

Mayor Patrick McCrory

Nancy Carter
Harold Cogdell, Jr.
Malcolm Graham
Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon

Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL MEETING
Wednesday, September 24, 2003

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**

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. **CWAC Committee Report: Piedmont Courts HOPE VI Application**

Committee Chair: Pat Mumford

Resources: Stanley Watkins, Neighborhood Development
Charles Woodyard, Charlotte Housing Authority

Time: 30 minutes

Synopsis of Presentation:

As a follow-up to City Council's September 8, 2003 Dinner Briefing on the Piedmont Courts HOPE VI Application, the Communities Within A City (CWAC) Committee met on September 15, 2003 to discuss issues raised at the dinner meeting. The Committee discussed the number of activities the City is engaged in to support the Belmont Plan Implementation and the importance of Piedmont Courts' redevelopment to that effort. After further deliberations, the CWAC Committee proposed the following recommendations:

1. Provide \$75,000 in City financial assistance to the Charlotte Housing Authority to hire a consultant for the Piedmont Courts HOPE VI Application. The Authority has selected the Telesis Corporation for the \$325,000 contract. The source of the funding will be City Council's discretionary funds.
2. Support the HOPE VI planning process with the understanding that specific requests for funding will come forward upon completion of the plan in about 60 days. The Housing Authority Board had requested that the City make a financial commitment prior to their engagement of the Consultant. During the 60-day time period, the Authority, City Staff and community will go through a detailed planning process, which will identify specific capital improvements to support the Piedmont Courts HOPE VI application.
3. The City will employ condemnation only as a last resort, and utilize the Charlotte Housing Authority's authority to undertake land condemnations on behalf of the City. Proposed condemnations will come forward to City Council for their approval and transfer of funds to the Authority for the condemnation acquisitions.

Future Action:

City Council will be asked to take action on these recommendations during the business meeting on September 24, 2004.

2. Restructuring Government Committee Report: Proposed Changes to Commercial Non-Discrimination Ordinance

Committee Chair: Joe White

Resource: Mac McCarley, City Attorney
Vi Lyles, City Manager's Office
Cindy White, City Attorney's Office

Time: 30 minutes

Synopsis of Presentation:

In May, City Council referred the options for a commercial non-discrimination ordinance to the Restructuring Government Committee for consideration. The Committee met several times and recommends adoption of a revised ordinance that is included on this agenda as item 15. The ordinance recommended by the Committee does not require state legislative approval. Staff will review the options that the Committee discussed to develop their recommendation.

If Council adopts the Restructuring Government recommendation, the ordinance will go into effect on October 1, 2003. Staff will include reference to the ordinance in its Small Business Program communications as well as in the contract bidding documents.

Attachment 1

- Summary of Changes to the Commercial Non-Discrimination Ordinance as Proposed By the Restructuring Government Committee
- Revised Commercial Non-Discrimination Ordinance Incorporating Changes Proposed By Restructuring Government Committee
- Excerpt of Minutes From the August 12th Restructuring Government Committee meeting
- Excerpt of Minutes From the August 25th Restructuring Government Committee meeting
- July 18, 2003 Executive Summary of Memorandum From City Attorney's Office Regarding Commercial Non-Discrimination Ordinance
- July 17, 2003 Memorandum From City Attorney's Office Regarding Commercial Non-Discrimination Ordinance
- Excerpt from the Stakeholders Committee's June 3, 2002 Recommendation Packet regarding the cost of investigating claims
- September 12th letter from the Carolinas Association of General Contractors
- September 15th letter from the Charlotte Chamber

3. Economic Development Tools

Resource: John Palmieri, Economic Development Office

Time: 20 minutes

Synopsis of Presentation:

The purpose of this presentation is to

1. Update City Council on the City's existing economic development tools
2. Review accomplishments in attaining additional economic development tools
3. Review the proposed "Sustainability Index" that City Council requested staff to develop
4. Request referral of proposed economic development tools to the Economic Development & Planning Committee for discussion and recommendation to the City Council

The City's economic development tools have increased with the recent approvals of the following programs: Revised Business Investment Grant Program, Smart Growth Land Acquisition Fund, South Corridor Investment Program, Housing Trust Fund and Rehabilitation Building Code.

Staff continues to work on several tools that have not yet received final approval, including: Project Development Financing, Special Obligation Bonds, Tourism Bill and Private Construction of Public Infrastructure.

Staff developed a "Sustainability Index" for use in reviewing land development projects that request City assistance. The Sustainability Index is part of the implementation of the Council approved Policy Framework for City Assistance to Land Development Projects in Transit, Business Corridor and Underserved Areas.

Staff also requests that Council refer the Sustainability Index and tools to the Economic Development and Planning Committee for discussion and recommendation.

Attachment 2

Power Point Presentation

Sustainability Index

4. Committee Reports by Exception

Communities Within A City: Housing Trust Fund Non-Profit Initiative, Housing Trust Fund FY04 Funding Allocation, Phase II-Final Affordable Housing Recommendations

Restructuring Government: Functional Consolidation of City and County Public Information Services

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

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

CONSENT

- 5. Consent agenda items 19 through 31 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

6. Public Hearing and Resolution to Close a 10-foot Alleyway Between Pierce Street and Buchanan Street

Action: A. Conduct a public hearing to close a 10-foot alleyway between Pierce Street and Buchanan Street, 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:

Richter & Associates/Dennis A. Richter

Right-of-Way to be abandoned:

A 10-foot alleyway between Pierce Street and Buchanan Street

Location:

Located within the Dilworth Community beginning from Buchanan Street continuing approximately 250 feet northeastwardly to its terminus at Pierce Street

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the new 135 unit multi-family housing project called Dilworth Crossing. Rezoning petition #2002-130 was approved by City Council on January 21, 2003.

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

J.C. McGimsey & J. Chu – No objections

Jarrell Family, LLC – No objections

R.E. Williams, Jr. & J.J. Ferraro – No objections

Neighborhood/Business Associations

Dilworth Community Development Association – No objections

Eastover Resident's Association – No objections

Elizabeth Community Association – No objections

Myers Park HOA, Inc. – No objections

Sedgefield HOA – No objections

Sedgefield Neighborhood Association – No objections

Cherry Community Organization – No objections

Center City Partners – No objections

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 3

Map

Resolution

7. **Public Hearing and Resolution to Close a 10-foot Alleyway off of Worthington Avenue**

Action: A. Conduct a public hearing to close a 10-foot alleyway off of Worthington Avenue, 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:

John S. Miller, Jr.

Right-of-Way to be abandoned:

A 10-foot alleyway off of Worthington Avenue behind the new Dunkin Donuts on South Boulevard

Location:

Located within the Dilworth Community beginning from Worthington Avenue continuing approximately 100 feet northeastwardly to its terminus

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the expansion of new commercial shop facilities

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

Steve W. and Dora M. Dellinger – No objections

Neighborhood/Business Associations

Aziz Ward Cultural Resource Center – No objections

Logan Community Concerned Citizens - No objections

South End (Historic) - No objections

Dilworth Community Development Association - No objections

Wilmore Neighborhood Association Inc. - No objections

Brookhill Community Organization - No objections

Strawn Apartment Residents Organization - No objections

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 4

Map

Resolution

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

Action: A. Conduct a public hearing to close a portion of West Eastway Drive, 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:

John B. Abernethy

Right-of-Way to be abandoned:

A portion of West Eastway Drive

Location:

Located within the Hidden Valley Community beginning from North Tryon Street continuing approximately 880 feet northwestwardly to its terminus at the Charlotte-Mecklenburg Board of Education property line

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed new commercial shopping center development. This abandonment request is for the realignment of West Eastway Drive and only residual portions of right-of-way will be abandoned. Rezoning petition #1998-117 was approved by City Council on June 21, 1999.

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-Mecklenburg Board of Education – No objections

Neighborhood/Business Associations

Hidden Valley Community Association – No objections
Autumnwood Community Association – No objections
Green Forest Neighborhood Association – No objections
Hidden Valley CDC – No objections
Historic North Charlotte – No objections
Shannon Park Neighborhood Association – No objections
Hunters Chase – No objections
Bridlewood HOA – No objections
Highland Trace Neighborhood – No objections
Plaza-Shamrock Neighborhood Organization – No objections
Tryon North Business Corridor Coalition – No objections
Charcon Heights/Mecklenburg Acres – No objections
Green Meadows Community Association – No objections
Hidden Valley Zoning Committee – No objections
Green Meadow Neighborhood Association – No objections

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
Resolution

REZONING

9. Rezoning Petition #2003-64

Action: Consider decision on Petition # 2003-64 by John M. George for a change in zoning for approximately 16 acres located on the north side of US Highway 29, southwest of Oakton Hunt Drive from R-3 and R-17MF (CD) to MX-2.

Staff Resource: Keith MacVean, Planning

Explanation:

The Pre-Hearing Staff Analysis notes that a street connection to the multi-family site to the west was committed to in a 1999 rezoning. This connection is not shown on the current site plan and is needed for connectivity in general and specifically for alternate emergency access.

The Zoning Committee voted to recommend approval of this petition with the modifications that a pedestrian/bike connection will be made from the site to the parcel to the northwest.

On September 15, 2003, City Council voted 6-5 to approve this rezoning. The Mayor vetoed the item, which automatically puts it back on the next meeting agenda.

