

Mayor Patrick McCrory

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING
Monday, February 28, 2000

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**

2000 Council Retreat Priorities

Top Priorities for 2000

Housing Policy and Strategy

Police Strategy: Safest City In America

Road Improvements

West Side Strategy

High Priorities for 2000

Business Corridor Revitalization

Eastside Strategy Plan

Financial Policies

Neighborhood Initiatives

North Tryon Strategy

CITY COUNCIL AGENDA

Monday, February 28, 2000

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6:30 P.M. Citizens Forum

Meeting Chamber

7:00 P. M. Awards and Recognitions

Meeting Chamber

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Old Convention Center

Resource: Tom Flynn, City Manager's Office

Time: 45 minutes

Attachment 1

2. Business Investment Grant

Resource: Tom Flynn, City Manager's Office

Time: 10 minutes

Attachment 2

3. Transit Contracts

Resource: Ron Tober, KBE, Public Transit

Time: 15 minutes

Attachment 3

4. Committee Reports by Exception

- Ad Hoc Rules of Operation Committee – City Council and City Staff Guidelines of Operation
- Economic Development and Planning Committee – ABC Board Property
- City Within A City Committee – Weed and Seed Contract; New Enterprise Community Contract

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

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

CONSENT

5. **Consent agenda items 23 through 52 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

Staff Resource: Julie Burch

PUBLIC HEARING

6. Public Hearing to Close a Portion of an Alleyway between South Tryon Street and Camden Road

Action: A. Conduct a public hearing to close a portion of an alleyway between South Tryon Street and Camden Road; and
B. Adopt a resolution to close.

Staff Resource: Scott Putnam

Policy:

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

Explanation:

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

Petitioner:

Gaines E. Brown, Jr.

Right-of-Way to be abandoned:

A portion of an unopened/unimproved alleyway between South Tryon Street and Camden Road

Location:

From South Tryon Street (1500 block) southeastwardly approximately 242 feet to Camden Road. The alleyway is located within South End.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner to facilitate future development and provide an interim use for parking

Notification:

In accordance with City policy, the Charlotte Department of Transportation has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – No objection

Neighborhood/Business Associations

Wilmore Neighborhood Association – No objection

South End Development Corporation – No objection

Private Utility Companies – No objection

City Departments –

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

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

Attachment 4

Map

7. **Public Hearing to Close a Portion of Borden Road**

Action: A. Conduct a public hearing to close a portion of Borden Road; and
B. Adopt a resolution to close.

Staff Resource: Scott Putnam

Policy:

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

Explanation:

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

Petitioner:

BellSouth Telecommunications, Inc.

Right-of-Way to be abandoned:

An unopened/unimproved portion of Borden Road

Location:

From Beam Road/Wilmon Road intersection southeastwardly approximately 340 feet to its terminus. An adjacent portion of Borden Road has been previously abandoned. This is the only remaining portion of Borden Road, which is in an industrial/office zoned area in the vicinity of the airport.

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for a building addition

Notification:

In accordance with City policy, the Charlotte Department of Transportation has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners – No objection

Neighborhood/Business Associations – None identified by the Planning Commission. This right-of-way is bordered by Airport property.

Private Utility Companies – No objection

City Departments –

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

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

Attachment 5

Map

8. Public Hearing Concerning SouthPark Small Area Plan

Action: Hold a public hearing to receive citizens' comments concerning the draft SouthPark Small Area Plan.

Committee Chair: Lynn Wheeler

Staff Resource: Garet Walsh, Planning Commission

Focus Area: Economic Development

Explanation:

The Economic Development and Planning Committee requested that City Council hold a second public hearing on the draft plan prior to the Committee making a recommendation. The first public hearing was held on June 14, 1999. The Committee recognizes there are several new Councilmembers and would like for them to have the opportunity to hear from SouthPark area citizens.

Highlights of the draft plan recommendations include:

- Developing a design overlay district for the SouthPark area to ensure that new development and redevelopment meet specific design criteria

- including the provision of open space, pedestrian orientation, site design, height limitations, and streetscape improvements
- Encouraging more residential development within the study area
- Requiring that a community gathering space be provided as a condition for any expansion of SouthPark Mall
- Retrofitting major roadway intersections to make them safer for pedestrians
- Providing better linkages for pedestrians and bicyclists
- Allowing a limited retail component to be introduced into multi-family developments in specified locations
- Confining any non-residential expansion to the study area, with no expansion into the surrounding residential areas
- Developing a transit hub, expanding existing transit service, and linking the SouthPark area to future mass transit

Committee Discussion:

The Economic Development and Planning Committee began reviewing the draft plan on January 19, 1999 and toured the study area on March 16, 1999.

At the Committee's request, staff provided Council with a presentation of the draft plan at the May 3, 1999 workshop meeting. A public hearing was held on the draft plan on June 14, 1999. City Council received a status report on the draft plan at the January 4, 2000 `workshop.

The Economic Development and Planning Committee, including several new members, received an overview of the plan on December 21, 1999 and is scheduled to tour the study area on February 22, 2000.

The Committee discussion to date has focused primarily on the following issues:

- the amount of office and retail development currently in the study area and how much more could be built under existing zoning
- traffic volumes and planned road improvements
- the recommendation in the draft plan to allow limited retail development in specified areas developed with multi-family uses

Council is tentatively scheduled to act on the draft plan in March 2000.

Community Input:

A study group of neighborhood, business and development representatives worked with staff in developing the draft plan. The study group met 14 times between February and November 1998. All meetings were open to the public. In addition, public meetings were held in the community on April 2 and October 12, 1998. Staff also provided area neighborhood leaders with written updates during the plan development process and included similar information, as well as a summary of the draft plan, on the Planning Commission's web site.

Approximately 750 letters have been sent to property owners, neighborhood leaders and other stakeholders as notification of this public hearing (February 28, 2000).

Copies of the draft plan are available at the Planning Commission.

9. **Public Hearing and Ordinances Concerning the McAlpine Creek Watershed Floodplain Maps and Floodway Regulations**

Action: A. Hold a public hearing to receive citizens' comments concerning the McAlpine Creek Watershed Floodplain Maps and Floodway Regulations;

B. Adopt an ordinance to amend the City Code to include the McAlpine Creek Watershed Floodplain Maps; and

C. Adopt an ordinance to amend the City Code to include proposed amendments to the Floodway Regulations.

Staff Resource: Stephen Sands

Focus Area: Economic Development

Explanation:

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

Floodway regulations are designed to prevent further encroachment of structures into the floodplain and provide a basis for federally subsidized flood insurance. Local floodplain regulations are based on Federal Emergency Management Agency (FEMA) maps that illustrate the floodplain and provide flood elevations. Most of the current maps were originally developed in the 1970's. The City and County are currently cooperating with FEMA to re-study and update floodplain maps throughout the City and County.

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

construction, a change from approximately 50 percent allowed by the existing maps.

The McAlpine Creek watershed study is complete. The remaining watershed studies will be considered for adoption as they are completed over the next year.

Community Input:

A community meeting was held January 13, 2000 to present the study results and floodplain maps for the McAlpine Creek watershed. The meeting format allowed property owners to ask specific questions by interacting with staff on a one-to-one basis. Approximately 50 citizens attended this meeting.

Typical questions raised by citizens were "why are the flood depths increasing?" and "would more maintenance of the channel reduce flooding?". Citizens were also interested in the impact on their mortgage and associated flood insurance. All property owners within the revised floodplain boundaries were invited by mail. Newspaper advertisements and signs adjacent to the creeks in the watershed were also used to inform the public.

The Storm Water Advisory Committee (SWAC) supports the updated McAlpine Creek Watershed floodplain maps and the proposed Floodway Regulation amendments.

A copy of the complete regulation with the proposed changes is available in the Council-Manager Library.

Attachment 6

Summary of Proposed Changes to the Floodway Regulations, January 2000

POLICY

10. City Manager's Report

11. Council and Staff Guidelines of Operation

Action: Approve the Ad Hoc Rules of Operation Committee recommendation to adopt City Council and City Staff Guidelines of Operation.

Committee Chair: Nancy Carter

Staff Resource: Julie Burch

Explanation:

At the December 10 City Council Retreat, Council agreed to the formation of an ad hoc committee to consider the adoption of formal Council “Rules of Operation.” Councilmembers Carter, Castano and Lochman agreed to serve on the Committee, with Councilmember Carter serving as Chair. The City Manager asked Mayor Pro Tem Susan Burgess, as Chair of the Council-Manager Relations Committee, and Councilmember Sara Spencer, as a continuing member of the Council, to also serve on the Committee.

The Committee met on January 12 to discuss the ideas and suggestions from the retreat, as well as additional suggestions from the City Manager. On February 7, City Council deferred action on the proposed guidelines and referred the issue back to committee for further review. The Committee met again on February 16.

The Committee agreed that:

- The proposed rules should be called “guidelines” to avoid confusion with, and distinguish them from, the adopted Council Rules of Procedure;
- The guidelines fall into two general categories: Civility and Professionalism, and Protocol; and
- The guidelines should also apply to the conduct of City staff. The City Manager has no objection to the guidelines applying to staff as well.

The recommended guidelines are attached. The intent of the guidelines is to encourage a courteous, civil, respectful and professional environment in the conduct of City business, particularly in City Council and Council Committee meetings.

While not legally binding, the guidelines would serve as a voluntary “code of conduct” for the Mayor, City Councilmembers and City staff. While each individual covered by the guidelines bears responsibility for adhering to them, the Mayor would be responsible for ensuring the guidelines are

followed at Council meetings. The Committee Chairs would be responsible for ensuring the guidelines are followed at Committee meetings. The City Manager would be responsible for City staff following the guidelines.

Attachment 7

- Proposed Charlotte City Council and City Staff Guidelines of Operation
- January 12, 2000 Ad Hoc Rules of Operation Committee Meeting Summary

2000 Council Retreat Priority – Road Improvements
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12. Accelerate Road Bond Project Planning and Design/Contracts for 2000 Road Bond Projects

- Action:**
- A. Approve the Transportation Committee’s recommendation that staff accelerate the planning and design for future road bond projects; and**
 - B. Approve engineering planning and design contracts totaling \$2,122,671.60 for the proposed 2000 road bond projects as follows:**
 - 1. Approve agreement for \$326,152.64 with RS&H for engineering services for the Sharon Amity Road at Lyttleton Drive Project;**
 - 2. Approve agreement for \$319,976 with Post, Buckley, Schuh & Jernigan, Inc. for engineering services for the Graham Street at 30th / Norris Project;**
 - 3. Approve agreement for \$522,362 with The LPA Group of North Carolina for engineering services for the Asbury Avenue Extension Project;**
 - 4. Approve agreement for \$234,250 with Gannett Fleming Corddry & Carpenter, Inc. for engineering services for the Davidson / Matheson Connector Project;**
 - 5. Approve agreement for \$268,902.96 with Kimley-Horn, Inc. for engineering services for the Plaza Median Project; and**
 - 6. Approve Amendment #1 for \$451,028 with Presnell Associates for engineering services for Prosperity Church Road Widening – Phase II Project.**

Committee Chair: Sara Spencer

Staff Resource: Tim Greene, Engineering & Property Management

Focus Area: Transportation

Explanation:

The design and construction of road projects involves dozens of steps. Traditionally, only very preliminary study of projects is done before the projects are approved on a bond voter ballot. The detailed engineering,

public input, environmental permitting, acquisition of right-of-way, and construction can take several years for a project of any magnitude or complexity. Increasing state and federal regulations and more detailed public input have actually extended that time in recent years.

