

**Mayor Patrick McCrory**

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

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, September 25, 2000**

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**3:00 p.m.**

**Executive Session**

**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**

**Community Safety Strategy: Safest City in America**

**Road Improvements**

**Westside Strategy**

## **High Priorities for 2000**

**Business Corridor Revitalization**

**Eastside Strategy Plan**

**Financial Policies**

**Neighborhood Initiatives**

**North Tryon Strategy**



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**3:00 P.M. EXECUTIVE SESSION  
ROOM 267**

To discuss matters related to the new arena project, including contractual terms that may become part of a Memorandum of Understanding.

**5:00 P.M. DINNER BRIEFING  
ROOM 267**

**1. Old Convention Center**

**Resource:** Tom Flynn

**Time:** 30 minutes

*Information on this item will be included in the Friday, September 22 Council Manager Memo*

**2. Urban Land Institute/South Corridor Study**

**Resource:** Martin Cramton

**Time:** 30 minutes

*Information on this item will be included in the Friday, September 22 Council Manager Memo*

**3. Committee Reports by Exception**

Economic Development and Planning: West Charlotte Incubator and State Development Zones

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

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

## CONSENT

- 4. Consent agenda items 19 through 32 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

**Staff Resource:** Julie Burch

## PUBLIC HEARING

### 5. Conduct a Public Hearing to Consider a Monument to Hugh McManaway

**Action:** Conduct a Public Hearing to consider the erection and dedication of a public monument to Hugh McManaway.

**Staff Resource:** Doug Gillis

**Policy:** Public Monuments Ordinance

**Explanation:**

City Council is asked to conduct a public hearing to consider an application to erect and dedicate a public monument to Hugh McManaway.

The McColl Family Foundation/Kitty Gaston organization has applied to place a life-sized statue of Hugh McManaway in the median of Queens Road south of Providence Road where motorists and pedestrians can view it.

The statue is intended to preserve and perpetuate the memory of Hugh McManaway, a Myers Park resident (now deceased), who directed traffic at the intersection of Providence and Queens Roads.

Once erected, the statue of Hugh McManaway would be dedicated to the City of Charlotte through a Deed of Gift.

**Background:**

Article V of the Code of the City of Charlotte outlines procedures for the erection and dedication of public monuments. Staff from appropriate City departments have reviewed the application and determined that it is appropriate to conduct the Public Hearing. Staff will be present at the hearing and will provide a review of the hearing.

Council will be asked to decide the placement at the October 10, 2000 Council meeting.

**Community Input:**

Notices regarding the public hearing process and date were published in the *Charlotte Observer* and *Charlotte Post*. In addition, the Hugh McColl Family Foundation and Kitty Gaston have been notified of the public hearing date. On May 19, 1999, the Board of Directors of the Myers Park Homeowners Association approved the placement of the monument.

**Attachment 1**

- Picture of Monument
- Public Monuments Ordinance
- Map



**6. Approve Resolution to Close Three Alleyways Bounded by West Morehead Street, Winnifred Street, West Carson Boulevard and South Church Street**

**Action:** A. Conduct a Public Hearing to abandon three alleyways bounded by West Morehead Street, Winnifred Street, West Carson Boulevard and South Church Street; 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:**

Honey Properties, Inc.

**Right-of-Way to be abandoned:**

Three alleyways bounded by West Morehead Street, Winnifred Street, West Carson Boulevard and South Church Street

**Location:**

- Alleyway 1: From South Church Street eastwardly approximately 225 feet to Winnifred Street.
- Alleyway 2: Extending from alleyway 1 westwardly approximately 158 feet to West Carson Boulevard.
- Alleyway 3: From South Church Street south approximately 128 feet to its terminus.

**Reason:**

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed multifamily development project

**Notification:**

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

**Adjoining property owners**

Honey Properties owns all adjoining property

**Neighborhood/Business Associations**

- Wesley Heights Community Association – No objection
- Strawn Apartments Residence Organization – No objection
- Wilmore Neighborhood Association – No objection
- Third-Ward Community to Preserve – No objection
- Third Ward Neighborhood – 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 2**

Map

**7. Approve Resolution to Close Two Alleyways Bounded by Kenilworth Avenue, Fillmore Avenue, Scott Avenue and East Boulevard**

**Action: A. Conduct a Public Hearing to Close two alleyways bounded by Kenilworth Avenue, Fillmore Avenue, Scott Avenue and East Boulevard; 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:**

Mr. Dennis Richter

**Right-of-Way to be abandoned:**

Two alleyways bounded by Kenilworth Avenue, Fillmore Avenue, Scott Avenue and East Boulevard

**Location:**

- Alleyway 1: From Scott Avenue northeastwardly approximately 365 feet to Kenilworth Avenue.
- Alleyway 2: Extending from alleyway 1 eastwardly approximately 100 feet to its terminus.

**Reason:**

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the proposed mixed use Latta Pavilion project. City Council approved the rezoning petition (98-104) for this project on June 21, 1999.