Attachment 6

Staff Analysis and Zoning Committee recommendation for petition # 2003-64

POLICY

10. City Manager's Report

11. Housing Trust Fund Non-Profit Initiative



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

- A. Endorse the Housing Trust Fund Advisory Board's proposal to establish a special advisory committee, The Charlotte Housing Foundation, to solicit private and corporate donations that will be co-invested in affordable housing developments with the City's Housing Trust Fund, and**
- B. Authorize a one-time investment of \$50,000 to fund professional consultants to design and execute a market research assessment for the Charlotte Housing Foundation.**

Committee Chair: Patrick Mumford

Staff Resource: Stanley Watkins, Neighborhood Development

Policy:

On November 26, 2001, the City Council established a Housing Trust Fund (HTF) to expand the City's investment in low and moderate-income housing. The HTF Advisory Board was appointed by City Council to oversee fund operations and to monitor performance. Additionally, one of the charges by the City Council to the HTF Advisory Board was to "create or collaborate with tax-exempt entities to solicit private funds" to invest in affordable housing.

Explanation:

On July 17, 2003, the HTF Advisory Board unanimously voted to create a separate advisory committee, the Charlotte Housing Foundation, to solicit private and corporate funds for affordable housing. Initially, the special advisory committee will operate as a "Donor Advised-Non-Endowed Fund," under the Foundation For The Carolinas (FFTC) 501(c)(3) designation. Private and corporate funds raised by the committee will be co-invested with the Housing Trust Fund in affordable housing developments. This vehicle was selected to implement Council's charge because:

- Credibility – establishes the HTF in the community foundation marketplace
- Non-Profit - utilizes FFTC's 501(c)(3) status

- Investment Management – fee charges based on size of investment and investment instrument
- Fund Administration – administration, accounting, reporting managerial services and fund distribution
- Technical Assistance – fundraising, branding and marketing
- Cost - least expensive start up costs for the Advisory Committee (approximately \$10,300)

A unique advantage for donors is the ability of this fund to provide a return on capital as well as a return of capital through joint investments with the Housing Trust Fund.

The HTF Advisory Board will establish a 21 member special advisory committee, the Charlotte Housing Foundation. The Committee will consist of the 7-member HTF Advisory Board, potential donors and individuals with an interest in affordable housing. The HTF Advisory Board will be responsible for recruiting the Charlotte Housing Foundation committee members.

The Charlotte Housing Foundation will establish an account at the Foundation for the Carolinas (FFTC) with solicited funds. Contributions to the Charlotte Housing Foundation will be made directly to the account with the FFTC. The FFTC will direct the disbursement of funds as advised by the Committee. The HTF Advisory Board has had several meetings with the FFTC's leadership to discuss levels of support and the mechanics of the operations.

The intent of the Charlotte Neighborhood Foundation is to co-invest donated funds along with the City of Charlotte Housing Trust Fund to leverage proposed affordable housing projects. Whether or not to invest those funds in a given project will be at the sole discretion of the Charlotte Housing Foundation. The City of Charlotte does not have control of the fund. The City's Neighborhood Development staff will provide administrative support to the special advisory committee, present potential projects for funding and coordinate the disbursements of approved expenditures from the fund account at the FFTC.

The HTF Advisory Board is also requesting that the City provide \$50,000 to fund professional consultants to design and execute a marketing assessment for the establishment of the Charlotte Housing Foundation. The marketing assessment is necessary to understand the potential donor base and establish a strategy for soliciting funds. The Charlotte Housing Foundation will pay future consultant and marketing expenses. The source of funds for the \$50,000 will be from Neighborhood Development's general fund. Housing Bond funds cannot be used for this purpose.

In developing this proposal, the HTF Advisory Board considered establishing a private, 501(c) (3) non-profit corporation. After a thorough analysis, the Board felt it was best to affiliate with the FFTC. There are expenses

associated with establishing a new non-profit corporation. In the future, the special advisory committee may become a separate non-profit corporation.

Background:

On November 21, 2001, City Council established the HTF to oversee and administer the disbursement of City Housing bond funds to support the development of affordable housing in Charlotte-Mecklenburg. The HTF is a competitive fund, which solicits proposals from developers to increase the production of affordable housing. The fund provides funding for multi-family rental, homeownership, Single Room Occupancy housing developments, Land-Lease projects, and land acquisition and infrastructure improvements.

The HTF Advisory Board was established with the following responsibilities

- Overseeing the City of Charlotte HTF operations
- Recommending to City Council annual funding priorities for the Trust Fund
- Creating or collaborating with Tax-exempt entities to solicit private funds
- Monitoring the HTF performance
- Submitting an annual report to City Council.

The HTF Advisory Board consists of seven members, appointed by City Council. The HTF Advisory Board members are; Paul Woollard (Chairman), Brian Simpson (Vice-Chairman), Jeff Bradsher, Rickey Hall, Anthony Lindsey, Patrick McNeely and Tom Reddin.

Committee Discussion:

On September 4, 2003 the Communities Within A City (CWAC) Committee voted unanimously to endorse the Housing Trust Fund Advisory Board's proposal to establish a special advisory committee to solicit private and corporate donations that will be co-invested with the City's Housing Trust Fund to create affordable housing. The CWAC committee also voted unanimously to authorize a one-time investment of \$50,000 to fund professional consultants to design and execute a market research assessment for the Charlotte Housing Foundation (Mumford, Mitchell, Cannon and Spencer). Committee member Lochman was absent.

The Committee discussion included what impact this fund would have on other charitable initiatives in the community, questioned whether this effort represented a duplication given other housing support initiatives and discussed the importance of this new donor fund including maintenance and reserve account as part of the fund's investment strategy.

Funding:

Neighborhood Development Operating Budget

12. Housing Trust Fund FY2004 Funding Allocation



Action: Approve the Communities Within A City Committee's recommendation for the FY2004 allocation of the housing bond funds.

Committee Chair: Patrick Mumford

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

Policy:

On November 26, 2001, the City Council established a Housing Trust Fund to provide financing for affordable housing in the Charlotte community. On April 8, 2002, the City Council established the Housing Trust Fund Advisory Board. One of the Advisory Board charges is to recommend annual funding priorities for the Housing Trust Fund to City Council.

Explanation:

The Housing Trust Fund (HTF) Advisory Board is recommending the allocation of \$11,284,176 for FY2004 City's Housing Trust Fund. Below are the FY2004, (July 1, 2003 to June 30, 2004) funding categories and recommended allocations as recommended by the HTF Advisory Board.

Category	Funds Allocated	Percent of Funds
New Multi-Family (Rental) – New construction of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 30% or less of AMI	\$4,142,088	37%
Preservation Multi-Family (Rental) – Rehabilitation of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 30% or less of AMI	\$4,142,088	37%
Homeownership – Ownership development in the City's revitalization neighborhoods (Belmont, Lincoln Heights, Thomasboro-Hoskins, Lakewood, Grier Heights, Wingate, Washington Heights, Reid Park and Druid Hill) servicing households earning 80% or less than the AMI	\$1,000,000	9%
Special Needs Housing – New construction and rehabilitation of housing to serve the elderly, disabled, homeless populations or HIV/AIDs populations earning 60% or less than the area median income (AMI)	\$1,500,000	13%

Category	Funds Allocated	Percent of Funds
Innovative Homeownership – Ownership development representing innovation in design and/or materials in construction, serving households earning 80% or less than AMI	\$ 500,000	4%
Total	\$11,284,176	100%

The FY2004 HTF funds will be allocated to 1) multi-family rental housing – new construction, 2) multi-family rental housing – rehabilitation, 3) innovative homeownership, 4) special needs housing and 5) homeownership in City revitalization neighborhoods – Belmont, Druid Hills, Grier Heights, Lakewood, Lincoln Heights, Reid Park, Thomasboro-Hoskins, and Wingate. This allocation amount is higher than the Trust Fund balance at the end of the fiscal year because two tax credit projects – Mayfield Terrace and Glenwood Elderly Apartments – were not approved by the North Carolina Housing Finance Agency and as a result Druid Hills Apartments received funding and the remaining funds were reverted back to the Trust Fund balance.

Overall, the HTF Advisory Board recommendations represent a balanced approach to meeting affordable housing needs. The most important category was meeting rental housing - new and rehabilitation – to address the large unmet demand. This represented 74% of the funding. Next were special needs and ownership categories, each receiving equal funding of 13%. However, one-third of the ownership funding was reserved for innovative ownership that could represent innovative approaches to housing design, construction or development.

In reaching its recommendations, the HTF Advisory Board explored alternative funding scenarios such as a voucher like approach and deep subsidy concentrating on areas of greatest housing needs. The Board felt this balanced approach was most prudent for accomplishing the annual housing production goals, serving the most needed population and meeting the leverage factors established by City Council. This allocation represents the final funds from the 2002 Housing Bonds.

The funds will be allocated through a competitive Request for Proposal (RFP) process. Separate RFPs will be issued for multi-family rental- new construction, multi-family rental – rehabilitation, innovative homeownership, special needs housing and homeownership in revitalization neighborhoods – (Belmont, Lincoln Heights, Thomasboro-Hoskins, Lakewood, Grier Heights, Wingate, Reid Park and Druid Hills). The proposal package that is available to assist developers in accessing Housing Trust funds includes the Loan/Grant guidelines, the RFP document, and the Application for Funding.

HTF Allocation Review Process

The HTF Advisory Board allocations were based on the 2003 Rental and Ownership Housing Market Studies, the 2003 Continuum of Care Report,

review of the City's neighborhood revitalization policies and interviews with developers, special needs housing providers, large and small renter landlords and other housing advocates.

The allocation gave consideration to a 2003 Owner and Rental Market housing needs study prepared by PinPoint Market Research, Inc as well as the 2003 Continuum of Care report prepared by the Homeless Services Network. Findings from both reports are highlighted below:

The Market Studies and the Continuum of Care Report show the following:

- The unmet rental demand is 6,900 units for households earning less than \$15,000.
- The unmet ownership demand is 40 units for households earning less than \$15,000.
- Other income ranges have a surplus of rental and ownership housing.
- The special housing needs demand is 2,534 units/beds.