The Transportation Committee recommends the process be revised to allow planning and design of a project prior to the voter referendum on construction funding. This will usually allow projects to be completed three years or less from the time of voter approval. Sufficient time will still be taken prior to the bond vote to work through design issues and impacts with neighborhoods and property owners. In addition, bond referendums will be based on better estimates of construction cost.

These road projects have been identified as high priorities for funding on the November 2000 bond referendum. Design and construction of these projects will not be fully completed by that time. The advance design process that results in construction being completed within three years of the bond vote is expected to be fully realized in the subsequent project/funding cycle.

City Council was briefed on this subject at the February 16 Half Day Budget Retreat.

The consultants were selected using the Council-approved process.

The cost of these engineering services is comparable to the cost of similar work for other transportation projects.

MWBD:

RS&H – WBE 19.5%
Post, Buckley, Schuh & Jernigan - None
The LPA Group – HBE 14.6%, WBE 3.5%
Gannett Fleming – WBE 6.5%
Kimley-Horn – HBE 15%
Presnell Associates – ABE 74%

Committee Discussion:

The Transportation Committee (attended by Councilmembers Spencer, Autrey, Carter, and White) agreed that extensive public input, changes in regulations, safety needs and other issues have impacted the City's process for road projects. The Transportation Committee approved unanimously (4-0) a recommendation that Engineering and Property Management accelerate planning and design of future road bond projects.

Funding:

Transportation Capital Investment Plan

Attachment 8

February 8, 2000 Transportation Committee Meeting Summary

13. South Corridor Light Rail Project - Direct MUMPO Vote Endorsing Locally Preferred Alternative (LPA)

Action: Approve the Transportation Committee's recommendation and direct the Council's MPO Representative to exercise the City's weighted vote on the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) at the March 15, 2000 meeting in support of the Metropolitan Transit Commission (MTC) recommendation of Light Rail Transit in/near the railroad corridor as the Locally Preferred Alternative (LPA) for the South Corridor.

Committee Chair: Sara Spencer

Staff Resource: Ron Tober

Focus Area: Transportation

Explanation:

The MTC will consider Light Rail Transit as the LPA for the South Corridor on February 23, 2000. The South Corridor Light Rail project requires approval of the MTC and concurrence by MUMPO to receive consideration for federal funding. These approvals are needed to show there is unified local consensus for the recommended LPA. Local consensus is required to facilitate Federal Transit Administration approval to enter preliminary engineering and ultimately seek federal funding for the project.

Committee Discussion:

The Transportation Committee received information on this item at their January 27 and February 8 meetings. The Transportation Committee voted 4-0 (Spencer, Autrey, Carter and White) on February 8, 2000 to recommend that the full Council direct the Council's MPO Representative, Rod Autrey, to vote in favor of the LPA for the South Corridor, namely Light Rail in/near the railroad alignment.

Community Input:

Charlotte Transit and the Charlotte Mecklenburg Planning Commission hosted 70 citizens at a public meeting on Wednesday, February 9 at Smith Middle School. The meeting began with an open house format followed by a formal presentation by Public Transit Director Ron Tober, consultants Bill Martin, Parsons Transportation Group, David Holden, and LDR International, who presented the audience with a summary overview of the South Corridor analysis that led to the recommendation of light rail transit in the area. Staff and consultants entertained questions from the audience. While the public's feedback displayed no strong opposition to light rail in the South Corridor, several issues were raised concerning the technology and land-use. Details on the specific questions/comments raised by these citizens

are contained in the MTC agenda item from February 23. Additionally, five public meetings were held in 1999 (January, March and October.)

Attachment 9

- MTC Agenda Item – January 26, 2000
- MTC Agenda Item – February 23, 2000
- Transportation Committee Meeting Summary

BUSINESS

14. Acquisition of ABC Board Property at 400 E. 2nd Street

Action: Approve purchase of 2.98 acres (the ABC Board Property) for \$10,100,000 for future Convention Center expansion.

Staff Resource: Kent Winslow

Focus Area: Economic Development

Policy:

Develop City strategies to support Convention Center long-range expansion plans

Explanation:

In April 1998 the Auditorium-Coliseum-Convention Center Authority presented City Council with a Long Range Plan for the Convention Center. The Long Range Plan includes a Convention Center Hotel and acquisition of two adjacent properties (the ABC Board property and the Scott property) for expansion of the Convention Center. The Convention Center was designed to expand toward Brevard and Caldwell Streets.

On June 22, 1998 City Council approved the purchase of the Scott property at the corner of Stonewall and Caldwell Streets. This acquisition fulfilled a portion of the Long Range Plan for Convention Center expansion.

The Plan also identified the ABC Board property at 400 E. 2nd Street as land needed for future expansion. The purchase of this property will complete the Plan's acquisition goals and preserve the opportunity for future Convention Center expansion.

In August 1998 City staff submitted an option to purchase the 2.98-acre ABC Board property. The ABC Board declined the option until a suitable relocation site had been identified.

In December 1999 City staff submitted a new option to purchase the ABC Board Property for \$10,100,000. This price includes fair market value, relocation, and moving expenses. The City's option to purchase is contingent upon the ABC Board closing on a relocation site. The City's option expires May 31, 2000.

The ABC Board has identified suitable relocation property at 3333 North Tryon Street and is currently in their due diligence period. The ABC Board's option expires June 21, 2000.

The Auditorium-Coliseum-Convention Center Authority plans an interim use of this site for surface parking once the ABC Board has relocated. Expansion of the Convention Center is anticipated in 2007.

Committee Discussion:

City Council asked several questions concerning the Long Range Plan and the Convention Center's niche in the convention business. Responses to these issues and the proposed purchase of the Scott property (former Arnold Palmer Cadillac site) were provided to the Economic Development and Planning Committee on June 8, 1998 and are attached.

Funding:

The purchase price is included in the \$51 million Certificates of Participation offering approved by City Council February 7, 2000.

Attachment 10

- Economic Development and Planning Committee June 8, 1998 Agenda
- Presentations and Handouts from June 8 Meeting

15. Business Investment Grant

Action: Approve a Business Investment Grant estimated at \$101,865 to Morrison Management Specialists.

Staff Resource: Tom Flynn

Focus Area: Economic Development

Policy:

The Business Investment Program is designed to assist targeted businesses to invest in areas of Charlotte in need of investments.

Explanation:

The Business Investment Program is designed to help retain and attract businesses and jobs to inner city areas in need of new investment. The program targets manufacturing, warehousing, distribution, and central office businesses and requires a minimum investment of \$1.5 million and the creation of 20 jobs. The City and County offer investment grants to qualifying companies for five years. The first year grant is 1% of the company's investment, the second year is .95%, and it declines by .05% each year. The program was approved by City Council and County Commission in February 1999.

Morrison Management Specialists plans on investing \$5 million not including land to purchase, to build and equip a new plant in Lindbergh Business Park off Ashley Road. The plant will make prepared foods and employ 40 people making an average wage of \$12.92 per hour or \$516.80 per week (\$27,000 per year). The location is within the Business Investment Zone.

Morrison has applied to the Charlotte-Mecklenburg Development Corporation for a Business Investment Grant. The Charlotte-Mecklenburg Development Corporation recommends approval.

Morrison meets all of the criteria for a Business Investment Grant. They will meet the wage criteria by hiring 25% of their employees from Work First or from within the Investment Zone. The Charlotte-Mecklenburg Development Corporation is responsible for certifying job creation.

Based on Morrison's qualifying investment the City and County would make Investment Grants according to the following schedule:

Year	% of Morrison's Investment	City Payment	City/County Total Payment
1	1%	22,635	50,300
2	.95%	21,503	47,785
3	.90%	20,371	45,270
4	.85%	19,248	42,775
5	.80%	18,108	40,240
Total City/County Grant:		\$101,865	\$226,370

The Investment Grant stops after the fifth year.
 The City's share is 45% of the total payment.
 County Commission approved this on February 15, 2000.

Funding:

Funding will be included in the recommended FY2001 budget. Funding will not be required until the improvements are made which will be in 2001.

Attachment 11

- Council Action establishing the Business Investment Plan
- Evaluation of Morrison's Application
- Map of Business Investment Zone

16. Rea Woods Neighborhood Street Lighting Petition Exemption

Action: Consider Dr. Davidson's request to allow an exemption to the Rea Woods Neighborhood Street Lighting Petition which removes from the street light plan a light to be located on the property line between 8612 Aberdeen Wood Court and 5858 Woodleigh Oaks Drive.

Staff Resource: Doreen Szymanski

Policy: Street Lighting

Explanation:

Dr. Michael Davidson appeared before City Council at the February 7, 2000 Citizen's Forum. Dr. Davidson asked City Council to prevent the installation of a street light on the property line between his house and his neighbor's house. Dr. Davidson does not want the 12-foot high, decorative street light to shine in the windows of his home.

At the same meeting, Mr. Dan Caracciolo appeared before Council asking that Dr. Davidson's request be denied. Mr. Caracciolo and two other neighbors also live in the cul-de-sac and want the light placed at the location identified by the City and Duke Power Company.

After listening to both citizens, City Council requested that this item be placed on the February 28 meeting agenda.

CDOT has been working with the Rea Woods neighborhood since January 1999 to provide decorative street lights. The neighborhood followed the procedures approved by City Council to obtain street lights, and returned a valid, 83% petition of approval from homeowners in September 1999 (82 signatures from 98 occupied homes, only 75% required).

Staff recommends the exemption be denied for the following reasons:

- street lights are offered to neighborhoods to address residential safety concerns
- the neighborhood has met City Council's requirements for neighborhood street lighting
- an exemption may affect future petitioning processes, which are the foundation of a variety of services offered through the Neighborhood Traffic Program such as speed humps, 25 mph speed limit reductions, multi-way stops, turn restrictions, and others
- an exemption may encourage other exemptions for City Council consideration on a regular basis

Pertinent facts surrounding the petition are:

- Dr. Davidson did not sign the original petition because he did not live in the neighborhood at that time. The previous property owner signed the petition.
- The street light location is based upon availability of Duke Power Company utilities in the cul-de-sac.
- For safety reasons, consistency is needed in lighting levels. Duke Power prefers that a pane of glass not be blacked out.
- All property owners within the cul-de-sac prefer the light be installed at the location approved by the entire neighborhood in their petitioning process.
- The neighborhood petition and design plan are one document. The plan shows each street light's placement and provides an area on the same form for a homeowner's signature.
- Other neighborhood street light installation was completed November 30, 1999.