**Notification:**

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

**Adjoining property owners**

Frugal Investments – No objection  
Louise B. Boyd – No objection

**Neighborhood/Business Associations**

Dilworth Community Development Association – No objection  
Myers Park Home Owners Association – No objection  
Cherry Community Organization – No objection  
Midtown Charlotte Association – No objection  
Charlotte Organizing Project – No objection  
Charlottetown Terrace – 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 3**

Map

## 8. Approve Resolution to Close Waco Street

**Action: A. Conduct a Public Hearing to Close Waco Street; 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:**

Pleasant Hill Baptist Church

**Right-of-Way to be abandoned:**

A portion of Waco Street (existing paved street)

**Location:**

Waco Street between Main Street and property line of Pleasant Hill Baptist Church

**Reason:**

To incorporate the right-of-way into adjacent property owned by the petitioner to build a new sanctuary and multipurpose building for the church.

**Notification:**

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

**Adjoining property owners**

Pleasant Hill Baptist Church owns all abutting property to Waco Street.

**Neighborhood/Business Associations**

Myers Park Home Owners Association – No objection

Cherry Community Organization – No objection

Charlotte Organizing Projects – No objection

Midtown Charlotte Association – No objection

Charlottetown Terrace – 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

# POLICY

## 9. City Manager's Report

## 10. Joint Capital Planning

**Action:** Adopt a resolution, as recommended by the Planning Liaison Committee, to continue to work with other public agencies in developing policy statements and procedures for joint capital planning and joint use capital facilities.

**Staff Resource:** Dick Black

**Focus Area:** Restructuring Government

**Explanation:**

In 1995, Charlotte City Council, Mecklenburg Board of County Commissioners, Charlotte-Mecklenburg Board of Education and Central Piedmont Community College passed resolutions calling for a “strong program of joint planning and joint use” for capital facilities. This resolution is to renew that commitment to joint capital planning and joint use.

In 1996, a Joint Use Task Force of public agencies was organized and began meeting monthly. The Task Force has initiated several successful joint-use projects (See attached Resolution). With more than \$7 billion of identified capital needs for this community, more opportunities will occur to share facilities and sites to reduce cost and improve customer convenience. The task force will continue to meet and work together to plan capital facilities.

The community is at a most critical time in long-range capital facilities planning with several major planning initiatives underway (i.e. smart growth, parks, schools, transit and the government district). Considering the amount of identified needs competing for limited resources and the impact of these planning initiatives on the community, the Planning Liaison Committee recommended adoption of a new joint resolution that would renew the commitment to joint planning/use and send a clear message about joint planning/use. The Planning Liaison Committee is composed of representatives from the City of Charlotte, Mecklenburg County, Charlotte-Mecklenburg Schools, Planning Commission and all six Mecklenburg towns.

The Planning Liaison Committee requested Planning staff to schedule the resolution on each of the elected boards’ agendas in the next few months for adoption.

**Attachment 5**

- Joint Resolution
- Planning Liaison Committee member list

## 11. West Charlotte Business Incubator

**Action: Approve the Economic Development and Planning Committee recommendation to sever the relationship with the present West Charlotte Business Incubator (WCBI) operation and write-off the outstanding loan balance of \$199,000.**

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Stanley Watkins and Deborah Hazzard

**Focus Area:** Economic Development and City Within A City

**Policy:**

City Council's Economic Development and CWAC Focus Areas seek to encourage the location, retention and expansion of businesses in Charlotte's distressed urban business districts. The development of a quality and cost effective incubator on the Westside is consistent with these goals.

**Explanation:**

In 1989, the City made a \$400,000 loan to the West Charlotte Merchants Association (WCMA) to construct and upfit a 10,000 square foot incubator on the campus of Johnson C. Smith University (JCSU). First Union National Bank provided an additional \$190,000 loan towards the development of the project. In 1990 at the request of WCMA, City Council converted the loan to a forgivable loan over a 20-year period.

In 1997 West Charlotte Merchants Association (WCMA) purchased a 44,459 square foot building located at 2701 Rozzelles Ferry Road to renovate and establish a light industrial incubator on the corridor. The total proposed renovation cost is approximately \$1,000,000. WCMA requested that the City provide \$400,000 for operating and renovation costs. In 1998, West Charlotte Merchants Association (WCMA) entered into a partnership with the North Carolina Technological Development Authority (NCTDA) to assist with reorganization and management of the facility on Rozzells Ferry Road and 617 North Summit Avenue.

On July 19, 1999, City Council approved a request to provide \$400,000 in operating and capital funds for the development of a new business incubator facility located at 2701 Rozzelles Ferry Road. The City committed \$400,000 contingent upon the establishment of a new WCBI board, securing of professional management and the development of a sustainable operating plan.

