC49/US 29 Interchange, Parcel # 20
Owner(s): Devita Investments, Inc.
Property Address: 6701 North Tryon Street
Property to be acquired: 3,661 sq.ft. (.084 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,500
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Commercial/Strip Shopping Center
Tax Code: 089-172-38
Total Parcel Tax Value: \$1,296,500
- E. **Project:** South Corridor Light Rail Transit Project, Parcel # 306
Owner(s): Tracks, LLC (formerly known as New Bern Street Realty Co., Inc.)
Property Address: 101 Foster Avenue
Property to be acquired: 3,842 sq. ft. (.088 ac.) of Permanent Easement
Improvements: None
Purchase Price: \$42,250
Agent: LMR
Zoned: I-2

Use: Office
Tax Code: 147-021-20
Tax Value: \$1,022,800

Condemnations:

- F. Project:** Tryon/Bank Storm Drainage Improvements, Parcel # 5
Owner(s): Thomas Kikendall and any other Parties of Interest
Property Address: 3123 Bank Street
Property to be acquired: 1,355 sq.ft. (.311 ac.) of Permanent Storm Drainage Easement plus Permanent Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$8,500
Remarks: Compensation was established by an independent, certified appraisal in the area. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Residential
Tax Code: 145-053-04
Total Parcel Tax Value: \$74,700
- G. Project:** Tryon/Bank Storm Drainage Improvements, Parcel # 3
Owner(s): John D. Allison and any other Parties of Interest
Property Address: 3109 Bank Street
Property to be acquired: 552 sq.ft. (.013 ac.) of Permanent Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$175
Remarks: Compensation was established by an independent, certified appraisal in the area. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Residential
Tax Code: 145-053-02
Total Parcel Tax Value: \$58,300
- H. Project:** Oakview Terrace Neighborhood Improvements, Parcel # 402
Owner(s): B.C. Bonding Company and any other Parties of Interest
Property Address: 538 Pennsylvania Avenue
Property to be acquired: Total Combined Area of 1,297 sq.ft. (.030 ac.) of Storm Drainage Easement
Improvements: None
Landscaping: None
Purchase Price: \$25

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

Zoned: R-4

Use: Single Family Residential (Vacant Land)

Tax Code: 069-071-24

Total Parcel Tax Value: \$65,700

- I. Project:** Oakview Terrace Neighborhood Improvements, Parcel # 51
Owner(s): A.H. Budco, Inc. and any other Parties of Interest
Property Address: Rayon Street
Property to be acquired: Total Combined Area of 856 sq.ft. (.020 ac.) of Fee Simple plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$125
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 069-102-34
Total Parcel Tax Value: \$9,000
- J. Project:** Oakview Terrace Neighborhood Improvements, Parcel # 42
Owner(s): A.H. Budco, Inc. and any other Parties of Interest
Property Address: 3312 Tennessee Avenue
Property to be acquired: Total Combined Area of 3,203 sq.ft. (.074 ac.) of Fee Simple plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,300
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 069-103-01
Total Parcel Tax Value: \$9,000
- K. Project:** Charleston/Monroe Storm Drainage Improvements, Parcel # 23
Owner(s): Deborah E. Branham and any other Parties of Interest
Property Address: 4901 Charleston Drive

Property to be acquired: 2,967 sq.ft. (.069 ac.) of Permanent and Temporary Construction Easements