- CDOT coordinates approximately 2,000 street light installations per year with few complications such as this one.

CDOT and the City Manager's Office have tried to negotiate between neighbors. Thus far, staff has been unsuccessful in resolving the issue.

Funding:

General Fund - Street Lighting

17. Memorandum of Understanding Among City of Charlotte, Cabarrus County, And Union County for Wastewater Needs

Action: Approve a Memorandum of Understanding among City of Charlotte, Water & Sewer Authority of Cabarrus County, and Union County for implementing future regional wastewater needs.

Staff Resource: Doug Bean

Policy:

Seek cooperative agreements for regional issues

Explanation:

Parties of the Memorandum of Understanding (MOU) will develop the engineer selection process for Phase III consulting services. Phase III includes design of a wastewater treatment facility proposed to be located in Union County at a point that will adequately serve the proposed services areas of Cabarrus, Mecklenburg, and Union Counties.

Rates and charges will be the same unit costs for all three participating parties for the Regional System Plant and all parts of the system.

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

The MOU addresses the basic understanding of proposed contractual relationships and responsibilities among the three participating parties (Mecklenburg, Cabarrus, and Union Counties), with respect to a three County Regional Wastewater Treatment Facility. All parties are interested in entering into an acceptable agreement for addressing common wastewater needs whereby sewer facilities from one county could be constructed in the other county.

The above parties entered into an agreement to conduct a Four-County Wastewater Feasibility Study to address common needs for wastewater services in the area of eastern Mecklenburg, southern Cabarrus, western Stanly, and northwestern Union Counties. The ultimate project to be addressed in detail in the agreement will be a Regional Wastewater Treatment Plant and common interceptor sewers to serve the area.

Stanly County, an original participant, chose not to proceed. A three-county Wastewater Feasibility Study was then implemented.

18. Extension of South Quadrant Contract with Allied Waste, Inc./BFI

Action: Approve a nine-month contract extension with Allied Waste, Inc./BFI at a negotiated fee of \$2,748,000 to provide Solid Waste Collection Service for the City's South Solid Waste District.

Staff Resource: Wayman Pearson

Explanation:

On June 26, 1995 City Council privatized the City's South Solid Waste District with the award of a five-year contract with two, one-year options to Browning-Ferris Industries (BFI) to provide solid waste collection services. Recently Allied Waste, Inc. acquired BFI and notified the City that it was their intent to terminate the South District contract at the end of the initial five-year period on September 30, 2000.

Staff provided a Council/Manager update on BFI performance issues on November 3, 1999. Since that time, both BFI collection crews and supervisors have worked harder to ensure accountability for resolving complaints in a timely and professional manner. Performance has continued to show steady improvement including a 41% decline in garbage complaints from December through January.

On December 22, 1999, City Council approved the recommendation of the Privatization/Competition Advisory Committee and Council's Restructuring Government Committee to begin the managed competition process for the South District immediately and to allow the City's Solid Waste Services Key Business Unit to bid.

The Request for Qualifications and Proposals has been prepared and was mailed to all vendors on January 19, 2000, with proposals due on April 18, 2000. The schedule anticipates Council awarding a contract in June 2000 with service beginning in July 2001.

A nine-month extension of the current contract is needed in order to provide uninterrupted service.

Allied Waste, Inc. was contacted and has agreed to extend the current contract for nine months, until June 30, 2001, for a negotiated fee of \$8.51 per household unit per month. This negotiated monthly fee per unit is approximately \$1.93 higher than the total of the current fee plus the Consumer Price Index increase that is allowable under the contract for the

sixth year. The negotiated fee is reasonable and comparable to the average of private sector proposals received in two recent competitions of \$10.16 per unit per month (ranging from \$7.67 to \$12.45).

Based on the projected unit count, the negotiated fee for the nine-month extension totals \$2,748,000 which is an increase of approximately \$621,000 over the projected contract rate.

MWBD:

Allied Waste, Inc. has indicated that they will sub-contract \$220,000 of the work to a MWBD firm.

Funding:

Funding will be included in the recommended Solid Waste Services FY2001 Operating Budget.

Attachment 12

South District Competition Schedule

19. FY2000 Mid-Year Budget Ordinance

Action: A. Approve the FY2000 Mid-Year Budget Ordinance reflecting changes to the Annual Ordinance adopted in June 1999 and reflecting accounting changes necessary to comply with Generally Accepted Accounting Principles; and

B. Approve a resolution to amend the FY2000-2004 Capital Investment Plan to advance funding for Water and Sewer Capital Projects.

Staff Resource: Curt Walton

Explanation:

Each fiscal year City Council considers an ordinance adjusting for changes since the adoption of the annual budget ordinance in June 1999. Holding non-emergency budget changes until this mid-year ordinance reduces the number and frequency of ordinances that Council is asked to address throughout the fiscal year. Some of these changes are technical accounting changes. Others are to provide additional funding for projects in need of action before the next fiscal year. Other changes distribute grant proceeds and interest earnings.

General Capital Projects

Section 1 appropriates \$7,875,000 from savings in various road construction projects to other road construction projects that require additional funding. This action was presented at the February 8th Transportation Committee meeting, and at the February 16th Budget Retreat. See the attached ordinance for the list of projects.

Section 2 appropriates \$500,000 from Environmental Bonds for environmentally-safe truck wash out facilities at Orr and Sweden Roads Maintenance Yards (\$350,000) and a storage shed for street maintenance materials (salt and slag) at the Sweden Road Maintenance Yard (\$150,000). These projects will remediate locations at which the County EPA has indicated citations could be issued for water quality concerns.

Grants

Sections 3 through 6 of the attached ordinance appropriate grants received during the fiscal year. Included are:

Emergency Management: annual grants from Duke Energy and the State Department of Crime Control and Public Safety increase by \$4,500 and \$7,029, respectively. These grants fund emergency management planning and operations (\$5,279) and terrorism preparedness training (\$6,250).

Community Relations Committee: annual grants from HUD for the Fair Housing Assistance Program and from the State Administrative Office of the Courts for the Dispute Settlement Program increase by \$88,800 and \$20,000, respectively. These grants fund landlord-tenant dispute mediation and other dispute settlement programs.

Transportation Planning: grant from the State Department of Transportation increases by \$177,000 for regional transportation planning initiatives.

Welfare to Work: a grant for \$1,730,009 from the State Department of Commerce funds contracted services with the Urban League for Job Readiness, Placement, and Post-Employment Services.

Brownfields Revolving Loan: a grant for \$500,000 from the US EPA will fund environmental cleanup on Brownfield sites. The targeted areas are business districts and fragile or threatened neighborhoods.

Housing Opportunities for Persons with Aids: grants of \$397,000 from the US HUD will fund housing assistance and supportive services.

Economic Development Initiatives: a grant for \$950,000 from the US HUD will be used to fund an industrial park on Wilkinson Boulevard.

The funds will provide for land acquisition and infrastructure improvements.

General Fund

Section 7 appropriates \$1,199,849 from Police Assets Forfeiture Funds:

- \$226,849 for expansion of the David One District Office at 119 East 7th Street;
- \$13,000 for a Thermal Imaging Device for the SWAT Unit; and
- \$960,000 for additional replacement mobile radios in marked cars. The mobile radios were originally funded in the Annual Ordinance from a US DOJ Block Grant, but the grant was ruled an ineligible funding source for this purchase.

Section 8 appropriates an additional \$86,000 for the Public Safety Security Alarm Ordinance Program from increased fine revenues. With the increased volume of fines, the payments to our contractor (EDS) increase as well.

Section 9 appropriates \$48,797.87 from fund balance for the Park It! Program to complete the purchase of the parking meters from our contractor (Central Parking Corporation). Prior Council action on April 26, 1999 approved the plan to retire the equipment lease agreement.

Section 10 appropriates an additional \$300,000 in estimated reimbursements for utility cuts street repair for a higher than expected amount of repairs needed in the Uptown area. The parties making the street cuts (CMU, BellSouth, Duke Energy, etc.) are billed for these repair services.

Sections 11 and 12 provide reimbursement to the General and Pay-As-You-Go Funds from the MTC Operating and Capital Funds for start up expenses. These include various administrative expenses (\$231,757.30) such as printing costs, compensation for the interim director, and recruitment expenses for the new KBE; temporary project funding including the purchase of vanpool vehicles (\$330,515.92); and purchase of the southern light-rail corridor right-of-way from South End to Scaleybark (\$1,725,000).

SafeLight Fund

Section 13 appropriates an additional \$600,000 in existing revenue from citations. These funds will be used to move cameras (\$56,000), and to pay our contractor Lockheed Martin for the increased volume in citations (\$544,000).

Water and Sewer Operating, Capital, and Debt Service Funds

Section 14 appropriates \$250,000 from Water and Sewer Operating Fund balance for technology improvements at wastewater collection facilities, including preventive maintenance scheduling, documentation, and monitoring equipment and software.

Section 15 appropriates an increase of \$1,410,800 to the Water and Sewer Debt Service Fund. The original budget included debt service expenses estimating only one interest payment due on new debt being sold this fiscal year. However, the actual sale occurred earlier than estimated, which now requires both interest and principal payments.

Section 16 appropriates an additional \$46,319,311 to the Water and Sewer Capital Investment Program. Of this amount, \$27,500,000 is appropriated to the Franklin WTP Rehab/Upgrades Project to advance the funding schedule included in the FY2000-FY2004 Capital Investment Plan. The remaining \$18,819,311 provides funding from various project savings to provide advance funding for planning on various projects to be presented in the FY2001-FY2005 Recommended Capital Investment Plan. Attached is a resolution amending the FY2000-FY2004 Capital Investment Plan.

Aviation Operating, Capital, Discretionary, and Debt Service Funds

Section 17 corrects the funding for the purchase of the State's National Guard Armory site. This action was included on Council's February 7, 2000 agenda. However, the funding source should have been the Aviation Capital Fund, not the Aviation Operating Fund. Additionally, the original sum of \$1,070,000 should be increased by \$15,000 to \$1,085,000, to reflect costs of the sale.

Section 18 reimburses the Aviation Discretionary Fund from the Aviation Capital Investment Fund for \$2,960,000 previously advanced in anticipation of revenue bond sales.

Section 19 provides for an increase of \$33,473,912 for Aviation Debt Service due to a mid-year revenue bond sale. This sale, approved on the August 23, 1999 Council agenda, funds almost \$200 million in projects approved in the Airport Master Plan, including purchasing 1,400 acres of land and extensive terminal expansion.

