

Mayor Patrick L. McCrory

Susan Burgess
Nancy Carter
Malcolm Graham
Patsy Kinsey
John W. Lassiter

Mayor Pro Tem Patrick De'Angelo Cannon

Don Lochman
James E. Mitchell, Jr.
Patrick Mumford
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING
Monday, February 23, 2004

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

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

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. **Restructuring Government Committee Report on Merger of Visit Charlotte and the Auditorium- Coliseum-Convention Center Authority**

Committee Chair: James Mitchell

Resource: Ron Kimble, City Manager's Office

Time: 20 minutes

Synopsis of Presentation:

The proposed merger of Visit Charlotte (VC) and the Auditorium-Coliseum-Convention Center Authority (ACCCA) was first discussed with Council on July 28, 2003. Subsequently, Council received a presentation on September 8, 2003 identifying both the opportunities and advantages of such a merger. Council asked that an implementation plan be brought forward describing such issues as:

- The new name for the combined organization
- The recommended size and make-up of the new board
- The skills and credentials of a new CEO for the new organization
- The recommended City Charter amendment to achieve consolidation
- Proposed implementation timetable

This presentation will cover these issues in greater detail and provide a framework for moving forward including the approval needed from the State Legislature in the 2004 Short Session. The anticipated effective date for start-up of the new merged organization is July 1, 2004.

Future Action:

The Restructuring Government Committee will consider this item on February 19th. Council will consider this item on February 23rd. The item will be included in the Friday, February 20th Council-Manager Memorandum.

Attachment 1

January 26, 2004 Charlotte Regional Visitors Authority
Implementation Plan

2. New Charlotte Arena Construction Update

Resource: Jim Schumacher, Engineering and Property Management

Time: 20 minutes

Synopsis of Presentation:

Mr. Schumacher will review the current status of construction on the site, addressing the schedule, subcontract bidding and the budget.

Future Action:

Council will establish the "Guaranteed Maximum Price" in May 2004.

3. Floodplain Levee Policy

Resource: Tim Richards, Storm Water Services

Time: 15 minutes

Synopsis of Presentation:

The Levee/Floodwall Policy will ensure that the construction of levees and floodwalls provide a degree of flood protection. The Policy will satisfy the objectives of a variety of other programs and policies including water levels, quality, habitat and environmental issues.

The dinner presentation will provide an overview of the policy process, citizen concerns, and staff's recommendations.

The Mecklenburg County Board of Commissioners will consider the policy at their February 17, 2004 meeting.

Future Action:

Council will consider the policy on March 22, 2004.

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

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

CONSENT

- 4. Consent agenda items 14 through 26 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

5. **Public Hearing on Voluntary Annexation of Property Located on Mallard Creek Road-Mallard Woods II Subdivision**

Action: A. Hold a public hearing for the voluntary annexation of the Mallard Woods II subdivision, and

B. Adopt an ordinance, effective February 23, 2004, to extend the corporate limits to include this property.

Staff Resources: Jonathan Wells, Planning Commission
Mike Boyd, City Attorney's Office

Policy:

City Annexation Policy and State Annexation Statutes

Explanation:

The property in this annexation petition area is owned by Pearson Land Corporation. The property contains approximately 14.1 acres and is located in the 12700 block of Mallard Creek Road, east of Ridge Road, immediately beyond the City of Charlotte corporate boundary. This property is known as the Mallard Woods II Subdivision. The petitioner submitted a subdivision application to develop a 51-lot single family subdivision on the property. The property shares a boundary with the current City limits, and remains largely undeveloped.

The petitioners request this action to:

- Proceed with the subdivision platting using City roadway standards
- Offer City services to prospective homebuyers
- Relieve these home buyers of the uncertainties of a future annexation

Council approved a set of policies to guide the evaluation and consideration of voluntary annexation petitions on March 24, 2003. This petition was considered in light of those policies and it satisfies the conditions for annexation as stated in those policies. Specifically, the proposed annexation:

- Will not adversely affect the City's ability to undertake future annexations
- Will not have an undue negative impact on City finances or services
- Will not result in a situation where unincorporated areas will be encompassed by new City limits

No additional City personnel or equipment is expected to be required for this annexation.

The City Clerk has certified the petition as to its sufficiency, and a resolution was adopted by Council establishing February 23, 2004 as the date for the public hearing. The notice has been published in the *Mecklenburg Times*. The 60-day notice requirement has been given to the six Mecklenburg towns and to the other municipalities with which Charlotte has annexation agreements.