On March 7, 2000, City staff recommended that the ED & Planning Committee request that City Council rescind the \$400,000 approved in July 1999, because the West Charlotte Merchants Association (WCMA) and the North Carolina Technological Development Authority (NCTDA) were unable to resolve issues relating to the transfer of management authority for the West Charlotte

Business Incubator. The Committee was asked to consider other options regarding the Incubator's future.

On April 10, 2000, City Council approved the ED & Planning Committee's recommendation to engage a consultant to work with WCBI/WCMA. (A summary of the consultant's recommendations and a chronology of the incubator are attached.)

City staff reviewed the consultant's report and developed options for the ED & Planning Committee's consideration. Given the findings in the report and the apparent lack of financial records, the following three options were developed. Staff asked the Committee to consider the following when evaluating the options below:

- The integrity of the City's relationships with its other financial partners should not be compromised.
- Current incubator tenants should be treated fairly and allowed reasonable time to relocate if necessary.
- The interest of Johnson C. Smith University should be protected should the present incubator cease operation.

### OPTIONS

#### **Option #1: Pursue consultant's recommendations**

- A. Cease financial investment in WCBI until such time as 2 years audited financial statements are provided to the City.
- B. Grant \$48,000 to WCBI for computer technical support and \$15,000 for audit and bookkeeping support.
- C. Restructure governing board and hire new staff.

#### **Option #2: Recover Existing Incubator Assets**

- A. Declare WCMI in default of City's loan.
- B. City to assume responsibility for daily operations of the Incubator on an interim basis- not to exceed 6 months.
- C. Discuss tenant lease assignments and explore the feasibility of transferring Incubator operations to Johnson C. Smith University.
- D. Write off City's forgivable loan to WCMA/WCBI.

#### **Option #3: Sever the Relationship with the Present Incubator Operation**

- A. Do not provide any additional financial assistance to the WCBI.
- B. Write off City's forgivable loan and do not attempt to recover assets.

#### **Committee Discussion:**

On September 5, 2000, staff presented to the Economic Development/Planning Committee the results of the consultant's report on the West Charlotte Business



Incubator (WCBI). The presentation included the consultant's summary of findings; a chronology of events associated with the development of the current incubator and the purchase of the Rozzells Ferry site; and a list of options for the Committee to review and consider.

The Incubator's lack of performance and financial accountability was the focus of the Committee's discussion. The Committee unanimously approved Option #3 – to sever the relationship with the present incubator operation. The City will not provide any additional financial assistance to the WCBI/WCMA and will write off the existing forgivable loan. In addition, the City will not attempt to recover assets. Committee members present were Lynn Wheeler, Malcom Graham, Patrick Cannon, Nancy Carter and Don Lochman. Councilmember James Mitchell was also present.

**Community Input:**

The Consultant received input from tenants of WCBI and local area service providers. In addition, staff has forwarded the consultant's report and this agenda item to the stakeholders: First Union National Bank, North Carolina Technological Development Association, West Charlotte Merchant Association and Johnson C. Smith University.

**Attachment 6**

- Background Information
- Chronology of Events
- Executive Summary of Consultant's Report
- Committee Minutes

## 12. Redesignation of State Development Zones

**Action: Approve the Economic Development and Planning Committee's recommendation to submit State Development Zones for redesignation to the North Carolina Department of Commerce.**

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Tom Warshauer

**Focus Area:** Economic Development and City Within A City (CWAC)

**Policy:**

City Council's City Within A City and Economic Development Focus Areas seek to encourage the location, retention and expansion of businesses in Charlotte's distressed urban business districts.

**Explanation:**

State Development Zones (SDZ) provide economic incentives funded by the State of North Carolina to stimulate new investment and job creation in economically distressed urban areas. These incentives include tax credits to qualifying businesses and contributors to zone improvement projects. (Included in attachment.)

To ensure continuation of the benefits of the State Development Zone, the State has requested that all cities redesignate zones by September 30, 2000, to be legally effective January 1, 2001. Current SDZ boundaries include areas between I-77 and I-85, encompassing the airport and uptown areas. As a result of recent legislation and community input, the proposed changes in the SDZ designation will include:

- Elimination of block groups 4, 5, and 6 of census tract 53.98 mandated by new State regulations. This includes areas in the northeastern portion of North Tryon Street and a portion of I-85. Less than 10% of its population is below poverty level and it is not contiguous to a census tract or block group where more than 20% of its population is below poverty level.
- Elimination of census tract 15.01 mandated by new State regulations. This area includes a portion of the Plaza and Old Concord Road. Less than 10% of its population is below poverty level and it is not contiguous to an included census tract or block group where more than 20% of its population is below poverty level.
- Addition of census tracts 43.01, 43.02 and 44.00 and elimination of block group 4 in census tract 38.98. These changes were made to be consistent with the local Business Investment Zone. Census tracts northwest of I-85 (for example Hoskins and Hovis Roads) were added to encourage more business development in this area.

Requests for SDZ redesignation must be submitted to the North Carolina Department of Commerce for approval by September 30, 2000.