Improvements: None

Landscaping: Trees

Purchase Price: \$950

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

Zoned: R-3

Use: Single Family Residential

Tax Code: 163-013-22

Total Parcel Tax Value: \$75,000

- L. Project:** Charleston/Monroe Storm Drainage Improvements, Parcel # 18
- Owner(s):** Marianne M. Hickman and Husband, Daniel L. Slegemilch and any other Parties of Interest
- Property Address:** 1501 Worcaster Place
- Property to be acquired:** 2,911sq.ft. (.067 ac.) of Permanent and Temporary Construction Easements
- Improvements:** None
- Landscaping:** Trees
- Purchase Price:** \$3,600
- Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- Zoned:** R-3
- Use:** Single Family Residential
- Tax Code:** 163-071-51
- Total Parcel Tax Value:** \$177,200
- M. Project:** 2003 Annexation Sanitary Sewer to Serve the Sunset/Pleasant Grove Road Area, Parcel # 27
- Owner(s):** Long Creek Homeplace, LLC and any other Parties of Interest
- Property Address:** Sunset Road
- Property to be acquired:** 17,981 sq.ft. (.413 ac.) of Permanent and Temporary Construction Easements
- Improvements:** None
- Landscaping:** Trees
- Purchase Price:** \$1,975
- Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- Zoned:** R-3
- Use:** Residential/Vacant Land
- Tax Code:** 037-321-18
- Total Parcel Tax Value:** \$277,900

- N. Project:** 2003 Annexation Sanitary Sewer to Serve the Overlook Area, Parcel # 21
Owner(s): Roy H. Cox and Wife, Gladys S. Cox and any other Parties of Interest
Property Address: 11421 Pump Station Road
Property to be acquired: 24,831 sq.ft. (.570 ac.) of Permanent and Temporary Construction Easements
Improvements: None
Landscaping: None
Purchase Price: \$3,375
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 023-111-15
Total Parcel Tax Value: \$309,800
- O. Project:** 2003 Annexation Sanitary Sewer to Serve the Overlook Area, Parcel # 8
Owner(s): Robert L. Rivenbark and Wife, Carina L. Rivenbark and any other Parties of Interest
Property Address: 4200 Mount Holly-Huntersville Road
Property to be acquired: 12,149 sq.ft. (.279 ac.) of Permanent and Temporary Construction Easements
Improvements: Two Brick Walls
Landscaping: Trees and Shrubs
Purchase Price: \$6,350
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 033-041-19
Total Parcel Tax Value: \$203,100
- P. Project:** 2003 Annexation S/S to Serve the Overlook Area, Parcel # 1
Owner(s): Henry Russell Helms and Wife, Deborah A. Helms and any other Parties of Interest
Property Address: 9395 Hutchinson Lane
Property to be acquired: 2,330 sq.ft. (.053 ac.) of Permanent and Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$286
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3
Use: Single Family Residential
Tax Code: 033-221-01
Total Parcel Tax Value: \$790,400

- Q. Project:** South Corridor Light Rail Transit Project, Parcel # 222
Owner(s): Dickson Heights, Inc., a North Carolina Corporation and Any Other Parties of Interest
Property Address: 6019 Old Pineville Road
Property to be acquired: 16,128 sq. ft. (.370 ac.) of Fee Simple
Improvements: None
Purchase Price: \$87,125
Agent: KMH
Zoned: I-2
Use: Vacant
Tax Code: 169-092-13
Tax Value: \$32,700
- R. Project:** South Corridor Light Rail Transit Project, Parcel # 157,
Owner(s): Barbara Hampton Reitzel, Raymond Michael Reitzel, Christopher Reitzel and Any Other Parties of Interest
Property Address: 7430 South Boulevard
Property to be acquired: 345,304 sq. ft. (7.927 ac.) of Fee Simple
Improvements: Residential and Commercial Buildings
Purchase Price: \$570,700
Remarks: Compensation includes the amount of \$60,520.00 which represents the estimated cost for clean up of contamination as determined by an environmental report. This amount will be withheld to cover clean up costs. The remainder represents the total amount of the condemnation deposit.
Zoned: R-4
Use: Single-Family
Tax Code: 205-173-01
Agent: KMH
Tax Value: \$981,800
- S. Project:** South Corridor Light Rail Transit Project, Parcel # 223
Owner(s): Rosenblatt and Associates, Inc., a North Carolina Corporation and Any Other Parties of Interest
Property Address: 6051 Old Pineville Road
Property to be acquired: 15,909 sq. ft. (.365 ac.) of Fee Simple
Improvements: Restaurant
Purchase Price: \$86,450
Agent: KMH
Zoned: I-2
Use: Commercial
Tax Code: 169-092-14
Tax Value: \$86,300