Attachment 2

Certificate of Sufficiency
Annexation Ordinance
Map of proposed annexation area

6. Draft Sunnyside Pedscape Plan



Action: Receive citizen comments on the draft Sunnyside Pedscape Plan.

Committee Chair: John Lassiter

Staff Resource: Eddie Moore, Planning Commission

Explanation:

As part of the adoption process for the Belmont Area Revitalization Plan (2003), City Council directed Planning Commission staff to reevaluate the existing zoning and land use within the Sunnyside area.

The Sunnyside area is located adjacent to the Belmont plan study area, just east of Louise Avenue, north of Independence Boulevard, west of the CSX railroad right-of-way, and south of the parcels that front Central Avenue within the Plaza-Central Pedscape Plan (2003) area.

The purpose of a Pedscape plan is to encourage the re-establishment of an urban fabric. Pedscape plans promote a mixture of moderate intensity land uses, provide development standards to ensure high quality design, support the reuse of existing buildings, and provide streetscape requirements for new development.

The Sunnyside Pedscape Plan envisions a well-designed mix of residential and office land uses in a compact, pedestrian-oriented environment. The plan includes two parts, a concept plan and an implementation plan. Council will only be asked to take action on the concept plan. The implementation plan is intended as a guide for staff in carrying out the plan vision. Implementation of the Sunnyside plan will include application of a corrective rezoning and Pedestrian Overlay zoning district (PED). The process requires two steps: first, adoption of the concept plan; then approval of rezoning applications, which will be brought to Council through the normal rezoning process.

The draft Sunnyside Pedscape Plan makes specific recommendations as summarized below:

Land Use

The Plan is intended to supercede the Central District Plan (1993) as the land use policy for the area. The Plan recommends:

- Preserving the existing residential character of the area outside the PED overlay district. This includes the western part of the study area, adjacent to the Belmont study area boundary. Corrective rezonings are recommended for this area to more closely align the zoning with existing and proposed land uses and with recommendations in the Belmont plan.
- Creating a compact mixture of residential and office uses in the eastern part of the study area along Hawthorne Lane, west to the CSX railroad right-of-way. PED zoning is recommended to be applied to this area after this plan is adopted.

Street Cross-Sections

- Streets are categorized into three “types” based on their use and traffic characteristics: Village Residential Connector (Sunnyside Avenue), Village Edge (Lamar Avenue) and Streetcar Connector (Hawthorne Lane). Building setbacks and street cross-section requirements are recommended for each street type.
- Most of the street types use existing curb lines, which are adequate for present and future traffic needs.
- All street cross sections include sidewalks and planting areas with street trees. Recessed, on-street parking is provided as an option along Sunnyside Avenue and Hawthorne Lane where redevelopment may create a need for additional parking.

Streetscape and Pedestrian Improvements

The Plan recommends the following public investments to enhance the pedestrian environment:

- Improving public road, including temporarily restriping Hawthorne Lane, to mirror the recommended street cross-section until the properties along the street have fully developed; and improving the sidewalks and curbs along Sunnyside Avenue
- Continuing bike lanes along Hawthorne Lane to Central Avenue
- Installing pedestrian crossings at the Sunnyside Avenue and Hawthorne Lane intersection
- Planting street trees in public right-of-way outside the area recommended for the PED overlay district
- Installing pedestrian amenities within the area recommended for the PED overlay district, including pedestrian-scale lighting, benches, and trashcans in areas of highest pedestrian activity
- Installing a pedestrian crossing over the CSX railroad right-of-way (long-term)

Implementation

Once the concept plan portion of the Sunnyside plan has been adopted, the Planning Commission will initiate the rezoning process for the recommended corrective rezoning and PED overlay district.

The area recommended for corrective rezoning is on the western half of the Pedscape Plan area and zoned R-22MF and B-1. This well established residential area primarily consists of single-family and a mix of multi-family homes. The Plan recommends that this area be rezoned to R-8 to closely reflect the actual residential density and character of the area.

The area recommended for PED overlay zoning district is on the eastern half of the Pedscape Plan area and zoned R-22MF, B-1, I-2, and UR-2. The PED overlay district allows uses permitted by right and under prescribed conditions in the underlying zoning district, except outdoor storage and outdoor advertising signs.

Committee Discussion:

At their meeting on January 20, 2004, the Planning Commission's Planning Committee received an overview of the plan development process. On February 17, 2004, the Planning Committee received public comment, with a recommendation to follow in March.

