

Mayor Patrick McCrory

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING
Monday, May 8, 2000

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

7:00 p.m.

Meeting Chamber

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

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

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Watershed Floodplain Maps for Little Sugar, Briar, and McMullen Creeks

Resource: Stephen Sands, Engineering & Property Management

Time: 15 minutes

Attachment 1

2. Conditional Use Zoning Process

Resources: Martin Cramton, Planning KBE
Mac McCarley, City Attorney

Time: 30 minutes

Attachment 2

3. Northeast Area Plan

Resource: Kathy Cornett, Planning

Time: 30 minutes

Attachment 3

4. Business Customer Survey

Resources: Tom Flynn, City Manager's Office
Nancy Burnap, MarketWise

Time: 20 minutes

Attachment 4

5. Committee Reports by Exception

Public Safety Committee: Passenger Vehicle for Hire Ordinance

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

CONSENT

- 6. Consent agenda items 22 through 40 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

Council Retreat Priority: Westside Strategy

7. Public Hearing on Westside Strategic Plan

Action: Hold a public meeting to receive citizen comments on the draft Westside Strategic Plan Volume 1: Concept Plan.

Committee Chair: Lynn Wheeler

Staff Resource: Debra Campbell

Focus Area: Economic Development

Explanation:

In response to growing concerns voiced about Westside issues, City Council directed the Planning Commission to develop a strategic plan for the Westside to address the area's many social, economic and physical issues. Staff initiated the planning process in May 1997. The Westside Strategic Plan encompasses an area generally bound by the Catawba River and Gaston County to the west, York County to the south, Mountain Island Lake to the north and Statesville Road, I-77/I-277 and South Boulevard to the east. This geography is comprised of approximately 145 square miles or almost 93,000 acres.

The plan is divided into three reports:

1. *Volume I: Concept Plan* identifies the planning challenges, a vision for change and overall objectives and recommendations related to the eight issue areas. This is the only document that staff is requesting be considered for adoption.
2. *Volume II: Implementation Plan* spells out specific objectives, implementation strategies and projects for the next five to seven years.
3. The *Summary Report* focuses on the eight key issue areas and summarizes the priority objectives and key strategies from the *Concept and Implementation Plans*.

The plan focuses on eight key issue areas:

1. *Land Use:* How to maintain a good balance of land uses and ensure appropriate and well designed development in airport noise-impacted areas, around the Outer Loop interchanges and other intersections?
2. *Image:* How to change the negative image often associated with the Westside?
3. *Education:* How to improve the quality of education and condition of Westside schools?
4. *Economic Development:* How to retain existing employers and draw new jobs, businesses and quality housing to the area when competition in the region is so keen?

5. *Neighborhoods/Social Disparities:* How to maintain stable neighborhoods; revitalize and improve conditions in the many fragile and threatened neighborhoods and areas showing signs of distress?
6. *Transportation:* How to improve the transportation system: linking people to jobs, providing transit and providing pedestrian and bicycle facilities?
7. *Public Facilities:* How to provide the same level of public facilities-- parks, water and sewer service, libraries, post offices, etc.---found in other parts of the community?
8. *Environment:* How to improve environmental quality on the Westside?

During the plan development process, periodic updates were given to City Council at their Retreats in 1997 and 1998 and at a Council Workshop on January 4, 2000. Staff held a public meeting on the draft plan on July 22, 1999. The Planning Committee of the Charlotte Mecklenburg Planning Commission voted unanimously to adopt the plan on September 28, 1999 with only minor changes.

Committee Discussion:

The Economic Development and Planning Committee held two meetings to discuss the Westside Strategic Plan on December 14, 1999 and on February 15, 2000. At the December meeting, committee members in attendance were Lynn Wheeler, Malcolm Graham, Don Lochman and Nancy Carter. Susan Burgess also attended. At this meeting, staff provided an overview of the concept plan, key issues and recommendations. Councilman Graham indicated he wanted to see a recommendation related to Johnson C Smith University (JCSU) and their role in helping to revitalize the Westside Beatties Ford corridor. He further stated the plan was incomplete without a reference to JCSU. The committee also requested that staff arrange a tour of the area so they could better understand issues and needs of the Westside. The committee toured the Central Southwest, and Northwest portions of the Westside on February 4, 2000.

Committee members in attendance at the second meeting on February 15 included Lynn Wheeler, Malcolm Graham, Don Lochman, Patrick Cannon and Nancy Carter. At this meeting, staff provided an overview of the issue areas where staff, the study group and Planning Commission disagreed. The committee then voted separately on each item.

The major areas of disagreement were on specific land use recommendations and one related to public facilities. The following lists the specific geography, staff recommendation, study group recommendation and committee recommendations for these areas.

Land Use*1. Page 24 Area #10 (Eagle Lake Community north of Shopton Road)*

- Staff Recommendation: Amend the Southwest District Plan which currently shows this area as low density single family to business/office park uses. The area is located in the 70 and 65 decibel noise level (dnl) noise contours, adjacent areas are recommended to transition to nonresidential, and it is near the location of proposed intermodal facility and other airport/business park related uses.
- Amended Staff Recommendation: Maintain existing recommendation on Southwest District Plan map which calls for single family residential. Maintain as residential until a buyout of the entire neighborhood can be accomplished.
- Neighborhood Recommendation: Retain as single family, show on land use map as single family.
- Council Committee Recommendation: Voted 5-0 to support staff's amended recommendation to maintain as single family.

2. Page 25 Area #12 (Area bounded by Sandy Porter, Brown Grier and I-485)

- Staff Recommendation: Amend the Southwest District Plan which calls for single family development at this location to reflect office use with a small retail component area not to exceed 25,000 square feet. This area is too small for any substantial residential development and a large amount of retail has already been approved nearby.
- Study Group Recommendation: Neighborhood retail center (100,000 square feet).
- Council Committee Recommendation: The Committee discussed whether there is an adequate amount of retail development in the area. Staff pointed out the number of commercial centers that had recently been approved and/or recommended in the Southwest District Plan. The Committee voted 5-0 to support staff's recommendation.

3. Page 25 Area #15 (East of Coffey Creek at the intersection of Shopton and Beam Roads)

- Staff Recommendation: Maintain as multi-family as proposed in the Southwest District Plan. The area is surrounded by residential uses and zoning. An adequate supply of nonresidential development is proposed west of this site and near the airport.
- Study Group Recommendation: Amend the Southwest District Plan to allow light industrial/business park uses.
- Council Committee Recommendation: Voted 5-0 to support staff's recommendation to maintain multi-family.

4. *Pages 26-27 Area #18 and Pages 27-28 Area #19 (West of I-485/Dixie Berry Hill Area)*

- Staff Recommendation: Initiate a study of the area with the goal of creating a mix of land uses. The area includes several thousand acres of vacant land, generally located outside of the noise contours,(only a small portion is located in noise contours), is accessible to the Catawba River and I-485, and represents untapped development potential on the Westside.
- Study Group Recommendation: Maintain recommendations in Southwest District Plan which calls for low density single family.
- Council Committee Recommendation: Voted 5-0 to support staff's recommendation to do a plan to determine future land use pattern.

5. *Page 23 Area #6 (Garrison Road area southwest of I-485 between Dixie River Road and Old Steel Creek Road)*

- Staff Recommendation: Amend the Southwest District Plan which calls for a park and low density single family development to allow business/office park/open space uses. The area is located in the 65 dnl noise contours and adjacent to I-485.
- Amended Staff Recommendation: Include this area as part of the plan proposed for Areas #18 and #19 recommended on pages 27-28 in the plan.
- Study Group Recommendation: Maintain recommendations in Southwest District Plan which calls for low density single family.
- Minority Study Group Opinion: Amend the Southwest District Plan to allow light and heavy industrial uses especially along Garrison Road.
- Council Committee Recommendation: Voted 5-0 to support staff's amended recommendation to include this area in the proposed plan.

6. *Johnson C Smith University Area (committee addition to the plan):*

- The committee recommended staff add to the land use section of the plan that a JCSU or University Village be created to encourage mix use centers with residential, neighborhood commercial and office uses as proposed in the Project Catalyst Plan. This development would extend outside of the JCSU campus to provide goods, services and entertainment opportunities for JCSU students and nearby residents. Also add to Volume II Implementation Plan to encourage development of JCSU Village and implementation of Project Catalyst Plan.
- Council Committee Recommendation: Voted 5-0 to support revising the plan to add language to create JCSU Village.

Parks, Utilities and Other Public Facilities:

1. *Page 47 (Charlotte Coliseum)*

- Staff Recommendation: Evaluate options for ownership and reuse within the context of the new Arena discussions.