The Advisory Board also discussed the City's revitalizations policies. Although there was not a great demand for ownership housing countywide, the Board felt ownership housing was an important stabilizing factor in these revitalization neighborhoods. These investments are important to Charlotte's long-term health and quality of life.

In addition, the Advisory Board interviewed various individuals and organizations about the Community's affordable housing needs. Those interviewed included representatives from the private, public and non-profit housing sectors, covering areas of expertise such as small landlords, large landlords, major single family and multi-family developers, special needs housing developers and housing services providers. Observations from the interviews include:

- Small landlords are facing very high vacancy rates (15% - 20%) and desire the HTF to place people in their units
- Large landlords are facing high vacancies (averaging 11.5%)
- Concern about the age and functional obsolescent of older housing stock
- Developing "bricks and sticks" maintains long-term affordability
- Providing units for 30% and below of AMI is a major housing challenge
- Variety of unmet special housing needs exist for different populations

Background:

City Council has adopted the three broad goals for the City's overall housing program. The goals are:

- Developing and rehabilitating 5,000 housing units over the next 5 years
- Placing a priority on serving households that earn 30% or less than the area median income

- Seeking to achieve a 1:5 investment ratio in the City Housing Finance programs

The Housing Trust Fund Advisory Board oversees the trust fund operations and monitors the performance of the fund. The Housing Trust Fund Advisory Board was established by City Council with the following responsibilities:

- Overseeing the City of Charlotte Housing Trust Fund operations
- Recommending to City Council annual funding priorities for the Trust Fund
- Creating or collaborating with Tax-exempt entities to solicit private funds
- Monitoring the Housing Trust Fund performance
- Providing an annual report to City Council

The Housing Trust Fund Advisory Board members include: Paul Woollard, Chair, Brian Simpson, Vice Chair, Jeff Bradsher, Rickey Hall, Anthony Lindsey, Patrick McNeely and Tom Reddin.

Committee Discussion:

On September 4, 2003 the Communities Within A City (CWAC) committee voted unanimously to approve the recommendation for the FY2004 allocation of the housing bond funds. (Mumford, Cannon, Mitchell and Spencer). Committee member Lochman was absent. The Committee discussed the difference between the end of year Trust Fund balance and the proposed allocation. The Committee also reviewed the alternative proposals considered by the HTF Advisory Board and discussed the merits of the different strategies. The Committee commended the HTF Board for its hard work and recommended that this past year's successes be communicated to the general public.

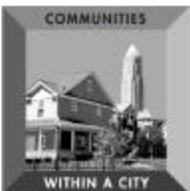
Funding

The FY2004 funding allocation is funded with City Housing Bond Funds

Attachment 7

Alternatives Considered by HTF Advisory Board

13. Phase II-Final Affordable Housing Recommendations



Action: Approve the Communities Within A City Committee's recommendations on Phase II of the Affordable Housing Policy recommendations.

Committee Chair: Patrick Mumford

Staff Resource: Stanley Watkins, 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 September 4, 2003, the CWAC Committee finalized the Phase II housing policies recommended by the Affordable Housing Implementation Team in 2001. The Committee's policy and technical recommendations address:

1. City-County Cooperation
2. Increase Homeownership
3. Information Clearinghouse
4. Mixed Housing Development
5. Section 8 Rental Incentives
6. Multi-Family Housing Locational Policy (Technical Amendment)
7. Assisted Housing at Transit Station Areas (Technical Amendment)

In addition to recommendations on the above areas, the Committee addressed two technical amendments raised at the public hearing regarding the Housing Locational policy. One amendment calls for the City to be more explicit regarding the school data collected and the other amendment requested a mile radius for collecting crime hot spot data. The Committee unanimously recommended adding the more explicit language on school data (See page 20 of the attached Final Report) and recommended a hot spot radius to 1,000 feet pursuant to a recommendation from the Police. (See page 21 of the attached Final Report.)

One outstanding housing policy issue recommendation, Density Bonus for Affordable Housing, will be discussed after Council adopts the Residential General Development Policy (GDP). The GDP will impact the deliberations regarding density bonuses for affordable housing.

The City's Housing Policy defines housing affordability for rental as households that earn 60% or less than the area median income (AMI) or \$38,460 annually. This is a monthly rental payment of approximately \$750 excluding utilities. For homeownership, it is defined as households earning 80% or less than the area median income (or \$51,280) with a maximum housing price of \$126,000.

Since January 2002, the CWAC Committee has held 12 meetings and devoted more than 28 hours for discussion of the five policy areas and two technical amendments. Highlights of the key recommendations made by the Committee for the policy areas are as follows:

1. City-County Cooperation

Adopt a joint resolution between the City Council and Board of County Commissioners pledging to cooperate in preserving and expanding opportunities for affordable housing in Charlotte-Mecklenburg. Key elements of the proposed joint resolution will include:

- Directing the Joint Use Task Force, a group of government agency representatives that explore joint opportunities for governmental acquisitions, development and management of public facilities, to seek opportunities for affordable housing utilizing governmental assets
- Integrating affordable housing opportunities into the City and County land use planning, zoning, transportation and transit planning processes (i.e., Affordable Housing At Transit Stations Policy)
- Pursuing an active land-banking program for future affordable housing opportunities
- Continuing to seek federal, state and local funding opportunities to expand affordable housing

City Implementation: Staff will prepare a resolution for adoption by both the City Council and the Board of County Commissioners.

Budget Impact: Resolution has no budgetary impacts at this time.

2. Increase Homeownership

The Committee made two recommendations relative to homeownership:

- Continue the City's current efforts to promote homeownership in declining neighborhoods, which are currently being done through the HouseCharlotte Homeownership Program, housing counseling programs, and contracts with the Charlotte-Mecklenburg Housing Partnership and local Community Development Corporations
- Expand the HouseCharlotte Homeownership Program to rapid transit station areas to promote home ownership opportunities

City Implementation: Council action on this policy will amend the HouseCharlotte program.

Budget Impact: No budgetary impact at this time. Funding for the HouseCharlotte program is evaluated and approved annually by City Council through the Consolidated Action Plan and Council's budget processes. The HouseCharlotte program is currently funded with a combination of HOME (federal) and local funds.

3. Information Clearinghouse

Continue the City's partnership with Socialserve.com, which provides information on affordable housing availability and assistance in making housing choices. The City will work with community housing partners to make available access to virtual and physical housing resources information at locations dispersed around the community.

City Implementation: The City currently has a contract with Socialserve.com to support the affordable rental-housing database. City staff has initiated conversation with Socialserve.com to see how information services can be expanded to include a wider range of rental and ownership information. When a definite proposal is developed, it will be brought to City Council for approval.

Budget Impact: No budgetary impact at this time. However, in the 2001 Housing Implementation Team report the estimate was \$100,000. It is anticipated that any system expansion would be funded with a combination of federal and local funds.

4. Mixed Housing Development

The CWAC Committee made two recommendations relative to mixed housing development:

- A. Adopt a mixed housing policy to govern the investment of City housing funds and other city funds. The proposed mixed housing policy is outlined in the attachment. (Transit Station Areas have special mixed housing development standards.)
- B. Approve the Affordable Housing Implementation Team's recommendations regarding strategies for affordable housing development, excluding development fees and tax abatements, to be incorporated into other City housing, business corridor and neighborhood revitalization policies.

City Implementation: The housing funding policies of the Housing Trust Fund and the City's Neighborhood Development Key Business will be amended to support the Council adopted policy.

Budget Impact: No budgetary impact

5. Section 8 Rental Incentives

Approve the Charlotte Housing Authority's recommendations to strengthen the administration of the Section 8 Housing Program by:

- Increasing the Housing Quality Standards
- Increasing landlord accountability in contracts
- Increasing resident accountability in lease agreements
- Coordinating enforcement efforts
- Providing training to residents on being good neighbors

The City will also apply these recommendations to residents and landlords participating in the City's Relocation Program. The specific recommendations are included in the attachment.

City Implementation: The Charlotte Housing Authority has already amended its internal policies and regulations to support the proposed policy. The City's Neighborhood Development Key Business has completed a

training module for the Charlotte Housing Authority and will modify its Relocation Policy and regulations upon Council's approval.

Budget Impact: No budgetary impact

6. Assisted Multi-Family Locational Policy (technical amendment)

City Council adopted the Assisted Multi-Family Housing Locational Policy on November 26, 2001. This policy is currently being used to determine where the City will invest in assisted multi-family housing developments. Three issues have been raised pertaining to the application of the policy. The CWAC Committee's recommendations are:

- Revise the definition of assisted multi-family housing. The Committee recommended two changes to the existing assisted multi-family housing definition to: 1) amend the definition of assisted multi-family housing in the Housing Locational Policy to apply only to place-based government funded housing (e.g., City housing investments that apply to the physical housing unit versus a Section 8 Voucher that is granted to an individual and may be applied to different housing units over time); and 2) define multi-family housing to add clarity to the type of units involved.
- Provide notifications of impending waivers of the Housing Locational Policy. The Committee recommended implementing a notice requirement to adjoining property owners and neighborhood organizations when a waiver of the policy is contemplated.
- Amend school data requirements. List in the Evaluation Section of the policy information requirements including but not limited to school capacity, current enrollment, usage of mobile units, percentage of students changing schools and the percentage of students receiving free or reduced lunch.
- Amend Crime Prevention Through Environmental Design requirements to include crime "hot spot" information within a 1,000 feet radius of the development site.

Also, the Committee wanted to revisit the exemption issue for Neighborhood Revitalization Areas after the next Quality of Life Index is published in July 2004 and the Housing Locational Policy database is updated.

City Implementation: City Council's action will modify the Assisted Multi-Family Housing Locational Policy.