The Department of Commerce administers the SDZ certifying process by determining business eligibility for state tax incentives. The basis for identifying and qualifying an area for a SDZ is contiguous census tracts and census block groups as defined by the most recent United States Census (1990). A local government or a taxpayer may request the designation of any number of non-overlapping Development Zones and propose zones to the Department of Commerce.

**Committee Discussion:**

On September 5, 2000 the Economic Development and Planning Committee was presented the State Development Zones for Charlotte. The Committee's discussion focused on clarifying proposed changes to the existing State Development Zones.

The Committee voted unanimously to recommend that Council approve the request for State Development Zone designations for Charlotte. Committee members present were Lynn Wheeler, Malcom Graham, Patrick Cannon, Don Lockman and Nancy Carter. Councilmember James Mitchell was also present.

**Community Input:**

The North Carolina Department of Commerce, Division of Community Assistance worked with a committee of businesses and citizens from across the state to develop the incentives.

City staff in Neighborhood Development, Planning, Aviation, and the Manager's Office worked with representatives from the Chamber of Commerce to develop the proposed zones.

**Funding:**

The incentives offered to businesses in State Development Zones are State funds.

**Attachment 7**

- Eligible Business and Tax Incentives
- Proposed State Development Zones and Charlotte Census Information
- Map – State Development Zones
- Committee Minutes (see attachment number 6)

## BUSINESS

### 13. Annexation (Seven Resolutions)

**Action:** City Council is requested to adopt seven (7) resolutions stating the intent of the City to consider the annexation of 7 areas and establish a date for a public information meeting and the public hearings. The recommended date for the public information meeting is Thursday, November 16 at 7:00 p.m. and for the public hearing is Monday, November 27 at 7:00 p.m. in the Meeting Chambers of the Charlotte-Mecklenburg Government Center.

**Staff Resource:** Dick Black and Mike Boyd

**Policy:** City Annexation Policy and State Annexation Statutes

**Explanation:**

These resolutions are required by state annexation statutes and state the intent of the City to consider annexation. The resolutions describe the boundaries of the areas under consideration and establish the dates for public information meetings and public hearings on the question of annexation. By statute the date for such public informational meeting must be at least 45 days and not more than 55 days following the passage of the resolutions of intent and for such public hearings must be at least 60 days and not more than 90 days following passage of the resolutions.

On September 13, 1999, City Council passed Resolutions of Consideration which delineated the geographical areas under consideration. The Preliminary Annexation Report, a summary of all proposed areas, was presented to City Council at the September 18, 2000 Zoning Dinner Meeting. The Resolution of Intent is the next step in the annexation process.

**Attachment 8**

- Process Calendar
- Maps

## 14. Second Reading – Carolina BroadBand Franchise Agreement

**Action: Second vote on approval of the Franchise Agreement between Carolina BroadBand, Inc. and the City of Charlotte.**

**Staff Resource:** Doris Boris and Bob Hagemann

**Focus Area:** Restructuring Government.

**Explanation:**

On September 11, 2000, Council voted to approve a 15-year Franchise Agreement with Carolina BroadBand, Inc. State law requires new cable franchises be approved at two meetings. If approved at this meeting, the Franchise Agreement will go into effect immediately.

On September 11, 2000, Council voted to approve the Franchise Agreement that had been negotiated by City staff and legal consultant. If approved, Carolina BroadBand will begin construction in early 2001 and it is anticipated that 70% of current City households will have direct competition by the fall of 2004.

**Community Input:**

In 1999 City Council approved the solicitation of cable competition and the subsequent Request for Qualifications process was completed by the end of June 2000. On September 5, 2000, Council was briefed on the results of negotiating a cable franchise agreement with Carolina BroadBand and on September 11, 2000, Council voted to approve the Franchise Agreement.

**Additional Information:**

The Wednesday, September 13 Council Manager Memo included copies of (1) the 1978 cable franchise and accompanying City Code provisions; (2) the 1987 Cablevision franchise; (3) the 1987 City Code provisions which remain in effect; (4) the 1991 Vision Cable franchise; and (5) the proposed Carolina BroadBand franchise. The memo also included a summary schedule of the RFP process.

The Friday, September 22 Council Manager Memo will include additional information on this item, including issues and concerns raised by TimeWarner Cable.

## 15. Airport Rental Car Agreements

**Action:** A. Approve Airport Rental Car Concession Agreements with Hertz, Avis, National, Alamo, Budget, Dollar, Enterprise, Thrifty;

B. Approve a 15-year Ground Lease Agreement with Enterprise for Rental Car Return Facilities; and

C. Approve Ground Lease Agreements with Hertz, Avis, and National for expansion of their rental car return facilities.

**Staff Resource:** Jerry Orr

**Focus Area:** Economic Development

**Explanation:**

Eight automobile rental companies submitted the highest bids for nine on-airport rental car concessions through a competitive process. During the term of the lease, they will pay the City 10% of their gross revenues from automobile rentals generated at the Airport, or their bid minimum annual guarantee, whichever is greater. The total of the annual guarantee of all rental car companies is \$6,787,059. In 1993, the total annual guarantee bid was \$2,708,335.