- Study Group Recommendation: Support continued public ownership.
- Planning Committee Recommendation: Delete any reference to the Coliseum as being kept in public ownership. Use public facilities to help support development on the Westside.
- Council Committee Recommendation: Voted 5-0 to support Planning Committee's recommendation. The committee did not want to use any staff recommendation which implies that a new Arena will be built.

Next Steps: After receiving public comments on the plan, the committee will review and take action on the plan. The anticipated date of the committee action is May 23, 2000. Following the committee decision, the plan will be forwarded to Council for action in June.

Community Input:

A 35 member citizens committee, with representatives from the Central, Northwest and Southwest portions of the study area, was formed to work with staff during the eight month plan development process. In total more than 20 meetings were held during the eight month process. Additionally, a 12 member citizens group was formed to develop specific land use recommendations (Southwest District Plan Amendment Study Group) for areas impacted by airport noise resulting from the expansion of Charlotte Douglas International Airport. The work of that citizens committee has been included in the Westside Strategic Plan. Finally, a staff steering committee provided technical support and information to staff and the study group.

On July 22, 1999 a public meeting was held for citizen input. Forty people attended the meeting. Several hundred flyers were sent to property owners, neighborhood groups and others notifying them of the public meeting. Comments from the meeting were forwarded to Council's Economic Development and Planning Committee for their consideration as they reviewed and discussed the plan. (See attachment for citizen comments)

Attachment 5

- Westside Strategic Plan Volume I: Concept Plan, Volume II: Implementation Plan and the Summary Document
- Summary Comments from July 22, 1999 Public Meeting

8. Public Hearing and Resolution to Close a Portion of Stonemark Drive

Action: A. Conduct a public hearing to close a portion of Stonemark Drive; and

B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam

Focus Area: Economic Development

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 action in accordance with the statute.

Mr. Charles E. Bush has petitioned to close a portion of Stonemark Drive to build a planting berm. Stonemark Drive is a short stubbed street in the Raintree subdivision that terminates at the rear of the Charlotte Latin School property. Charlotte Latin School has expressed concerns about closing the property because it provides potential future access for the school. Charlotte Latin School has existing access to both Providence Road (traffic signal) and Raintree Lane. Although Charlotte Latin has a locked gate at Stonemark Drive, there is no driveway or current access at this location.

On August 30, 1999 Charlotte Department of Transportation staff met with Mr. Charles E. Bush, petitioner; Mr. Randall Owens, abutting property owner; and Mr. Ned Fox, Headmaster of Charlotte Latin School, in an attempt to resolve outstanding issues. Several proposals were made to find a solution that would accomplish the objectives for all parties; however, there was no resolution. In October the petitioner received a letter from Mr. Ned Fox, informing him that the current board could not enter into a perpetual agreement with the petitioner that would bind all other future administration or boards. As a result, Mr. Bush pursued the abandonment, and Charlotte Latin School remains concerned.

Staff Recommendation

CDOT has determined that Charlotte Latin School has reasonable existing access to their campus via driveways to Providence Road (signalized entrance) and Raintree Lane. Providence Road is a major thoroughfare and Raintree Lane is a collector street. CDOT staff does not recommend a future access to the campus from Stonemark Drive which is a short residential street internal to the Raintree neighborhood. This type of secondary access to Providence Day School is currently a major issue with the Lansdowne

neighborhood. Both the Charlotte-Mecklenburg Police Department and the Charlotte Fire Department have indicated that future access to the Charlotte Latin School campus from Stonemark Drive is not necessary for emergency services.

Petitioner:

Charles E. Bush III

Right-of-Way to be abandoned:

A portion of Stonemark Drive

Location:

From the property line of Charlotte Latin School eastwardly approximately 54 feet towards Whitethorn Drive

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner in order to build a planting berm to enhance the property and the neighborhood. This will eliminate potential future access for Charlotte Latin School onto Stonemark Drive.

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 Latin School does not support this request because they would like to have the ability to develop access to Stonemark Drive in the future.

Neighborhood/Business Associations:

Southeast Coalition of NA Association – No objection

Quail Acres Home Owners Association – Contacted by telephone/No objection

Raintree Green HOA, Inc – Contacted by telephone/No objection

DeerPark Home Owners Association – No objection

Berkley Home Owners Association – No response

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

9. Public Hearing and Resolution to Close a Portion of a 10-foot Alleyway Bounded by Eighth Street, Clarice Avenue, Ninth Street and Ridgeway Avenue

Action: A. Conduct a public hearing to close a portion of a 10-foot Alleyway Bounded by Eighth Street, Clarice Avenue, Ninth Street, and Ridgeway Avenue; and

B. Adopt a Resolution to Close.

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 action in accordance with the statute.

Petitioner:

Jerry A. Klutz

Right-of-Way to be abandoned:

A portion of a 10-foot alleyway bounded by Eighth Street, Clarice Avenue, Ninth Street, and Ridgeway Avenue in the Elizabeth neighborhood

Location:

From Ridgeway Avenue southeastwardly approximately 198 feet

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner

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 - No objection

Neighborhood/Business Associations:

Elizabeth Community Association - No objection

Chantilly Neighborhood Association - No objection

Plaza-Central Development Group, Inc. - No response

Commonwealth Morningside Neighborhood Association - No response

Grier Heights Community Improvement Organization - No response
Charlotte Council of Garden Clubs - No response

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 7

Map

Council Retreat Priority: Business Corridor Revitalization

10. Public Hearing to Create the South End Municipal Service District

Action: Conduct a public hearing to receive comments on the proposed creation of Municipal Service District #4 (South End).

Staff Resource: Dennis Marstall

Focus Area: Economic Development

Policy:

Focus on key geographic areas of the City to aid development, redevelopment, and competitiveness of the local economy

Explanation:

Under the Municipal Service District (MSD) legislation (G.S. 160A-535 et seq.), City Council may define any number of service districts to provide additional services, as prescribed by legislation in addition to, or to a greater extent than those maintained for the entire city. In 1999 at Charlotte City Council's request, the State Legislature amended the MSD legislation to allow cities to form an MSD for "urban area revitalization projects."

At the February 16, 2000 Half-Day Budget retreat, Kevin Kelly, South End Development Corporation President, made a presentation to City Council about the formation of a South End MSD. The South End Development Corporation's position is that a Municipal Service District should be formed to coordinate public and private sector decisions in the South End. Specifically, he stated a South End MSD would

- promote capital investment to further beautify and enhance the area

- promote and market the area, including the Charlotte Trolley, to encourage business and residential expansion and increase the tax base
- monitor and provide enhanced services such as public safety, litter control, and traffic/parking control

These services would be provided by a proposed South End MSD tax rate of nine cents per \$100 valuation for the property in the defined MSD area. A MSD tax of nine cents in the South End area would generate approximately \$185,000 based on January 2000 property values. Attached is the plan that outlines the specific objectives and budget for the proposed South End MSD.

The proposed boundaries of the MSD would encompass 460 parcels of land and include all properties between South Tryon and Winnifred Streets on the west, the Belk Freeway on the north, South Boulevard on the east, including all properties fronting South Boulevard on the east side of the Boulevard and Dunavant Street and Remount Road on the south.

City Council will be asked to vote on creating this district at the May 22, 2000 business meeting. If approved, Council would then set the South End MSD tax rate as part of the annual budget ordinance, which is scheduled for a vote on June 5, 2000. Pursuant to state legislation, City Council's action would be effective July 1, 2000, the beginning of the new fiscal year. At that time, the City would enter into a contract with the South End Development Corporation to provide services outlined with the revenue from the MSD tax.

Community Input:

A nine member property owner subcommittee of the South End Development Corporation (SEDC) recommended the proposed boundaries and tax rate for a South End MSD, which was unanimously adopted by the full SEDC Board in January 2000. Input for the MSD services and feedback on the proposed boundaries and tax rate was generated at a stakeholder planning session on March 7, 2000 at the Pritchard Memorial Baptist Church on South Boulevard.

The meeting was attended by approximately 40 property owners. The meeting featured a panel discussion and a question and answer session with a variety of stakeholders including South End residents, merchants, and landowners/developers in the area. Three recurring questions were raised at the stakeholder meeting.

- Q. How were the boundaries defined, in particular why wasn't it expanded in the north and south parts of the district or down East Boulevard?
- A. The boundaries were formed using natural boundaries (roads) and encompass the area that conformed to the legal requirement of property with a concentration of redeveloping industrial, retail, wholesale and office use. Property along East Boulevard was not included to avoid encroachment into the Dilworth neighborhood.

