

Mayor Patrick McCrory

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING
Monday, November 26, 2001

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

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

Policy

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Consent I

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Water and Sewer Capital Improvements and Bond Program

Resource: Doug Bean, Utilities

Time: 15 minutes

Attachment 1

2. Colony Road Barricade

Committee Chair: Sara Spencer

Resource: Doreen Szymanski, Transportation

Time: 30 minutes

Attachment 2

3 The Park at Oaklawn (Fairview Homes) Infrastructure Improvement Grant

Resource: Stan Wilson, Neighborhood Development

Time: 10 minutes

Attachment 3

4. Tyvola Crossing Apartments

Resource: Stan Wilson, Neighborhood Development

Time: 10 minutes

Attachment 4

5. Committee Reports by Exception

City Within A City: Affordable Housing Recommendations
Economic Development and Planning: General Development Policies
for Transit Station Area Principles

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

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

CONSENT

- 6. Consent agenda items 20 through 32 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

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

Action: A. Conduct a Public Hearing to Close a portion of Alexa Road; and
B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Policy:

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

Explanation:

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

Petitioner:

Providence Presbyterian Church/Ronald R. Cook

Right-of-Way to be abandoned:

A portion of Alexa Road

Location:

From Providence Church Lane (formerly Providence Road) westwardly approximately 480 feet to Providence Road

Reason:

To incorporate the right-of-way into adjacent property owned by petitioner for future expansion. NCDOT's recent Providence Road widening project constructed Providence Road on a new alignment west of its original location and the Providence Presbyterian Church. This portion of Alexa Road was not connected to realigned Providence Road and is no longer necessary for public use.

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

Providence Presbyterian Church

Neighborhood/Business Associations

- Raintree Green Homeowners – No objection
- Southeast Coalition of N.A. – No objection
- Berkley Homeowners Association – No objection
- South Providence – No objection
- South Hall Homeowner’s Association – No objection
- Quail Acres HOA – No objection
- Providence Forest – No objection

Private Utility Companies – No objections. Easements are provided to utility companies to maintain their existing facilities as requested.

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 5

Map

8. Public Hearing and Resolution to Close a Portion of Norwich Place

Action: A. Conduct a Public Hearing to Close a portion of Norwich Place; and

B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Policy:

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

Explanation:

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

Petitioner:

City of Charlotte/Kent Winslow

Right-of-Way to be abandoned:

A portion of Norwich Place (unopened)

Location:

Beginning approximately 500 feet south of the intersection of West Boulevard/Clanton Road eastwardly for a distance of approximately 20 feet

Reason:

To incorporate the right-of-way into adjacent property owned by petitioner and the Charlotte Housing Authority to construct the Dalton Plaza shopping center in accordance with rezoning petition 99-97 approved by the City Council on January 18, 2000. The City agreed to donate approximately 0.221 acres of this un-developable land to the Charlotte Housing Authority to be combined with land assembled for the Dalton Village (Arbor Glen) Hope VI Project.

This portion of Norwich Place, west of Clanton Road, was removed from service at least fifteen years ago. The abandonment of the right-of-way for Norwich Place on this parcel will remove this encumbrance from the title prior to the transfer to the Charlotte Housing Authority.

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

Not applicable

Neighborhood/Business Associations

Ponderosa Community Association – No objection

Wilmington Community – No objection

Reid Park Associates (CDC) – No objection

Dalton Village (CHA) – No objection

Barringer Woods Association – No objection

Revolution Park Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments –

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

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

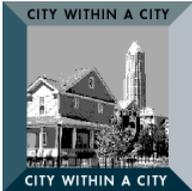
Attachment 6

Map

POLICY

9. City Manager's Report

10. City Within A City Committee's Housing Policy Recommendations



Action: Approve the City Within A City Committee's housing policy recommendations relating to *Housing Trust Fund, Density Bonus, Assisted Multi-family Housing at Transit Station Areas and Housing Locational Policy.*

Committee Chair: Rod Autrey

Staff Resources: Stanley Watkins, Neighborhood Development
Debra Campbell, Planning
Stan Wilson, Neighborhood Development

Policy:

The City's Housing Policy focuses on preserving the existing housing stock, expanding the supply of low and moderate-income housing and supporting family self-sufficiency initiatives.

Explanation:

On November 12, 2001 Council held a public hearing on the preliminary housing policy recommendations prepared by the City Within A City (CWAC) Committee. Over 20 citizens expressed support and concern regarding the various policy recommendations.

The CWAC Committee met on November 14, 2001 to review citizen issues and prepare final recommendations for Council's consideration. At that time, the Committee modified their recommendations and voted to send amended housing policy recommendations – *Housing Trust Fund, Density Bonus, Assisted Housing At Transit Station Areas and Housing Locational Policy* – to Council for approval on November 26, 2001. The vote was 3-1 with Councilmembers Autrey, Mitchell and Spencer voting in the affirmative and Castano voting against. Councilmember Cannon was absent.

In its deliberations, the Committee took individual votes on elements in each policy recommendation. The attached document provides details of the Committee's final recommendations to Council. Highlights of the Committee's key decisions made on November 14, 2001 include the following:

Housing Trust Fund – the CWAC Committee voted unanimously to approve the Housing Trust Fund recommendations as outlined in the CWAC Public Hearing Document. (See the Committee's recommended Housing Trust Fund policy on page 4 of the attached document.)

Density Bonus – the CWAC Committee voted unanimously to approve the recommendation to delay discussion of this topic area until March 2002.

Assisted Housing at Transit Station Areas – the CWAC Committee unanimously voted to:

- Amend the areas for assisted multi-family housing at transit station areas from ½ to ¼ mile for all station locations;
- Apply the policy to only adopted transit station areas; and
- Amend the language clarifying the policy to include the definition of assisted housing. (See the Committee’s recommended Assisted Housing at Transit Station Areas policy on page 9 of the attached document.)

Housing Locational Policy – the CWAC Committee voted to:

- Delay discussion of Section 8 until January 2002. (Vote unanimous)
- Amend the separation requirement for assisted multi-family developments to ½ mile as measured from property line to property line. (Vote unanimous)
- Increase the assisted housing unit cap from 50 to 100 units. (Vote 3 to 1 [Castano])
- Increase the assisted unit cap from 5% to 10% in a Neighborhood Statistical Area. (Vote 3 to 1 [Castano])
- Amend the on-site management requirement to include supportive services personnel. (Vote unanimous) (See the Committee’s recommended Housing Locational Policy on page 12 of the attached document.)

The Housing Locational Policy may be further amended after the Committee’s review and discussion of Section 8, Density Bonus and Mixed-Income Housing Development.

The effective date of these policies – Housing Trust Fund, Assisted Housing at Transit Station Areas and Housing Locational Policy – shall be January 1, 2002.

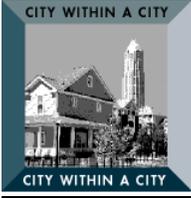
Community Input:

A schedule of the Committee’s meeting dates was shared with the public. Interested parties were invited to participate by providing written comments to the Committee regarding areas of concern. In addition, staff has held several meetings with interested parties to receive feedback and address concerns.

Attachment 7

CWAC Committee Housing Policy Recommendations – November 14, 2001

11. First Ward Place Request for Proposal



Action: Approve the City Within A City Committee's recommendation to:

- A. Select The Drakeford Company/ Boulevard Centro to develop rental housing in the First Ward neighborhood;**
- B. Authorize the City Manager to negotiate a Memorandum of Understanding with The Drakeford Company/Boulevard Centro to design, develop, build, market and manage rental units in the First Ward Neighborhood and bring back to Council for approval; and**
- C. Waive the existing Housing Locational Policy for the development.**

Committee Chair: Rod Autrey

Staff Resource: Stan Wilson, Neighborhood Development

Policy:

The First Ward Master Plan, adopted by Council in July 1997, calls for the creation of a new urban mixed-income community. The plan outlines development guidelines for First Ward. The Center City 2010 Plan, adopted by Council in May 2000, promotes the construction of workforce housing in the Uptown area.

Explanation:

On January 22, 2001, Council approved a RFP process to solicit qualified developers/development teams to design, develop, build, market and manage rental-housing units to be located in the First Ward neighborhood. The housing units will be located on a 4.85-acre vacant parcel at Seventh and McDowell Streets. The City will sell/lease the property to the developer with deed restrictions limiting its use for affordable housing.