Hertz, Avis, National, Alamo, Budget, and Dollar have existing return facilities on airport-leased land. Item B approves a 15-year Ground Lease Agreement with Enterprise for construction of a rental car facility. Item C approves Ground Lease Amendments with Hertz, Avis and National for expanding their auto return facilities. Thrifty will continue to operated their existing off-airport facility.

Triangle Rental Car, currently an in-terminal concession, did not submit a bid.

**Summary of Bids/Minimum Concession Fee:**

Hertz:	\$1,830,300
Avis:	\$1,735,000
National:	\$1,183,285
Alamo:	\$ 703,027
Budget:	\$ 612,838
Dollar:	\$ 435,600
Enterprise:	\$ 175,009
Thrifty:	\$ 112,000

**Community Input:**

The Airport Advisory Committee recommends this action.

## 16. Amendment to the Noise Ordinance

**Action: Adopt an ordinance setting a limit for amplified noise in the public parks and rights-of-way and requiring a permit for such amplified noise.**

**Staff Resource:** Bob Hagemann

**Explanation:**

The City's noise ordinance currently prohibits amplified noise in the public rights-of-way or in public parks at a level that exceeds sixty db(A) between 9:00 a.m. and 9:00 p.m., or fifty db(A) between 9:00 p.m. and 9:00 a.m., when measured fifty feet or more from the source. In areas of the City where the ambient noise exceeds sixty db(A), the police cannot attribute the measured sound to the amplified source and, therefore, it is impossible to enforce these standards.

The proposed ordinance would establish additional standards of 75 db(A) from 9:00 a.m. and 9:00 p.m., and 65 db(A) from 9:00 p.m. and 9:00 a.m., when measured ten feet or more from the source. These standards are substantially equivalent to the current fifty-foot standards and will be more readily enforced.

The proposed ordinance would also establish a police-administered permit system to ensure that no more than one source of amplified noise occurs at the same time in the same location, and to give the police reasonable advanced notice of amplified noise so that the standard can be effectively enforced. Permits will be issued on a first-come, first-served basis.

Sound amplification produced in conjunction with a city festival or parade permit would be exempt from this new standard.

**Community Input:**

Staff has worked closely with the Charlotte Center City Partners.

**Attachment 9**

Ordinance

## 17. Amendment to the Tree Ordinance

**Action: Adopt an Ordinance to amend the City Code to include the Urban Components of the Tree Ordinance.**

**Staff Resource:** Lisa Hagood

**Focus Area:** Economic Development

**Explanation:**

When the Mixed Use Development District (MUDD) was adopted in 1998 the Tree Advisory Commission (TAC) recommended and Council approved exempting the MUDD district from the tree ordinance until the ordinance could be revised to conform to the goals for infill type, high-density development.

The proposed amendments to the Tree Ordinance create an “urban” component that is consistent with standards for this and other urban districts. With this revision, all urban districts will be covered, including UMUD, MUDD and the Pedestrian Overlay District (PED).

Changes were made to the overall ordinance to improve tree canopy and growing space for required trees. Highlights of the proposed amendments include the following:

- 75% of the new trees being planted will be large maturing shade trees, which is an increase from the 50% requirement in the current ordinance.
- The size of tree islands in parking lots will be larger which will allow for better growth and a longer life span for the trees. The increased size of the tree island has been designed to work with the standard parking module. This allows for more growing area for the trees without impacting the number of parking spaces that a site needs.

The Tree Advisory Commission reviewed the new Tree Ordinance and unanimously approved the revisions on April 18, 2000.

**Community Input:**

An Urban Tree Stakeholder Committee met for more than a year to revise the current Tree Ordinance. A diverse group of neighborhood and environmental representatives, developers, designers and members of the Chamber and the Manufacturers Council, as well as staff from Planning and Engineering met on a regular schedule to revise the ordinance to incorporate the urban zoned districts into a comprehensive document.

The Urban Tree Stakeholder Committee supports the proposed amendments.

**Public Input:**

A public hearing was held on August 28 and staff provided a brief presentation of the revisions. No public comments were made at the hearing.