Budget Impact: No budgetary impact

7. Multi-Family Housing at Transit Station Areas (technical amendment)
 City Council adopted the Assisted Multi-family Housing at Transit Station Areas Policy on November 26, 2001. The Policy has not been applied in a transit area at this time. The South Boulevard Transit Corridor will be the first transit area where this Policy will apply.

Staff and the City Attorney's Office, after receiving a citizen's inquiry, conducted a technical review of the policy and found an inconsistency between the language in paragraph A, which was Council's policy intent, and the language in paragraph D of the policy. Under the current provision, the language could be interpreted to mean within $\frac{3}{4}$ mile of the transit station because a transit station area is considered $\frac{1}{2}$ mile from the transit station. The policy intent of City Council was to have special requirements for assisted housing within $\frac{1}{4}$ mile of the transit station.

To address these concerns, the CWAC Committee recommended the following change:

Delete the word "area" at the end of paragraph D. The paragraph shall be amended as follows:

D. The number of assisted multi-family housing units shall not be greater than 20% of the total housing units within a $\frac{1}{4}$ mile of the transit station.

City Implementation: City Council's action will modify the Assisted Multi-Family Housing at Transit Station Policy.

Budget Impact: No budgetary impact

The Committee's detailed recommendations on all of these policy areas are included in the attached Housing Policy Recommendations - Phase II document. If Council adopts these policy recommendations, staff will bring back to Council those policy items that will require more detailed implementation steps.

Background:

On February 1, 1999, Charlotte City Council commissioned a review of the City's housing challenges to identify strategies to meet the needs of low and moderate-income households. A group of 25 stakeholders was formed and participated in an 18-month process that culminated with the development of an Affordable Housing Strategy Report – a Report of the City of Charlotte Housing Strategy Stakeholders. A copy of this Report is located in the Council Library. The Report outlined five strategies and 15 recommendations to address key issues in providing affordable housing. The strategies include:

- Revising planning, zoning and building requirements
- Creating new financing sources and techniques
- Revising local housing policies

- Increasing education, outreach and advocacy
- Developing strong, economically diverse neighborhoods

On October 10, 2000, City Council approved the establishment of a 25 member Affordable Housing Implementation Team (AHIT) to develop steps to implement the Affordable Housing Strategy Report. City Council charged the Implementation Team to:

- Study the Affordable Housing Report
- Identify key action steps and accountabilities
- Estimate the cost of each recommendation
- Establish an implementation timeline
- Determine which strategies will have the greatest impact

The Team consolidated the 15 recommendations in the original Stakeholders Report into 11 new recommendations and prioritized the new recommendations as high, medium or low, based on their ability to produce the most housing units over the next five years. A copy of the Affordable Housing Implementation Team – Final Report is located in the Council Library.

Committee Discussion:

The Committee held 12 meetings to review the AHIT Report and finalize the housing policy recommendations. The Committee's discussions and comments from citizens focused on the five policy areas and two technical amendments. On September 5, 2003, the Committee unanimously voted to send the housing policy and technical amendments to Council for approval (Mumford, Cannon and Spencer). Committee member Mitchell was not present for the vote. Committee member Lochman was absent.

The Committee discussed at length two issues relating to the assisted multi-family housing evaluation criteria – 1) the use of school information serving the proposed housing project. The focus of the Committee's discussion on school information was on the percent of students receiving free and reduced lunch. The Committee acknowledged that school information is requested, but that a policy decision had not been made about how it will be used in the review process; and 2) compliance with the Crime Prevention Through Environmental Design (CPTED). The Committee decided that compliance with CPTED review process and analysis within 1,000 feet radius of the project property lines is appropriate. However, they requested staff to provide maps and crime information for a full mile radius of the project as an appendix to the report.

Community Input:

Interested parties were invited to participate in the review process by providing written comments to the CWAC Committee regarding areas of concern. In addition, staff held several meetings with interested parties to receive feedback and address concerns. A public hearing to receive community input on these recommendations was held before City Council on

August 25, 2003. One person spoke at the hearing. A copy of the speaker's comments is included in the attachment.

Attachment 8

Housing Policy Recommendations – Phase II – September 24, 2003
Public Hearing – Speaker's Comments

14. Piedmont Courts/HOPE VI Grant



This item will be sent to City Council in the Friday, September 19th Council-Manager Memorandum.

15. Commercial Non-Discrimination Ordinance



Action: **A. Approve changes to Commercial Non-Discrimination Ordinance as proposed by Restructuring Government Committee, and**

B. Provide that the attached revised Commercial Non-Discrimination Ordinance go into effect on October 1, 2003.

Committee Chair: Joe White

Staff Resource: Mac McCarley, City Attorney
Vi Lyles, Assistant City Manager
Cindy White, City Attorney's Office

Policy:

The City of Charlotte provides equal opportunity to women and minorities to participate in all aspects of the City's contracting and procurement programs.

Explanation:

City Council adopted a Commercial Non-Discrimination Ordinance on September 23, 2002. The Ordinance originated as a recommendation by the Stakeholders Committee that was appointed to recommend program options to replace the City's former MWBD Program. It was reviewed and modified by the Restructuring Government Committee prior to adoption by Council.

On the advice of the City Attorney, Council stipulated in adopting the Ordinance that it not go into effect until the City obtained legislative approval for the following two provisions:

- Providing that a business may be disqualified from participating in City contracts for a specified time if found by a third party arbitrator to have violated the Ordinance

- Defining “discrimination” to include discrimination based on gender, age and disability, even though those types of discrimination may not be unlawful in the commercial context under existing state or federal law

City staff sought legislative approval for these two provisions in the Spring 2003 legislative session. However, due to strong opposition from various business and construction lobbying groups, the proposed legislation never reached a vote in a House or Senate Committee. In May and June 2003, the North Carolina Supreme Court issued an opinion that would potentially impact the legality of the proposed legislation and Ordinance.

On May 27, 2003, City Council referred the following four options regarding the Ordinance to the Restructuring Government Committee for consideration:

1. Do nothing. One possibility would be to take no action. In that event the ordinance would remain dormant with the continued potential that it goes into effect if the City were to obtain the requested legislation in the future.
2. Amend or revise. A second possibility would be to have the City Attorney’s Office research possible options for implementing a commercial non-discrimination ordinance without special legislative authority. The areas where further research are required include: (a) options for defining discrimination, (b) the extent to which disqualification from participating in City contracts could be employed as a remedy, and (c) the legality of having the City conduct its own investigative process to determine whether discrimination occurred. This research would include an analysis of the recent North Carolina Supreme Court decision, along with cases from other jurisdictions.
3. Rescind. A third possibility would be to rescind the ordinance.
4. Try again. Another possibility would be to take no action now, and try to obtain the requested legislation at some point in the future. The ordinance contains no deadline for obtaining the requested legislation. If the legislation were obtained at some point in the future, the ordinance would become effective automatically on the thirtieth day following adoption of the legislation.

On June 16, 2003, the Restructuring Government Committee considered these options. The Committee voted for the amend or revise option, which would entail having the City Attorney’s Office research possible options for legally implementing a commercial non-discrimination ordinance without special legislative authority.

On July 17, 2003, the City Attorney’s Office presented a memorandum to the Restructuring Government Committee outlining various options for

implementing a commercial non-discrimination ordinance without special legislative authority. The memorandum addressed a number of policy alternatives that had been discussed by community stakeholders and state legislators, and assessed how each would impact the likelihood of the ordinance withstanding legal challenge. The memorandum was circulated to the Council at large on July 18, 2003. On July 21, 2003, Council voted to make the memorandum available to the public.

On August 12th and August 25th, the Restructuring Government Committee met to discuss the various policy alternatives that were addressed in the City Attorney's memorandum. Copies of the minutes from these meetings are attached. The outcome of these meetings was a series of Committee votes to recommend the changes that are incorporated in the attached revised Commercial Non-Discrimination Ordinance, which the Committee recommends for adoption. A summary of the proposed changes and the Committee vote on each is attached.

Committee Discussion:

The Committee discussion focused primarily on the following key discussion points:

- Application of Ordinance to private sector contracts
- Application of Ordinance to discrimination alleged to have taken place outside the local area if there is a link between discrimination that occurred elsewhere and potential for discrimination in the Charlotte area
- Whether companies that violate the Ordinance should be disqualified from doing business with the City for a specified time period
- Arbitration process and who will pay cost

The Committee originally voted to have the Ordinance apply to the private sector contracts of companies that do business with the City, and to discrimination alleged to have taken place outside the local area if there is a link between discrimination that occurred elsewhere and the potential for discrimination in the Charlotte area. However, after reconsideration, the Committee voted on August 25th to limit application of the Ordinance to discrimination that occurs in the local area on City Contracts.

Attachment 1 includes a description of each option discussed; committee recommended option; and the committee votes.

The City Attorney's memorandum outlining the legality of various policy options was made available to the public on July 21, 2003. Attached are letters received on September 12th and 15th from the Carolinas Association of General Contractors and the Charlotte Chamber. These letters express support for the proposed changes to the Ordinance, with the exception of two additional amendments that both agencies request in their letters.

Funding:

No additional funding is requested at this time. Attached is an excerpt from the Stakeholders Committee's June 3, 2002 recommendation packet, estimating the potential cost to the City of investigating claims under the Ordinance. The cost will be somewhat higher if Council adopts the Restructuring Government Committee's proposed changes, given that the City would be paying the fees of the arbitrator. However, the potential number of claims would be lower under the revised version, given that the Ordinance as revised would apply only to City contracts.