- Q. Who will make the decisions on how to spend the tax money in the District and what is the composition of the South End Development Corporation Board?
- A. The South End Development Corporation Board (SEDC) is a 16 member body consisting of South End developers/landowners, merchants, and residents. SEDC will submit an annual budget to propose how the money is to be spent and City Council will review and approve their budget annually.
- Q. Will those properties presently in Municipal Service District (MSD) One that are just south of the Belk Freeway and north of Carson Street have to pay two special district taxes?
- A. No. All of the parcels of property presently in MSD 1 which are south of the Belk Freeway and currently served by Charlotte Center City Partners will either stop paying any MSD taxes (38 parcels) or they will be transferred to the South End MSD (31 parcels) and pay only the South End MSD tax

The South End Development Corporation has received 12 letters of support from some of the major property owners in the area, plus the Dilworth and Wilmore Neighborhood Associations.

As part of the public notification process, all property owners in the proposed districts were sent a letter on April 5, 2000 notifying them of the proposed South End MSD and public hearing. A legal notice about the public hearing, plus a map of the area, was published in the Charlotte Observer on April 27, 2000.

Since the property owner letters were distributed, the Budget and Evaluation Office has received three phone calls, all from property owners on Morehead Street inquiring about the proposed level of services to be received from the South End Development Corporation compared to the level of services presently being provided by CCCP.

Members of the South End Development Corporation Board have been meeting individually with the property owners on Morehead and Carson Streets and throughout the district to outline the services to be provided with the formation of the service district.

Attachment 8

- Map of proposed South End MSD boundary
- Proposed South End MSD Plan

11. Public Hearing to Reduce the Boundary of Uptown Municipal Service District #1

Action: Conduct a public hearing to receive comments on the proposed reduction of the boundary for Uptown Municipal Service District #1.

Staff Resource: Dennis Marstall

Focus Area: Economic Development

Policy:

Focus on key geographic areas of the City to aid development, redevelopment, and competitiveness of the local economy

Explanation:

Pursuant to the Municipal Service District (MSD) Act of 1973 (G.S. 160A-535 *et seq.*), City Council may, at its discretion, create, reduce, extend or consolidate service districts by resolution based upon service delivery needs.

Charlotte Center City Partners (CCCP) is the contracted entity that provides services to the three Uptown MSDs with the revenue generated from the MSD taxes. Last year, the City and CCCP, with the help of a consulting firm, reviewed the services and assessment levels of each Uptown MSD and the likely services that each district will need in the future. This resulted in a proposal to revise the boundaries of all three Uptown districts to create equity between the service levels and assessment rates.

As part of that service review, it was determined that the property owners south of the Belk Freeway adjoining the South End are unlikely to receive substantial new services in the future from CCCP. The only benefits identified for these property owners were decorative signs and limited Center City Circuit shuttle service. As part of this proposal, the signage and the Center City Circuit shuttle service will remain.

This proposal to eliminate the 69 parcels of property south of the Belk Freeway from MSD #1 would allow for the formation of the new South End MSD, which would incorporate 38 of these 69 parcels into the new South End MSD. The 38 parcels identified to be eliminated from Uptown MSD #1, but included in the new South End MSD would receive significant services from a South End MSD. These services would include private security patrol, enhanced marketing and promotion, and landscape and infrastructure improvements.

On May 22, 2000 City Council will be asked to vote to reduce MSD #1 and create a new South End MSD. Pursuant to state legislation, City Council's action would be effective July 1, 2000, the beginning of the new fiscal year.

Community Input:

The Charlotte Center City Partners Board unanimously adopted the proposed changes to the three Uptown MSDs in November 1999.

As part of the public notification process, all affected property owners in MSD #1 were sent a letter on April 5, 2000 notifying them of the proposed boundary change and public hearing. A legal notice about the public hearing was published in the Charlotte Observer on April 26, 2000.

Since the property owner letters were distributed, the Budget and Evaluation Office has received three phone calls, all from property owners on East Morehead inquiring about the proposed level of services to be received from the South End Development Corporation compared to the level of services presently being provided by CCCP.

Members of the South End Development Corporation Board have been meeting individually with the property owners on Morehead and Carson Streets who would be moving from MSD #1 to the proposed South End MSD, to outline the benefits of being a part of the new district.

Attachment 9

- Map of existing MSD boundaries
- Map of proposed MSD boundaries
- Background on MSDs and tax rates
- Plan for Boundary Changes to the Three Uptown Municipal Service Districts

12. Public Hearing to Extend the Boundary of Uptown Municipal Service District #2

Action: Conduct a public hearing to receive comments on the proposed extension of the boundary for Uptown Municipal Service District #2.

Staff Resource: Dennis Marstall

Focus Area: Economic Development

Policy:

Focus on key geographic areas of the City to aid development, redevelopment, and competitiveness of the local economy

Explanation:

Charlotte Center City Partners (CCCP) is the contracted entity that provides services to the three Uptown MSDs with the revenue generated from the MSD taxes. Last year, the City and CCCP, with the help of a consulting firm, reviewed the services and assessment levels of each Uptown MSD and the likely services that each district will need in the future. This resulted in

a proposal to revise the boundaries of all three Uptown districts to create equity between the service levels and assessment rates.

The proposal to add 332 parcels to MSD #2 is based on three considerations.

1. The service review determined that Uptown is projected to continue attracting new growth and investment, especially along the commercial and transit corridors. This development will require more services for project planning, urban design and construction implementation issues. In fact, some resources are already being expended to provide services to meet growth demands from the Trolley and light rail line, Gateway Village, new hotels near the Convention Center and other projects. As these projects are finished and infill development occurs, revenues from MSD #2 will help provide enhanced services to the property and business owners in these areas such as improved pedestrian amenities, transit connections, landscaping, marketing assistance and other services.
2. The Center City 2010 plan emphasizes services to help make the Center City a 24-hour activity center that maximizes City resources and infrastructure. These boundary changes would complement many of the proposals in the Center City 2010 Plan, such as putting more resources in the present government district area.
3. Extending MSD #2 to include 332 parcels of property presently only in MSD #1 would allow CCCP to provide equitable service levels, based on assessment rates to address future growth issues in Uptown. Extending MSD #2 boundaries would also address the present inequity issue where the Trolley/light rail line is the dividing line between MSD #1 and MSD #2. Using the Trolley line as a boundary has resulted in properties on one side of the tracks paying a different MSD tax rate than the properties on the other side, yet both sides are benefiting equally from the services, activity and increased property values along the Trolley line.

City Council will be asked to vote on extending MSD #2 at the May 22, 2000 Business Meeting. Pursuant to state legislation, City Council's action would be effective July 1, 2000, the beginning of the new fiscal year.

Community Input:

The Charlotte Center City Partners Board unanimously adopted the proposed changes in November 1999.

As part of the public notification process, all affected property owners were sent a letter on April 5, 2000 notifying them of the proposed boundary change and the public hearing. A legal notice about the public hearing was published in the Charlotte Observer on April 26, 2000.

Since the property owner letters were distributed, the Budget and Evaluation Office has received three phone calls from property owners seeking to verify that their property will be impacted by the change and to determine the financial impact of the change.

Attachment 9

- Map of existing MSD boundaries
- Map of proposed MSD boundaries
- Background on MSDs and tax rates
- Plan for Boundary Changes to the Three Uptown Municipal Service Districts

13. Public Hearing to Extend the Boundary of Uptown Municipal Service District #3

Action: Conduct a public hearing to receive comments on the proposed extension of the boundary for Uptown Municipal Service District #3.

Staff Resource: Dennis Marstall

Focus Area: Economic Development

Policy:

Focus on key geographic areas of the City to aid development, redevelopment, and competitiveness of the local economy

Explanation:

Charlotte Center City Partners (CCCP) is the contracted entity that provides services to the three Uptown MSDs with the revenue generated from the MSD taxes. Last year, the City and CCCP, with the help of a consulting firm, reviewed the services and assessment levels of each Uptown MSD and the likely services that each district will need in the future. This resulted in a proposal to revise the boundaries of all three Uptown districts to create equity between the service levels and assessment rates.

As part of that service review, it was determined that development is steadily progressing along Tryon Street and will continue to do so. The City is helping to promote development along Tryon, as the CIP Budget for FY01 – 05 includes funding to extend the Tryon Mall streetscape from the Belk Freeway to the Brookshire Freeway to help unify the street and support the many new investments in this corridor. As new buildings and attractions move further from the Square and the streetscape is extended, CCCP will enhance services.

CCCP will allocate more time and resources to accommodate this growth, including landscape, maintenance and cleanliness programs along the entire section of Tryon Street in the Center City. These services will be in addition

to an increased number of special events to be planned throughout the entire Center City, including many popular events on Tryon Street, such as the New Year's Eve celebration. As the plans to make the amenities equal along all the Center City section of Tryon Street, the funding level should be equal for all property owners along the corridor.