The City received three responses to the Request for Proposals. The respondents were The Crosland Group Inc., Camden Development Inc. and The Drakeford Company/Boulevard Centro. Camden Development subsequently withdrew its proposal from consideration. The proposals that were presented are detailed on the next page:

Developer/Development Team	Number of Units	Price Offered for City Land	Additional City Funding Request
The Drakeford Company	186	\$1,000,000	None
Camden Development, Inc (Withdraw)	240	\$1,800,000	None
Crosland Group, Inc. – Option 1	115	\$0	\$775,000
Crosland Group, Inc. – Option 2	135	\$0	\$2,200,000
Crosland Group, Inc. – Option 3	213	\$0	\$5,000,000
Crosland Group, Inc. – Option 4	250	\$0	\$5,850,000

Staff is recommending The Drakeford Company/Boulevard Centro as the development team for First Ward. Their proposal provides the best design with the best financial return to the City. Bank of America and the Charlotte-Mecklenburg Housing Partnership have agreed to join the team as equity partners. The services to be provided by the development team will include:

- Developing site and architectural plans (including floor plans)
- Managing the project construction
- Marketing and managing the rental units

The development team is proposes to develop an 186-unit project at a total cost of \$19,968,698 or \$107,359 per unit. The development team is offering the City \$1,000,000 for its land. The appraised value of the City land is \$2,300,000. This represents a write down of \$1,300,000 or \$6,989.25 per unit for the total development. The sale of the land will be contingent upon the development team securing bond tax credit financing.

The Request for Proposal specified the following affordability targets: at least 10% of the units to be affordable to households earning 60% or less than the area median income; at least 15% of the units to be affordable at 60%-80% of the area median income; at least 20% of the units to be affordable at 80%-100% of the area median income and at least 25% of the units to be affordable at 100%-120% of the area median income.

The development team has exceeded the affordability targets. Seventy-six (76) units or (41%) are affordable to households earning 60% or less than the median income [monthly rent ranges from \$500 to \$765]; and the remaining one hundred and ten (110) units or (59%) are affordable to households earning more than 60% of the median income [monthly rent ranges from \$700 to \$1,250]. The development team proposes to build 72 – 1 bedroom units, 101 – 2 bedroom units and 13 – 3 bedroom units.

The \$1.3 million subsidy through the land sale by the City will provide for the 76 units below 60% of median income. This will equate to a \$17,105 subsidy per unit.

The proposed development will be in three buildings and have the following amenities: leasing office, business center, pool, laundry room and an exercise facility. The development team proposes that the project be managed by LEDIC Management Group. The proposed staffing includes a property manager to be hired in month one, an assistant manager to be hired in month 3, a leasing agent in months 3 through 12, a maintenance supervisor in month 6 and a maintenance technician in month 10 of the project’s development. During lease up, all of the staff will be full time. Once lease up is completed there will be a full time property manager, assistant manager, maintenance supervisor and maintenance technician. Rental discounts will be encouraged for police officers as an incentive.

The proposed financing for the development is as follows:

Project Financing:

Sources:

Interest Earned	\$ 611,346
Other Equity	\$ 2,472,717
Tax Credit Equity	\$ 2,584,548
Tax Exempt Bonds	<u>\$14,300,087</u>
Total Project Costs	\$19,968,698

Uses:

Land Cost	\$ 1,000,000
Financing Cost	\$ 1,805,898
Soft Costs	\$ 2,684,454
Hard Costs	<u>\$14,478,346</u>
Total Project Costs	\$19,968,698

Because of the location and the number of assisted units in the proposed development, a waiver of the existing Housing Locational Policy is required. First Ward is located in a “prohibited area” based on the existing Housing Locational Policy and the project will have more than 55 assisted units.

Background:

The First Ward Master Plan was developed and adopted by Council with two primary goals:

- 1) To create a vibrant new, mixed-income residential community in Uptown Charlotte; and
- 2) To increase the value of property in First Ward and the tax base of the City of Charlotte and Mecklenburg County.

The First Ward Master Plan sets the framework for meeting the goals by outlining the desired land use and urban design character for First Ward. Development guidelines for First Ward include buildings and primary entrances facing the street, on-site parking located to the rear of buildings, and consistent streetscapes, with sidewalks, street trees and pedestrian scale lighting.

The Seventh and McDowell Streets property is located in the Parkside District, one of four districts outlined in the First Ward Master Plan. This district is proposed as mainly residential with a wide range of housing types and densities. Overlooking the linear park along Ninth Street will be single-family homes. The area closer to Seventh Street will have townhouses and multi-family housing.

MWBD:

Proposal meets the City's MWBD requirements. The Drakeford Company is a MBE.

Committee Discussion:

The CWAC Committee received a presentation on the proposed First Ward development. The discussion focused on an impact statement when an assisted development falls under the City's Housing Locational Policy and the number of affordable units earmarked for the development. The Committee unanimously voted to request Council to approve the three recommendations on November 26. Members present: Rod Autrey, James Mitchell, Sara Spencer and Mike Castano.

Attachment 8

Site Plan

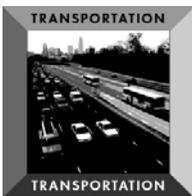
Building Elevations

Floor Plan (each unit type)

Project Pro-forma

Selection Process and Development Team's Experience

Proposed Project Schedule

12. Colony Road Barricade Renovation

Action: A. Repeal the September 26, 2001 City Council decision to delay the Colony Road barricade decision for six months; and

B. Approve the Transportation Committee's recommendation to replace the barricade on Colony Road at the Myers Park High School main entrance with Option 2A, U-Turn, with or without the bulb-out, depending on the Charlotte Mecklenburg School District's willingness to donate the necessary property for construction of a u-turn bulb-out.

Committee Chair: Sara Spencer

Staff Resource: Doreen Szymanski, Transportation

Explanation:

The original Colony Road barricade was installed at the entrance to Myers Park High School in August 1977 to prevent through traffic in the Club Colony neighborhood. The barricade was modified six months later to partially open the road, and then in January 1983, Council approved modifying the barricade to its current configuration.

Council referred the Colony Road Traffic Study to the Transportation Committee at their November 27, 2000 meeting, specifically asking staff to

review the configuration of the barricade and its operation. Since the referral, CDOT staff formed a stakeholders' group to discuss other alternatives to the current barricade, and if possible, narrow options down to one or two for Council's consideration.

The stakeholders group included citizens representing the various neighborhoods in the vicinity of the barricade, representatives from the City Manager's Office, Charlotte-Mecklenburg Schools, Charlotte Mecklenburg Police, the Fire Department, and the Department of Transportation. The group originally considered six alternatives to the existing barricade, as well as leaving the barricade configuration as it stands today.

Option 4 (roundabout) and Option 2A were forwarded to the Transportation Committee for a vote at its August 13, 2001 meeting. The Committee voted 3-2 in favor (Councilmembers White, Carter and Graham-for and Autrey and Spencer-opposed) of Option 4 Roundabout, over Option 2A. This recommendation was presented to Council for approval at the September 10, 2001 Council business meeting. After much deliberation, Council voted 6 to 5 to defer a decision on the barricade for six months.

At the November 12, 2001 dinner meeting, Mayor McCrory sent the Colony Road Barricade issue back to Committee to discuss other options. He also placed the item on the November 26, 2001 Council Agenda for action.

Since that time, staff from the City Manager's Office and CDOT have met with residents on either side of the issue in an attempt to bring forward to Committee and the Council one option for approval. The residents were unable to reach a consensus.

The following options were forwarded to the Transportation Committee:

Modified Barricade (Option 2A, U-Turn): Allows for a right-turn at the barricade, continuing north on Colony Road and a left-turn at the barricade into the school driveway. This would allow for two means of ingress and egress to the school grounds and one through movement (northbound), with a bulb-out u-turn movement southbound, prior to reaching the school administrative driveway. Estimated cost is \$125,000.

A modified barricade can operate safely at this location, with the bulb-out u-turn eliminating motorists illegal u-turns at the Myers Park High School administrative driveway or transient traffic from using the school campus as a turnaround to continue southbound on Colony Road. Pedestrians, the disabled community and bicyclists could be accommodated with this option. This option offers improved emergency access than the current configuration, but not as safe as the multi-way stop option.