Neighborhood Development Funds

Section 20 appropriates additional program income for: the HOME Project (\$163,180.25); the Woodland Business Park UDAG Project (\$445,707.92); and various CDBG Projects (\$208,124.76). Program income includes interest earned on unexpended funds.

Other

Sections 21 through 30 make technical accounting changes in various funds. No changes in any key business unit's bottom line appropriations are made.

Attachment 13

- Budget Ordinance
- Resolution

2000 Council Retreat Priority – West Side Strategy Plan
20. Weed and Seed Contract

Action: A. Approve the City Within A City Committee recommendation to accept second year funding for the Weed and Seed Grant in the amount of \$225,000; and

B. Adopt a budget ordinance appropriating \$225,000; and approve a one-year contract for \$175,000 with the West Enterprise Community for the implementation of the Weed and Seed Strategy.

Committee Chair: Rod Autrey

Staff Resource: Toni Tupponce

Focus Area: City Within A City

Policy:

The Weed and Seed program supports the City Within A City (CWAC) strategy and the Westside Strategic Plan for addressing quality of life issues in Charlotte's older urban neighborhoods. Neighborhoods that struggle with issues of poverty, crime high unemployment and physical decay need help to move toward stability.

Explanation:

The West Enterprise Community contract provides resources to implement the prevention, intervention, treatment and neighborhood restoration initiatives of the Weed and Seed Strategy. The contract includes funding for a Weed and Seed Coordinator, Safe Haven Director and Truancy Reduction Center Coordinator.

Major initiatives for the second year funding include: training for 12 additional residents from the Weed and Seed area to provide nuisance abatement referrals; developing a second Safe Haven site along the West Boulevard Corridor; and coordinating the development of a Youth Business Incubator.

The City will serve as fiscal agent and contract monitor for the grant implementation.

During the first year, the grant funded a Weed and Seed Coordinator, a Safe Haven Director and numerous other projects. A summary of program accomplishments is highlighted in the attachment.

Background:

In February 1998, the City of Charlotte received official designation as a Weed and Seed site from the U.S. Department of Justice. City Council approved the first year funding on February 22, 1999 in the amount of \$250,000.

Weed and Seed is a Justice Department initiative designed to facilitate law enforcement, neighborhood organization and local government collaboration in order to weed out neighborhood crime, drugs and other undesirable conditions and to seed them with restorative improvement activity.

The Weed and Seed neighborhoods are Dalton Village, Pinecrest, Ponderosa/Wilmont, Reid Park, Revolution Park, Westover Hills, Wilmore and West Boulevard.

Committee Discussion:

The City Within A City Committee voted unanimously on February 17, 2000 to recommend to Council the acceptance of second year funding for the Weed and Seed Grant. The Committee suggested that benchmarks and a strategy for continuation of the Weed and Seed Program be brought forward with the third year budget request.

Funding:

The United States Justice Department Grant in the amount of \$225,000

Attachment 14

- FY2000 Weed and Seed Objectives & Budget
- Weed and Seed Advisory Committee
- 1999 First Year Accomplishments Summary
- Weed and Seed Neighborhood Map

21. Lead Based Paint Hazard Reduction Grants

Action: A. Approve a Lead Based Paint Hazard Reduction Grant of \$135,342 to Hope Haven Inc.; and

B. Ratify the award of a Lead Based Paint Hazard Reduction Grant of \$225,000 to West Boulevard 600 LLC for Westgate Apartments.

Committee Chair: Rod Autrey

Staff Resource: Richard Woodcock

Focus Area: City Within A City

Policy:

Lead Based Paint Hazard Reduction Program

Explanation:

In 1997, the U.S. Department of Housing and Urban Development awarded a \$5,000,000 Lead Based Paint Hazard Reduction Grant to the City to test and deal with lead based paint hazards in the community. Two of the largest projects require City Council approval.

- Hope Haven, Inc. owns and operates the Villages of Hope Haven located at 3815 North Tryon Street. Hope Haven is a 91 unit residential facility, which provides rehabilitation services to recovering substance abusers and their families. A Lead Based Paint Hazard Reduction Grant of \$135,342 was committed to cover the costs of lead hazard reduction for the complex. Although City Council has not been requested to approve this grant award, the contractor has satisfactorily performed the lead hazard reduction for these units. At this time no City funds have been disbursed for this project.
- In March 1999 a Lead Based Paint Hazard grant of \$225,000 was committed to the Westgate Apartment project (corner of West Boulevard and Kingston Avenue) to complete 35 units. The project contractor satisfactorily performed the specified work and the grant money was released. At that time, the grant had not been submitted to City Council for approval. This was the first Lead Based Paint Hazard Reduction Grant project that exceeded the \$100,000 City Council approval requirement. City Council is requested to ratify the Lead Based Paint Hazard Reduction Grant of \$225,000 to West Boulevard 600 LLC to bring proper closure to this matter.

Neighborhood Development has reviewed these grant awards and modified contract documents and payment authorization procedures to ensure that this situation does not reoccur.

The Lead-Based Paint Hazard Reduction program is on target to be finished by completing 450 units by July 1, 2000. At this time

- 245 units have been abated,
- 135 units have been awarded to contractors, and
- 70 units have been identified for assistance.

Funding:

Lead Based Paint Fund

22. Appointments to Business Advisory Committee

Action: Consider reappointing two Business Advisory Committee members who have not met Council's attendance policy.

Staff Resource: Tom Flynn, City Manager's Office

Explanation:

Frances Harkey and Thomas Barker did not meet Council's 75% attendance requirement. Nominations for this committee would have been on the April 10 agenda. However, the Charlotte Chamber has requested that Council reappoint these citizens, who are recommended by the Chamber. The Chamber made this request because they are having problems finding area chamber members who are willing to serve on this committee. The attendance requirement makes this more difficult.

Ms. Harkey attended five of the Committee's eight meetings and Mr. Barker attended four of the Committee's eight meetings. The Committee Chair, Tom McCracken, supports this request and asks that Council reappoint these members as soon as possible. Ms. Harkey's term will end in 2003 and Mr. Barker's term will end in 2002.

Attachment 15

Council Action establishing Business Advisory Committee

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE - African American

ABE - Asian American

NBE - Native American

HBE - Hispanic

WBE - Non-Minority Women

Contractors and Consultants

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

CONSENT I

23. Various Bids

A. Crushed Stone

BSS

Recommendation: The Department of Transportation Director recommends the award of a contract to Vulcan Materials for crushed stone in the estimated amount of \$520,875 on a unit price basis for one year, with an option for renewal for one additional period of twelve months.

MWBD Status:	Amount	% of Project	Project Goals
MBE	\$38,098	5%	5%
WBE	\$38,098	5%	5%

MWBD Compliance: Yes.

B. Elmwood and 9th Street Cemeteries Grounds Maintenance **E&PM**

Recommendation: The City Engineer recommends the low bid of \$401,583.60 by WhiteCaps Lawn Care, Inc. of Charlotte, NC. This three-year project provides turf and landscape maintenance of Elmwood (72 acres) and 9th Street (five acres) Cemeteries.

MWBD Compliance: Yes. WhiteCaps Lawn Care, Inc. will self-perform.

C. Trolley/Rail Corridor Convention Center Modifications **E&PM**

Recommendation: The City Engineer recommends the low bid of \$209,000 by American Eastern Builders of Charlotte, NC. This project provides relocation of the existing plumbing, mechanical, fire protection, and electrical services that are located in the Linen Room and in the Corridor area north of the room. The existing roof and roof structure will be demolished at the Linen Room and in the Corridor north of the room to accommodate the construction of the Stonewall Street Bridge.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$13,300	7%	22%
WBE	\$0	0%	7%
ABE	\$0	0%	3%
NBE	\$0	0%	1%
HBE	\$0	0%	3%

MWBD Compliance: Yes. American Eastern Builders met the good faith efforts.

D. South District A Median Maintenance **E&PM**

Recommendation: The City Engineer recommends the low bid of \$276,353 by Dixie Lawn Service, Inc. of Charlotte, NC. This project will provide for median maintenance, including ornamental tree and shrub maintenance, removal and disposal of trash and debris, perennial maintenance, and plant replacement in City street medians for the South District Service Area A . This service area extends from John Belk Freeway to the north to Tyvola/Fairview/Sardis/Rama Roads on the south and from South Tryon Street on the west to Independence Boulevard on the east.

MWBD Compliance: Yes. Dixie Lawn Service will self-perform.

E. Americans with Disabilities Act Implementation for Performing Arts Center & Charlotte Mecklenburg Government Center E&PM

Recommendation: The City Engineer recommends the base bid of \$134,200 by Ponder and Company of Lake Wylie, SC. The project includes all general construction, plumbing, mechanical, and electrical work to implement ADA upgrades at the Performing Arts Center (general restroom & signage renovations, including construction of a new restroom and relocation of an existing office) the CMGC (general restroom renovations in the Lobby and second floor).

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$15,200	11%	13%
WBE	\$0	0%	6%

MWBD Compliance: Yes. Ponder & Company, Inc. met the good faith effort requirements.

F. Real Time Flood Tracking System E&PM

Recommendation: The City Engineer recommends the low bid of \$149,236.50 by South Sales Communications, Inc. of Charlotte, NC. This bid provides the labor and equipment necessary for the installation of antenna systems that will aid in collecting rainfall and stream flow data.

MWBD Compliance: Yes. No sub-contracting opportunities were identified.

G. Storm Water Channel Maintenance FY00B E&PM

Recommendation: The City Engineer recommends the low bid of \$772,075 by Blythe Development Company of Charlotte, NC. This project is part of an ongoing program to provide channel stabilization including construction of drainage culverts, reshaping stream beds and banks, placement of erosion control fabric, seeding, and related work.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$46,500	6%	6%
BE	\$46,500	6%	6%

MWBD Compliance: Yes.

H. McAlpine Creek Wastewater Management Facility - Anaerobic Digester and Gas Handling Improvements
CMU

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low single prime bid of \$4,865,720 by State Utility Contractors, Inc. of Monroe, NC. This contract includes all work necessary to remove and dispose of sludge from Digester Number 4 and two sludge storage tanks, convert an existing floating cover digester to a fixed cover digester, improve the gas handling equipment for four anaerobic digesters, and piping, electrical, instrumentation, paving, and associated work.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	8%
ABE	\$0	0%	1%
NBE	\$0	0%	1%
HBE	\$234,400	5%	1%
WBE	\$0	0%	8%

MWBD Compliance: Yes. State Utility met the good faith effort.

I. International Concourse General Construction – Immigrations Area Expansion
Aviation

Recommendation: The Aviation Director recommends the low bid of \$2,409,988 by Edison Foard, Inc. of Charlotte, NC be accepted and a contract awarded for the General Construction portion of International Arrivals Concourse Expansion.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$70,000	3%	
WBE	\$173,265	7%	
HBE	\$93,000	4%	
MWBD Total:	\$336,265	4%	15%

MWBD Compliance: Yes.