Attachment 1

- Summary of Changes to the Commercial Non-Discrimination Ordinance as Proposed By the Restructuring Government Committee
- Revised Commercial Non-Discrimination Ordinance Incorporating Changes Proposed By Restructuring Government Committee
- Excerpt of Minutes From the August 12th Restructuring Government Committee meeting
- Excerpt of Minutes From the August 25th Restructuring Government Committee meeting
- July 18, 2003 Executive Summary of Memorandum From City Attorney's Office Regarding Commercial Non-Discrimination Ordinance
- July 17, 2003 Memorandum From City Attorney's Office Regarding Commercial Non-Discrimination Ordinance
- Excerpt from the Stakeholders Committee's June 3, 2002 Recommendation Packet regarding the cost of investigating claims
- September 12th letter from the Carolinas Association of General Contractors
- September 15th letter from the Charlotte Chamber

16. Functional Consolidation of City and County Public Information Services



Action: Approve the Restructuring Government Committee's recommendation to continue providing City and County public information services with the existing structure, including television and studio space.

Committee Chair: Joe White

Staff Resource: Ruffin Hall, Budget and Evaluation
Julie Hill, Corporate Communications

Explanation:

At the June 18th Council lunch prior to the budget “straw votes”, Council requested staff review functional consolidation of City and County public information service, including the use of television equipment and studio space. In mid-July, the City Manager referred the Council’s request for review to the Restructuring Government Committee.

At the September 8th Restructuring Government Committee, City and County staff presented information regarding City Corporate Communications, Mecklenburg County’s Public Service and Information, and television equipment/studio comparisons.

City staff reviewed the four primary public information service areas:

- Corporate issues (Council Focus Areas, Priorities, Balanced Scorecard)
- Implementation of the City’s Strategic Communications Plan
- Operation and maintenance of The Government Channel
- Full-service communication consulting services to Key Business Units

Staff also reviewed special City events such as the Neighborhood Symposium, groundbreaking ceremonies and Police Week.

County staff reviewed their four primary public information service areas:

- Direct communications
- Employee communications
- Media relations
- Development/partnerships

City and County staff reviewed public information services that are currently consolidated or coordinated:

- Internet web site
- The Government Channel
- City/County On Call
- Publications such as A to Z
- General emergency response and special events

The presentations included a comparison of current operating and capital resources dedicated to television programming, equipment and studio space. The City and County share the television studio space and equipment. The County pays the City an hourly charge to use the studio and equipment.

Information provided to the Committee included the 1996 TV/Video Task Team Report, the 2003 Teleproduction Benchmark Report, the City/County Joint Policy for the Government Channel and the Channel 16 Program Schedule.

Committee Discussion:

The Restructuring Government Committee discussed the issue on September 8, 2003 and unanimously recommended to continue providing public information services with the existing structure, including television and studio space. After hearing presentations from City and County staff, Committee member White stated that there are not any significant savings or opportunity for cost avoidance associated with this potential area of functional consolidation. White also noted that there does not appear to be any compelling customer service problems or issues with public information services. Committee member Graham commented that the City and County have already consolidated several public information services such as the website, Government Channel and emergency response. Committee members White, Graham and Spencer voted for the recommendation. Committee member Cogdell was present for the discussion but had to leave prior to the vote. Committee member Lochman was absent.

Attachment 9

Restructuring Government September 8, 2003 Summary Minutes

17. Children's Theatre Operating Support

Action: Direct the City Manager to include one of three options in the Manager's FY2006 recommended budget for the new Children's Theatre facility:

Option 1. Include the full request of \$270,000 and beyond for maintenance and operation support in the new facility. Future increases in the annual contribution beyond FY2006 would be determined by City building maintenance staff consistent with the Cultural Facilities policy,

Option 2. Include partial funding of \$75,000 and beyond for maintenance and operation support in the new facility. Future increases in the annual contribution beyond FY2006 would be determined by City building maintenance staff consistent with the Cultural Facilities policy, or

Option 3. Include no funding beyond FY2005 in keeping with the existing Cultural Facilities policy.

Staff Resource: Ruffin Hall, Budget and Evaluation Director

Policy: Cultural Facilities

Explanation:

This request for action is a follow-up to Council discussions during the September 2, 2003 Council Policy Retreat and the April 23 and June 4, 2003 Council Half-Day Budget Retreats related to continued funding of operation and maintenance support for the Children's Theatre for FY2006 and beyond.

The current City policy on arts and cultural funding directs the City to pay for general operation and maintenance costs only within City-owned facilities. These facilities include Afro-American Cultural Center, the existing Children's Theatre, Discovery Place, the Mint Museum and the Performing Arts Center. This policy was approved by Council as a part of the 1991 Cultural Action Plan.

In FY2005, the Children's Theatre intends to leave the current City-owned facility and move to the new Children's Learning Center (CLC). The new facility is owned by Mecklenburg County and is a joint use facility to be occupied by the Children's Theatre and the Mecklenburg Public Library. The new CLC will include a total of 108,000 square feet, of which 54,000 square feet will be occupied and maintained by the Children's Theatre, and 54,000 square feet will be occupied and maintained by the Library.

The requested City funding of \$270,000 in FY2006 would support the maintenance and operations costs for the 54,000 square feet occupied by the Children's Theatre. The maintenance cost for the remaining 54,000 square feet will be the responsibility of Mecklenburg County. A copy of the floor plan for the new facility is attached.

The level of operation and maintenance support for the Children's Theatre at its current City-owned location at 1017 E. Morehead Street is \$75,000 annually for the 16,030 square foot facility. This funding is appropriated in the City's FY2004 building maintenance operating budget and is directly managed and paid by the City. Through the adoption of the City Manager's recommended operating budget plan for FY2005 on June 24th, Council agreed to a \$75,000 contribution to the Children's Theatre through the Arts and Science Council to continue the current level of support of the Children's Theatre at its new location.

The Children's Theatre has asked for operation and maintenance support at the Children's Theatre in its new facility for FY2006 and beyond. The Council has the following options to consider in response to the Children's Theatre request for FY2006:

1. One-time policy exception for Children's Theatre (full request): Council may grant a "one-time" exception to the policy and approve the full request as outlined by the Children's Theatre (\$270,000 in FY2006 and beyond). Future increases in the \$270,000 annual contribution would be determined by City building maintenance staff consistent with the Cultural Facilities policy.

2. One-time policy exception for Children's Theatre (partial request): Council may grant a "one-time" exception to the policy and approve the current \$75,000 level of support towards the new facility in perpetuity. This option continues the Council's current level of support for the Children's Theatre but does not approve the increase. Future increases in the \$75,000 annual contribution would be determined by City building maintenance staff consistent with the Cultural Facilities policy.
3. Make no contribution: Council could adhere to current policy and provide no funding in the new facility that is not City-owned.

In options 1 and 2 listed above, both alternatives require the Council to make a policy exception. Staff suggests there are two possible rationales (either separate or in combination) that Council could use to make the policy exception:

- Unique relationship with the City: The Children's Theatre has an existing operations and maintenance funding relationship with the City at its current City-owned location that pre-dates the 1991 Cultural Action Plan. The City may not wish to abandon the relationship with the Children's Theatre due to a change in location. In other words, the City's commitment would stay with the Children's Theatre when it moved (even though the new facility is not City-owned.)

This option would allow future exceptions if organizations were providing programming in existing City facilities prior to requesting operation and maintenance support, and as long as the request for operation and maintenance support was made before plans for the new facility were finalized.

- Public-private partnership: The Children's Learning Center is a creative and innovative partnership with the public and private sector. Mecklenburg County is funding capital in cooperation with the Public Library. The private sector has raised over \$13 million in funds for programs. The \$270,000 request to the City is for the operation and maintenance costs of the Children's Learning Center, reflecting the Children's Theatre portion of the building only (not the library). The Council could make a policy exception based on the unique, collaborative public-private partnership the project represents.

Attachment 10

Children's Learning Center floor plans
 Children's Theatre Request Letter, February 25, 2003
 Children's Theatre Letter, April 25, 2003
 City Manager Response Letter, May 13, 2003

BUSINESS

18. Donation to Charlotte Firefighters' Association's Historic Palmer Building Open House

Action: Consider directing the City Manager to enter into a contract with The Charlotte Firefighters' Association for \$5,000 to support a neighborhood open house for the Historic Palmer Building.

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation:

At the September 8, 2003 business meeting Council member Nancy Carter proposed and received unanimous approval for staff to bring an action to the next Council business agenda to consider funding a \$5,000 donation to the Charlotte Firefighters' Association for an open house to celebrate the reopening of the Palmer Building.

The open house for which City funds are being requested would be held in December as part of the holiday season. The Association plans to invite residents of the Elizabeth, Chantilly, and Plaza- Midwood neighborhoods and firefighters and their families to come see the facility and enjoy free food and refreshments.

The open house is one of three celebratory events planned for the facility. The other two events are: an October 1st barbecue where food will be sold; and a \$125 per plate Association fund raiser later in the fall.

According to the City Attorney's Office, in order for the City to provide funds to any individual or group, a public purpose must be established and the City must enter into a contract specifying the use of the funds.

Staff is concerned that donating these funds would set a precedent for numerous requests for funding similar events. The City does not fund any of the festivals that are currently held in Charlotte. Festival costs are assumed by the event holder.

Background:

The Palmer Building, previously known as the Palmer Fire School, is located on 7th Street. The Palmer Fire School was built in 1940 by Charlotte firefighters. The building is named for Charlotte Fire Chief Hendrix Palmer. It was the home of in-service and recruit training for the Charlotte Fire Department for almost forty years, closing when the first Police/Fire Training Academy opened on Shopton Road in September 1977.

When the Fire Department vacated the building, it was given to the City's Parks and Recreation Department, and was one of the parcels transferred to

Mecklenburg County Parks and Recreation when the two merged in 1993. By the late 1990s, the building had deteriorated to the point that it was unsafe and it was closed and Mecklenburg County placed the property up for sale. Last year, the Charlotte Firefighters' Association bought the Palmer Fire School and has extensively rehabilitated it for use as their office and meeting space. The second floor will be available for community and neighborhood use.