Council's Economic Development and Planning Committee discussed the draft plan at their February 18, 2004 meeting. Staff provided background information and highlighted key recommendations. After public comments at the February 23, 2004 Council meeting, the Economic Development and Planning Committee will continue reviewing the plan and make a recommendation to full Council for action in late March or early April 2004.

Community Input:

Since fall 2003, four public meetings have been held to review and discuss the specifics of the Pedscape Plan. In addition, staff met or spoke with individual property owners including representatives of Renfrow Tile and Party Reflections.

Notices of all public input opportunities have been sent to property and business owners in the study area, business and neighborhood association leadership, and those who have attended past community meetings on the plan. Approximately 150 notices have been mailed to notify stakeholders of this February 23rd meeting.

Attachment 3

Draft Sunnyside Pedscape Plan

POLICY

7. City Manager's Report

8. High Occupancy Vehicle Lane (HOV) on Independence Boulevard



Action: Approve the Transportation Committee recommendation to direct the City's representative to the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) to vote to continue using the Independence Boulevard median lanes only as a bus and vanpool facility.

Committee Chair: Pat Mumford

Staff Resource: Danny Rogers, Transit

Policy:

2025 Transit System Plan, Southeast Transit Corridor

Explanation:

In 1998 the City of Charlotte and the North Carolina Department of Transportation (NCDOT) executed a Municipal Agreement to use the unfinished portion of the HOV lane on Independence Boulevard as an interim two-way bus and vanpool facility between Westchester Boulevard and Interstate 277.

The construction project currently underway on Independence Boulevard (between Eastway Drive and Albemarle Road) is scheduled to be completed in May 2005, and the facility currently used for buses and vanpools will be converted to an exclusive, one-way HOV lane between I-277 and Albemarle Road. This lane would be reversible, allowing buses and autos with three or more persons to use it inbound in the mornings and outbound in the evenings.

The 2025 Transit System Plan, adopted in November 2002, calls for either bus rapid transit or light rail transit in the Independence Boulevard corridor. Consistent with the Plan, City staff asked the NCDOT to allow the median facility to remain open only to buses after completion of the current construction. This action would be effective until the Southeast Corridor transit technology and implementation schedule are determined and opportunities for a joint transit/roadway project are explored with NCDOT. NCDOT has requested a decision by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) by March 1, 2004.

To comply with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements, an HOV re-evaluation study was commissioned to assess the transportation and safety issues related to the optional uses of the median lanes of Independence Boulevard. The analysis indicated that projected use of the HOV lane with its planned occupancy requirement of 3 or more persons per vehicle (HOV 3+) would be low. Under an occupancy requirement of 2 or more persons per vehicle (HOV 2+), the HOV lane would create significant congestion, merging delays and safety problems at the termination of the HOV lane.

The use of the temporary two-way express bus lane has been successful, with ridership on routes using the facility doubling since opening in late 1998. The study recommends postponement of the installation of the HOV equipment, and continued use of the median lanes only as a bus and vanpool facility, until the Southeast Corridor Draft Environmental Impact Statement is complete. After the study is completed, HOV lanes would be incorporated into the design of the selected mode. The MUMPO is scheduled to vote on this issue at its February 25, 2004 meeting.

Committee Discussion:

On February 9, 2004, the Transportation Committee received information on the public comment, the study findings, and the impact on the Southeast Corridor transit study. The Committee discussed the study findings, particularly the merging and congestion problems with the implementation of HOV 2+. The Committee also discussed the finding that, unlike this project, the I-77 HOV project will work because it does not have these merging issues. Committee members felt that the recommended action is consistent with the need for a fair evaluation of all transit alternatives in the upcoming transit study. The Committee voted unanimously, 4-0 (Mumford, Carter, Turner, Graham) to recommend approval of the action. Committee member Burgess was absent.

Community Input:

The initial public meeting was held December 18, 2003. Attendees provided comments. A follow-up public meeting was held on February 3, 2004. Staff presented study findings and received comments. The majority of the meeting attendees were in favor of the recommendation to keep the median for bus operations only. However, many of the attendees want HOV to be considered along with light rail or bus rapid transit in the Southeast Corridor long-term transit improvements.