Multi-Way Stop: Includes the removal of the barricade and the installation of stop signs at all approaches of the reconfigured "T" intersection. This would

allow for two means of ingress and egress to the school grounds and two through movements. Estimated cost is in the \$75,000 - \$100,000 range. A multi-way stop can operate safely at this location. This option offers optimum emergency access and also eliminates current illegal and undesirable traffic movements that motorists make to circumvent the barricade today. However, it may increase rear-end accidents at the location (accident history indicates seven crashes in three years, five are rear-end). Pedestrians, the disabled community and bicyclists could be accommodated with this option. However, it could cause some confusion for individuals to know when to cross.

In effect, this option opens Colony Road to through traffic in both directions, and additional traffic volumes are projected at approximately 1,600 – 1,800 more cars a day for a total of 7,300 – 7,500 vehicles per day through the Club Colony neighborhood.

Emergency Service providers can accept either option since both provide enhanced access to the school, but prefer the multi-way stop option.

Charlotte-Mecklenburg Schools have a preference for the multi-way stop option since it enhances access to the school for emergency services, staff, students and visitors.

The Club Colony neighborhood prefers the Option 2A, U-Turn option because it provides some protection to the neighborhood from through traffic. The neighborhood is concerned that an increase of 1,600 – 1,800 vehicles a day will compromise safety for the neighborhood and their children. In addition, this option will eliminate some traffic through the neighborhood, as motorists south of the barricade will no longer need to travel through the Club Colony neighborhood to legally access the school.

Residents from Rockbrook Drive, Colony Road south of the barricade and abutting neighborhoods south of Runnymede Lane, and representatives for parents whose children attend the school prefer the Multi-Way Stop option because it provides enhanced access to the school and for emergency services, and provides for both northbound and southbound traffic movements.

CDOT Director, Jim Humphrey, has recommended Option 2A, U-Turn, with or without a bulb-out, depending on the Charlotte-Mecklenburg School District's willingness to donate the necessary land for the construction of the bulb-out.

Mr. Humphrey's recommendation is based on a number of factors, which include limiting cut-through traffic to protect the neighborhood and its residents. In addition, he feels this portion of Colony Road was not designed to carry the volume of traffic that opening the roadway would most likely bring. He feels both Option 2A, with the bulb-out, and Option 2A, without the bulb-out, are safe options that could be designed to accommodate emergency vehicles.

Committee Discussion:

The Committee met on November 19, 2001 with members voting five to zero to recommend the construction of Option 2A, U-Turn, with or without a bulb-out, depending on the Charlotte Mecklenburg School District's willingness to donate the necessary land for the construction of the bulb-out.

Committee discussion centered around:

- Internal circulation patterns for school buses on school grounds
- Bulb-out usage at other locations

Councilmember Spencer felt that Option 2A, u-turn would calm the traffic.

Councilmember Autrey stated that bulb-outs are used safely at other locations throughout the City and could be implemented and used safely at the Colony Road location. He also felt the u-turn would discourage neighborhood cut-through traffic.

Councilmember Carter agreed that Option 2A, u-turn was the best option based on experiences within her district of motorists not stopping at multi-way stops. Ms. Carter expressed a concern for the physically challenged and pedestrian safety for both options. Handicapped citizens and pedestrians at this location would treat this location as they would any other "T" intersection in the City.

CDOT staff provided updates to the Transportation Committee at five separate meetings. The Committee received public comment from all interested parties at their March 19, 2001; July 23, 2001; and November 19, 2001 meetings.

Community Input:

Since the November 27, 2000 Transportation Committee referral by Council, CDOT staff has held three meetings with the stakeholders group, three meetings with a subgroup of the larger stakeholders group, and one public meeting for all citizens.

Funding:

Transportation Capital Investment Plan

Attachment 9

November 19, 2001 Transportation Committee Agenda
Concept Drawings

13. Minority and Women Business Development (MWBD) Program—Two-year Extension Request

Action: Approve two-year extension of the current Minority and Women Business Development (MWBD) Program to December 31, 2004.

Staff Resource: Susan Johnson, Business Support Services
Vernetta Mitchell, Business Support Services

Explanation:

The current MWBD Program was approved by Council on January 1, 1998 for a period of five years to continue through December 31, 2002.

The MWBD Annual Report was presented to Council on November 12, 2001 where this recommendation was discussed. This extension would effectively allow the staff to continue work in the following areas:

- Developing the tools and processes to accurately capture all city business conducted with certified MWBD firms
- Continuing on-going analysis and assessment of the program's effectiveness
- Coordinating the work of the MWBD Advisory Committee and its subcommittees
- Exploring the feasibility of consolidating the City's and County's MWBD/E programs
- Identify funding for and conduct a disparity study

14. General Development Policies for Transit Station Area Principles



Action: Approve the Economic Development and Planning Committee's recommendation to adopt the General Development Policies for Transit Station Area Principles as revised by the Committee.

Committee Chair: Lynn Wheeler

Staff Resource: Laura Harmon, Planning Commission

Explanation:

General Development Policies (GDP) were adopted in 1990 as a way to supplement the 2005 Generalized Land Use Plan and the seven District Plans by providing policy direction and guidance on a wide variety of community-wide planning related issues. The policies are being updated to reflect new policy direction, particularly the direction provided in the Centers and Corridors Concept, the 2025 Integrated Transit/Land Use Plan, and Smart Growth Principles.

The Transit Station Area Principles are the first of four Key Policy Areas which will be addressed in the GDP update. The others include Residential Development Policies for non-transit locations, Mixed Use/Retail Centers, and the Plan Amendment Process.

The Transit Station Area Principles will facilitate the creation of compact neighborhoods with housing, jobs, shopping, community services, and recreational opportunities within easy walking distance (less than ½ mile) of a transit station. The intent is to create well-designed, livable communities where people can get from their home to places like the office, grocery store, daycare center, restaurants, dry cleaner, library, or park without using an automobile.

Transit supportive development principles provide direction for developing and redeveloping property around rapid transit stations in such a way that makes it easy for people to use transit. These policies focus on land uses, mobility, and community design.

The following three stakeholder groups have been formed to assist with the GDP update: an interdepartmental staff team, a neighborhood group, and a group from the development community.

Committee Discussion:

The Economic Development and Planning Committee received a briefing on the draft transit station area principles at its October 24, 2001 meeting.

The revised draft principles were presented again to the Committee on November 14, 2001 to allow an opportunity for both staff and committee members to address comments received at the November 12, 2001 public hearing before Council.

Staff presented information showing the relationship between projected station area planning (which will be guided by the Transit Station Area Principles) and rapid transit implementation. CATS staff indicated that within 5 years, preliminary engineering should be complete on three corridors (South Boulevard plus two other corridors and station locations to be identified). Within 10 years, implementation should be complete in the initial three corridors with planning underway in the fourth and fifth corridors. Within 15 years, there will be some level of rapid transit services constructed in all five corridors and by 2020 all five corridors will be fully served by rapid transit. All five corridors will receive expanded/enhanced bus service during this period to further establish the transit system and serve development that is occurring ahead of the rapid transit development.

Staff indicated to the Committee that land use is an integral part of the evaluation criteria of the Federal Transit Administration's New Starts application process. In the last submittal to the FTA for the South Boulevard Corridor, the City received a medium score on the land use criteria.

Communities with transit supportive development, zoning, or policies in place received higher scores. Essentially, our ability to compete and receive federal funding to build a rapid transit system is integrally related to our ability to conduct adequate land use planning and encourage transit supportive development ahead of the transit investment.

Staff also indicated that an interim transit overlay zoning district will be developed and applied to areas within the 4 corridors that are currently in the Major Investment Study (MIS) phase. This district will allow some flexibility regarding intensities of anticipated land uses and will only be applied at areas identified through the MIS process as potential station area locations. This will minimize the proliferation of uses that are not transit friendly from developing in transit corridors and encourage those uses that are transit friendly to develop at appropriate locations and intensities. The amount of transit friendly development already in place will be an important factor in determining final station locations.

The Committee agreed that land use planning and development should lead the transit investment and transit services should complement and support the development pattern. The Committee voted 3-0 to approve the revised Transit Station Area Principles and directed staff to place the item on the November 26, 2001 City Council agenda for action.

Community Input:

Stakeholder groups from both the development and neighborhood committees met on September 27, 2001 and again on October 18, 2001 to discuss the draft Transit Station Area Principles. Their respective comments and suggested changes have been incorporated into the final draft Transit Station Area Principles. The Planning Commission's Planning Committee also received the draft principles at its October 16, 2001 meeting and recommended adoption of the principles with minor revisions.