Funding:

The Council's Discretionary account balance is \$220,000.

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

19. Various Bids

A. Park Road Extension Sidewalk Improvements EPM

Recommendation:

The City Engineer recommends the low bid of \$168,282.40 by 7 Star Construction Company, Inc. of Rock Hill, South Carolina. This project will provide sidewalk from the Highway 51/Park Road Extension intersection to the bridge over I-485 and existing sidewalk. This project will be completed in December 2003.

Small Business Opportunity:

Established SBE Goal: 2%

Committed SBE Goal: 2%

7 Star Construction committed 2% (\$3,500) of the total contract amount to an SBE firm.

20. In Rems

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

Public Purpose:

- Eliminate a blighting influence in a Communities 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:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 3309 Rozzelles Ferry Road (Neighborhood Statistical Area 21-Lakewood Neighborhood)

Complaint:

- B. 1300 Norris Avenue (Neighborhood Statistical Area 38-Druid Hills North Neighborhood)
- C. 321 Bradford Drive (Neighborhood Statistical Area 19-Thomasboro/Hoskins Neighborhood)
- D. 8820 Dixie River Road (Neighborhood Statistical Area 107-Dixie Neighborhood, in the City Extra Territorial Jurisdiction Area)
- E. 2400 Rebecca Avenue (Neighborhood Statistical Area 9- Ponderosa/Wilmont Neighborhood)
- F. 3929 A & B West Tyvola Road (Neighborhood Statistical Area 9- Ponderosa/Wilmont Neighborhood)

Public Safety:

- A. **3309 Rozzelles Ferry Road**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3309 Rozzelles Ferry Road (Neighborhood Statistical Area 21-Lakewood Neighborhood) located within the Communities Within A City boundaries.

Attachment 11

Complaint:

B. 1300 Norris Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1300 Norris Avenue (Neighborhood Statistical Area 38-Druid Hills North Neighborhood) located within the Communities Within A City boundaries.

Attachment 12

C. 321 Bradford Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 321 Bradford Drive (Neighborhood Statistical Area 19- Thomasboro/Hoskins Neighborhood) located within the Communities Within A City boundaries.

Attachment 13

D. 8820 Dixie River Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8820 Dixie River Road (Neighborhood Statistical Area 107-Dixie Neighborhood) located in the City Extra Territorial Jurisdiction.

Attachment 14

E. 2400 Rebecca Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2400 Rebecca Avenue (Neighborhood Statistical Area 9- Ponderosa/Wilmont Neighborhood) located within the Communities Within A City boundaries.

Attachment 15

F. 3929 A & B West Tyvola Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3929 A & B West Tyvola Road (Neighborhood Statistical Area 9- Ponderosa/Wilmont Neighborhood) located within the Communities Within A City boundaries.

Attachment 16

CONSENT II

21. Tyvola Crossing Apartments Loan

Action: Authorize the City Manager to negotiate a loan up to \$800,000 with the Charlotte-Mecklenburg Housing Partnership, Inc. for the construction of 80 multi-family units in the Reid Park Neighborhood.

Staff Resource: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Explanation:

On May 12, 2003, the City Council made a financial commitment to the Charlotte-Mecklenburg Housing Partnership, Inc. (CMHP) to make a loan in the amount of \$800,000 for the proposed 80-unit Tyvola Crossing Apartments at 4425 West Tyvola Road. The development is located in the Reid Park neighborhood, which is one of the City's revitalization neighborhoods. The City's commitment was part of the 2003 Housing Trust Fund Multi-Family Rental Housing Request for Proposals process and contingent on approval of tax credits from the North Carolina Housing Finance Agency.

The tax credits have been approved for the \$6,480,620 development and this request authorizes the City Manager to negotiate up to an \$800,000, 20-year loan at 1% interest rate to assist in the financing. The project property is located on a 6.059 +/- acre and zoned R-22MF (Multi-Family Residential).

Twenty-five percent of the units (20 units) will be made available to the City's relocation clients earning 30% or less of median income or less. The unit distribution by area median income (AMI) served is presented below:

Units	Monthly Rents	AMI Served*
20	\$292-\$334	≤ 30%
20	\$422-\$484	40%
40	\$422-\$484	50%*

*Based on 2003 Area Median Income of \$64,100

** Initial rent levels are same as 40% of median. Rents will rise to 50% of median ceiling as neighborhood improves and demand increases.

The new construction will consist of four residential buildings containing a total of 80 apartments. There are 54 two-bedroom units and 26 three-bedroom units. The exteriors of the four buildings will consist of wood, vinyl and brick. Each apartment will be equipped with a refrigerator, range and hood, dishwasher, disposal and washer and dryer connections.

The property management group for the project will be S.L. Nusbaum, which manages CMHP's other tax credit properties. The management team will consist of an on-site leasing and management office with a maintenance person. CMHP has partnered with City West CDC (formerly Reid Park CDC) and Community Link to provide support services. These services will consist of rental referral, homeownership training and community outreach offered by City West CDC as well as an agreement with Community Link to provide case management and rent subsidies to these families.

The units will remain affordable for 30 years and the affordability will be secured by a deed restriction. The total development cost per unit is \$81,008. The City investment per unit is \$10,000 for a leverage ratio of 1:8.

Sources and Uses of Funds:

Sources:

City of Charlotte Loan/ HOME Funds	800,000
Charlotte-Mecklenburg Housing Partnership Loan	400,000
State Tax Credit (Agency Loan Option)	739,795
Federal Tax Credit Equity	4,540,825
Total	\$6,480,620

Uses:

Land	298,889
On-Site Improvements	500,000
Developers Fee	585,000
3% Construction Contingency	142,600
Construction – Hard and Soft Costs	4,954,131
Total	\$6,480,620

The projected project schedule is shown below:

November 2003	Initial Equity and Loan Closings
December 2003	Construction Start
February 2005	Substantial Completion
April 2005	Full Lease-Up

Tyvola Crossing was included in the Housing Trust Fund's Multi-Family Rental Housing Request for Proposals. The City Council received a briefing on the project at its dinner meeting on April 28, 2003 and referred the project to the CWAC Committee for review and recommendation. The CWAC Committee at its May 1, 2003 meeting recommended a financial commitment for the funding of the project. The City Council at its May 12, 2003 meeting approved the financial commitment and Letter of Support to the Housing Finance Agency for Tyvola Crossing Apartments. City Council had previously approved a waiver of the Housing Locational Policy for the project on December 10, 2001.

Funding:
HOME Funds

Attachment 17
NCHFA Tax Credit Award Letter
Project Proforma
Summary Report

22. Rocky Branch II Apartments Loan

Action: Approve a loan in the amount of \$2,800,000 to the Charlotte-Mecklenburg Housing Partnership, Inc. for the construction of 192 multi-family units on Rozzelles Ferry Road.

Staff Resource: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Explanation:

On May 12, 2003, the City Council made a financial commitment to the Charlotte-Mecklenburg Housing Partnership, Inc. (CMHP) to make a loan in the amount of \$2,800,000 for the proposed 192 multi-family units located at 10412 Rozzelles Ferry Road, which is in Neighborhood Statistical Area 117. The City's commitment was part of the 2003 Housing Trust Fund Multi-Family Rental Housing Request for Proposals process and contingent on approval of tax credits from the North Carolina Housing Finance Agency.

The tax revenue bonds have been approved for the \$16,154,023 development and this requests authorized the City manager to negotiate up a loan up to \$2,800,000 with a 40-year term at 1% interest rate. The project property is located on a 16 +/- acre site consisting of two tax parcels. The parcels are zoned R-12MF (Multi-Family Residential).

The unit distribution by area median income (AMI) served for the project requesting approval for funding is presented below:

Units	Monthly Rents	AMI Served*
20	\$241	≤ 30%
80	\$681- \$790	51%- 60%
92	\$730- \$800	61%- 80%

*Based on 2003 Area Median Income of \$64,100

The new construction will consist of seven residential buildings containing a total of 192 apartments. There are 120 two-bedroom apartments and 72 three-bedroom apartments. The exteriors of the buildings will consist of a combination of vinyl and brick. Each apartment will be equipped with a

refrigerator, range and hood, dishwasher, disposal and washer and dryer connections.

The property management group for the project will be S.L. Nusbaum, which manages CMHP's other tax credit properties. The management team will consist of two property management staff persons and two full-time maintenance staff persons on site. Prospective residents will be screened relative to income eligibility, evidence of stable employment, past criminal activity and rental history. CMHP will play a key role in developing the support services plan for the residents. These services will consist of activities that focus on the clubhouse, pool and tot lot complex. The clubhouse will include an exercise room, business center, computer space and community meeting room. In addition to being available for resident functions, CMHP plans to offer budgeting and financing workshops to encourage families to become homeowners. To provide residents with homeownership information, the community room will have a Homestead Resource Center with information on various topics related to homeownership.

The units will remain affordable for 40 years and the affordability will be secured by a deed restriction. The total development cost per unit is \$84,136. The City investment per unit is \$14,583 for a leverage ratio of 1:6.

Sources and Uses of Funds:

Sources:

City of Charlotte Loan/ Bond Funds	2,800,000
Hope VI Funds	1,240,000
Charlotte-Mecklenburg Housing Partnership	1,400,000
Tax Exempt Bonds	8,600,000
Deferred Developer Fees (CMHP)	239,855
Low Income Housing Tax Credits Equity	1,874,173
Total	\$16,154,028

Uses:

Land	1,050,000
On-Site Improvements	1,344,000
Construction – Hard and Soft Cost	12,261,581
3% Construction Contingency	328,447
Developer Fee and Overhead	1,170,000
Total	\$16,154,028

The projected project schedule is shown below:

February 2004	Initial Equity and Loan Closings
March 2004	Construction Start
June 2005	Substantial Completion

Rocky Branch II was included in the Housing Trust Fund's Multi-Family Rental Housing Request for Proposals. The City Council received a briefing

on the project at its dinner meeting on April 28, 2003 and referred the project to the CWAC Committee for review and recommendation. The CWAC Committee at its May 1, 2003 meeting recommended a financial commitment for the funding of the project. The City Council at its May 12, 2003 meeting approved the financial commitment and Letter of Support to the Housing Finance Agency for Rocky Branch II. The City's Housing Locational Policy does not apply since the project is located in a priority area.