**Attachment 10**

- Summary of proposed changes
- Ordinance



**18. Set Dates and Times for the 2000 Performance Evaluations for the City Manager, City Attorney and City Clerk**

**Action: Set dates and times for closed sessions for the purpose of conducting the 2000 performance evaluations of the City Manager, the City Attorney and the City Clerk:**

<b>City Clerk</b>	<b>Monday, October 23, 2000</b>	<b>3:00 p.m.</b>
<b>City Attorney</b>	<b>Monday, November 13, 2000</b>	<b>3:00 p.m.</b>
<b>City Manager</b>	<b>Monday, November 20, 2000</b>	<b>3:00 p.m.</b>

## 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

### 19. Various Bids

#### A. Pence Pond Rehabilitation E&PM

**Recommendation:** The City Engineer recommends the low bid of \$106,807.40 by Ferebee Corporation of Charlotte, North Carolina. This work includes clearing and grading; pond excavation; dam construction; muskrat protection matting; siphon drain and valve relocation and site restoration. The project is part of the Storm Water pollution control program to provide water quality improvements, flood control and safety.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	3%
WBE	\$0	0%	2%

**MWBD Compliance:** Yes. Ferebee Corporation will self-perform.

**B. Sanitary Sewer Construction - CMU  
Hawthorne Lane Trunk Replacement**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$901,022.85 by R. H. Price, Incorporated of Charlotte, North Carolina. This project consists of approximately 3,519± feet of 18-inch sewer pipe beginning at an existing sewer line along Sugar Creek.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	8%
WBE	\$901,022.85	100%	7%

**MWBD Compliance:** Yes. R. H. Price is a certified WBE and will subcontract to another certified WBE.

**C. Water and Sewer Main Construction - CMU  
FY01 Contract #104 – Street Main Extensions**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$900,868.70 by McDaniel Construction Contractors, Incorporated of Bostic, North Carolina. This project consists of approximately 2,400± linear feet of 12-inch ductile iron pipe, 2400± 8-inch polyvinyl chloride pipe, 20 four-foot manholes, and various other items.

**MWBD Compliance:** Yes. McDaniel is a certified WBE and will self-perform on this contract.

**D. North Mecklenburg Water Treatment Plant - CMU  
Concrete Repairs**

**Recommendation:** The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$136,285.90 by Carolina Restoration & Waterproofing, Incorporated of Creedmoor, North Carolina. This contract provides for the repair of cracks in certain concrete walls forming part of the basin and filter complex at the North Mecklenburg Water Treatment Plant.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$0	0%	0%
WBE	\$0	0%	0%

**MWBD Compliance:** Yes. Carolina Restoration will self-perform on this contract.

**E. FAR Part 150 Residential Sound  
Insulation Program**

**Aviation**

**Recommendation:** The Aviation Director recommends the low bid of \$135,000 by Jones & Jones Construction of Winston-Salem, North Carolina. This project will provide sound attenuation measures for two churches, Victory Missionary Baptist Church and Mulberry Baptist Church, participating in the sound insulation program. This is part of the federally approved FAR Part 150 Noise Compatibility Program.

<b>MWBD Status:</b>	<b>Amount</b>	<b>% of Project</b>	<b>Project Goals</b>
<b>DBE Total:</b>	\$135,000	100%	10%

**MWBD Compliance:** Yes



**Funding:**

\$1,769,773 in federal funds from the Department of Justice and \$196,641 in police assets forfeiture funds

**21. Pence Road Sidewalk**

**Action: Approve Amendment #1 for \$190,995 with USInfrastructure of Carolina, Inc. (USI) for engineering design services for Pence Road Sidewalk Project.**

**Explanation:**

On June 12, 2000, the City approved an agreement for \$254,255 with USI for engineering and streetscape design services for Pence Road Streetscape and The Plaza Streetscape projects.

This amendment will provide funds for additional design services for the extended project limits on Pence Road from Holly Hill Road to Harrisburg Road. Pence Road Sidewalk Project will include roadway widening, curb and gutter, and sidewalk with planting strips on the south side of Pence Road.

This project is included in the Eastside Strategic Plan.

**MWBD:**

ABE: 100%

**Funding:**

Economic Development Capital Investment Program

**22. Concrete Installation and Repair, FY-99 Renewal**

**Action: Approve Renewal #1 for \$317,823.20 with Shaw Group, Ltd. for concrete installation and repair.**

**Explanation:**

Council awarded the Concrete Installation and Repair FY-99 project to the Shaw Group on July 26, 1999 for \$309,558. The contract provides concrete repair within the City of Charlotte's Department of Transportation, Street Maintenance Division Central District (Uptown). The work includes concrete curb, drives, sidewalks and street section repairs.

This is the first of three (3) renewals and includes a 2.67% unit price increase in accordance with the original contract.

**MWBD:**

ABE: 100%:

**Funding:**

Powell Bill Funds

**23. Marsh Road Storm Water Improvements**

**Action: Approve assignment of contract for engineering services for Marsh Road Storm Water Improvements from Post Buckley Schuh & Jernigan, Inc. to Law Engineering and Environmental Services, Inc. in the amount of \$211,470.**

**Explanation:**

Post Buckley Schuh, & Jernigan, Inc. (PBS&J) completed the planning for improvements to the storm water systems in the Marsh Road area. At that stage, key personnel left PBS&J to work for Law Engineering & Environmental Services. Because the institutional memory of the project transferred with the personnel, it is in the City's best interest to transfer the contract. PBS&J and Law Engineering are both agreeable to the assignment. This agreement provides for design, bid phase, and construction administration services to be performed by Law Engineering. PBS&J will retain \$163,120 of the original contract amount. There is no change in the total dollar amount.