Attachment 4

Executive Summary of the Independence Boulevard HOV Lane Re-evaluation Study (Draft)
Summary of Public Comments

9. Truck Route Designation Changes

Action: A. Approve removal of North Davidson Street from Jordan Place to Craighead Road as a designated truck route,

B. Approve Jordan Place as a truck route, and

C. Designate as a truck route Atando Avenue from I-77 to Graham Street.

Staff Resource: Doreen Szymanski, Transportation

Explanation:

Large trucks and tractor-trailers are required to travel on designated truck routes within the City of Charlotte. When passing through the City, these trucks must stay on a truck route at all times. If a truck has a local destination, the truck must remain on the designated truck route to the point closest to its local destination, at which time it may travel on the local street. By state law, all state numbered routes are truck routes. The City Council has the authority to designate truck routes on City maintained streets.

The three proposed truck route designation changes are:

- 1) Remove North Davidson Street from Jordan Place to Craighead Road as a designated truck route This request was initiated by the North Davidson Business Association to support continued revitalization of the north Davidson business core. The City has built new infrastructure in the NoDa business core, and is nearing completion on the \$3 million Davidson Matheson Connector project. The connector project was built specifically to attract and accommodate trucks in the NoDa area and limit their use of North Davidson Street.
- 2) Designate all of Jordan Place from Brevard to Matheson, Matheson Avenue and 30th Street, and 30th Street to North Tryon Street as a designated truck route This designation is necessary so that trucks in the NoDa area have an alternative truck route once the truck route designation is removed from North Davidson Street.

While there is no formal notification process required with these proposed changes, City staff mailed 80 letters to businesses in the area. Comments were received from two businesses, Carolina Consolidators and CSX Railroad clarifying that businesses domiciled on adjoining streets to Davidson and their business associates and licensees could still travel legally along north Davidson Street between local business sites. They were assured that this practice was not prohibited through the designation changes. As a result, neither organization has objections to the change in truck route designation. With Council approval, the change

in designation will become effective and upon the opening of Jordan Place to vehicular traffic, which should be this spring.

- 3) Designate Atando Avenue from Graham Street to I-77 a truck route The \$10 million Asbury Project has rebuilt Asbury and Atando Avenues to support Graham Street as an industrial corridor. Atando Avenue from Tryon Street to Graham Street is already a designated truck route. Staff recommends designating Atando Avenue as a truck route. The designation will become effective immediately upon Council approval.

During the Asbury Project, the City built a wrought iron fence as aesthetic screening from the industrial area along Atando Avenue as agreed upon with the Druid Hills neighborhood.

On February 9th, Council received a briefing on the truck route designation changes.

Attachment 5

Maps

10. Merger of Visit Charlotte and the Auditorium Coliseum-Convention Center Authority

This item will be included in the Friday, February 20th Council-Manager Memorandum.

BUSINESS

11. Picketing, Public Assembly and Parade Ordinance

Action: Adopt a revised picketing, public assembly, and parade ordinance.

Staff Resources: Bob Hagemann, City Attorney's Office
 Judy Emken, Charlotte-Mecklenburg Police
 Brad Richardson, Economic Development Office

Explanation:

During the recent recodification of the City Code, staff identified the need to update the picketing and parade regulations to conform to developing First Amendment law and current administrative practices. Staff also saw this as an appropriate time to move what are currently City Manager policies for public assemblies, demonstrations, and festivals into the City Code. The Parade Committee unanimously voted to endorse the proposed ordinance.

Key changes are as follows:

Picketing Regulations

- Picketing by 25 or more persons requires a permit (the current ordinance does not require a permit but limits pickets to 10 people, a standard that has not been enforced for constitutional reasons)
- Ordinance details permit application requirements, standards for approval, and provides a constitutionally required appeals process
- Pickets of less than 25 people do not require a permit but do require two-hour advanced notification to the CMPD
- New prohibitions of picketing: (a) adjacent to a school when in session; (b) targeting a particular private residence; and (c) in a median

Public Assembly and Parade Regulations

- Establishes clear time frames for permitting decision, with the right to an administrative appeal with subsequent judicial review (replaces the current appeal to City Council)
- Eliminates the indigency exception for payment for police traffic control resources
- Instead of exempting the Martin Luther King, Veteran's Day, Carrousel, and Shrine Bowl parades by name from the regulatory requirement that the applicant pay for police traffic control resources, the revised ordinance provides that the City may provide such services at no or reduced cost if the City chooses to be associated with the parade sponsor. Staff intends to continue to provide these services at no cost to the parade organizers.
- Abolishes the Parade Committee

Attachment 6
 Ordinance

12. Cancel April 26th City Council Meeting

Action: Cancel the Monday, April 26, 2004 City Council business meeting to accommodate scheduling of the annual Chamber Inter-City Visit.