CONSENT II

24. Cost of Living Adjustments for Retired Firefighters and Survivor Beneficiaries

Action: Adopt a resolution approving one-time Cost of Living Adjustments for Retired Charlotte Firefighters and Surviving Beneficiaries in accordance with the table of adjustments attached, said increases to be effective January 1, 2000.

Explanation:

The Charlotte Firefighters' Retirement System Act (CFRS) was established in 1947 and has been amended by Council from time to time in order to increase retirement benefits.

The CFRS is actuarially sound as certified by its actuary, Buck Consultants. The proposed increases are within the current funding capacity of the System and therefore will not impact the contribution level of either the City of Charlotte or active participants of the system.

The CFRS Board of Trustees approved these recommended increases at a regular meeting held January 27, 2000.

Retirees have not received a regular Cost of Living Adjustment since 1985 but do currently receive an annual one-time payment which is paid in January if funds are determined to be available. A number of retirees requested the Board to consider a cost of living increase.

This proposed one-time Cost of Living benefit adjustment will bring the purchasing power of the nearly 400 retired firefighters and surviving beneficiaries in line with the aggregate Consumer Price Index increases over the past thirteen years.

Increases will range from 1.60% to 41.05% of the current annual benefit (based upon retirement date) and will raise the current minimum annual benefit from \$10,833 to \$15,279.95. These increases were compared with Social Security and state retirement system increases.

Under the Act, City Council has the authority to increase benefit levels.

Community Input:

The Board of Trustees of the Charlotte Firefighters' Retirement System recommends this action.

Funding:

Charlotte Firefighters' Retirement System Trust Fund

Attachment 16

- Chart of proposed increases
- History of previous increases to retirees of the CFRS
- Illustration of proposed increases compared to Social Security and North Carolina State Retirement System increases

25. New Enterprise Community Contract

Action: Approve the City Within A City Committee recommendation to authorize the City Manager to enter into contract extensions through March 31, 2000 with the Northeast Enterprise Community and the West Enterprise Community.

Explanation:

The Charlotte Enterprise Community (EC) 5-year contract expired on December 31, 1999 with approximately \$1.5 million remaining in the grant allocation. With the City Manager's authority, the contract was extended through February 29, 2000 to allow City staff and the Northeast and West Enterprise Communities to complete contract negotiations.

On February 17, 2000, the City Within A City Committee, requested that the contracts for Northeast Enterprise Community and the West Enterprise Community be extended through March 31, 2000 to allow time to address the unresolved issues. City staff and the ECs were asked to develop a contract for the period of April 1, 2000 – June 30, 2001 with a focus on higher accountability and performance; increased efficiency and effectiveness while maintaining a grassroots operation; moving to an organizational structure to allow the ECs to move forward to deal effectively and efficiently with all qualified neighborhoods; and a joint plan to address sustainability.

These extensions will allow the ECs to continue to operate and provide services in the EC cluster areas and allow the time necessary to address sustainability and efficiency issues.

Funding:

U.S. Department of Health and Human Services

26. Comdisco, Inc.'s Request for Refund of Taxes

Action: Deny request from Comdisco, Inc. for a refund of taxes for tax years 1995 and 1996.

Explanation:

The City lacks legal authority to grant the requested refund and the City Attorney recommends that Council deny the request.

Comdisco Inc. alleges its equipment was overvalued in 1995 and 1996 by \$1,883,928 and \$2,738,571, respectively, and is now requesting a refund of personal property taxes pursuant to §G.S. 105-381.

To request a refund of taxes pursuant to G.S. §105-381, a taxpayer must file a written statement asserting a “valid defense” to the tax imposed. A “valid defense,” as defined by statute, includes (1) a tax imposed through clerical error; (2) an illegal tax; or (3) a tax levied for an illegal purpose.

Comdisco asserts that the alleged overvaluation of its equipment constitutes an “illegal tax.” Comdisco is mistaken. Case law makes plain that an “illegal tax” results when the taxing body lacks the authority to impose the tax, as in cases where it is asserted that the tax rate is unconstitutional or the subject property is exempt from taxation. An overvaluation, however, is not an illegal tax. The City of Charlotte has no jurisdiction to change the valuation of property.

To challenge the valuation of personal property, a taxpayer is required to file a notice of appeal with the County Board of Equalization during the year in which the property was valued. According to the County tax attorney, Comdisco did not file an appeal when the tax bills were mailed in 1995 and 1996 and thus the time for challenging the valuation of the property has now passed.

The Mecklenburg Board of County Commissioners denied this same request on February 15, 2000.

Attachment 17

A copy of Comdisco’s request for refund

27. Professional Services Agreement with Adaptive Systems Corporation

Action: Approve a three-month agreement with Adaptive Systems Corporation for professional services related to the City’s Utility Billing System. The total contract cost is \$105,600.

Explanation:

During the initial implementation of the City’s Utility Billing System (UBS), the City utilized the services of Adaptive Systems Corporation to assist with technical project management. The City has entered into four contracts, totaling \$342,900, with Adaptive Systems (May 1999 for \$99,000, July 1999 for \$94,900, November 1999 for \$99,000, and in February 2000 for \$50,000.)

The services of Adaptive Systems Corporation are needed in order to assist with fine tuning the system and refining the business processes and procedures relating to the system. This new agreement provides for continued and additional services including technical project management,

system stabilization, charter development and implementation, configuration management, service level agreement development, and assistance with system testing.

Funding:

Water & Sewer Utility Operating Funds

28. Pump Procurement

Action: A. Reject the low non-responsive bid of \$123,760 by Godwin Pumps, Inc.; and

B. Approve a contract to the lowest, responsive bidder, Hinson Pump Rental, Inc. of Charlotte, North Carolina for \$132,940.

Explanation:

This contract is for procurement of two 200-horsepower pumps which will be used at pump station sites to prevent station overflows. This contract also includes a two year maintenance agreement, on-site repairs and a replacement pump if not repaired within 4-hours. These pumps will be initially installed at the Long Creek Lift Station until a permanent upgrade is completed. Recent increased regulatory enforcement procedures have caused Utilities to upgrade its emergency procedures for all lift stations. These two large pumps will ultimately be used throughout the inventory to relieve equipment failures not only at the large pump stations, but also at the wastewater treatment plants.

The apparent low bidder (Godwin) is not considered responsive and is not being recommended because:

- the pump they proposed in the bid did not meet the project specifications;
- their proposal did not meet the requirements of the contract.

The low bidder submitted a pump that did not meet the performance specifications. Therefore, the second low bidder was accepted.

Funding:

Sewer Capital Investment Plan

29. Wastewater Reuse Projects – Budget Ordinance and Black & Veatch

Action: A. Approve a budget ordinance appropriating \$1,100,000; and

B. Approve an agreement with Black & Veatch to provide Professional Engineering Services for Wastewater Reuse Facilities at McDowell, Sugar and McAlpine Creek Wastewater Treatment Plants for a not to exceed cost of \$980,265.

Explanation:

The Utilities Department currently has a wastewater effluent reuse project at the Mallard Creek Wastewater Reclamation Facility which provides irrigation water to the Tradition Golf Course. The department would like to offer this same service from the McAlpine, Sugar and McDowell treatment plants. Negotiations are currently underway with Carmel, Myers Park, and Birkdale golf courses to provide irrigation water. Wastewater reuse will reduce the quantity of effluent being discharged to a stream and reduce peak summertime drinking water demands in locations currently using the water system for irrigation.

MWBD:

The HBE participation of this project will be \$20,000 or 2% of the contract amount.

Funding:

Sewer Capital Investment Plan

30. Contract with 2Plus, Inc. to Establish a Commuter Register Program for the Metropolitan Transit Commission (MTC)

Action: A. Approve receipt of a grant of \$300,000 from North Carolina Department of Transportation (NCDOT) to fund half of the contract with 2Plus, Inc. to develop and distribute the Commuter Register Program over a two-year period;

B. Adopt a budget ordinance appropriating the \$300,000 in NCDOT grant funds; and

C. Approve a 2-year contract with 2Plus, Inc. for \$600,000 for the development of a newspaper style commuter registry for carpooling, vanpooling and transit.

Explanation:

In 1997 City Council approved the 5-Year Transportation Plan, which called for increasing the efforts in carpooling and vanpooling by 20% and 30% per year respectively.

In 1998 City Council and the citizens of Mecklenburg County approved the vision of the 2025 Transit/Land-Use Plan and the ½ cent sales tax, which included the City's carpooling and vanpooling, expanded objectives.

The current carpool/vanpool matching system can no longer handle the increased capacity necessary to support the 2025 Transit/Land-Use plan. More than 25% of the daily commuting traffic is derived from individuals living outside of Mecklenburg County. These individuals commuting alone not only impact the air quality of Mecklenburg County but also of the region.

NCDOT is interested in supporting the Metropolitan Transit Commission (MTC) in developing alternative transportation solutions other than commuting alone, which can impact the region.

The Commuter Register will be published every month. 30,000 copies will be distributed within the region. The distribution of the Commuter Register will use existing newspaper/tabloid racks and rack locations, plus new rack locations at area businesses and employment centers; major retail centers and in heavily traveled public areas. In addition, individuals listing opportunities to carpool will receive a free copy in the mail. This publication will aid in providing information about carpooling, vanpooling and transit at the fingertips of thousands of the commuting public.

Several businesses participating in the Employer Transportation Coordinator (ETC) program have expressed a desire to develop carpooling incentives for their employees, but do not want to perform the matching service.

MWBD:

WBD \$19,720

3.3% Graphic Design

Funding:

The contract with 2Plus, Inc. will be funded with NCDOT grant funds of \$300,000 and will be matched by funds included in the MTC Operating Budget.

31. Countywide Transit Services Study

Action: A. Approve an agreement for \$330,000 with Transportation Management and Design, Inc. (TMD) for development of the Countywide Transit Services Study; authorize the Director of Public Transit to execute this contract; and

B. Adopt a budget ordinance for \$30,000 to fund a portion of this contract.

Explanation:

The major purpose of the Countywide Transit Service Study is to identify specific transit service enhancements, on a year-by-year basis, for implementation in Mecklenburg County over the next five years. Although the primary focus of the 2025 Transit/Land Use Plan is on rapid transit development, it also proposed a series of improvements to existing transit services for implementation in the first five years.

The 2025 Transit/Land Use Plan acknowledged that continued development and expansion of the transit system, especially in the growing towns of Mecklenburg County, would be considered a critical element in attracting customers to the rapid transit systems developed in the corridors in the future.