Council received public comment on the plan at its November 12, 2001 business meeting. The two key issues were:

- Concern that there will not be enough flexibility for land use decisions and development densities in potential station areas prior to transit reaching full service within a given corridor.
- Concern over the potential timing gap between station area planning, the application of station area principles in land use or density decisions, and actual transit implementation.

These issues were subsequently discussed and addressed at the November 14, 2001 Economic Development and Planning Committee meeting.

Attachment 10

Draft Transit Station Area Principles

15. Consolidation of City/County Radio System

Action: Approve an Interlocal Agreement with Mecklenburg County consolidating the 800-MHz radio system under the City in accordance with the joint resolution passed on August 8, 2000 and subsequent discussions between City and County management.

Staff Resource: Susan Johnson, Business Support Services

Explanation:

The City is prepared to move forward immediately to provide consolidated services to all agencies using the 800-Mhz radio system:

- a. An interlocal agreement has been developed defining the roles and responsibilities of the City to all agencies receiving service;
- b. A funding model has been established to cover operational and capital costs; and
- c. A highly skilled staff is in place and currently operating the system.

The City of Charlotte and Mecklenburg County currently share an 800-MHz trunked radio system consisting of four primary Simulcast tower sites (city-owned), four limited use SmartZone sites (county-owned), and related operations. The system's primary purpose is to support public safety communication needs to the Charlotte Mecklenburg Police Department, the Charlotte Fire Department, the Sheriff, Medic and local volunteer fire departments. The system also provides services to other City and County departments, to the Charlotte-Mecklenburg School System, and to the towns of Cornelius, Huntersville, Davidson and Matthews. Overall, the system serves approximately 9,000 individual users and processes over 650,000 radio transmissions per week.

While there has been joint capital investment over the years, the City's investment represents over 70% of the system value. Within the last eighteen months, the City has invested an additional \$4.2 million to address the infrastructure issues created by the lack of investment. The County holds the majority of the FCC licenses for the system, however the license allocation is supported mainly by the City agencies on the system. The City is staffed with seven radio personnel who assumed complete system support, management and maintenance for the system in June 2001. The City's Public Safety services represent 57% of the radio population and generate 72% of the system traffic.

The negotiated Interlocal agreement contains the following key provisions:

1. The City will perform all management and maintenance functions of the system in accordance with the documented service level agreement
2. Operating and capital funding is based on a utility fee model set forth in the Interlocal Agreement

3. A Radio Communications Council (RCC), made up of representatives of any agency having 40 or more radios active on the system will be formed. The RCC's role is to meet monthly to receive system performance reports, raise operational issues, develop and adopt standard operating procedures associated with their use of the system and participate in the development and annual review of the System Strategic Plan.
4. Future capital investment in the system will be done in accordance with the ten-year Strategic Plan adopted by the City and County with input from other agencies. The cost of that capital will be included in the monthly operating fees paid by all agencies using the system. The Radio Communications Council cannot commit City funds.
5. The agreement outlines the process for adding additional agencies to the system, including regional partners.
6. If the City fails to perform to the agreed upon service level, the County may withhold a portion of their access fees as a penalty.
7. If performance falls below stated service levels, the County may declare the City in default of the Interlocal, and if performance cannot be improved within the cure period provided in the agreement, the County has the right to terminate the agreement and take over operation of the system.

Upon Council approval, the City Manager will present the agreement to the County. If the County approves the agreement, the final agreement will be presented to Council for ratification.

The agreement is included in the November 21, 2001 Council Manager Memo.

BUSINESS

16. Hal Marshall Redevelopment



Action: Approve a Designation Letter with The Palladium Company for the Hal Marshall Redevelopment Project.

Staff Resource: Tom Flynn, Economic Development Office

Policy:

Develop and implement "Smart Growth" policy to stimulate high quality infill, redevelopment and reuse of urban sites.

Explanation:

On August 27, 2001, City, County and Center City Partners staff recommended The Palladium Company as the "preferred developer" for the Hal Marshall Redevelopment Project. This Designation Letter between the City, County and Palladium designates Palladium as the preferred developer for the 17 acres of City and County land known as the Hal Marshall site. The Designation Letter also outlines each party's responsibilities during the eight-month term of the Designation Letter.

Palladium's responsibilities include:

- Securing "serious interest" for 50% (150,000 square feet) of the retail space
- Conducting a feasibility study for the residential component (350 units), including a "workforce housing component"
- Developing a preliminary project pro-forma
- Participating in identifying cultural groups ready to participate in the project
- Planning the integration of their project with development on adjacent properties
- Participating in public workshops on revisions to the preliminary master plan

The City's (and County's) responsibilities include:

- Developing a City/County Partnership Agreement
- Developing financing options for the requested public infrastructure investment
- Investigating ways to assist Palladium with the acquisition of the remainder of the site
- Identifying cultural groups ready to participate in the project
- Organizing public workshops on revisions to the preliminary master plan
- Working with Palladium and owners of adjacent land to plan the integration of their projects

The Designation Letter does not commit Palladium to build the project. The Designation Letter does not commit the City to convey the land nor fund the requested public infrastructure.

If at the end of the first six months of the designation period, Palladium, the City and the County have accomplished their responsibilities; a Memorandum of Understanding with Palladium will then be developed for Council consideration. The designation period can also be extended for six months by mutual agreement of all parties.

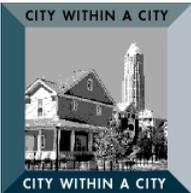
Council received a briefing on the Designation Letter on November 12, 2001.

The County Commission approved this Designation Letter at their meeting on November 20, 2001.

Attachment 11

Designation Letter

17. The Park at Oaklawn (Fairview Homes) Infrastructure Improvement Grant



Action: Approve the infrastructure improvement grant between the Charlotte Housing Authority and City of Charlotte to fund \$1.3 million in infrastructure improvements for the Park at Oaklawn (Fairview Homes), a HOPE VI Project.

Staff Resource: Stan Wilson, Neighborhood Development

Policy:

The CWAC Focus Area provides the general policy framework for supporting the redevelopment of The Park at Oaklawn (Fairview Homes) Project. The Park at Oaklawn (Fairview Homes) is located in a threatened neighborhood and the focus area strategy calls for undertaking comprehensive initiatives to address housing, infrastructure, social and crime conditions.

Explanation:

The developers of the project, the Charlotte-Mecklenburg Housing Partnership (CMHP) and the Charlotte Housing Authority (CHA), request authorization to obtain the \$1.3 million in infrastructure improvement funds committed by Council on March 26, 2001. At that meeting, Council also approved support of a tax credit application and a waiver of the existing *Housing Locational Policy* for The Park at Oaklawn (Fairview Homes) development. The North Carolina Housing Finance Agency (NCHFA) approved the tax credit application in August 2001.

The infrastructure contribution will provide needed physical improvements to make the redevelopment a successful project. The infrastructure improvements will include utilities, road and sidewalk construction, median

development and other items (i.e. retaining walls, guard rails and toddler lots).

Disbursement of the City's funding is contingent upon the following actions:

- Approval of a detailed site plan by the Charlotte-Mecklenburg Planning Commission;
- Review of the project infrastructure plan by the Engineering Services Division of Engineering and Property Management; and
- Execution of an Infrastructure Agreement to include a schedule of values.

The Engineering Services Division of Engineering and Property Management will administer the infrastructure draw requests (which will occur over an 18 month period).

Background:

The Park at Oaklawn (Fairview Homes) community is located on 30 acres at 1723 Edwin Avenue (near the intersection of Statesville Road and Oaklawn Avenue) in the Double Oaks neighborhood. The original 410-unit complex was constructed in 1941. In the fall of 1998, CHA received a \$34.7 million HOPE VI grant from HUD for the redevelopment of Fairview Homes.

The master plan for The Park at Oaklawn (Fairview Homes) will replace 410 severely distressed public housing units with 340 units of mixed-income housing. Of the 340 housing units, 258 will be rental and 82 will be homeownership units. Site amenities include a leasing office/clubhouse, laundry facilities, swimming pool and a playground.

Of the 258 rental units, 80 units will be one-bedroom public housing units reserved for the elderly, 78 units will be 2 and 3-bedroom public housing units for families and 100 units will be 2 and 3-bedroom units for households earning 60% or less than the area median income. Of the 82 homeownership units, 25 units will be made available for public housing residents and 57 to households earning up to 110% of the area median income.