Funding:

City Bond Funds

Attachment 18

NCHFA Tax Credit Award Letter

Project Proforma

Summary Report

23. Arbor Glen III Apartments Loan

Action: Approve a loan in the amount of \$230,000 to the Charlotte Housing Authority (CHA) and The Crosland Group, Inc. for the construction of 23 multi-family units (Phase III) in the Dalton Village neighborhood.

Staff Resource:

Stanley Wilson, Neighborhood Development

Jeff Meadows, Neighborhood Development

Explanation:

On May 12, 2003, the City Council made a financial commitment to the Charlotte Housing Authority and The Crosland Group, Inc. to make a loan in the amount of \$230,000 for the proposed 23 multi-family units located at 2305 Farmer Street in the Dalton Village neighborhood, adjacent to the Reid Park neighborhood. The City's commitment was part of the 2003 Housing Trust Fund Multi-Family Rental Housing Request for Proposals process and contingent on approval of tax credits from the North Carolina Housing Finance Agency.

The tax credits have been approved for the \$1,989,412 development and this request authorizes the City Manager to negotiate a loan up to \$230,000 with a 20- year term at 2% interest rate. This new construction will contribute additional affordable housing units to the existing Phase I construction in the amount of 144 units and Phase II construction in the amount of 91 units previously approved by the City. The project property is located on a 1.5 +/- acre site consisting of a portion of one tax parcel. The parcel is zoned R-22MF (Multi-Family Residential).

The unit distribution by area median income (AMI) served is presented below:

Units	Monthly Rents	AMI Served*
8	\$242	≤ 30%
7	\$495- \$545	31%-50%
8	\$545- \$595	51%-60%

*Based on 2003 Area Median Income of \$64,100

The new construction will consist of three residential buildings containing a total of eight garden apartments and 15 townhomes. There are 16 two-bedroom units and seven three-bedroom units. The exteriors of the three buildings will consist of hardiplank and brick. Each apartment will be equipped with a refrigerator, range and hood, dishwasher and washer and dryer connections.

The property management group will be Crosland Company, which is the existing property manager for the Phase I and II of the project. The management company will provide on-site staff consisting of a resident manager, office staff and maintenance personnel. Prospective residents will be screened relative to income eligibility, evidence of stable employment, past criminal activity and rental history. The Charlotte Housing Authority will play a key role in developing the support services plan for all residents. These services will consist of individual family counseling by a trained caseworker, linkage to other communities, financial counseling, meals on wheels for the elderly and youth programs such as after school tutoring, mentoring, sponsorship and recreational activities.

The units will remain affordable for 41 years and the affordability will be secured by a deed restriction. The total development cost per unit is \$86,496. The City investment per unit is \$10,000 for a leverage ratio of 1:8.

Sources and Uses of Funds:

Sources:

City of Charlotte Loan/ HOME Funds	230,000
Charlotte Housing Authority Hope VI Loan	464,085
State Tax Credit	187,821
Low Income Housing Tax Credit Equity	1,107,506
Total	\$1,989,412

Uses:

Construction - Site Work	275,200
Developers Fee	148,000
Construction Contingency	42,956
Construction – Hard and Soft Costs	1,523,256
Total	\$1,989,412

The projected project schedule is shown below:

June 2004	Construction Start
October 2005	Substantial Completion
November 2005	Lease-Up

Arbor Glen III was included in the Housing Trust Fund's Multi-Family Rental Housing Request for Proposals. The City Council received a briefing on the project at its dinner meeting on April 28, 2003 and referred the project to the CWAC Committee for review and recommendation. The CWAC Committee at its May 1, 2003 meeting recommended a financial commitment for the funding of the project. The City Council at its May 12, 2003 meeting approved the financial commitment and Letter of Support to the Housing Finance Agency for Arbor Glen III. The City's Housing Locational Policy does not apply to projects consisting of fewer than 24 units; therefore, this project is exempt from the policy.

Funding:
HOME Funds

Attachment 19
NCHFA Tax Credit Award Letter
Project Proforma
Summary Report

24. **Druid Hills Rental Rehabilitation Loan**

Action: Authorize the City Manager to negotiate a loan up to \$856,140 with the Charlotte-Mecklenburg Housing Partnership, Inc. for the rehabilitation of 30 multi-family scattered site units in the Druid Hills neighborhood.

Staff Resource: Stanley Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Explanation:

On May 12, 2003, the City Council made a financial commitment to the Charlotte-Mecklenburg Housing Partnership, Inc. (CMHP) to make a loan in the amount of \$856,140 to rehabilitate 30 multi-family scattered site units in the Druid Hills, which is one of the City's revitalization neighborhoods. The units are located on Norris Avenue, Holland Avenue and Rodney Avenue. The City's commitment was part of the 2003 Housing Trust Fund Multi-Family Rental Housing Request for Proposals process and contingent on approval of tax credits from the North Carolina Housing Finance Agency.

This request authorizes the City Manager to negotiate up to an \$856,140, 20-year term at 1/2% interest rate. The project property is located on a 2.4 +/-

acre site consisting of thirteen tax parcels. The parcels are zoned R-8MF (Multi-Family Residential).

Ten percent of the units (3 units) will be available to the City’s Relocation clients. The unit distribution by area median income (AMI) is presented below:

Units	Monthly Rents	AMI Served*
3	\$291	≤ 30%
27	\$375- \$400	31-50%

*Based on 2003 Area Median Income of \$64,100

There are 28 two-bedroom units and two three-bedroom units. The exteriors of the units will be brick with vinyl trim. Each unit will be equipped with a refrigerator, range and hood, dishwasher and washer and dryer connections.

The property management group for the project will be CMHP. The management team will consist of a property manager and an assistant property manager. CMHP’s supportive services consist of three activities: homebuyer initiatives, resident services and community building. These support services consist of workshops to prepare current renters for homeownership.

The units will remain affordable for 20 years and the affordability will be secured by a deed restriction. The total development cost per unit is \$80,548. The City investment per unit is \$28,538 for a leverage ratio of 1:3.

Sources and Uses of Funds:

Sources:

City Bond Funds	856,140
CMHP Grant	1,560,303
Total	\$2,416,443

Uses:

Acquisition	1,023,480
On-Site Improvements	30,000
Developers Fee	150,000
5% Construction Contingency	53,686
Construction – Hard and Soft Costs	1,159,277
Total	\$2,416,443

The projected project schedule is shown below:

October 2003	Loan Closing
December 2003	Start of Rehabilitation of Units
July 2004	Project Completion

Druid Hills Rental was included in the Housing Trust Fund's Multi-Family Rental Housing Request for Proposals. The City Council received a briefing on the project at its dinner meeting on April 28, 2003 and referred the project to the CWAC Committee for review and recommendation. The CWAC Committee at its May 1, 2003 meeting recommended a financial commitment for the funding of the project. The City Council at its May 12, 2003 meeting approved the financial commitment and support for Druid Hills Rental in the event that one of the tax credit projects was not funded. Two of the tax credit projects were not approved by the North Carolina Housing Finance Agency. The City's Housing Locational Policy does not apply since this is a rehabilitation project.

Funding:

City Bond Funds

Attachment 20

Project Proforma
Summary Report

25. Federal and State Transit Assistance Grants

Action: **A. Adopt a resolution authorizing the City Manager to submit grant applications and execute funding with the Federal Transit Administration (FTA) for FY2004,**

B. Adopt a resolution authorizing CATS CEO to submit grant applications and execute funding agreements with the North Carolina Department of Transportation (NCDOT) for FY2004, and

C. Adopt a budget ordinance appropriating \$16,997,455.

Staff Resource: Dee Pereira, Charlotte Area Transit System

Explanation:

The City's Transit Program receives several types of federal and state grant revenues, which fund a portion of the Charlotte Area Transit System's (CATS) approved capital budget program. In order to implement the capital program in a timely manner, CATS estimates federal and state grant participation levels and advances funding from the transit fund balance to cover projected grant revenues. Upon receipt of the grant revenues, funds advanced to the capital program revert back to the transit fund balance.

Council is requested to adopt a resolution:

A. Authorizing the City Manager to submit grant applications to FTA and upon award to execute funding agreements with FTA during FY2004.

The FTA grant application is for the FY2004 estimated Urbanized Area Formula grant. The federal portion estimate is \$13,535,405.

B. Authorizing CATS Chief Executive Officer to submit NCDOT grant applications and upon award execute contracts to receive funds from NCDOT in FY2004. The grant application to NCDOT for the State match to the estimated Urbanized Area Formula grant will total \$1,511,985.

C. Council is also requested to adopt a budget ordinance appropriating funds for the CATS Capital Program as follows:

Federal	\$13,535,405
NCDOT Match	\$1,511,985
CATS Match	\$1,729,065
<u>CATS</u>	<u>\$ 221,000</u>
Total	\$16,997,455

In order to implement CATS Capital projects, amounts equal to the federal and state grants will be advanced from the Transit Fund Balance until receipt of the grants. The advances to the projects shall be permanent sources of financing if the grant funding is not received.

The \$16,997,455 will be utilized to fund the following projects in CATS FY2004 Capital Program.