Extending MSD #3 to include 16 parcels of property presently in MSD #2 and the 15 parcels in MSD #1 would allow CCCP to provide equitable service levels based on assessment rates, to address the future service issues and costs along Tryon Street

City Council will be asked to vote to extend MSD #3 at the May 22, 2000 Business Meeting. Pursuant to state legislation, City Council's action would be effective July 1, 2000, the beginning of the new fiscal year.

Community Input:

The Charlotte Center City Partners Board unanimously adopted the proposed changes to the three Uptown MSDs in November 1999.

As part of the public notification process, all affected property owners were sent a letter on April 5, 2000 notifying them of the proposed boundary change and the public hearing. A legal notice about the public hearing was published in the Charlotte Observer on April 26, 2000.

Since the property owner letters were distributed, no property owner who would be impacted by this MSD #3 boundary change has contacted the Budget and Evaluation Office.

Attachment 9

- Map of existing MSD boundaries
- Map of proposed MSD boundaries
- Background on MSDs and tax rates
- Plan for Boundary Changes to the Three Uptown Municipal Service Districts

POLICY

14. City Manager's Report

15. Passenger Vehicle for Hire Ordinance

Action: Approve the Public Safety Committee recommendation to adopt the Passenger Vehicle for Hire Ordinance to be effective July 1, 2001.

Committee Chair: Patrick Cannon

Staff Resource: Julie Burch

Explanation:

On September 13, 1999, City Council approved the concept for a draft Passenger Vehicle for Hire Ordinance and directed staff to finalize the ordinance and prepare an implementation plan.

On March 23 the Public Safety Committee reviewed the final draft of the ordinance and the proposed implementation plan. The Committee voted unanimously to recommend approval to the Council. Council received a dinner briefing on the proposed ordinance on April 10.

The proposed ordinance will replace the City's existing taxicab ordinance that regulates only metered taxicabs. The growth of the city and the changing market demands have resulted in the establishment of a number of companies operating non-metered vehicle for hire services, including limousines, shuttle vans, and executive car/black car/town car services. None of these services are currently subject to any regulation by the City.

The new ordinance will regulate all passenger vehicles for hire. The objectives of the new ordinance are to:

- Ensure safe reliable passenger vehicles for hire
- Provide appropriate regulation, while preserving open entry for small businesses into the Charlotte market
- Support market demands for a variety of passenger vehicles for hire
- Respond to concerns of a variety of stakeholders

The key areas of emphasis in the new ordinance include: stringent requirements for drivers and vehicles; progressive civil penalties for violations; regulation of taxicab rates; filing of rates for all other vehicles; and new provisions addressing service to persons with disabilities.

Detailed information is included in the attached Executive Summary and has been provided to Council in previous briefings. A copy of the complete ordinance is on file in the Council Library.

Minimum Number of Taxicabs/ No Limits on Number of Taxicabs or Taxicab Companies

The recommended ordinance requires a taxicab company to operate a minimum of 30 taxicabs (there is no minimum requirement for non-metered vehicles for hire.)

At the April 10 dinner meeting, the Mayor raised a question about this recommendation, and how the requirement might impact the competitive market. Indianapolis was cited as an example of a city that does not require a minimum number of taxicabs in order to establish a company.

In the early stages of developing the ordinance, staff believed that there should be no minimum number of taxis required to operate a company. The recommendation, however, reflects considerable input from stakeholders and review of published studies about the taxi industry and municipal regulation.

A related regulatory issue is whether to place limits on the number of taxicab permits issued. Several large cities have done this. The recommended ordinance does not put any limits on the number of taxicabs or taxicab companies. It is recommended that the new Passenger Vehicle for Hire Board review this issue within two years after the effective date of the ordinance and make a recommendation to Council.

Additional background information on both of these recommendations is attached.

Passenger Vehicle for Hire Board

The Passenger Vehicle for Hire Board will replace the Taxicab Review Board. The Board will be charged with overseeing the enforcement of the ordinance and hearing appeals from companies and drivers. The Board will be composed of nine members, appointed by the Mayor, Council and City Manager. Categories of appointments will include representatives from metered and non-metered vehicle for hire services, the hospitality industry and the business community.

Effective Date

The effective date of the new ordinance is July 1, 2001. The one-year lead-time is necessary for the Police Department to prepare for implementation and enforcement. This includes putting the proper pieces in place, such as the required training course for all drivers. Further, the one-year advance time will provide ample notice to all affected parties to get ready for the new and more stringent requirements.

During the transition year, an experienced Vehicle for Hire Manager will be hired. This person will establish the administrative and enforcement processes required to support the ordinance and determine the additional

resources necessary for future years. It is anticipated that enforcement will be handled through a combination of additional staff and contractual services.

Committee Discussion:

On March 23 the Public Safety Committee discussed the provisions of the new ordinance and the implementation plan, and recommended its approval by the full Council. Committee members present were Councilmembers Cannon, Chair; Castano, Lochman, Wheeler and White. The ordinance and implementation Plan passed with a unanimous vote.

Community Input:

The new ordinance represents the input and support from numerous stakeholders, including: passenger vehicle for hire company owners and drivers, the Charlotte Chamber, Charlotte Center City Partners, the Convention and Visitors Bureau, the Hospitality and Tourism Alliance and Programs for Accessible Living, representing the interests of the disabled.

Improved taxi service has also been identified as a priority by the Destination Charlotte/Advantage Carolina initiative.

Funding:

The Manager's Recommended Budget for FY2001 includes \$64,547 to fund the new Passenger Vehicle for Hire Manager. Additional resources will be requested as part of the FY02 budget process, along with recommended fees to be paid by companies and drivers. Council's current policy is to recover 60% of the cost of regulatory functions through fees.

Attachment 10

- Background information on minimum number of taxicabs and no limits on number of taxicab companies or taxicabs
- Taxicab Turmoil from Governing Magazine December 1998
- Executive Summary of Proposed Changes in the Vehicle for Hire Ordinance
- Public Safety Committee Meeting Summary of March 23, 2000

16. Center City 2010 Vision Plan

Action: A. Approve Economic Development / Planning Committee recommendation for adoption of Center City 2010 Vision Plan; and

B. Direct that a 2010 Implementation Program be prepared for subsequent consideration by City Council.

Committee Chair: Lynn Wheeler

Staff Resource: Martin Cramton

Focus Area: Economic Development

Policy: Update of 1990 Center City Urban Design Plan

Explanation:

The Center City Plan is proposed as a “ Vision Plan.” The Plan is intended as a guideline for action. For example, a specific capital or land use decision will be considered through established budget or land use decision processes and this plan does not predetermine the decision.

Adoption of the Plan also directs a staff team composed of City, County and Center City Partner representatives to prepare an Implementation Program. This Program will be brought back to City Council for consideration at a later date. This staff group is proposed to be the 2010 Management Team that was charged with overseeing Plan preparation.

Benefits of the Plan include building community consensus for a long term Center City Vision together with outlining both the broad and specific initiatives to accomplish that vision. A broad vision for Center City was formed: “To create a livable and memorable Center City of distinct neighborhoods connected by unique infrastructure.”

The Plans recommendations are organized within the following categories:

- Land Use, Growth and City Form;
- Open Space, Parks and Recreation;
- Transportation, Streets and Parking;
- Catalyst Projects; and
- Neighborhood Plans.

Important planning and development principles include: Mixed use development; growing the housing stock; promoting a distinctive architecture; balancing the transportation system; building “green” streets; creating a system of parks and open spaces; use catalyst projects to leverage overall Plan goals; focus attention on building quality neighborhoods; and, encourage development that minimizes I-277 as a barrier.

Committee Discussion:

The Economic Development and Planning Committee received progress reports over the course of the planning time frame. The Committee met on May 2, 2000 to consider a recommendation on the Plan.

The committee discussed one of the changes requested by the Planning Commission "to embrace maintaining, stabilizing and building subsidized housing". After some discussion about "affordable housing" being a more appropriate term than "subsidized housing", the committee decided to include the "subsidized housing" reference since this was a vision plan.

The committee voted 5-0 (Wheeler, Graham, Cannon, Lochman and Carter) to recommend adoption as a vision plan.

Community Input:

Broad community involvement occurred through the work of a Citizens Advisory Community, operation of a WEB site, public presentations, television, radio and newspaper coverage, and three community workshops. These workshops had attendance ranging from 160 to 200 participants. Mailed notice for the workshops went to neighborhoods, civic organizations and interest groups.

A Public Hearing was held on April 18, 2000. One group came to express concern for closing the Metro School. The elected officials assured the parents that this would not happen without their approval.