**Funding:**

Storm Water Capital Investment Program

**24. Storm Water Design Services for Andover Storm Water Capital Improvement Project**

**Action: Approve amendment #3 for \$200,000 with The Isaacs Group, P. C. for consulting services for storm water design services for the Andover Storm Water Capital Improvement Project.**

**Explanation:**

On May 2, 1996, the City Manager approved the original agreement with The Isaacs Group, P. C. for \$95,000 for planning and design for several small storm water drainage improvement projects. On October 7, 1997, the City Manager approved amendment #1 for \$85,000 to continue design services and for additional projects. On August 24, 1998, City Council approved amendment #2 for \$107,500 to complete design of the smaller projects and review the design by another consultant for the Andover Road neighborhood.

The smaller projects included storm drainage system improvements in the Winfield Drive, Latta Park, Woodlark Lane, and Roswell-Colony areas. Construction for improvements to all of those projects was completed in 1999.

The review of the Andover Road neighborhood project determined that revisions of the design would be necessary for a functional drainage system and to address concerns of property owners. Amendment #3 will provide funding to complete the design revisions of the Andover Road project.

**Funding:**

Storm Water Capital Investment Program

**25. Storm Water Maintenance Renewal FY00-C**

**Action: Approve Renewal #2 for \$927,070 with United Construction, Inc. for continued construction of FY00-C Storm Water Maintenance Package.**

**Explanation:**

This renewal will enable Storm Water Services to continue regular maintenance activities under this contract, recognizing good contractor performance and good existing unit prices. Where the contractor's work has been of good quality, a renewal is recommended to extend the contract.

The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount from \$1,854,140 to \$2,781,210.

**MWBD:**

ABE: 100%

**Funding:**

Storm Water Capital Investment Program

**26. Vintage Trolley/South Corridor Rail Improvements**

**Action: Approve an amendment with Ralph Whitehead & Associates in the amount of \$1,593,845 for engineering and construction management services related to the Trolley project.**

**Explanation:**

In July 1998, Council awarded a contract in the amount of \$3,458,743 to Ralph Whitehead & Associates for the planning, design, and engineering of the Vintage Trolley project from Tremont Avenue to 9<sup>th</sup> Street. In November 1998, the citizens of Charlotte approved a referendum for a half-cent sales tax to fund Charlotte's new transit system.



At that time, staff asked Ralph Whitehead & Associates to develop a list of items that could be added to the Trolley project to accommodate the transition of adding future light rail service. After developing cost estimates, staff presented the items to the Metropolitan Transit Committee (MTC). In April 2000, the MTC approved up to \$8.2M to be added to the Trolley project for items such as:

- Welded rail and concrete ties
- Underground utility conduits for future light rail use
- Partial Convention Center upfit for light rail
- Additional retaining walls

In addition, as part of the FY01 budget, Council approved an additional \$1.5M to be added to the Trolley project for public input elements such as:

- Pedestrian scale lighting
- Irrigation system
- Aesthetic bridge panels and handrails

This amendment will provide the necessary design and engineering to include these items into the construction drawings.

Also, because additional funds have been added to the construction, this amendment will increase the construction management services allowance.

**Funding:**

Economic Development Capital Investment Program

**Attachment 11**

Power Point slides from the September 11, 2000 Dinner Meeting Presentation

**27. Myers Park Neighborhood Water Main Rehabilitation – Change Order**

**Action: Approve Change Order #1 for \$346,000 with RETUSA, Incorporated for additional water main rehabilitation in and around the Myers Park Neighborhood.**

**Explanation:**

This change order will allow for the rehabilitation of approximately 8,500 additional feet of water mains in the Myers Park neighborhood, but not included in the original contract scope with RETUSA. The water mains in this area are estimated to be approximately 70 years old and have developed significant iron oxide build-up. This build-up results in a reduction of flow and a degradation of water quality. The rehabilitation process will remove this build-up and apply a protective epoxy coating to the inside of the pipe, preventing future deterioration.

With this change order the contract with RETUSA will increase from \$948,948 to \$1,294,948. The original contract for \$948,948 was approved by City Council on November 8, 1999.

**MWBD:**

WBE: 7%

**Funding:**

Water and Sewer Capital Investment Program

**28. Catawba River Raw Water Pumping Station Expansion–  
Change Order**

**Action: A. Adopt a Budget Ordinance appropriating \$640,000; and**

**B. Approve Change Order #1 for \$419,730.47 with Energy Erectors, Incorporated for electrical construction on the Catawba River Raw Water Pumping Station project.**

**Explanation:**

Approval of the budget ordinance will allow payment to Energy Erectors for additional work and in-house engineering charges through the construction, start-up and warranty periods. Funding is also included for a project contingency.