FY2004 FTA estimated Urbanized Area Formula Grant totaling \$16,776,455. The grant will be utilized to fund the following projects:

- Debt service for buses and bus garage
- 12 expansion Special Transportation Service (STS) buses
- Transit Centers
- Park & Ride lots
- Bus facility improvements
- Technology improvements
- 5 Service vehicles
- Bus technical consulting
- Bus radios
- Bus Operations Division (BOD) fire alarm system
- Schedule racks
- Uptown Transportation Center (UTC) renovations
- BOD renovations
- Shop and maintenance equipment
- Disadvantaged Business Enterprise (DBE) consultant

CATS will fund \$221,000 for Capital Projects for the Historic Trolley Service.

Funding:
Transit Fund Balance

Attachment 21

Resolution
Ordinance

26. Grant for DNA Backlog Reduction Program

Action: Adopt an ordinance appropriating \$95,210 from the N.C. Department of Justice for the reduction of the backlog in no suspect DNA cases processed by the Charlotte-Mecklenburg Police Department Crime Laboratory.

Staff Resource: Roger Thompson, Charlotte-Mecklenburg Police

Explanation:

The State Bureau of Investigation has received a grant from the U.S. Department of Justice to facilitate the DNA analysis of unsolved cases in which there is no identified suspect. The state has given the Charlotte-Mecklenburg Police Department's Crime Lab \$95,210 of the grant funds to enable the lab to conduct DNA analysis on 100 unsolved rape cases. These cases will be above and beyond the lab's normal caseload for a year. The DNA profiles generated from this analysis will be entered into the FBI's DNA database to be compared against profiles generated from other cases as well as the database of convicted offenders.

The grant funds include overtime pay for existing DNA analysts to process the additional 100 cases. They will also cover the purchase of duplicate equipment to prevent analysis bottlenecks and the supplies and reagents needed to analyze the 100 cases.

Funding:

\$95, 210 from the North Carolina Department of Justice

Attachment 22

Budget Ordinance

27. Procurement Card Services Provider

Action: Approve a services contract with Bank of America for providing procurement card services to the City.

Staff Resource: John Trunk, Business Support Services
Jim Graham, Business Support Services

Explanation:

In May 2001, Council authorized the expansion of the Procurement Card Program to all Key Businesses after a successful Pilot Program was

conducted at the Charlotte-Mecklenburg Utilities. Since then, the program has been expanded to over 225 cardholders currently using procurement cards for small dollar value purchases, i.e. \$199.88 as an average transaction amount during FY2003.

A procurement card allows authorized employees to buy goods and services necessary for doing their work much faster and with less paperwork than with a traditional purchase order. Similar to a credit card, purchases are made using an imprinted card and billing is consolidated into one bank statement. A debit for the total amount is made to the City's account on a predetermined date each month. There is no cost to the City for this service. The Procurement Card Program was audited by Internal Audit in January 2003 and was found to be operating effectively and efficiently. Internal Audit stated that the program's policies and procedures "provide appropriate guidance to card holding divisions".

The program initially started with First Union as the services provider, and First Union subsequently sold their credit card business to MBNA, which has provided procurement card services to the City since July 2001. The contract with MBNA expires in October 2003.

A Request for Proposals was issued in June 2003, and proposal responses were received in July 2003 from American Express, Bank of America, and MBNA. An Evaluation Team comprised of members from Business Support Services, Police, Fire, and Finance reviewed the proposals according to defined program objectives. The Evaluation Team recommends Bank of America for award of the contract due to their experience providing procurement card services to government agencies, their aggressive rebate plan for the City, their customer service and implementation teams, and their online system capabilities for program administration. The contract will be for a period of three years with an option to renew for two additional years on a year-to-year basis.

Small Business Opportunity: The SBO Program Manager waives SBE utilization goals for this contract. This bid did not provide any opportunity for SBE subcontractor utilization.

SBE Established Goal: 0%

SBE Committed Goal: 0%

28. Asbury Avenue Extension–Change Order #2

Action: Approve Change Order #2 to the Asbury Avenue Extension Contract with Blythe Development Company of Charlotte, North Carolina for \$663,983.28.

Staff Resource: Tim Greene, Engineering and Property Management

Explanation:

On August 26, 2002, Council awarded a contract in the amount of \$5,380,838.11 to Blythe Development Company for the extension of Asbury Avenue from Graham Street to Statesville Avenue. This project was included in the 2000 Transportation Bond Referendum.

This change order will provide a privacy and aesthetic screening wall and planting mix in the medians. The wall and planting mix are included in the original project budget. It will be more cost effective to include the wall and planting mix in the construction contract instead of a separate landscaping contract.

Druid Hills Neighborhood requested the wall construction be completed prior to opening of Asbury Avenue, now scheduled for December 2003. The landscaping work will be completed in Spring 2004.

Druid Hills Neighborhood representatives and City planning and design Staff and the Police Department worked together in selecting the screening option.

Funding:

Transportation Capital Investment Plan

29. Declaration of Withdrawal for Dogwood Drive Between Shelley Avenue and Street Avenue

Action: Adopt a resolution stating that Dogwood Drive between Shelley Avenue and Street Avenue is not part of the adopted street plan (thoroughfare plan).

Staff Resource: Scott Putnam, Transportation

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 with the Register of Deeds. 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 be 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:

The Charlotte-Mecklenburg Board of Education, Highland Creek Community Association, Inc. and Murrell Rhem Stubbs, Jr.

Right-of-Way to be withdrawn:

Dogwood Drive between Shelley Avenue and Street Avenue

Location:

Located within the Highland Creek Community beginning from Shelley Avenue continuing approximately 1,860 feet eastwardly to its terminus at the Street Avenue

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed new school

Attachment 23

Map

30. Property Transactions

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

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

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

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Aubrey J. Elam
Property Address: Dixie Road
Property to be acquired: 2.17 acres
Improvements: vacant land
Purchase Price: \$198,000
Zoned: I2
Use: vacant land
Tax Value: \$70,900
Tax Code: 141-271-29
- B. Project:** FAR Part 150 Airport Land Acquisition
Owner(s): Alice Gordon and Jetter Barker
Property Address: 2909, 2809, 2805 Horseshoe Lane

Property to be acquired: 2.309 acres
Improvements: single family residence
Purchase Price: \$227,500
Zoned: I1
Use: single family residence
Tax Value: \$174,420
Tax Code: 143-111-14, 143-111-12, 143-111-11

- C. Project:** Morris Field Drive Widening, Parcel # 3,
Owner(s): Lengers and Herz Company
Property Address: L92-109 M5-167 on Morris Field Drive
Property to be acquired: 9,610 sq.ft. (.221 ac.) of Fee Simple plus 2,457 sq.ft. (.056 ac.) of Permanent Drainage Easement plus 29,960 sq.ft. (.688 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$27,200
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: R-5
Use: Vacant
Tax Code: 115-051-05
Total Parcel Tax Value: \$278,000
- D. Project:** Harlee/Stafford Realignment, Parcel # 1,
Owner(s): The Matlock Family Trust
Property Address: Wilkinson Boulevard
Property to be acquired: 35,969 sq.ft. (.826 ac.) of Fee Simple plus 46,890 sq.ft. (1.076 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$426,026
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: I-2
Use: Vacant
Tax Code: 061-262-06
Total Parcel Tax Value: \$165,700
- E. Project:** Highway 49-Moss Road to Buster Boyd Bridge Sanitary Sewer Project, Parcel # 77,
Owner(s): Steele Creek L.P.
Property Address: York Road
Property to be acquired: 15,724 sq.ft. (.361 ac.) of Permanent Easement
Improvements: None
Purchase Price: \$10,000
Remarks: Compensation was established by independent, certified appraisals in the area.

Zoned: R17MF(CD) and R-3 (CD)
Use: Commercial/Vacant
Tax Code: 219-061-03
Total Parcel Tax Value: \$17,332,800

Condemnations:

- F. Project:** Hickory Grove Road Widening, Parcel # 32,
Owner(s): Charlotte Realty, Ltd, Partnership and any other Parties of Interest
Property Address: 7006 East W.T. Harris Boulevard
Property to be acquired: Total Combined Area of 17,179 sq.ft. (.394 ac.) of Fee Simple plus Permanent Utility Easement plus Permanent Drainage Easement, plus Temporary Construction Easement.
Improvements: Trees and Shrubs
Purchase Price: \$63,050
Remarks: This acquisition is required for the above project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1SCD
Use: Shopping Center
Tax Code: 099-311-16
Total Parcel Tax Value: \$6,097,000
- G. Project:** Irwin Creek Relief Sewer-Phase II, Parcel # 25
Owner(s): Tolly A. Kennon and Wife, Eva M. Kennon and any other Parties of Interest.
Property Address: 1108 West 5th Street and 205-207 North Sycamore Street
Property to be acquired: 5,802 sq.ft. (.133 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$10,225
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: UMUD
Use: Commercial/Vacant
Tax Code: 078-131-07, 078-131-08, and 078-131-09
Total Parcel Tax Value: \$76,900
- H. Project:** Irwin Creek Relief Sewer-Phase II, Parcel # 23 and 24
Owner(s): Bank of America, N.A. (Formerly NationsBank of North Carolina, N.A.) and any other Parties of Interest
Property Address: 107, 113, 115, 119, 123 North Sycamore Street and 1100 West Trade Street

Property to be acquired: 27,628 sq.ft. (.634 ac.) of Permanent Sanitary Sewer Easement plus Temporary Construction Easement

Improvements: None

Purchase Price: \$124,800

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

Zoned: UMUD

Use: Commercial/Vacant

Tax Code: 078-152-03; 078-152-04; 078-152-05; 078-152-06; 078-152-07; 078-152-14

Total Parcel Tax Value: \$367,400

31. Meeting Minutes

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

- **August 11, 2003 GDP Workshop**
- **August 25, 2003 Business Meeting**