The Countywide Transit Services Study will build upon the transit portion of Charlotte's Five-Year Transportation Plan approved by City Council in 1997. The FY2000 operating program for the Mecklenburg Transit Commission (MTC) includes funding for the third year of transit expansion as outlined in Charlotte's Five-Year Plan. During the preparation of the Countywide Study, the service improvements outlined in the last two years of City's plan will be re-examined in light of new or revised priorities.

The Study's scope of work will examine a comprehensive set of issues that the MTC will need to address as it begins to set the direction for development of the transit system over the next five years. The major elements of the scope of work are as follows:

- Demand for Transit Services - Review previous market research efforts and develop supplementary research/citizen input tasks to ensure that public demand and interest are reflected in the services proposed in the Study.
- Missions, Goals, Objectives and Policies - Adopt a mission statement and set objectives, goals and policies which will reflect public transit's impact on job and economic development, improved access to major destinations, environmental quality and community revitalization.

- Five-Year Service Improvement Program - Develop a detailed transit expansion program and budget for the next five years for Charlotte-Mecklenburg which reflects the MTC adopted mission, policies, and goals, market research and citizen input.
- Coordination of Services to Charlotte-Mecklenburg Elderly and Disabled and Preparation of Mecklenburg County Transit Service Plan. Identify ways to improve elderly and disabled access to the appropriate ADA paratransit and County transportation system services. Also, complete the County's required transit service plan for submittal to the North Carolina Department of Transportation.

Regional Services – Recommend new or expanded commuter bus services and an expanded transportation demand management (TDM) program.

- Transit Performance and Customer Satisfaction Monitoring Systems - Develop system to measure how well the transit services being provided meet the goals, objectives and policies adopted by the MTC, and includes measuring the financial performance of the overall system and individual services.
- Coordination and Consolidation – Work with Citizens Technical Advisory Group (CTAG), business groups, advisory committees in the towns, regional groups, and neighborhood organizations to develop the plan development.

This action is consistent with the adopted 2025 Transit/Land Use Plan. It provides for the continued development and expansion of the transit system in the county and region-wide. Further, the Study establishes the goals, objectives and policies that will be used by the MTC to guide the development of the transit system over the next five-year period. The development of the Study will take approximately 10 –12 months to complete with an estimated completion by April 2001.

Funding:

Rapid Transit Capital Investment Plan (\$300,000) and MTC Operating Budget Fund Balance (\$30,000)

Attachment 9

MTC Agenda Item from January 26, 2000 MTC meeting

32. Transit Advertising Contract

Action: Approve a one year \$300,000 advertising contract to support the expansion of transit services under the Five-Year Transportation Plan and the Metropolitan Commission (MTC) expanded services.

Policy:

In January 1997 City Council approved the Five-Year Transportation Plan that included several major expansions of transit services.

In November 1998 voters approved a half cent increase in the sales tax to fund expanded transit services based on the vision set forth in the 2025 Transit/Land Use Plan.

Explanation:

In June 1999 the MTC endorsed the transit expansions and the FY2000 transit budget which included additional funds to support the marketing of new and expanded transit services.

In June 1999, City Council approved the FY2000 budget for transit expansion that included the following major service enhancements:

- Expand Charlotte Transit hours of operation until 1:30 a.m. seven days a week;
- Expand North Meck Express services for additional trips during the week, week nights and Saturday; (related to the job access grant awarded by Vice President Al Gore)
- Expand express service to Ballantyne Commons area;
- Expand Vanpools;
- Initiate local hub service in the towns;
- Initiate additional hub service in Charlotte;
- Increase awareness for transit services and programs;
- Expand Employer Transportation Coordinator (ETC) program to area businesses.

The strategy of marketing to residents through retail marketing strategies and to employees through the ETC program has produced positive results.

During the past 2½ years, transit ridership has increased in response to the expansion and marketing of all transit services.

FY99 Transit Ridership Results vs. FY98:

All Transit	UP 6.2%
Charlotte Transit	UP 5%
STS	UP 12%
Vanpools	UP 98%
EZ-Rider	UP 19%
CCC	UP 11%
Uni-Park Rider	UP 134%
Express Ridership	UP 25%
Express Only Lanes (first 7 months)	UP 48%

In the past 10 years, marketing funds have remained level while transit services, ridership and coverage area has increased. Transit service hours have increased 28% in the last ten years.

The expansion of new services as well as the expansion of transit countywide and regionally, necessitate additional marketing and the funds to support that effort. Marketing will promote expansion of transit services, create awareness for transit as a whole and increase ridership. The Lyerly Agency submitted the most responsive proposal.

MWBD:

The Lyerly Agency is a minority-owned business.

Funding:

MTC Operating Budget

33. South Corridor Aerial Photography and Completion of Major Investment Study

Action: Approve a contract amendment for engineering services for \$490,000 with Parsons Transportation Group (PTG).

Explanation:

This amendment is necessary to cover additional consultant work performed on the Major Investment Study and the preparation of a final study report. It will also allow preparation of a comprehensive submittal to the Federal Transit Administration (FTA) requesting approval to enter Preliminary Engineering (PE). Finally, the amendment will enable advanced completion of detailed aerial photography of the corridor before the spring growing season returns full foliage to trees and plant life in the corridor. Completion of aerial photography is normally an early task in PE and is critical to station area, right of way planning and design efforts. Completion of this photography in the spring will allow PE to proceed expeditiously when FTA approval is received.

Funding:

Rapid Transit Capital Investment Plan

Attachment 18

MTC Agenda Item – February 23, 2000

34. Charlotte Regional Rapid Transit System – Corridor Major Investment Studies

Action: Approve engineering and land-use planning contracts totaling \$7,020,948 as follows:

- 1. Approve agreement for \$1,669,860 with Parsons Brinckerhoff Quade & Douglas, Inc. for engineering planning services for the North and Northeast (University) corridors;**
- 2. Approve agreement for \$1,084,520 with LDR International for land-use planning service for the North and Northeast (University) corridors;**
- 3. Approve agreement for \$1,631,929 with Gannett Fleming Corddry and Carpenter, Inc. for engineering planning services for the Independence and Airport corridors;**
- 4. Approve agreement for \$1,095,165 with HDR Engineering, Inc. of the Carolinas for land-use planning services for the Independence and Airport corridors;**
- 5. Approve agreement for \$1,195,296 with Parsons Brinckerhoff Quade & Douglas, Inc. for program advisory services for all four corridors; and**
- 6. Approve agreement for \$344,178 with Parsons Transportation Group (PTG) for demand modeling services for all four corridors.**

Explanation:

The 2025 Transit/Land Use Plan calls for implementation of high-capacity transit in five travel corridors centering on uptown Charlotte. These major transit investments are to support the adopted Centers and Corridors land use plan that provides for the concentration of future development in these corridors and in designated centers throughout Mecklenburg County. The five travel corridors are experiencing increasing traffic congestion and development. The five corridors are: South/I-77, North/I-77, Northeast/I-85,

Independence Boulevard and Airport/West. A Major Investment Study has been underway in the South Corridor the past year and has led to a recent recommendation for light rail.

To complete Major Investment Studies and corresponding land use plans in the other four corridors, the MTC is hiring transit planning and land-use planning firms to team in the corridors. The action also proposes that a Program Advisor (Parsons Brinckerhoff) be hired to coordinate the work in the four corridors and insure the use of uniform assumptions and study methodologies. Another firm, Parsons Transportation Group will provide demand modeling for all corridors to ensure consistency. This action is requesting contract approval to begin planning services for the remaining four corridors.

The major investment studies will include reconnaissance level planning beyond the county lines. These contracts may be amended in the future if municipalities in adjacent counties provide funding to extend the full study into their jurisdiction.

The consultants were selected using the Council-approved process.

The cost of these engineering services is comparable to the cost of similar work for other MIS projects.

MWBD:

1. PBQ&D – WBE 3.5%, ABE 0.6%
2. LDR – BBE 4.5%, WBE 2.8%
3. GF – WBE 3.1%
4. HDR – WBE 7.6%, BBE 1.5%
5. PBQ&D – WBE 2.2%

Funding:

Rapid Transit Capital Investment Plan

Attachment 19

MTC Action Item: Approval of Corridor Major Investment Studies, December 15, 1999

35. Luggage Cart and Storage Locker Concession Contract

Action: Award a five year contract to the only responsive proposal, Smart Carte, Inc., for luggage cart and storage locker concessions at the airport.

Explanation:

The Request for Proposals (RFP's) was advertised on December 15, 1999. Smarte Carte, Inc. was the only responsive proposal.

The following factors were considered in the selection process:

- Storage locker and cart system layout and design, including quality, type, style, color, and aesthetics.
- Proposed capital investment, including number of units.
- Management capability, experience, financial strength, and responsibility of the proposer and the proposer's personnel.
- Maintenance and servicing plan for the luggage carts and storage lockers.

Smarte Carte, Inc. will continue to provide the airport with state of the art luggage carts, automatic lockers, and an on-call employee. All carts and lockers have credit card capabilities and instructions in eight languages.

Smarte Carte, Inc. will pay 12.5% of gross revenues for lockers and 15% of gross revenues for luggage carts to the airport. Annual revenues for the airport are estimated at \$29,300.

Smarte Carte, Inc. has been contracted by the Aviation Department since 1988 to provide luggage carts and lockers for passengers. The company's performance to date has been satisfactory.

The Airport Advisory Committee recommends this action.

36. Pre-Paid Calling Card Concession Contract

Action: Award a three year contract to Sprint Payphone Services, Inc. for a pre-paid calling card concession at the airport.

Explanation:

The Request for Proposals (RFP's) was prepared by the airport's telephone communications consultant, CDI Communication Consultants. The Request for Proposals was advertised on December 10, 1999, and six proposals were submitted by the following vendors: Ameritech Payphone Services, Inc., AT&T, Inc., BellSouth Prepaid Phone Cards, Inc., Carolina Choice, Inc., DataWave, Inc., and Sprint Payphone Services, Inc.

CDI Communication Consultants evaluated all proposals. The evaluation was based upon the following standards outlined in the RFP: the proposer's financial stability, its maintenance and service plan, technical specifications of the card dispensers, and compensation. CDI Communication Consultants recommends awarding the contract to Sprint Payphone Services Inc. (SPSI).

Sprint Payphone Services, Inc. will sell phone cards in various locations in the terminal through card dispensers. Phone cards will be sold in \$5, \$10, and \$20 increments. The rate is \$0.50 per minute and \$1.00 per connection. Some machines will have credit card capabilities. Gross revenues are estimated at \$360,000 over a three-year period. Sprint Payphone Services,

Inc. will pay the airport 45% of gross revenues for this concession, which is estimated at \$162,000 over three years.

Sprint Payphone Services, Inc. will subcontract to National Bankcard Service, Inc. (NBSi), a MWBD operator. NBSi will provide card dispensers, phone cards, and on-site service of the dispensers. NBSi will receive 25% of gross revenue over three years.

The Airport Advisory Committee recommends this action.