Staff Resource: Julie Burch, City Manager's Office

Explanation:

The Charlotte Chamber requests the City cancel the April 26th Council meeting in order to accommodate scheduling of the annual Chamber Inter-City Visit. The tentative dates for the trip to Nashville are April 26–28.

Staff recommends canceling this meeting and accommodating business matters that would have been on the April 26 meeting on the agendas of April 12 or May 10. With Council approval, the adopted Council meeting schedule will be amended to reflect this change.

Attachment 7

Letter of request from Charlotte Chamber

13. Appointments to Boards and Commissions

Action: Vote on blue ballots and give to City Clerk at dinner.

A. CERTIFIED DEVELOPMENT CORPORATION

Local Government Category:

One position beginning immediately and serving until April 2006 to replace Terry Bradley.

Terry Bradley by Council member Mitchell

Phillip Bosche' by Council member Carter

Pamela Wideman Lopez by Council member Burgess

Community Organization Category:

One appointment beginning immediately and serving until April 2005 to replace Derrick Knox.

Earl Foxworth by Council member Burgess

Thomas Mussoni by Council member Tabor

Edward Prince by Council member Mumford

Private Lending:

One appointment beginning immediately, serving until April 2004 and then serving the next full three year term to replace Steven May.

William Ashcraft by Council member Burgess
Harold Brown by Council member Carter
Randal Jones by Council member Mumford

Attachment 8
Applications

B. MAYOR'S INTERNATIONAL CABINET

Vote for one citizen to begin serving immediately to fill an unexpired term ending February 2005 to replace Yvette Sayles.

Rosa Garwin by Council member Turner
Kevin Geddings by Council member Tabor
Mark Gillette by Council member Lassiter
Malachi Greene by Council member Mitchell
Hal Markowitz by Council member Burgess
Mohammed Ismail by Council member Carter
Yvette Sayles by Council member Cannon

Attachment 9
Applications

C. NEIGHBORHOOD MATCHING GRANTS FUND

Two positions beginning immediately, serving until April 2004 and then serving a new two year term. One will replace Steven Lawrence, representing an open category. The other will replace Michelle Thomas, and will represent a non-profit organization.

Open Category:

David Frazier by Council member Mumford
Chris Scheppegegrell by Council member Mumford
Chris Wilson by Council member Graham

Non-profit Category:

Erica Ellis Stewart by Council member Carter
Shawn Reid by Council member Carter

Attachment 10
Applications

D. WASTE MANAGEMENT ADVISORY BOARD

Recommend to the County Commission one citizen to serve on this board for a position beginning immediately and serving until September 2004. Council member Burgess nominated Matthew Cowell, but he is already serving, having been appointed by Council earlier this year.

Walter Bauer by Council member Carter

Attachment 11
Application

MAYOR AND COUNCIL TOPICS

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

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

14. Various Bids

A. Water and Sewer Main Construction-FY04 CMU Contract 6-Street Main Extensions

Recommendation:

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,132,621.70 by State Utility Contractors, Inc. of Monroe, North Carolina. This project consists of gravity sanitary sewer pipe, water pipe, manholes, and various other appurtenances and erosion controls to be performed within rights-of-way.

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 3%

State committed 3% (\$34,000) of the total contract amount to three SBE firms.

B. FY04 Water Main Rehabilitation**CMU****Recommendation:**

The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$2,997,425.63 by Heitkamp, Inc., Watertown, Connecticut. This contract is to rehabilitate and replace portions of the water distribution system. This contract is for small rehabilitation/ replacement projects (12-inch diameter and smaller and between 100-10,000 feet in length).

Small Business Opportunity:

Established SBE Goal: 5%

Committed SBE Goal: 5%

Heitkamp, Inc. committed 5% (\$150,000) of the total contract amount to three SBE firms.

15. In Rems

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

Public Purpose:

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

Policy:

- Communities Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 1817 S. Mint Street (Neighborhood Statistical Area 15-Wilmore Neighborhood)
- B. 114 N. Turner Avenue (Neighborhood Statistical Area 26-Biddleville Neighborhood)
- C. 800 #3 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood)
- D. 800 #4 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood)
- E. 800 #5 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood)

Field Observation:

- F. 1132 N. Caldwell Street (Neighborhood Statistical Area 45-Optimist Park Neighborhood)
- G. 719 E. 17th Street (Neighborhood Statistical Area 51-Belmont Neighborhood)

Public Safety:**A. 1817 S. Mint Street**

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1817 S. Mint Street (Neighborhood Statistical Area 15-Wilmore Neighborhood).