- T. Project:** South Corridor Light Rail Transit Project, Parcel # 221
Owner(s): Rosenblatt and Associates, Inc., a North Carolina Corporation and Any Other Parties of Interest
Property Address: 6101 Old Pineville Road
Property to be acquired: 13,031 sq. ft. (.299 ac.) of Fee Simple
Improvements: Restaurant
Purchase Price: \$160,925
Agent: KMH
Zoned: I-2
Use: Commercial
Tax Code: 169-092-11
Tax Value: \$102,800
- U. Project:** South Corridor Light Rail Transit Project, Parcel # 215
Owner(s): Bourbon Street Corporation, a North Carolina Corporation and any other parties of interest and Any Other Parties of Interest
Property Address: 6225 Old Pineville Road
Property to be acquired: 62,223 sq. ft. (1.428 ac.) of Fee Simple
Improvements: Commercial Buildings
Purchase Price: \$162,300
Remarks: Compensation includes the amount of \$37,400 which represents the estimated cost for clean up of contamination as determined by an environmental report. This amount will be withheld to cover clean up costs. The remainder represents the total amount of the condemnation deposit
Zoned: I-2
Use: Office
Tax Code: 169-162-04
Agent: KMH
Tax Value: \$156,200
- V. Project:** Tryon/Bank Storm Drainage Improvements, Parcel # 2
Owner(s): Thomas Kikendall
Property Address: 3115 Bank Street
Property to be acquired: 6,964 sq.ft. (.160 ac.) of Permanent Storm Drainage Easement plus Permanent Utility Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,775
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Single Family/Duplex-Triplex
Tax Code: 145-053-03
Total Parcel Tax Value: \$75,400

- W. Project:** 2003 Annexation Sanitary Sewer to Serve The Overlook Area, Parcel # 26
Owner(s): Andrew Crosby and Wife, Gay M. Crosby and any other Parties of Interest
Property Address: 11409 Abernathy Road
Property to be acquired: 5,061 sq.ft. (.116 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Purchase Price: \$1,900
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 023-113-07
Total Parcel Tax Value: \$154,700
- X. Project:** Clear Creek Basin Sanitary Sewer, Parcel # 13
Owner(s): Alfred Leroy Hough and wife, Anna H. Hough and any other Parties of Interest
Property Address: Blair Road
Property to be acquired: Total combined Area of 11,583 sq.ft. (.266 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,850
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R
Use: Residential/Vacant Land
Tax Code: 137-131-17
Total Parcel Tax Value: \$74,400
- Y. Project:** Clear Creek Basin Sanitary Sewer, Parcel # 14
Owner(s): Alfred L. Hough and wife, Anna H. Hough and any other Parties of Interest
Property Address: 10307 Truelight Church Road
Property to be acquired: Total Combined Area of 5,576 sq.ft. (.128 ac.) of Sanitary Sewer Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,100
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R
Use: Residential/Vacant Land
Tax Code: 137-311-76
Total Parcel Tax Value: \$56,100

- Z.** **Project:** Hickory Grove Road Widening, Parcel # 72
Owner(s): Carl Stephens and Valerie L. Stephens
Property Address: 5718 Hickory Grove Road
Property to be acquired: 3,366 sq.ft. (.078 ac.) of Fee Simple plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$650
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Residential
Tax Code: 103-203-13
Total Parcel Tax Value: \$78,630

41. Meeting Minutes

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

- February 9, 2004 Business Meeting
- February 11-13, 2004 Council Retreat
- February 16, 2004 Zoning Meeting
- February 23, 2004 Business Meeting