37. Designation of Authorized Agent for Disaster Assistance

Action: Approve the designation of Harry K. Graham, Senior Internal Auditor, as the authorized agent for the City of Charlotte in executing and administering a Disaster Assistance Agreement with the State of North Carolina in relation to the January 2000 Winter Storm.

Explanation:

To recover its eligible expenses related to the storm incident period midnight on January 23 until midnight February 1, 2000, the City is required by the State to designate an agent to act on behalf of the City in processing the necessary forms to apply for the assistance and to submit cost reports for the approval of the State and FEMA representatives.

38. Set a Public Hearing Date Concerning Adoption of McDowell, Long, Mallard, and Four Mile Creeks Watershed Floodplain Maps

Action: Set a public hearing for March 27, 2000, to hear comments on the adoption of the McDowell, Long, Mallard, and Four Mile Creeks Watershed floodplain maps.

Explanation:

Floodway regulations are designed to prevent further encroachment of structures into the floodplain and provide a basis for federally subsidized flood insurance. Local floodplain regulations are based on Federal Emergency Management Agency (FEMA) maps that illustrate the floodplain and provide flood elevations. Most of the current maps were originally developed in the 1970's. The City and County are currently cooperating with FEMA to re-study and update floodplain maps throughout the City and County.

In October 1999, City Council adopted interim flood protection elevations 5.7 feet higher than the existing map elevations. Preliminary studies indicated the new maps would result in significant increases in flood elevations, and the interim restriction provides some level of protection until the new maps

can be produced. City Council also adopted a policy of allowing approximately 25 percent of the floodplain's width to be filled during development and construction, a change from approximately 50 percent allowed by the existing maps.

The McDowell, Long, Mallard, and Four Mile watershed studies are complete. City Council will consider adopting the first completed watershed study, the McAlpine Creek watershed after a public hearing on February 28. The remaining watershed studies will be considered for adoption as they are completed over the next year.

State law requires the City to conduct a public hearing before adopting floodplain maps. The purpose of the public hearing is to receive comments on the proposed floodplain maps necessary to implement the new standards. Council will conduct the public hearing and consider action to adopt the McDowell, Long, Mallard, and Four Mile watershed studies on March 27, 2000.

Community Input:

A community meeting was held February 21, 2000, to present the study results and floodplain maps for the Four Mile Creek watershed. A community meeting will be held on February 24, 2000 to present the study results and floodplain maps for the McDowell, Long, and Mallard Creeks' watersheds. The meetings format allowed property owners to ask specific questions by interacting with staff on a one-to-one basis. All property owners within the revised floodplain boundaries were invited by mail. Newspaper advertisements and signs adjacent to the creeks in the watersheds were also used to inform the public.

The Storm Water Advisory Committee (SWAC) supports the updated McDowell, Long, Mallard, and Four Mile Watershed floodplain maps.

39. Resurfacing FY99A Change Order #1

Action: Approve change order #1 to the resurfacing FY99A contract with Rea Construction Company in the amount of \$270,428.10.

Explanation:

Council awarded the original resurfacing FY99A contract to Rea Construction Company on March 22, 1999, to resurface approximately 140 miles of City streets. This change order will provide funds for increases in asphalt milling quantities due to addition of streets and increases in the price for asphalt cement. Throughout the paving season, the price for asphalt cement escalated from \$113.36 per ton to \$145.80 per ton for a 28% increase.

Prices were taken from existing unit prices and are appropriate for the work being performed.

Funding:
Powell Bill Fund

40. Professional Services for Stream Restoration

Action: A. Approve an agreement for \$125,000 with Biohabitats, Inc. for engineering services for Stream Restoration Services “A”; and

B. Approve an agreement for \$125,000 with Earth Tech of North Carolina, Inc. for Stream Restoration Services “B.”

Explanation:

The quality of many of Charlotte’s streams has deteriorated due to erosion and urban pollution. As Charlotte Storm Water Services works to reduce flooding with Capital Improvement Projects, state and federal environmental regulatory agencies require that the City perform stream restoration to offset the possible negative environmental effects of the Capital Improvement Projects. Stream restoration is the process of converting a deteriorated stream to a more natural and healthy system. The benefits of stream restoration include beautification, improved water quality, increased green space, and improved wildlife habitat.

MWBD:

- A. HBE 15%
- B. None

Funding:

Storm Water Capital Investment Plan

41. Defensive Driving Range

Action: Approve an agreement for \$340,874 with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) for architectural, engineering, and construction administration services for the Defensive Driving Range Project.

Explanation:

Police and Fire need a driver training facility where new recruits and in-service veterans can receive state and federal mandated training programs.

A planning study conducted in 1999 provided schematic design, features, and estimated project costs to construct an appropriate facility. Rezoning of this property for use as a driver training facility was approved by City Council in November 1999.

This contract is to provide design and construction administration services for a defensive driver training facility located on City-owned property at the corner of Beam Road and Shopton Road in southwest Mecklenburg County. Funding of \$2.2 million is included in the capital budget for FY2000 and FY2001.

PBS&J were selected using the Council-approved process.

The cost of the services is comparable to the cost for similar work.

MWBD: WBE 1.8%

Funding:

General Capital Investment Plan

42. License Agreement between City of Charlotte and CSX Transportation

Action: Approve a resolution authorizing the Mayor to execute a License Agreement between the City of Charlotte and CSX Transportation, Inc. for construction of the Hoskins Road Grade Crossing at an amount not to exceed \$129,566.57.

Explanation:

As part of the 1996 Transportation Bond Referendum, the City is widening Hoskins Road. The CSX grade crossing must be widened as part of this project. CSX requires a License Agreement with the City to approve design or grade changes encroaching on their right-of-way. Railroad personnel will perform the work. The City will reimburse the railroad for materials and labor costs associated with the grade crossing, which includes new warning devices.

Funding:

Transportation Capital Investment Plan

43. Stadium Parking Facility Management Agreement - Renewal

Action: Approve the renewal of the NFL Stadium Parking Facility Management Agreement with Duke Energy Corporation for a term of 24 months.

Explanation:

The City owns the NFL Stadium Parking Facility located on Mint Street adjacent to Ericsson Stadium. Duke Energy Corporation (“Duke”) owns the property and leases the site to the City.

In 1994 the City and Duke entered into a Parking Facility Management Agreement which granted Duke exclusive right to manage, operate and maintain the Parking Facility. Duke collects all revenue derived from the rental of parking spaces and pays all expenses including all debt service.

The partnership agreement allows the City to meet a commitment to Richardson Sports to provide parking on game days and meets the public purpose of providing additional parking for use in the uptown area.

Duke Energy Corporation indemnifies and holds the City harmless of any and all claims.

The City and Duke Energy Corporation would like to continue this arrangement and renew the agreement for a term of two years (March 1, 2000, through February 29, 2002). The management agreement may be renewed for periods of not more than two years per Federal tax requirements concerning parking facilities financed with tax-exempt debt.

The City and Duke entered into a two-year agreement on August 1, 1994. On August 26, 1996, Council approved a renewal of the agreement for a term of 18 months (September 1, 1996, through March 1, 1998). On February 23, 1998, Council approved the renewal of the agreement for a term of two more years (March 1, 1998 through February 29, 2000).

44. Accept Grant Award for DNA Validation

Action: A. Accept a grant award from the U.S. Department of Justice, in the amount of \$43,800 for DNA validation; and

B. Approve a budget ordinance appropriating \$43,800 in funds from the Department of Justice.

Explanation:

The Police Department has received a \$43,800 grant from the Department of Justice to continue its validation of DNA samples. The validation is

necessary for the accreditation of the DNA lab and the acceptance of the Police Department's data into the FBI's national data base.

The grant is a continuation of a previous \$50,000 grant to help the Police Department make the transition to DNA analysis of serology evidence. The salaries of the Crime Lab personnel assigned to DNA analysis will serve as the City match for the grant.

Funding:

U.S. Department of Justice

45. Contract Amendment with Ballantyne Consulting Group

Action: Approve an amendment to a contract with Ballantyne Consulting Group (BCG), not to exceed \$429,240, to fund the services of temporary contract employees for the Police Department's Computer Technology Services Bureau through June 2001.

Explanation:

The Police Department has several vacancies in its Computer Technology Services Bureau. In order to maintain operations while these positions are being filled, the Police Department needs to amend an existing contract with BCG to fund the services of three temporary contract employees. One position is a Documentation Quality Control Specialist working on establishing a Librarian Automation System, Documentation Standards, and Quality Assurance. The second position is a Business Analyst working on process analysis and reengineering, facilitating quality improvement efforts, managing the RFP process, developing policies, and creating productivity measures. The third position is a Senior Database Administrator working on creating and maintaining all databases required for development, testing and production.

These positions will be funded out of the Police Department's operating budget for Contractual Services. \$154,320 will come out of the Fiscal Year 2000 Budget and the remaining \$274,920 will come out of the Fiscal Year 2001 Budget.

Funding:

Police Operating Budget

46. Contract Amendment with ORAssist Consulting Services

Action: Approve an amendment to a contract with ORAssist Consulting Services, not to exceed \$229,640, to extend the employment of supplemental contract employees for the Police Department's Computer Technology Services Bureau.

Explanation:

The Police Department has several vacancies in its Computer Technology Services Bureau. In order to keep current projects on schedule and maintain operations while these positions are being filled, the Police Department wishes to amend an existing contract with ORAssist to fund the services of two supplemental contract employees. One position is a Database Administrator working on designing and maintaining the Oracle databases for production and test systems. This position also serves as back up for the Unix Administrator. The second position is an Oracle Programmer.

The Data Base Administrator position will be extended until March 24, 2000. The Oracle Programmer position will be extended until June 30, 2000.

Funding:

Police Operating Budget

47. Financing for FY2000 Equipment Purchases

Action: Adopt a resolution approving the terms of an Installment Payment Contract (lease/purchase) and related financing documents to fund the FY2000 Capital Equipment Requirements. The principal amount of the contract will be approximately \$17 million.

Explanation:

Council approved the Lease Purchase Agreement for FY2000 in the annual budget adoption process and amended it to \$17 million on November 22, 1999.

Adoption of the resolution will authorize the City Manager and the Finance Director to negotiate the documents necessary to secure funding for the City's FY2000 Capital Equipment Requirements.

The City has used this method of financing for equipment since 1982. The five-year agreement allows the City to spread the cost over the approximate life of the equipment. Historically, short-term interest rates have been very favorable. The rate for the FY99 Equipment Lease Purchase was approximately 3.9%.

Funding:

Municipal Debt Service Fund and Water and Sewer Debt Service Fund

Attachment 20

List of equipment

48. Amendment to City Code Concerning Exotic Animals

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

Explanation:

The current animal control ordinance prohibits the exhibition of wild and exotic animals. The amendment to the ordinance would allow the exhibition of wild and exotic animals for legitimate educational purposes. Legitimate educational purposes are programs that enhance the public's knowledge about the animals being displayed.