City Council Official progress reports / discussion sessions were held on:

March 22, 1999	Public Workshop I
May 18, 1999	Elected Officials Workshop
June 28, 1999	Update to City Council
June 29, 1999	Public Workshop II
August 23, 1999	Update to City Council
September 21, 1999	Elected Officials Joint Workshop
October 11, 1999	Update to City Council
October 19, 1999	ED & Planning Workshop
October 19, 1999	One on One Heapes and Elected Officials
February 23, 2000	Joint Elected Officials Workshop
March 6, 2000	City Council Update
April 18, 2000	Joint Elected Officials Luncheon Update

The Economic Development and Planning Committee was given regular updates and provided input on the plan as it was being developed

The Planning Commission received periodic progress reports. On May 1, 2000, the Planning Committee of the Commission recommended adoption of the plan with the modification that the vision should include opportunities for both maintaining/stabilizing and building subsidized housing and developing small business. The consultant made these changes to the plan.

The Citizens Advisory Committee recommends approval of the plan.

Planning Liaison Committee has monitored the planning process and received a final plan update on April 28, 2000

Charlotte Center City Partners received periodic progress reports and on April 3, 2000 recommended supporting the plan. The board had requested additional text be included on the trolley and its expansion. They also wanted the consultants to justify the logic they used in locating the mega sport structures/facilities where they did. These issues were subsequently addressed in the plan.

The Mecklenburg Board of County Commissioners will consider adoption of the Plan on May 9, 2000

Attachment 11
Center City 2010 Vision Plan

BUSINESS

17. Pedestrian Bridge Across Interstate 77

Action: Adopt a resolution requesting North Carolina Department of Transportation to close the pedestrian bridge across Interstate 77 between Lincoln Heights neighborhood and the J.T. Williams Middle School.

Staff Resource: Toni Tupponce

Focus Area: City Within A City and Community Safety

Policy:

The City Within A City and Community Safety Focus Areas emphasize reducing crime and victimization in CWAC neighborhoods. Initiatives include taking proactive approaches to resolve crime and disorder problems; involving police, citizens and other service providers in problem-solving partnerships; and balancing enforcement and prevention initiatives.

Explanation:

The pedestrian bridge across Interstate 77 near LaSalle Street joins the Lincoln Heights and J.T. Williams neighborhoods with the J.T. Williams Middle School. In recent years, the bridge began to attract illegal and drug-related activities to these neighborhoods and to the school. While the bridge falls within the State's jurisdiction, the North Carolina Department of Transportation (NCDOT) requires a request from the City Council to close or remove the bridge.

At their March 27, 2000 meeting, City Council expressed concerns about the ramifications that closing or removing the bridge may have on connectivity in the neighborhood. Staff was directed to research alternatives to removing the bridge. The State has agreed to close the bridge upon receiving a resolution from Council.

City staff received a letter dated April 26, 2000 from the NCDOT Division Engineer regarding the closure of the bridge. The State proposes to "weld the [bridge] gate system together to provide maximum security and to prevent anyone from entering onto the bridge." A copy of the letter is included as an attachment. City staff anticipates that the bridge will be closed in one or two weeks.

Background:

This bridge was constructed in the 1970's during the construction of Interstate 77 to connect neighborhoods and provide access to the school. J.T. Williams Middle School is currently a magnet school that serves children from a variety of neighborhoods. Children in the Lincoln Heights community may or may not choose to attend the school. Community children that do attend the school are deterred from using the bridge as access to the school

because of the criminal activity. Consequently, the residents in these neighborhoods feel the bridge is no longer needed and should be eliminated.

Future plans for J.T. Williams Middle School indicate that more neighborhood children may attend the school in the next several years. Staff of the Charlotte Mecklenburg Schools Public Information Office stated that J.T. Williams would continue to be used as a magnet school through the 2001 School Year. The school will convert to a “partial” magnet school in the 2002 School Year, drawing 50% of its students from the surrounding neighborhoods. School officials indicated that attendance boundaries for the school would include children on both sides of Interstate 77. Consequently, the school system may request reopening the bridge in the future for school access. Staff shared this concern with NCDOT staff.

Community Input:

The issue of closing the pedestrian bridge has been discussed at several meetings of the Lincoln Heights Neighborhood Association and the J. T. Williams Neighborhood Association. The concerns have also been raised at Neighborhood Action Plan meetings and the David Three District Neighborhood Meeting.

The Cummings Avenue/Lincoln Heights Neighborhood Action Plan, adopted in 1996, includes a recommendation to close, barricade, and/or tear down the bridge at the end of Lincoln Heights Court that connects J.T. Williams Middle School to the neighborhood.

Two neighborhood associations (Lincoln Heights and J. T. Williams) have submitted letters and petitions requesting that the bridge be closed. In addition, the principal of J. T. Williams Middle School has written a letter supporting the request to close the bridge.

Other organizations in support of closing the bridge include the Charlotte Mecklenburg Police Department and Charlotte Mecklenburg Fighting Back.

Funding:

North Carolina Department of Transportation (No City funding involved)

Attachment 12

- N.C. Department of Transportation Letter
- Lincoln Heights Neighborhood Association Letter
- J. T. Williams Neighborhood Association Letter
- J. T. Williams Middle School Letter
- Neighborhood Petitions

18. Charlotte-Mecklenburg Development Corporation Contracts and Public Hearing

- Action:** A. Take actions related to Charlotte Mecklenburg Development Corporation (CMDC) contracts and funding:
1. Approve Contract with CMDC for \$1,125,000 in local funds for economic development on the Wilkinson Boulevard corridor;
 2. Approve Budget Ordinance appropriating proceeds of the \$1,250,000 federal Economic Development Initiative (EDI) Grant for economic development on the Wilkinson Boulevard corridor; and
 3. Approve Contract with CMDC as subgrantee for the \$1,250,000 EDI Grant for development of a business park on Wilkinson Boulevard.
- B. Take actions related to property acquisitions:
1. Hold a public hearing in compliance with N.C. statutes regarding land acquisition for CMDC's purchase of approximately 25 acres on Wilkinson Boulevard for a business park; and
 2. Approve the property acquisition by CMDC for \$2,125,000 using local funds and the federal grant, with the federal grant subject to HUD's release of funds.

Staff Resource: Tom Warshauer, Neighborhood Development
Tom Sweeney, CMDC

Focus Area: Economic Development

Policy:

City Council's Economic Development and City Within A City Focus Areas encourage the revitalization of distressed business districts through the attraction of new businesses and the creation of jobs for low to moderate-income persons.

Explanation:

These actions will enable the Charlotte Mecklenburg Development Corporation (CMDC) to purchase property to develop a business park on Wilkinson Boulevard. Council was briefed on this development at the May 1 Workshop.

CMDC is a public/private partnership between the Charlotte Chamber and City and County government. CMDC's mission is to "strengthen the environment for development in City West" by countering the forces drawing private investment from the inner city while generating jobs in areas of highest unemployment and increasing the tax base through new private investment.

As part of the FY2000 budget Charlotte City Council approved a \$1,125,000 grant to CMDC for land acquisition for a business park on Wilkinson Boulevard. The contract for the dispersal of these funds calls for their expenditure on land acquisition and site development only. A second appropriation of \$1,125,000 is scheduled for FY2002. The purpose of these funds is also to provide for land acquisition and site development funding.

In 1998 Congress approved a \$1,250,000 Economic Development Initiative (EDI) Grant from the Department of Housing and Urban Development for economic development activities on the Wilkinson Boulevard corridor. The terms of the grant, signed in September 1999, call for the City to serve as the grantee and fiscal agent. CMDC will function as the subgrantee. The City proposes to enter into a contract with CMDC that will require CMDC to spend these funds on land acquisition and relocation of current tenants for the business park. Existing buildings and roads will be removed and a new road system may be installed to serve business park tenants.

The public hearing pertains to the acquisition of 24 parcels, covering 25.8 acres in the 3600 – 3900 blocks of Wilkinson Boulevard. The hearing is required pursuant to N.C. General Statute 158-7.1. The acquisition will use City funds and the EDI Grant. The purchase price is \$2,125,000. The tax value of the property is \$2,373,760. The appraisal will be complete by May 5. The preliminary value ranges from \$2,500,000 - \$2,900,000. Environmental assessments show areas of potential concern for which a mitigation plan has been developed. Cleanup cost estimates are \$300,000-\$400,000. CMDC will be responsible for any needed cleanup.

Background:

CMDC is comprised of a 15 member board, chaired by John Crosland, Jr. Five board members were appointed by the City, including Councilmember Lynn Wheeler, Councilmember Rod Autrey, Doug Bean, Alfreda Barringer and John Helms. Consultants to the board include Bob Sweeney, CMDC CEO on retainer to develop the site; Jeff Brown, Kennedy, Covington, Lobdell & Hickman, CMDC General Counsel; Rebecca Wallace-Aktas, Altura Environmental Inc.; Fitzhugh Stout, Fitzhugh L. Stout & Associates, LLC, Certified Appraiser; and Barbara Cheek, Charlotte Chamber CFO on loan to CMDC.