The CMHP and CHA have committed to develop approximately 160 replacement units in Charlotte neighborhoods on sites not yet identified. The units will serve CHA participants and will be integrated into mixed-income projects. The replacement units are planned to be completed by 2006 and will serve households earning 30% or less of the area median income.

Funding:

Community Development Block Grant (CDBG) Funds

Attachment 12

Tax Credit Approval Letter
 Project Proforma
 Site Plan
 Site Map

18. Marketing Contracts with the Charlotte Convention and Visitors Bureau

Action: A. Adopt amended FY02 contract and ordinance for \$2,314,174 with the Charlotte Convention and Visitors Bureau for tourism marketing services; and

B. Adopt amended FY02 contract and ordinance for \$2,290,524 with the Charlotte Convention and Visitors Bureau for Convention Center marketing services.

Staff Resource: Matt Bronson, Budget and Evaluation

Explanation:

This action amends the current FY02 contracts between the City and the Charlotte Convention and Visitors Bureau (CCVB) for tourism and Convention Center marketing services. These amended contracts are necessary due to:

- Legislative changes to the distribution of the occupancy and prepared food/beverage tax revenues initiated by the Mecklenburg towns.
- Significant reductions in the occupancy tax revenues compared to earlier projections for this year and past collections.

The amended contracts also improve the contractual relationship with CCVB in several ways, including clarifying the specific amount distributed for each contract and establishing reserve funds similar to other City funds to protect against future economic downturns. The amended tourism marketing contract reduces the CCVB distribution from \$2,932,220 to \$2,314,174, while the CCVB distribution under the Convention Center marketing contract is reduced from \$2,544,360 to \$2,290,524. These reductions are a direct result of decreases in occupancy tax collection to date for FY02 and projecting through June 30, 2002. Additionally, these reductions will be potentially made up by allowing CCVB to utilize over \$600,000 in reserves currently held by them. These contracts would be effective upon adoption and retroactive to July 1, 2001.

Background:

As a private non-profit organization, CCVB is one of the City's financial partners that provides specific services with City funding. The City has historically contracted with CCVB for tourism and Convention Center marketing and developed separate contracts for each category. The tourism marketing contract provides for activities and programs to aid and encourage

convention and visitor promotion and is funded from occupancy tax revenues through the General Fund. The Convention Center marketing contract provides for marketing and promoting new or expanded convention center facilities and is funded from occupancy tax and prepared food/beverage tax revenue through the Convention Center Tax Fund. The Auditorium-Convention Center-Coliseum Authority (Authority) also provides Convention Center marketing services through these funds, although the Authority is a chartered organization of the City and does not require a contract to provide these services.

When the FY02 marketing contracts were originally approved by Council with the FY02 budget in June 2001, staff indicated the need to amend these contracts due to changes in state legislation governing the occupancy tax and prepared food/beverage tax and reductions in occupancy tax revenues. These changes are highlighted below:

State Legislative Changes

The North Carolina General Assembly approved House Bill 715 in September 2001 after months of discussion between the City, Mecklenburg towns, and the Mecklenburg delegation. This legislation requires the City to distribute a total of \$1,050,000 to the Mecklenburg towns in FY02 for tourism marketing efforts. This distribution will increase over the next four years based on the projected increase in the prepared food/beverage tax. However, in order to protect future investments in the Convention Center, the distributions can be made from occupancy tax collections rather than the prepared food/beverage tax collections. This distinction is important in that the distribution to the towns is based on the more stable prepared food/beverage tax growth rate, while being paid from the less stable occupancy tax revenues. While this legislative change alone does not impact the amount of marketing dollars to CCVB, the process to provide the distribution to Mecklenburg towns requires amending both marketing contracts.

Reductions in Occupancy Tax Revenues

Occupancy tax revenues have decreased significantly in the first quarter of FY02, continuing a recent downward trend. After increasing between 11-18% annually from FY94 through FY00, these revenues decreased nearly 2% in FY01 and are projected to decrease by at least another 2% in FY02. The occupancy tax revenues from September 2001 were 27% lower from September 2000. These decreases caused by the economic downturn will likely be exacerbated by the terrorist events on September 11, 2001. Unlike previous years, the occupancy tax revenues are projected to be insufficient to support the current marketing contracts and require modifying the contract amounts. The amended contracts improve the contracting relationship with CCVB by clarifying the distribution amount of each contract and establishing reserve funds. Past contract amounts were simply tied to the tax revenues collected, which led to significant fluctuations in distributions when collections were different from projections. The amended contracts include a specific amount distributed in return for a clearly defined scope of services. Designating a specific amount is a more appropriate method of contracting for these services

and is similar to the structure of the contract payments to Center City Partners and Historic South End for the Municipal Service Districts.

The amended contracts establish a reserve fund for both tourism marketing and Convention Center marketing funds. To generate this reserve, the City will withhold 8% of the contract amounts distributed to CCVB in FY02. This reserve fund will also be applied to funds received by the Authority for Convention Center marketing. This reserve percentage will be increased in future years to eventually mirror the City's policy of establishing a 16% reserve for City operating funds. The 8% reserve also matches the North Carolina Local Government Commission's minimum guidelines for reserve funds. These reserves, similar to those established for the Municipal Service Districts Fund, are important to safeguard the funding in these marketing contracts against future economic difficulties. The importance of providing reserves is illustrated by CCVB's ability to access over \$600,000 in accumulated reserves to help offset the significant decline in occupancy tax revenues.

Community Input:

City staff has worked extensively over the past several months with CCVB, as well as with the Authority, on the impact of the legislative changes and revenues reductions on the marketing contracts. Staff has shared numerous drafts of the amended contracts and received significant feedback in the process.

Funding:

General Fund and Convention Center Tax Fund

Attachment 13

Marketing contracts

Ordinances

19. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11 (a) (5) (ii) to go into closed session to establish the amount of compensation and other material terms of an employment contract or proposed employment contract, pursuant to NCGS 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

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

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

Contractors and Consultants

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

CONSENT I

20. Various Bids

A. Todd Park Neighborhood Improvement Project E&PM

Recommendation: The City Engineer recommends the low bid of \$512,295 by KIP Corporation of Charlotte, North Carolina. This project is one of twenty-two neighborhoods identified for improvements under the 2000 bond referendum. The project includes road widening, storm drainage, curb and gutter, water line replacement and landscape improvements in the Todd Park Neighborhood, located south of Rozzelles Ferry Road between Hovis Road and Toddville Road.

MWBD Status:	Amount	% of Project	Project Goals
MBE	\$17,410	3.4%	4%
WBE	\$18,850	3.7%	3%

MWBD Compliance: Yes

**B. Water and Sewer Main Construction–FY02
Contract C-Street Main Extensions**

CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$837,890.70 by R. H. Price, Inc. of Charlotte, North Carolina. The award is being made on a unit price basis for a period of one year with three, one-year renewal options. This project consists of various pipe, manholes, and other appurtenances and erosion controls.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	5%
WBE	\$95,000	11%	6%
WBE (Price)	\$742,890.70	89%	

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

21. Refund of Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in error in the amount of \$29,725.51.

Attachment 14
Resolution
List of Refunds

22. In Rems

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

Public Purpose:

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

Policy:

- City 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. 1621 S. Tryon St. (Wilmore Neighborhood)
- B. 316 Parkwood Ave. (Optimist Park Neighborhood)
- C. 509 Sylvania Ave. (Lockwood Neighborhood)
- D. 817 Parkwood (Villa Heights Neighborhood)

Complaint

- E. 1108 Ashford St. (Neighborhood Statistical Area 111)
- F. 5441 Henderson Circle (Neighborhood Statistical Area 126)
- G. 5919 Sardis Rd. (outbuilding only) (Stonehaven Neighborhood).
- H. 826 Seldon Dr. (Biddleville Neighborhood)

**** Ordinances are on file in the City Clerk's Office.**

Public Safety

A. 1621 S. Tryon St.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1621 S. Tryon St. (Wilmore Neighborhood) located in the City Within A City boundaries.

Attachment 15

B. 316 Parkwood Ave.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 316 Parkwood Ave. (Optimist Park Neighborhood) located in the City Within A City boundaries.

Attachment 16

C. 509 Sylvania Ave.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 509 Sylvania Ave. (Lockwood Neighborhood) located in the City Within A City boundaries.

Attachment 17

D. 817 Parkwood Ave.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 817 Parkwood Ave. (Villa Heights Neighborhood) located in the City Within A City boundaries.