The need for this amendment arose when several organizations (such as Discovery Place) requested that they be allowed to host programs where animals are displayed by professional exhibitors. These exhibitors would be putting on programs designed to educate the public about exotic animals normally confined to zoos such as monkeys, ocelots, and bobcats.

The exhibitors must be licensed by the United States Department of Agriculture, abide by the regulations of the North Carolina Wildlife Commission and display the animals for educational purposes only. The animals must also be confined or restrained for the safety of the public.

49. Sale of City Property on Caldwell Lane, Davidson, NC

Action: A. Approve the Sale of City Property located on Caldwell Lane, Davidson, NC (tax code 003-151-35); and

B. Approve the advertisement of said offer for the purpose of receiving upset bids.

Explanation:

This is an out-of-service water tank site in Davidson, NC. The property is rectangular in shape and contains 26,685 square feet. An appraisal values the property at \$100,000. The City has received an offer of 90% of the appraised value, \$90,000, from an adjoining property owner.

The sale will be advertised for the purpose of receiving upset bids for a minimum of ten days. When an upset bid is submitted, the bidder deposits with the City five percent (5%) of the increased bid. Then the City

readvertises the offer and the increased bid. This procedure is repeated until no further upset bids are received, at which time Council may accept the offer and sell the property to the highest bidder. Council may at any time reject any and all offers.

Attachment 21

Tax Map

51. Sale of City Property - 4317 McKinley Drive

Action: Approve the sale of City owned property located at 4317 McKinley Drive.

Explanation:

The City has received an offer of \$12,000 from Larry E. Davis to purchase a vacant lot at 4317 McKinley Drive in the Wandawood Neighborhood.

The offer is \$12,000 with the Airport paying 3% realty fee. In accordance with the Part 150 Plan, the Airport acquired 30 homes in the Wandawood community, near Harding High School, because they were located in the highest noise zones. Noise levels have subsequently decreased to a level where noise insulation is an acceptable remedy under the Part 150 Plan (less than 75DNL).

The Airport listed the property in the Multiple Listing Service for sale to the public January 1999 for \$10,000. The airport received the following offers:

12/20/99	Shenova Hill	\$3,000
12/20/99	Larry Davis	\$6,000
12/21/99	Sopher/Ludwig	\$7,000
12/23/99	Shenova Hill	\$7,500
12/29/99	Larry Davis	\$8,000
1/4/00	Shenova Hill	\$8,500
1/10/00	Larry Davis	\$10,000
1/22/00	Shenova Hill	\$10,700
1/31/00	Larry Davis	\$12,000

The offer was advertised for 10 days in accordance with North Carolina General Statute 160A-269 for upset bid. No offers were received. This is a vacant lot.

The Airport Advisory Committee recommends this action.

51. Property Transactions

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

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 cost are eligible for Federal Aviation Administration reimbursement.

Acquisitions:

- A. Project:** Master Plan Land Acquisition
Owner(s): Ting-Ju Chiu and Grace S. Chiu
Property Address: 7401 Wilkinson Blvd
Property to be acquired: 3.157 acres
Improvements: Vacant land
Purchase Price: \$130,000
Zoned: B2
Use: Vacant Land
Tax Value: \$31,430
Tax Code: 113-021-09
- B. Project:** Master Plan Land Acquisition
Owner(s): Bertha Robertson
Property Address: 8515 Trexler Avenue
Property to be acquired: .918 acres
Improvements: Single family residence
Purchase Price: \$73,000
Zoned: RMH
Use: Single Family Residence
Tax Value: \$65,540
Tax Code: 113-106-05
- C. Project:** Monroe Road/Sharon Amity Road Improvements, Parcel #6
Owners(s): Bank of America, National Association & William P. Hobson (Co-Trustees under will of James C. Crowell, Jr.) and Geraldine I. Anderson
Property Address: 1945 North Sharon Amity Road
Property to be acquired: 1,525 sq.ft. (0.035 ac.) of fee & permanent easements plus temporary construction easement 1,263 sq.ft. (0.029 ac.)
Improvements: Trees, landscaping buffer

Purchase Price: \$12,500

Remarks: This acquisition is needed for the intersection improvements at Monroe Road and Sharon Amity Road. Compensation was established by two independent, certified appraisals and a review appraisal.

Zoned: 02

Use: Single Family Residential

Total Parcel Tax Value: \$83,310

Tax Code: 161-107-09

- D. Project:** Monroe Road/Sharon Amity Road Improvements, Parcel #54
Owners(s): Bob Williams Specialty Company, Inc.
Property Address: 5539 Monroe Road
Property to be acquired: 1,225.63 sq.ft. (0.028 ac.) of fee simple and permanent easement plus 2,338.633 sq.ft. (0.054 ac.) of temporary construction easement.
Improvements: Landscaping buffer and move sign
Purchase Price: \$13,020
Remarks: This acquisition is needed for the intersection improvements at Monroe Road and Sharon Amity Road. Compensation was established by two independent, certified appraisals.
Zoned: 02
Use: Office
Total Parcel Tax Value: \$142,560
Tax Code: 163-021-49
- E. Project:** Beatties Ford Road/Sunset Road Intersection, Parcel #6
Owners(s): Jerry Wayne Withrow
Property Address: 5031 Beatties Ford Road
Property to be acquired: 13,856.43 sq.ft. (0.318 ac.) of fee simple and permanent easement plus 12,911.18 sq.ft. (0.296 ac.) of temporary construction easement.
Improvements: None
Purchase Price: \$55,000
Remarks: The areas are needed for roadway improvements at Beatties Ford Road and Sunset Road. The compensation amount is based on an independent, certified appraisal.
Zoned: B1
Use: Commercial/Vacant
Total Parcel Tax Value: \$91,480
Tax Code: 039-291-24
- F. Project:** Wingate Redevelopment – 13 rental units located on Marene Drive, Old Steele Creek Road and Seymour Drive
Owner(s): Willie Gadson
Property Addresses:
115-018-01 2606 Marene Drive
115-014-20 2614 Marene Drive
115-018-02 2710 Marene Drive

115-014-19 2711 Marene Drive
 115-014-18 2717 Marene Drive
 115-018-03 2718 Marene Drive
 115-018-04 2722 Marene Drive
 115-014-17 2723 Marene Drive
 115-018-05 2728 Marene Drive
 115-014-16 2729 Marene Drive
 115-018-07 2723 Seymour Drive
 115-018-06 2729 Seymour Drive
 115-18-08 2700 Old Steele Creek Road

Property to be Acquired: 11,708 sq. ft., 1.78 acres – land and improvements

Improvements: 13 rental units

Purchase Price: \$306,130

Funding: HOME/CDBG/Program Income

Agent: None

Appraiser: Thomas B. Harris, Sr.

Remarks: The 13 rental units will be demolished and new units built, unit-for-unit. Compensation is based on a certified independent appraisal, plus 10% more, to bring closure to two (2) years of negotiations with owner.

Zoned: R-22MF

Use: Multi-Family

Total Parcel Tax Value: \$310,650

Tax Code #s: 115-018-01, 115-014-20, 115-018-02, 115-014-19, 115-014-18, 115-018-03, 115-018-04, 115-014-17, 115-018-05, 115-014-16, 115-018-07, 115-018-06 and 115-018-08

- G. Project:** Wingate Redevelopment – two partially constructed houses located on Old Steele Creek Road.
- Owner(s):** Steve Nancy Homes
- Property Addresses:** 2828 Old Steele Creek Road and 2832 Old Steele Creek Road
- Property to be Acquired:** 1,933 sq. ft., .294 acres – land and improvements
- Improvements:** 2 partially constructed houses with 3 bedrooms and 2 baths
- Purchase Price:** \$129,250 (\$65,500 for 2828 Old Steele Creek Road and \$63,750 for 2832 Old Steele Creek Road)
- Funding:** HOME/CDBG/Program Income
- Remark:** Foreclosure is pending on properties, along with 6 others, due to City declaring the loan in default on construction contractor, Steve Nancy Homes.
- Zoned:** R22MF
- Use:** Residential, single-family
- Total Parcel Tax Value:** \$98,200 (\$50,240 for 2828 Old Steele Creek Road and \$47,960 for 2832 Old Steele Creek Road)
- Tax Code #s:** 115-028-22 and 115-028-21

Condemnations:

- H. Project:** Monroe Road/Sharon Amity Road Improvements, Parcel #75
Owner(s): Reginald J. Summers and Barbara M. Summers & any other parties of interest.
Property Address: 5312 Monroe Road
Property to be Acquired: 1,990.961 sq.ft. (0.0457 ac.) of fee acquisition and temporary construction easement.
Improvements: None
Purchase Price: \$10,650
Remarks: This area is needed for the intersection improvements at Monroe Road and Sharon Amity Road. The compensation amount was established by two independent, certified appraisals and a review appraisal. City has yet to reach a negotiated agreement with property owner.
Zoned: B1
Use: Single Family Residential
Total Parcel Tax Value: \$10,625
Tax Code: 161-107-15
- I. Project:** Monroe Road/Village Lake Drive Intersection Improvements, Parcel #3
Owner(s): Marily R. Edleman, Bob B. Fox, Charles A. Hager, Lester Marvin Moore and wf., Maggie T. Moore, Cherie D. Ratliff, Novice B. Sigmon, David Alan Varner & any other parties of interest.
Property Address: Village Lake Drive – Common Area
Property to be Acquired: 1,186 sq.ft. (0.027 ac.)
Improvements: Landscaping
Purchase Price: \$900
Remarks: The right-of-way and easements are needed for the construction of intersection improvements on Village Lake Drive at Monroe Road. Condemnation is requested since staff has been unable to locate or contact all property owners.
Zoned: R17MF
Use: Condominiums
Total Parcel Tax Value: \$583,730
Tax Code: 191-093-01-10
- J. Project:** Monroe Road/Village Lake Drive Intersection Improvements, Parcel #2
Owner(s): Charlotte Condominium Investors, Inc. & Harlon Development Corporation and any other parties of interest.
Property Address: 2.040 acres on Cedar Glen Drive
Property to be Acquired: 4,501 sq.ft. (0.103 ac.)
Improvements: Landscaping & shrub
Purchase Price: \$4,200
Remarks: The right-of-way and easements are needed for the construction of intersection improvements on Village Lake Drive at Monroe Road. A title search has determined outstanding liens exist on the property, which require condemnation action to obtain clear title.

Zoned: R17MF
Use: Condominiums
Total Parcel Tax Value: \$133,290
Tax Code: 191-094-99

52. Meeting Minutes

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

- **January 10, 2000 Business Meeting**
- **January 18, 2000 Zoning Meeting**
- **January 24, 2000 Business Meeting**
- **February 7, 2000 Workshop and Citizen's Forum**