Since its inception in 1997 CMDC has raised \$5,124,479; including \$234,600 from private sector donations, \$1,325,000 from the City (\$1,125,000 the subject of this RCA), \$1,225,000 from the County, \$1,000,000 from the State of North Carolina, \$1,250,000 from the federal government (subject of this RCA) and the remainder in interest on their accounts. CMDC has expended

\$218,565 in predevelopment expenses, including plan development, appraisals, environmental studies, legal fees, real estate fees and developer expenses and \$81,000 in earnest money on purchase contracts.

In 1997 CMDC contracted with Michael Gallis and Associates and Land Design to conduct a study to determine the most appropriate location for a business park in the City Within A City (CWAC) area. The study examined 21 CWAC business corridors and concluded that Wilkinson Boulevard was the best location for a business park that would achieve the organization's goals of attracting investment and creating economic opportunities in Charlotte's distressed communities. This strategy coincides with the Westside Strategic Plan.

MWBD:

The EDI Grant Agreement requires that a reasonable effort be made to secure minority and women contractors and to offer employment opportunities to low and moderate-income people. The environmental services contract has been awarded to a women owned firm, Altura Environmental. Efforts will continue to be made to encourage participation from minority and women owned firms.

Community Input:

In March and April 1998, CMDC held 10 community outreach meetings with over 340 people attending to solicit community input into the development of its Strategic Plan. Michael Gallis and Associates and Land Design were the consultants on the plan, which was completed in May 1998. The plan identified Wilkinson Boulevard as the best location for the first business park.

Funding:

City General Funds, Federal EDI Grant

Attachment 13

- CMDC Board of Directors
- CMDC Pledge and Expense Statement
- Property Acquisition Tax Parcel Identification
- Map of Subject Property

19. Nominations for Criminal Justice Solutions Task Force

Action: Nominate citizens to fill two seats on this new ad-hoc County committee, Criminal Justice Solutions Task Force. Appointments will be made on May 22.

Staff Resource: Brenda Freeze

Explanation:

On March 21, the Board of County commissioners created the Criminal Justice Solutions Task force (CJSTF). The Board would like City Council to appoint two members and the Mayor to appoint one member to this new ad-hoc board. The County has not yet appointed anyone to serve and they are not sure how long the Committee will need to be established.

The CJSTF will be a 15 member panel charged with developing an understanding of the criminal justice system in Mecklenburg County and its relationship to the State criminal justice system. They will look at processes and funding and will work toward producing a plan that analyzes the resources necessary to both rectify current resource shortfalls in Mecklenburg County and to fully operate the future court facility. This will also include pursuing statutory changes during the 2001 legislative session.

Attachment 14

Applications

20. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified below.

A. CERTIFIED DEVELOPMENT CORPORATION

Council left the nominations open on April 10 and took no action on April 24 to fill an opening in the Community Organization category.

Attachment 15

Applications

B. HISTORIC LANDMARKS COMMISSION

Council again voted to keep the nominations open on April 24. The following nomination has been made thus far:

Kathryn B. Lawrence by Councilmember Autrey

Attachment 16

Applications

21. Appointments to Boards and Commissions

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

A. BUSINESS ADVISORY COMMITTEE

One appointment recommended by the Charlotte Chamber to replace Angela Broome, who does not live in Mecklenburg County. The Chamber recommends that Thomas Winstead, Jr. be appointed. His term will begin immediately and expire April 2001.

Attachment 17

Applications

B. CHARLOTTE-MECKLENBURG CABLE TV PUBLIC ACCESS CORPORATION BOARD OF DIRECTORS

Financial Category

Victor Guzman by Councilmember White

Doug Johnson by Councilmember Burgess

Industrial-Non Public Access

Mike Cozza by Councilmember Cannon

Bill Golden by Councilmember Autrey

Public Access/Producer, User

Anja Benbow by Councilmember White

Cheryl Jones by Councilmember Castano

Joey Popp by Councilmember Autrey

John Sullivan by Councilmembers Castano & Lochman

Tré Taylor by Councilmember Cannon

Shane Wolfe by Councilmembers Burgess & Carter

Attachment 18

Applications

C. LONG RANGE SCHOOL FACILITIES MASTER PLAN CITIZEN'S COMMITTEE

Council appointed Maxine Eaves, and Ms. Eaves has since declined the appointment. The other nominations were:

Anthony Hunt by Councilmember White

Erica Ellis-Stewart by Councilmember Cannon

Attachment 19

Applications

D. TREE COMMISSION

This committee is requesting that Council appoint someone tonight from the applications on file in the Clerk's Office to replace Jeff Coulter, who has missed three consecutive meetings. They are having trouble maintaining a quorum. The appointment will begin immediately and end December 2002.

Attachment 20
Applications

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American

ABE - Asian American

NBE - Native American

HBE - Hispanic

WBE - Non-Minority Women

Contractors and Consultants

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

CONSENT I

22. Various Bids

A. Centrifuge Procurement - Mallard Creek Water Reclamation Facility Expansion to 12 MGD CMU

Recommendation: The Charlotte Mecklenburg Utilities Director recommends the low bid of \$1,063,243 by Baker Process-Humbolt of Marietta, Georgia. This project is for procurement of a thickening centrifuge and a dewatering centrifuge. The equipment will be installed by the contractor currently performing the Mallard Creek Water Reclamation Facility-Expansion project.

MWBD Compliance: Yes. There are no subcontracting opportunities available on this contract.

B. Moores Chapel Area Sanitary Sewer Rehabilitation CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$618,041.55 by Atlantic Coast Contractors of Denver, North Carolina. This contract includes approximately 6,600

feet of sanitary sewer rehabilitation of old sewer lines in the Moores Chapel Road Area. Sewer leaks and overflows have been a maintenance problem for years in this area. This work incorporates various types of rehabilitation.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$43,400	7%	5%
WBE	\$31,085	5%	5%

MWBD Compliance: Yes. Atlantic Coast has met and exceeded the goals set for this project. They have met the good faith effort requirements.

C. Central Business District Sanitary Sewer Rehabilitation Phase I CMU

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of \$1,545,381.60 by AM-Liner East, Inc. of Vienna, Virginia. This contract includes rehabilitation of approximately 46,000 feet of old sewer lines in the Central Business District (CBD), surrounding Ericsson Stadium and bounded by South Tryon Street, East Trade Street, North Graham Street, I-77 and Summit Avenue. This work also includes point repairs and manhole rehabilitation.

MWBD Compliance: Yes. AM-Liner East will self perform this contract except for installation of the 15-inch liner. There are no MWBD's licensed by the manufacturer for this function.

23. Set a Public Hearing for Adoption of Little Sugar, Briar, and McMullen Creek Watershed Floodplain Maps

Action: Set a public hearing on May 22, 2000 to hear comments on the adoption of the Little Sugar, Briar, and McMullen Creek Watershed floodplain maps.

24. Resolution of Intent to Abandon a Portion of Amble Drive and Set Public Hearing Date

Action: A. Adopt the Resolution of Intent to abandon a portion of Amble Drive; and

B. Set a public hearing for June 12, 2000.

Attachment 21
Map

25. Resolution of Intent to Abandon a Portion of Sweden Road and Set Public Hearing Date

Action: A. Adopt the Resolution of Intent to abandon a portion of Sweden Road; and

B. Set a public hearing for June 12, 2000.

Attachment 22
Map

26. Resolution of Intent to Abandon a Portion of Old Mallard Creek Road and Set Public Hearing Date

Action: A. Adopt the Resolution of Intent to abandon a portion of Old Mallard Creek Road; and

B. Set a public hearing for June 12, 2000.

Attachment 23
Map

CONSENT II

27. Storm Water Fee Revenue Bond Financing

Action: A. Adopt a bond order that provides for the issuance of up to \$37,000,000 of Storm Water Fee Revenue Bonds for the purpose of funding projects approved in the FY99-03 Capital Investment Plan; and

B. Approve a resolution authorizing the approval, execution and delivery of various documents in connection with the sale of Storm Water Fee Revenue Bonds, Series 2000.

Explanation:

On April 10, 2000 Council approved a resolution authorizing staff to take the necessary actions to complete the bond sale.

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

Projects to be funded:

Repairs to Existing Storm Drains	\$14,000,000
Flood Control Projects	12,000,000
Storm Water Channel Restoration	6,000,000
Storm Water Economic Development	600,000
Storm Water Neighborhood Fund	<u>400,000</u>
	\$33,000,000

The balance of funding will be for a reserve, issuance expense and contingency. The actual amount will be determined at the time of sale.

Funding:

Debt Service on the Bonds will be paid from storm water fees.