Attachment 18

Complaints

E. 1108 Ashford St.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1108 Ashford St. (Neighborhood Statistical Area 111) located in the City Within A City boundaries.

Attachment 19

F. 5441 Henderson Circle

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5441 Henderson Circle (Neighborhood Statistical Area 126) located in the City Within A City boundaries.

Attachment 20

G. 5919 Sardis Rd. (outbuilding only)

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5919 Sardis Rd. (Stonehaven Neighborhood) located in the City Within A City boundaries.

Attachment 21

H. 826 Seldon Dr.

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 826 Seldon Dr. (Biddleville Neighborhood) located in the City Within A City boundaries.

Attachment 22

CONSENT II

23. Lead-Based Paint Hazard Reduction Program Grant

Action: Adopt a budget ordinance appropriating a Lead Hazard Reduction Program Grant in the amount of \$3,000,000.

Staff Resource: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy:

The City's housing policy is to provide safe, decent and affordable housing in Charlotte.

Explanation:

On October 24, 2001 the City was notified by the U.S. Department of Housing and Urban Development (HUD) that it had been awarded a \$3 million Lead Hazard Reduction Program Grant. Charlotte was one of 23 municipalities in the nation to receive a grant. The grant funds are to be expended over a period of 30 months.

The planned activities under the grant include lead testing and abatement, blood screening of children under the age of six, training of low-income residents to work with abatement contractors, and conducting community education and outreach citywide.

Under the grant, the City will undertake a lead-based paint hazard control program to reduce lead hazards in 312 units of low-income housing in 32-targeted neighborhoods, which make up the City's Enterprise Community. These neighborhoods have a high concentration of housing built prior to 1978, significant pockets of deteriorated housing, and housing where elevated blood lead levels are found in children.

To implement the program under the new grant application the City will partner with the following agencies:

- Lifelines – Provides education to children about the dangers of lead hazards.
- Soil & Materials Engineering (S&ME) – Provides testing and risk assessment services.
- University of North Carolina, Charlotte – Provides program evaluation.
- National Coalition for Lead Safe Kids – Provides literature and training materials, as well as technical assistance.
- Local Community Groups – Provides community outreach and meeting facilities. (i.e. Enterprise Foundation, Grier Heights Economic Foundation, Lakewood and Reid Park Community Development Corporations, and Wesley Heights Community Association)

- Mecklenburg County Health Department – Provides blood lead screening throughout the county at both public and private clinics. Also implements Preventative Maintenance Program for Lead Paint.
- Mecklenburg County Community Development Department – Assists in increasing lead education countywide.
- Charlotte Apartment Association and Landlord Association – Assists in identifying units for the program and educating their tenants.

Of the \$3 million grant award, it is anticipated that over \$2.75 million will be outsourced during the 30-month contract period. Outsourced services will include lead testing, risk assessment, lead education and community outreach, lead hazard reduction activities and contractor training. (The remainder of the grant award will support the administrative cost.) The City is required to provide a non-federal match equivalent to 10% of the grant or \$300,000. Innovative Housing Funds will be used for the City's match

Background:

On October 29, 1996, the City was awarded a \$4,986,800 Lead-Based Paint Hazard Control Grant. The City was required to provide non-federal matching funds equivalent to 10% of the grant. The goal of the grant was to make 450 units of low-income housing lead-safe over a three-year period. Currently the City has reduced lead hazards in 538 housing units exceeding the initial goal by 19%.

MWBD:

The Lead-Based Paint Hazard Reduction Program will continue to solicit MWBD contractors for participation in the program.

Funding:

U.S. Department of Housing and Urban Development
Innovative Housing Program

Attachment 23

Ordinance
Program Background Information
Letter from HUD
Program Budget
Map of Target Area

24 . Farmwood North–Stone Mountain Subdivision Water System Purchase

Action: Approve a contract with Heater Utilities, Incorporated for the purchase of the water distribution system serving Farmwood North–Stone Mountain Subdivision. The purchase price is \$295,650.

Staff Resource: Doug Bean, Utilities

Policy:

Charlotte Mecklenburg Utilities considers the acquisition of private water systems when homeowners request City service through the Street Main Extension Program and the new City main would parallel the private system.

Explanation:

Charlotte Mecklenburg Utilities has received an application for water service from a Heater Utilities customer in Farmwood North–Stone Mountain Subdivision. This subdivision is located along Hood Road in northeast Mecklenburg. As an alternative to installing new water mains that would parallel part of the existing Heater system, CMU recommends the purchase of the Heater system.

The City would realize several advantages by purchasing the Heater system in Farmwood North–Stone Mountain Subdivision:

- This purchase would avoid disruption to the community by eliminating the need to install a parallel water system;
- CMU would acquire 237 new water customers;
- There would not be any cost to the Heater customers to become CMU customers; and
- Upon acquisition of the system, CMU will install fire hydrants in the subdivision, improving public safety.

The N.C. Utility Commission traditionally supports the transfer of private utilities to a municipal system. Their approval will be requested after Council approval of this contract.

MWBD:

No opportunities available under this purchase arrangement

Community Input:

At their request, CMU has attended the Farmwood North–Stone Mountain Homeowners Association annual meeting since November 1997. Each year CMU updated the HOA on service availability, including the progress of the Capital Improvement Project – Hood Road Water Main, completed in 1999.

The HOA then organized requests for CMU service through the Street Main Extension Program.

Funding:

Water and Sewer Capital Investment Plan

25 . Land Acquisition for Charlotte Area Transit System Park and Ride Lot in Huntersville

Action: Approve the purchase of 2.55 acres of vacant property in Huntersville (tax code 017-153-07) from Exit Twenty Three LLC for \$596,700 for a Park and Ride Lot.

Staff Resource:

David Feltman, CATS
Diane Johnson, Engineering & Property Management

Explanation:

The purchase of this property for Charlotte Area Transit System (CATS) is for a proposed park and ride lot with approximately 218 parking spaces, including 8 handicapped spaces. The property will enable CATS to provide reliable transportation services and promote ridership in northern Mecklenburg County.

The property includes 2.55 acres of vacant property located off US Highway 21 and Compass Street in the Huntersville Gateway development. The property is part of an 18.8 acre commercial development and is conveniently located near I-77 at Exit 23.

Currently, transit users park their cars along Compass Street and the Huntersville Gateway interior road to use the bus stop located on Compass Street. There are two existing bus routes that serve this stop, Bus Route 77X (North Mecklenburg Express) and Bus Route 33 (North Mecklenburg Connector).

CATS has identified this site as an ideal location for a park and ride lot. The City has an Option to Purchase that expires on November 30, 2001. The cost of the land acquisition is supported by an independent, certified appraisal.

The proposed purchase for use as a park and ride lot is subject to approval of a revised conditional development plan by the Town of Huntersville. CATS has complied with National Environmental Policy Act requirements and have submitted the categorical exclusion documentation to the Federal Transit Administration.

At its regular meeting on October 16, 2001 the Charlotte-Mecklenburg Planning Committee voted unanimously to support the purchase of this property.

Funding:

CATS Capital Investment Plan

Attachment 24

Map of Property

Preliminary Conceptual Design Plan

26. Ordinance Amendments for Emergency Preparedness

**Action: A. Adopt technical amendments to City Code Sec. 15-28;
and
B. Repeal City Code Secs. 2-79 to 2-85.**

Staff Resource: Mac McCarley, City Attorney

Explanation:

In the wake of the events of September 11, 2001 staff has identified two City ordinance amendments that will be helpful in responding to future emergencies.

The first proposed ordinance would amend the state of emergency ordinance, City Code Sec. 15-28, by adding to the list of items that can be prohibited or regulated during a declared state of emergency substances that could be used to make an explosive device or weapon of mass destruction. Specifically, the ordinance:

- Authorizes the Mayor to prohibit or regulate the possession off one's premises of substances that could be used to make an explosive device or weapon of mass destruction;
- Authorizes the Mayor to prohibit or regulate the sale of substances that could be used to make an explosive device or weapon of mass destruction; and
- Increases the maximum fine for a violation of the ordinance from \$50 to \$500.

The second ordinance would repeal City Code Secs. 2-79 to 2-85 which were adopted in November 1990. These provisions have proven difficult to interpret and administer, especially in crisis situations. The County repealed its version of this policy earlier this year, an action that further complicates the restrictions on meetings involving the Mayor and Chair of the County Commission. Meetings of the Mayor and City Council will continue to be

governed by the State Open Meetings Law that applies to all North Carolina local governments.