Early in the construction project, plans were developed for a future back-up power generator facility. It was determined that it would be more economical and less disruptive to the raw water pumping stations to add necessary electrical switches, conduits and cabling to this project to accommodate the future generator facility. The substation was relocated at the request of Duke Power prior to its installation; however, the request came after the project was bid and awarded.

Change Order #1 will provide labor and equipment to:

- Accommodate the future generator facility and relocate the electrical Substation.
- Energize the surge anticipator vault and venturi vault.
- Install an automatic transfer switch to the existing back-up generator and additional lighting.

With this change order the contract with Energy Erectors will increase from \$1,909,440 to \$2,329,170.47. The original contract for \$1,909,400 was approved by City Council on February 22, 1999.

**MWBD:**

None

**Funding:**

The budget ordinance transfers \$640,000 from Water Bonds fund balance created as a result of completed projects.

## 29. Federal Aviation Administration Acceptance and Appropriation; Award of Related Contracts

**Action:** A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$5,045,175 for multiple airfield construction projects; and

B. Adopt a budget ordinance to appropriate the FAA grant of \$5,045,175 and the city's share of \$611,984 from the Airport's Discretionary Fund to be replaced by future Airport Revenue Bonds; and

C. Award a contract to Arvy Construction in the amount of \$1,043,979.43 for Runway 5/23 Safety Area Improvements; and

D. Award a contract to Barnes & Powell in the amount of \$958,260.80 for Phase II of the East Airfield Lighting Vault.

**Explanation:**

The Airport competes with other airports for discretionary funds from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP). The FAA has offered the Airport a discretionary grant in the amount of \$5,045,175. This grant will be used to reimburse the Airport for 75% of the costs of the following projects:

- 1) Improvements of the Runway 5/23 safety area
- 2) Construction of a new airfield lighting vault, and
- 3) Construction of a portion of the aircraft parking area for the new Concourse "E".

Item B requests Council to adopt a budget ordinance to appropriate grant and City funds for these projects. The City funds will be replaced by the proceeds of a future Airport Revenue Bond Issue.

Runway 5/23 Safety Area Improvements will consist of relocating 1,300 feet of Airport Drive and approximately 100,000 cubic yards of earthwork. The contract also includes relocating utilities and installing new drainage structures in the area. Item C will award a contract for this project.

The East Airfield Lighting Vault-Phase II contract consists of installing new electrical cable on the airport’s taxiways and runways. Item D will award a contract for this project.

**Runway 5/23 Safety Area Improvements**

The Aviation Director recommends the low bid of \$1,043,979.43 to Arvy Construction of Charlotte, North Carolina.

MWBD Status	Amount	% of Project	Project Goals
DBE	\$1,043,979.43	100%	15%

**MWBD Compliance:** Yes

**East Airfield Lighting Vault**

The Aviation Director recommends the low bid of \$958,260.80 to Barnes and Powell of Elm City, North Carolina.

MWBD Status	Amount	% of Project	Project Goals
DBE	\$303,850	31%	15%

**MWBD Compliance:** Yes

**Funding:**

FAA discretionary grant and future Airport Revenue Bonds

**30. Special Facility Revenue Bonds, Series 2000-Appropriation of Proceeds**

**Action: Adopt a budget ordinance appropriating \$31,543,901 of Series 2000 Special Facility Revenue Bonds.**

**Explanation:**

On July 24 2000, City Council approved a resolution authorizing the issuance of up to \$40,000,000 of Airport Special Facility Revenue Bonds. The proceeds of these bonds will be used by the City to purchase lease improvements from US Airways and then lease them back to US Airways on a compensatory basis.

On September 1, 2000, the City issued \$34,700,000 in Special Facility Revenue Bonds, at an interest rate of 7.75%, due February 1, 2028. The proceeds from these bonds will fund the construction of a Line Maintenance Hangar, Mail/Freight Transfer Facility, and upgrades to an existing Maintenance Hangar and Aircraft Air Conditioning Units.

The difference in the appropriation amount and the issue amount is the associated debt service and issuance costs.

### 31. Property Transactions

**Action: Approve the following property acquisitions (A-B).**

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

#### Acquisitions:

- A. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** Julius C. Payne, Jr.  
**Property Address:** 8617 Berryhill Drive  
**Property to be acquired:** .522 acres  
**Improvements:** Single family residence  
**Purchase Price:** \$61,000  
**Zoned:** R3  
**Use:** Single family residence  
**Tax Value:** \$39,240  
**Tax Code:** 113-133-17
- B. Project:** Airport Master Plan Land Acquisition  
**Owner(s):** David J. Massey  
**Property Address:** 9625 Dixie River Road  
**Property to be acquired:** 1.162 acres  
**Improvements:** Prefab whs/whse/indus  
**Purchase Price:** \$268,500  
**Zoned:** I1  
**Use:** Prefab Whs/Whse/Indus  
**Tax Value:** \$120,230  
**Tax Code:** 113-152-26

### 32. Meeting Minutes

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

- August 28 Business Meeting