28. Facility Financing

Action: Approve a resolution authorizing the issuance of up to \$22,000,000 in Certificates of Participation (COPS) for the purpose of funding projects approved in the FY00-04 Capital Investment Plan.

Explanation:

Approval of this resolution is necessary to satisfy legal requirements. The resolution authorizes staff to submit an application to the Local Government Commission for approval of the COPS and to take the necessary actions to complete the sale.

Projects to be funded:

Fire/Police Training Academy	\$16,000,000
Annexation Fire Stations	<u>2,800,000</u>
	\$18,800,000

The balance of funding will be for a reserve, issuance expense and contingency. The actual amount will be determined at the time of sale.

Funding:

Debt service on the COPS will be paid from the Municipal Debt Service Fund.

29. Countywide Transit Services Study Assistance, Resolution and Budget Ordinance

Action: A. Adopt a resolution authorizing the Director of Public Transit to enter into an agreement with the North Carolina Department of Transportation for Transit Development Program NonCapital Grant Assistance; and

B. Adopt a budget ordinance appropriating \$77,954 in state grant funding.

Policy:

The 2025 Transit/Land Use Plan calls for changing the area's land use patterns to concentrate development in major corridors and implement high capacity transit services in these corridors.

Explanation:

On February 28, 2000, Council approved an agreement with Transit Management & Design, Inc., for development of a countywide transit services study and appropriated \$ 330,000 to fund the contract. Since that time, the North Carolina Department of Transportation has agreed to provide \$77,954 toward the cost of the study.

The study is expected to identify specific transit service enhancements over the next five years. Major elements of the study are:

- Demand for Transit Services
- Objectives, Goals and Policies
- Five-Year Service Improvement Program
- Coordination of Services for the Elderly and Disabled
- Regional Services
- Transit Performance

Funding:

The budget ordinance estimates and appropriates state grant funding.

30. Declaration of Withdrawal for Two Alleyways Off North Poplar Street

Action: Adopt a resolution stating that the two alleyways running off North Poplar Street are not part of the adopted street plan (thoroughfare plan).

Policy:

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

Explanation:

According to North Carolina General Statute 136-96, a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal. The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan. This unused and unopened alleyway is not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution. Charlotte-Mecklenburg Utilities (CMU) has no existing utilities within the area to be abandoned that would require an easement.

Petitioner:

Capitol Funds, Inc./David W. Royster, Jr.

Right-of-Way to be abandoned:

Two alleyways, one alley runs off North Poplar Street to the second alleyway located between the Davidson Square Condominium Project and Capitol Funds property

Location:

Two alleyways bounded by North Poplar, West Seventh, and North Church Streets in the Fourth Ward area

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for Jefferson Square Condominium Project

Neighborhood Associations:

Notification of property owners is not required in a Withdrawal; however, staff contacted Friends of Fourth Ward and there is no objection.

Attachment 24

Map

31. Interim Amendment Agreement – Wheelabrator Water Technologies, Inc.

Action: A. Approve Interim Amendment Agreement with Wheelabrator Water Technologies, Inc. to allow an increase of \$5.30 per wet ton in the rate for landfilling solids from McAlpine Creek Wastewater Management Facility (WWMF) and a new rate of \$19.12 per wet ton for solids from any wastewater treatment plant that are treated with lime; and

B. Authorize Charlotte-Mecklenburg Utilities KBE to amend the time period for a period ending December 31, 2004.

Explanation:

A contract was awarded to Wheelabrator Water Technologies, Inc. on May 24, 1999 for disposal of water and wastewater solids. This contract provides for guaranteed re-use or disposal of all solids generated at Utilities' water and wastewater treatment plants for 10 years. A dispute has arisen concerning the volume of solids that has been generated at the McAlpine Creek WWMF which cannot be land applied. These solids appear to be the result of problems with the solids treatment units at the wastewater plant. The solution may require building new treatment units which could take up to four years for design, bid and construction.

This Interim Amendment Agreement would allow an additional compensation of \$5.30 per wet ton for solids disposed of in the landfill. Another option is for the contractor to treat the solids with lime and this operation would be paid at the rate of \$19.12. These pricing adjustments should not require any change in the FY00 budget appropriation and will be subject to the CPI Adjustment as detailed in the base contract.

As it may take up to four years for design, bid, and construction of new solids treatment units, it is requested that the KBE be given the authority to amend the time period for the additional pricing. The KBE will monitor the time needed to complete the new solids treatment units so that the Interim Amendment Agreement will not extend longer than necessary. When the time period for the Interim Amendment Agreement expires, the original pricing structure will automatically resume.

Funding:

Sewer Capital Investment Plan

Council Retreat Priority: Road Improvements

32. NC 49 / US 29 Interchange Improvement Project

Action: A. Adopt a budget ordinance appropriating \$650,000; and
 B. Approve agreement for \$950,100 with Gannett Fleming Corddry and Carpenter, Inc. (GF) for engineering design services for NC 49 / US 29 Interchange Improvement Project.

Explanation:

Funding for the NC 49 / US 29 Interchange Improvement project was included in the November 1998 voter-approved \$98.3 million street bonds.

The original agreement for planning services was approved on November 23, 1998 with Gannett Fleming Corddry and Carpenter, Inc. for \$225,757.

This agreement will provide funds for design services for the reconstruction of the interchange to improve safety and increase volume capacity.

MWBD:

WBE 3%

Funding:

Transportation Capital Investment Plan

33. Minor Sidewalk Installation, FY99 A

Action: Approve Renewal #1 to the minor sidewalk installation contract with United Construction Company of Charlotte, North Carolina in the amount of \$199,446.50.

Explanation:

Council approved the original contract with United Construction Company on June 14, 1999 for \$199,446.50. This renewal will provide funds to extend the existing contract for construction of additional sidewalks, drives and wheelchair ramps at various locations within the City. Proposed locations are identified and prioritized by CDOT. The City, in agreement with the Contractor, may renew this contract for up to two years. This is the first renewal.

Prices for this change order were taken from existing contract unit prices and are appropriate for the work proposed.

MWBD:

100% ABE

Funding:
Neighborhood Capital Investment Plan

34. Mapping and Surveying Services

Action: Approve the agreement for \$245,710.33 with Aero-Dynamics Corporation (ADC) for mapping and surveying 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.

The Agreement with Aero-Dynamics Corporation (ADC) will provide mapping and surveying services for the City and County. The City's portion is \$125,710.33. The provided services include preparation of topographic map sheets, and surveying for three City projects.

MWBD:
HBE 100%

Funding:
Engineering Operating Budget and Various Capital Accounts

Council Retreat Priority: Road Improvements

35. North Tryon Street / University City Boulevard Sidewalk

Action: Approve the agreement for \$148,246 with The LPA Group of North Carolina, P. A. (LPA) for engineering design services for North Tryon Street/University City Boulevard Sidewalk Project.

Explanation:
This agreement will provide engineering design services for approximately 5800 linear feet of sidewalk on North Tryon Street between Sugar Creek Road and Eastway Drive; and 6336 linear feet on University City Boulevard from Chancellor Park Drive to Mallard Creek Church Road.

MWBD:
HBE 14%

Funding:
Transportation Capital Investment Plan

Council Retreat Priority: Business Corridor Revitalization

36. Central Avenue Streetscape

Action: Approve the agreement for \$657,317 with Presnell Associates, Inc. (Presnell) for engineering and streetscape design services for Central Avenue Streetscape Project.

Explanation:

This agreement will provide engineering design services for approximately 0.8 miles for a center turn lane on Central Avenue between Eastway Drive and Sharon Amity; and streetscape design services for approximately 2.3 miles on Central Avenue from Briar Creek to Sharon Amity.

MWBD:

HBE 8%

WBE 6%

Funding:

Economic Development Capital Investment Plan

Council Retreat Priority: Eastside Strategy

37. Albemarle Road Streetscape

Action: Approve the agreement for \$218,140 with ColeJenest & Stone, P. A. (ColeJenest) for streetscape design services for the Albemarle Road Streetscape Project.

Explanation:

This agreement will provide for the design of streetscape improvements which includes construction of new sidewalks with planting strips and installation of street trees for approximately 2.0 miles on both sides of Albemarle Road from North Sharon Amity to W. T. Harris.

MWBD:

HBE 2%

WBE 5%

Funding:

Economic Development Capital Investment Plan

38. Sale of City Property at 227 Magnolia Avenue

Action: Approve the Sale of City Owned Real Property located at 227 Magnolia Avenue in furtherance of the Council Adopted Central District Plan.

Explanation:

A City owned parcel of land at 227 Magnolia Avenue has been declared surplus. The property has been the site of a water tower, which is being removed this summer.