Attachment 25
Ordinances

27. Amendment to Dance Hall Ordinance

Action: Approve an ordinance amending Section 6-159 of the Charlotte City Code to allow the Chief of Police to deny a Dance Hall application if the applicant has been in violation of the ordinance in the last two years.

Staff Resource: Mark Newbold, Charlotte-Mecklenburg Police

Explanation:

The Police Department has identified the need to make a minor amendment to the Dance Hall Ordinance, located in Chapter 6 of the Charlotte City Code. Section 6-159 requires the Chief of Police to deny an application for a Dance Hall permit for several reasons including situations where the applicant, within the last two years, has been convicted of violating dance hall regulations of another city, county, or state. The amendment would allow the Chief of Police to also deny an application where the applicant has been convicted of violating the Charlotte Dance Hall Ordinance.

Attachment 26
Ordinance

28. Ballantyne Commons Parkway Roadway Improvements – Developer Reimbursement

Action: Authorize the City Manager to reimburse Childress Klein Properties in the amount of \$175,000 for public roadway improvements on Ballantyne Commons Parkway.

Staff Resource: Scott Putnam, Transportation

Policy:

The City typically will pave widening strips to a future curb and gutter as required through the land development process and installed by developer.

Explanation:

Because of the scope of work and coordination of construction of the City's portion of the roadway improvements associated with Childress Klein Properties' Promenade Shopping Center project, it was not practical for City

forces to do the necessary paving. Childress Klein Properties completed roadway and intersection improvements costing \$621,065.82 as part of the required improvements associated with the shopping center development project. Additionally, the City's portion of the work (\$205,760.76) exceeded the amount that the City Manager can approve.

The North Carolina General Assembly recently authorized the City to enter into road improvement contracts with private parties in instances where the private developer can construct the improvements using its contractor who is already doing work, using force account labor or a separate contractor or where coordinating the work of the private contractor with the City's work is impractical. All requirements of the law have been met.

Summary of Bids:

None required by the statute, provided that the City has determined that the cost does not exceed the estimated cost of providing for such public intersection or roadway improvements through either eligible force account qualified labor or through a public contract.

Funding:

Transportation Capital Investment Plan

29. Municipal Service District Tax Refund to Duke Energy

Action: Adopt a resolution to allocate \$299,021 from the Municipal Service District Reserve Fund to Duke Energy to refund overpayment of personal property taxes collected in the Center City Municipal Service Districts from 1996-2000.

Staff Resource: Matt Bronson, Budget and Evaluation

Explanation:

Based on state law, personal property of "public service corporations" (including utilities and telecommunications firms) is exempt from any Municipal Service District tax assessment. Prior to the discovery of this exemption, personal property of these corporations had been erroneously assessed in the three Center City Municipal Service Districts. To qualify for this reimbursement, a public service corporation had to audit past tax listings and re-file these listings with the State for approval. The statute of limitations for this refund is five years.

Duke Energy has filed amended tax listings with the North Carolina Department of Revenue identifying personal property that was included in initial tax listings for 1996-2000. These amended tax listings lead to a refund of \$299,021. The funding for this refund will come from the Municipal Service District Reserve Fund and will not impact the City's FY02 funding

obligations to Charlotte Center City Partners (CCCP), the City's contractor in the Center City Municipal Service Districts.

Background:

The section of state law impacting personal property of public service corporations was approved in 1977, a year before the City's Uptown Municipal Service Districts were established. However, City staff became aware of this provision in November 2000 through discussions with the County Tax Office and various public service corporations. The City worked closely with the County and with CCCP on the potential funding impact to the three Center City Municipal Service Districts. In addition to applying this exemption to future Municipal Service District tax assessments, City staff identified a preliminary "worst-case scenario" liability of refunding \$550,000 to 14 public service corporations in Center City that would qualify for this exemption.

The preliminary liability identified to Duke Energy was \$520,000, or approximately 95% of the total liability. To qualify for this exemption, these corporations had to follow a detailed process for amending past tax listings and receiving certification from the State. Duke Energy has been the only company to complete this process of amending past tax listings with the State. The \$299,021 certified refund value represents a significant decline from the original estimate of \$520,000.

After allocation of the \$299,021 refund, the Municipal Service District Fund will still have a reserve fund balance equal to more than 16% of the Municipal Service Districts FY02 budget.

Funding:

Municipal Service District Reserve Fund

Attachment 27

Resolution

Correspondence from County Tax Office

30. Sale of 1994 Ford F-Superduty Pick-up

Action: A. Declare one 1994 Ford F-Superduty truck surplus; and

B. Approve a resolution authorizing it for sale to the Mecklenburg County Storm Water Services Department in North Carolina for the price of \$3,600.

Staff Resources: Susan Johnson, Business Support Services

Explanation:

The City Utility Department has replaced this 1994 vehicle and it is fully depreciated. The City is not planning to keep this vehicle because of high

maintenance costs and condition. Mecklenburg County has an immediate need for this truck. The fair market value, based upon the condition of the vehicle is between \$3,200 and \$3,600 and the previous eight trucks sold at auction had a resell value of \$3,600. Mecklenburg County Storm Water Services Department has offered \$3,600 for this purchase.

Attachment 28

Resolution

31. Condemnation Settlement

Action: Approve Final Settlement of \$482,600 in Condemnation Action captioned City of Charlotte v. Tom and Laura Nixon.

Staff Resource: R. Susanne Todd, City Attorney's Office
Craig Long, Real Estate

Explanation:

Tom and Laura Nixon own a small (11,544 square feet) parking lot at the corner of South Graham Street and West Trade Street. In 1999, City Council authorized condemnation of a portion of this property for \$329,500 based on an appraisal of the property necessary for the proposed road alignment at that time. The road alignment was subsequently changed, requiring the City to acquire more of the subject land.

After the condemnation action was filed, a new appraisal based on the revised road alignment was conducted by the City and reflected damages to the Nixon's property in the amount of \$471,000. The property owner's appraisal reflected damages in the amount of \$482,600. Property owners also incurred approximately \$10,000 in grading expenses to re-grade their remaining property to conform to the new road alignment height.

Settlement in the amount of \$482,600 is recommended based on the two M.A.I. appraisals, the property owner's expenses in restoring the land, as well as the opportunity to save litigation costs, including mediation and expert witness fees at trial, if this matter were tried in a court of law.

Funding:

Transportation Capital Investment Plan

Attachment 29

Survey of subject property

32. Property Transactions

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

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

Acquisitions:

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Nancy K. Christenbury
Property Address: * Old Dowd Road
Property to be acquired: 2.02 acres
Improvements: Vacant land
Purchase Price: \$42,000
Zoned: R3
Use: Vacant land
Tax Value: \$19,920
Tax Code: 113-361-38
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Kenneth & Elaine Christenbury
Property Address: 7751 Old Dowd Road
Property to be acquired: 9.58 acres
Improvements: Single-family residence
Purchase Price: \$284,800
Zoned: R3
Use: Single-family residence
Tax Value: \$149,410
Tax Code: 113-361-39
- C. Project:** Airport Master Plan Land Acquisition
Owner(s): Mary W. Parsons
Property Address: 8623 Berryhill Drive
Property to be acquired: .70 acres
Improvements: Single-family residence

Purchase Price: \$62,800
Zoned: R3
Use: Single Family residence
Tax Value: \$43,480
Tax Code: 113-133-15

- D. Project:** Sharon Amity at Lyttleton Drive Intersection, Parcel 19
Owner(s): Peggy C. Gallant
Property Address: 1000 North Sharon Amity Road
Property to be acquired: 1,483 sq. ft. (0.034 ac.) of Fee Simple, plus 293 sq. ft. (0.007 ac.) of Permanent Easement, plus 2,620 sq. ft. (0.060 ac.) of Temporary Construction Easement
Improvements: Tree
Purchase Price: \$14,725
Remarks: This acquisition is required for the Sharon Amity at Lyttleton Drive Intersection project. Compensation amount was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single-family Residential
Tax Code: 163-091-01
Total Parcel Tax Value: \$152,090
- E. Project:** Prosperity Church Road Widening – Phase II, Parcel 163
Owner(s): Vernon Green and Wife, Sylvia Green
Property Address: 11800 Old Timber Road
Property to be acquired: 2,886 sq. ft. (0.066 ac.) of Fee Simple, plus 1,728 sq. ft. (0.040) of Temporary Construction Easement
Improvements: Landscaping
Purchase Price: \$18,140.48
Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single-family Residential
Tax Code: 027-382-21
Total Parcel Tax Value: \$156,790
- F. Project:** Prosperity Church Road Widening – Phase II, Parcel 146 & 147
Owner(s): Martin P. Haugh and Wife, Deborah W. Haugh
Property Address: 4801 and 4723 Prosperity Church Road
Property to be acquired: 21,803 sq. ft. (0.501 ac.) of Fee Simple plus 15,318 sq. ft. (0.352 ac.) of Temporary Construction Easement