An offer to purchase has been received from McCurry Properties, which is developing a mixed use project on adjacent property. McCurry would extend the planned development to include the subject parcel.

The appraised value of the property is \$146,000. The McCurry offer to purchase is for a price of \$148,018.

Sale to McCurry Properties is recommended because including the parcel in the planned mixed use development is consistent with planning goals for the area and is the highest and best use of the property. The development potential of the property is less as a stand alone parcel.

City Charter Provision 9.22 allows City Council to approve a sale without an upset bid process when the sale is in furtherance of Council adopted policy. Notice of Sale was published on April 11, 2000.

39. Property Transactions

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

Acquisitions:

A. Project: Airport Master Plan Land Acquisition

Owner(s): Zell Partnership

Property Address: 9311 Garrison Road

Property to be acquired: 6.42 acres

Improvements: Warehouse

Purchase Price: \$910,000

Remarks: The purchase price was determined by two independent appraisers and was reviewed by a third appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: I1
Use: Warehouse
Tax Value: \$617,220
Tax Code: 141-121-38

- B. Project:** Monroe Road/Sharon Amity Intersection Road Improvements, Parcel #46
Owners(s): Warren Properties, Inc.
Property Address: 5315 Monroe Road
Property to be acquired: 1,422 sq.ft. (0.033 ac.) of fee plus 1,167 sq. ft. (0.027 ac.) of temporary construction easement
Improvements: Sign
Purchase Price: \$35,000
Remarks: The areas are needed for the intersection improvements at Monroe Road and Sharon Amity. Acquisition price was established by two independent, certified appraisals.
Zoned: B-1
Use: Commercial/Cleaning Service
Total Parcel Tax Value: \$137,170
Tax Code: 161-065-12
- C. Project:** Monroe Road/Sharon Amity Intersection Road Improvements, Parcel #52
Owners(s): Dwayne E. Thomas, II and Sarah H. Thomas
Property Address: 5527 Monroe Road
Property to be acquired: 1,143 sq.ft. (0.026 ac.) of fee simple acquisition and permanent utility easement plus 2,406 sq. ft. (0.0552 ac.) of temporary construction easement
Improvements: Sign
Purchase Price: \$16,500
Remarks: These areas are needed for intersection improvements at Monroe Road and Sharon Amity Intersection. Acquisition price was established by two independent, certified appraisals.
Zoned: O-2
Use: Medical Building
Total Parcel Tax Value: \$199,530
Tax Code: 163-021-47
- D. Project:** Prosperity Church road Widening-Phase I, Parcel #38
Owners(s): Nancy J. Seymore
Property Address: 4201 Prosperity Church Road
Property to be acquired: 7,863 sq.ft. (0.181 ac.) of fee simple and permanent easement plus 4,227 sq.ft. (.097 ac.) of temporary construction easement
Improvements: Fence, landscaping
Purchase Price: \$11,770
Remarks: The areas are needed for construction of Prosperity Church road widening. Acquisition price is based on independent, certified appraisal.
Zoned: R-3

Use: Single Family Residential
Total Parcel Tax Value: \$101,350
Tax Code: 027-372-50

- E. Project:** Prosperity Church Road Widening-Phase I, Parcel #44
Owner(s): Patrick Szyslowski & wf., Suzanne M. Szyslowski
Property Address: 11801 Old Timber Road
Property to be acquired: 2,029 sq.ft. (.047 ac.) of fee simple and permanent easement plus 3,909 sq.ft. (.09 ac.) of temporary construction easement
Improvements: Trees, landscaping
Purchase Price: \$22,700
Remarks: The areas are needed for construction of Prosperity Church Road Widening-Phase I. Acquisition price is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family Residential
Total Parcel Tax Value: \$134,120
Tax Code: 027-383-01
- F. Project:** Tenth Street and Graham Street Improvements, Parcel #6
Owner(s): Discovery Properties, Inc. c/o Eugene M. Davant
Property Address: 715 North Graham Street
Property to be acquired: 2,518.9 sq.ft. (0.058 ac.) of fee simple right-of-way and permanent utility easement plus 1,349.5 sq.ft. (0.031 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$54,000
Remarks: The areas are needed for the road improvements at Tenth and Graham Streets in Fourth Ward. Acquisition price was based on an independent, certified appraisal.
Zoned: URC
Use: Vacant
Total Parcel Tax Value: \$128,250
Tax Code: 078-231-09

Condemnations:

- G. Project:** 24 inch Water Main along W. T. Harris Blvd., Parcel #25
Owner(s): Charles Leighton & wf., Edwina Leighton and any other parties of interest
Property Address: 7148 Lawyers Road
Property to be acquired: 5,906.5 sq.ft. (0.136 ac.)
Improvements: Trees, sign
Purchase Price: \$13,050
Remarks: The areas are needed for the construction of a 30 inch water main along Lawyers Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.

Zoned: O-1
Use: Medical Office
Total Parcel Tax Value: \$502,120
Tax Code: 133-251-10

- H. Project:** 24 inch Water Main along W. T. Harris Blvd., Parcel #73
Owner(s): Bruce Brunson Cadieu and any other parties of interest
Property Address: 8904 Albemarle Road
Property to be acquired: 5,229.6 sq.ft. (0.12 ac.)
Improvements: Trees, landscaping
Purchase Price: \$10,900
Remarks: The areas are needed for construction of a 24 inch water main along W. T. Harris Blvd./Albemarle Road. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family
Total Parcel Tax Value: \$211,960
Tax Code: 109-301-09
- I. Project:** Prosperity Church Road Widening, Parcel #39
Owner(s): Hill Land Corporation and any other parties of interest
Property Address: 10141 Fairlea Drive
Property to be acquired: 335 sq.ft. (.008 ac.)
Improvements: Trees, landscaping
Purchase Price: \$1,700
Remarks: The area is needed for construction of Prosperity Church Road Widening. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family Residence
Total Parcel Tax Value: \$18,000
Tax Code: 027-371-47
- J. Project:** Prosperity Church Road Widening, Parcel #43
Owner(s): Hill Land Corporation and any other parties of interest
Property Address: Prosperity Church Road
Property to be acquired: 8,428 sq.ft. (0.194 ac.)
Improvements: Trees, landscaping
Purchase Price: \$3,175
Remarks: The areas are needed for the construction of Prosperity Church Road Widening. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family
Total Parcel Tax Value: \$1,000
Tax Code: 027-372-98

- K. Project:** Monroe/Sharon Amity Intersection Road Improvement, Parcel #51A
Owner(s): David A. Jones & Renee C. Jones and any other parties of interest
Property Address: 5507 Monroe Road
Property to be acquired: 9,020 sq.ft. (0.207 ac.) of fee simple acquisition, temporary construction easement and permanent utility easements
Improvements: Sign
Purchase Price: \$4,462.31
Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity. City has yet to reach a negotiated agreement with property owner. The acquisition amount is based on two independent, certified appraisals.
Zoned: O-2
Use: Business condominium
Total Parcel Tax Value: \$158,850
Tax Code: 163-021-69
- L. Project:** Monroe/Sharon Amity Intersection Road Improvement, Parcel #51C & 51E
Owner(s): James R. Guy, Jr. & Brenda Guy and any other parties of interest
Property Address: 5511 Monroe Road and 5513 Monroe Road
Property to be acquired: 9,020 sq.ft. (0.207 ac.) of fee simple acquisition, temporary construction easement and permanent utility easements
Improvements: Sign
Purchase Price: \$13,764
Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity Intersection. City has yet to reach a negotiated agreement with property owner. The acquisition price is based on two independent, certified appraisals.
Zoned: O-2
Use: Business Condominium
Total Parcel Tax Value: #71 - \$283,680, #72 - \$214,520
Tax Code: 163-021-71 & 72
- M. Project:** Monroe Road/Sharon Amity Intersection Road Improvements, Parcel #12
Owner(s): Carolyn H. Browning Life Estate; William Edward Browning, Jr., Michael Holt & Richard Stuart and any other parties of interest
Property Address: 2119 North Sharon Amity Road
Property to be Acquired: 15,315.61 sq.ft. (0.352 ac.)
Purchase Price: \$84,700
Demolition Requested: Yes
Remarks: A commercial building and land area is needed for the intersection improvements at Monroe Road and Sharon Amity Road.

Compensation offered was established by two independent, certified appraisals and a review appraisal. City has yet to reach a negotiated agreement with the property owners.

Zoned: B-2

Use: Prefab Warehouse

Total Parcel Tax Value: \$107,570

Tax Code: 161-065-04

40. Meeting Minutes

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

- **April 3 Council Workshop and Citizens Forum**
- **April 10 Business Meeting**
- **April 12 Budget Retreat**
- **April 17 Zoning Meeting**
- **April 18 City/County/School Board Joint Meeting**