Improvements: Landscaping

Purchase Price: \$29,865

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-551-98, 027-551-99

Total Parcel Tax Value: \$1,023,830

G. Project: Prosperity Church Road Widening – Phase II, Parcel 145

Owner(s): Patricia J. Jenkins

Property Address: 4833 Prosperity Church Road

Property to be acquired: 13,870 sq. ft. (0.318 ac.) of Fee Simple plus 7,663 sq. ft. (0.176 ac.) of Temporary Construction Easement

Improvements: None

Purchase Price: \$11,500

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single-family Residential

Tax Code: 027-551-97

Total Parcel Tax Value: \$97,450

H. Project: Prosperity Church Road Widening – Phase II, Parcel 115

Owner(s): Peter Kubacko and Wife, Mary Kubacko

Property Address: 10205 Baskerville Avenue

Property to be acquired: 2,012 sq. ft. (0.047 ac.) of Fee Simple, plus 884 sq. ft. (0.021 ac.) of Temporary Construction Easement

Improvements: Landscaping

Purchase Price: \$37,925

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single-family Residential

Tax Code: 029-462-29

Total Parcel Tax Value: \$185,350

I. Project: Prosperity Church Road Widening – Phase II, Parcel 113

Owner(s): William O. Simmerman and Wife, Juanita B. Simmerman

Property Address: 4613 Chiswell Court

Property to be acquired: 2,684 sq. ft. (0.062 ac.) of Fee Simple plus 698 sq. ft. (0.016 ac.) of Temporary Construction Easement

Improvements: Landscaping

Purchase Price: \$14,100

Remarks: This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.

Zoned: R-3

Use: Single-family Residential

Tax Code: 029-461-02

Total Parcel Tax Value: \$161,050

- J. Project:** Prosperity Church Road Widening – Phase II, Parcel 105
- Owner(s):** Marshall W. Walters
- Property Address:** 10203 Billingham Drive
- Property to be acquired:** 393 sq. ft. (0.009 ac.) of Fee Simple plus 928 sq. ft. (0.021 ac.) of Temporary Construction Easement
- Improvements:** Landscaping
- Purchase Price:** \$25,525
- Remarks:** This acquisition is required for the Prosperity Church Road Widening – Phase II project. Compensation amount was established by an independent, certified appraisal and appraisal review.
- Zoned:** R-3
- Use:** Single-family Residential
- Tax Code:** 029-501-01
- Total Parcel Tax Value:** \$185,290
- K. Project:** Central Avenue/Kilborne Drive/Norland Road Intersection, Parcel 14
- Owner(s):** Easthaven Development Corporation
- Property Address:** 4439 Central Avenue
- Property to be acquired:** 6,877 sq. ft. (0.158 ac.) of Temporary Construction Easement
- Improvements:** None
- Purchase Price:** \$20,300
- Remarks:** This acquisition is required for the Central Avenue/Kilborne Drive/Norland Road Intersection project. Compensation amount was established by an independent certified appraisal and appraisal review.
- Zoned:** B-1
- Use:** Strip Shopping Center/Commercial
- Tax Code:** 101-183-05

Total Parcel Tax Value: \$3,044,190

- L. Project:** Randolph/Wendover Intersection Improvements, Parcel 13
Owner(s): Verdone Family Trust
Property Address: 3800 Wendwood Lane
Property to be acquired: 1,815 sq. ft. (0.04 ac.)
Improvements: None
Purchase Price: \$14,320
Remarks: This acquisition is required for the Randolph/Wendover Intersection project. Compensation amount was established by current neighborhood values.
Zoned: R-3
Use: Single-family Residential
Tax Code: 157-081-04
Total Parcel Tax Value: \$227,610

Condemnations:

- M. Project:** Prosperity Church Road Widening – Phase II, Parcel 102
Owner(s): Richard B. Ralston and Any Other Parties of Interest
Property Address: 10207 Ingleton Court
Property to be acquired: 3,783 sq. ft. (.087 ac.)
Improvements: Trees/Shrubs
Purchase Price: \$5,400
Remarks: This acquisition is required for construction of Prosperity Church Road Widening – Phase II project. Compensation amount 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: 029-502-70
Total Parcel Tax Value: \$149,310
- N. Project:** Sharon Amity at Lyttleton Drive Intersection, Parcel 2 & 3
Owner(s): Glenn V. Mason and Wife, Melanie B. Mason, David T. Mason and Wife, Annette A. Mason, and Any Other Parties of Interest
Property Address: North Sharon Amity Road
Property to be acquired: 9,702 sq. ft. (.223 ac.)
Improvements: Trees/Shrubs
Purchase Price: \$11,325
Remarks: The acquisition is required for the Sharon Amity at Lyttleton Drive Intersection project. Compensation amount 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: 157-202-02

Total Parcel Tax Value: \$77,500

- O. Project:** Old Statesville Road Widening, Parcel 55
Owner(s): Donald J. Eleazer and Any Other Parties of Interest
Property Address: 7403 Old Statesville Road
Property to be acquired: 21,618 sq. ft. (0.496 ac.) of Fee Simple Acquisition, Temporary Construction Easement and Permanent Utility Easement
Improvements: Sign, Chain Link Fence, Irrigation System
Purchase Price: \$48,200
Remarks: This acquisition is required for the Old Statesville Road Widening project. Compensation amount was established by two independent, certified appraisals and an appraisal review. City Staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Single-family Residential
Tax Code: 037-213-16
Total Parcel Tax Value: \$149,270
- P. Project:** Old Statesville Road Widening, Parcel 45
Owner(s): Melvin R. Hostetter and Arlene Hostetter and Any Other Parties of Interest
Property Address: 7207 Old Statesville Road
Property to be acquired: 8,063 sq. ft. (0.19 ac.) of Fee Simple Acquisition and Temporary Construction Easement
Improvements: Chain Link Fence and Sign, Irrigation System
Purchase Price: \$14,350
Remarks: This acquisition is required for the Old Statesville Road Widening project. Compensation amount was established by an independent, certified appraisal and review appraisal. City Staff has yet to reach a negotiated agreement with the property owner.
Zoned: I-2
Use: Landscaping Business
Tax Code: 037-211-04
Total Parcel Tax Value: \$166,680
- Q. Project:** Old Statesville Road Widening, Parcel 44
Owner(s): John C. Bustle, Jr. and Mary F. Bustle and Any Other Parties of Interest
Property Address: 7127 Old Statesville Road
Property to be acquired: 4,435 sq. ft. (0.10 ac.) of Fee Simple Acquisition and Temporary Construction Easement

Improvements: Chain Link Fence

Purchase Price: \$11,700

Remarks: This acquisition is required for the Old Statesville Road Widening project. Compensation amount was established by an independent, certified appraisal and review appraisal. City Staff has yet to reach a negotiated agreement with the property owner.

Zoned: I-2

Use: Single-family Residential

Tax Code: 037-211-03

Total Parcel Tax Value: \$130,670

- R. Project:** NC 49/US 29 Interchange Reconstruction, Parcel 37
Owner(s): J & J University Boulevard, LLC and Any Other Parties of Interest
Property Address: University City Boulevard
Property to be acquired: 75,437 sq. ft. (1.73 ac.) of Fee Simple Acquisition
Improvements: Shopping Strip/Restaurant
Purchase Price: \$1,250,000
Remarks: Total acquisition of this property is needed for the NC 49/US 29 Interchange Reconstruction project. Compensation amount was established by two independent, certified appraisals and a review appraisal. City Staff has yet to reach a negotiated settlement with property owner.
Zoned: B-2
Use: Business
Tax Code: 049-241-15
Total Parcel Tax Value: \$655,840

****Note:** Copies of condemnation resolutions are on file in the City Clerk's Office.