Attachment 12

B. 114 N. Turner Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 114 N. Turner Avenue (Neighborhood Statistical Area 26-Biddleville Neighborhood).

Attachment 13

C. 800 #3 Prince Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 800 #3 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood).

Attachment 14

D. 800 #4 Prince Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 800 #4 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood).

Attachment 15

E. 800 #5 Prince Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 800 #5 Prince Street (Neighborhood Statistical Area 22-Oakview Terrace Neighborhood).

Attachment 16

Field Observation:

F. 1132 N. Caldwell Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1132 N. Caldwell Street (Neighborhood Statistical Area 45-Optimist Park Neighborhood).

Attachment 17

G. 719 E. 17th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 719 E. 17th Street (Neighborhood Statistical Area 51-Belmont Neighborhood).

Attachment 18

16. Refund of Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical error in the amount of \$65,080.45, and

B. Adopt a resolution authorizing the refund of business privilege license payments made in made in the amount of \$8,488.44.

Attachment 19

Resolutions

List of Refunds

CONSENT II

17. Financing for FY2004 Equipment Purchases

Action: Adopt a resolution approving the terms of an Installment Payment Contract (lease/purchase) and related financing documents to fund the FY2004 Capital Equipment Requirements. The principal amount of the contract will be approximately \$28 million.

Staff Resource: Greg Gaskins, Finance

Explanation:

Council approved the Lease Purchase Agreement for FY2004 in the annual budget adoption process plus \$1.3 million that is part of \$2.1 million approved in FY2003 for public safety digital communications equipment upgrades.

This resolution authorizes the City Manager and the Finance Director to negotiate the documents necessary to secure funding for the City's FY2004 Capital Equipment Requirements.

A five-year financing period 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 FY2003 Equipment Lease Purchase was approximately 2.25%.

Funding:

Municipal Debt Service Fund and Water and Sewer Debt Service

Attachment 20

List of equipment
Resolution

18. Fair Housing Enforcement Grant

Action: Adopt a budget ordinance appropriating \$110,298 from a grant for fair housing enforcement.

Staff Resource: Willie Ratchford

Explanation:

The Community Relations Committee administers the City's Fair Housing and Public Accommodation ordinances, investigates allegations of Police misconduct, administers the Dispute settlement program and provides staff support to the Community Relations Committee, which promotes and monitors community harmony.

Each year, the U.S. Department of Housing and Urban Development (HUD) provides a grant to supplement funding for administration of the fair housing program. CRC initially estimated the amount of the FY04 grant as \$141,242. The actual grant amount was \$251,540, therefore, Council is asked to appropriate the remaining \$110,298.

CRC will continue to use the HUD grant revenue to cover the salary and benefits of a temporary Community Relations Specialist position and other HUD approved costs associated with administration of the fair housing program, including:

- Training for fair housing testers in Charlotte and Mecklenburg County
- Community partnerships to test for design and construction violations and discrimination against disabled persons
- Community partnerships to address affordable housing issues
- Community-wide dialogues on living together peacefully between various faith-based organizations
- Partnerships with various community groups to provide fair housing training
- Outreach to educate citizens on their rights under fair housing law

CRC does not anticipate requesting funding from the City if the HUD funding goes away.

Attachment 21

Budget ordinance

19. Geotechnical and Construction Materials Testing

Action: A. Approve an agreement with S&ME, Inc. for engineering services for \$200,000, and

B. Approve an agreement with Froehling & Robertson for engineering services for \$150,000.

Staff Resource: David Meachum, Engineering and Property Management

Explanation:

S&ME and Froehling & Robertson will provide geotechnical and construction materials testing services on a wide variety of projects on an as-needed basis.

S&ME and Froehling & Robertson were chosen using the Council-approved qualification based selection process.

Small Business Opportunity:

Established SBE Goal: 5%

A. Committed SBE Goal: 5%

B. Committed SBE Goal: 5%

SME committed 5% (\$10,000) of the total contract amount to a SBE firm.

Froehling & Robertson committed 5% (\$7,500) of the total contract to a SBE firm.

20. Airport Parking System Service Agreement

Action: Approve a three-year service agreement with Ascom Transport Systems, Inc. for maintenance of the airport's automated parking system.

Staff Resource: Jerry Orr, Aviation

Explanation:

The Airport's current automated parking system includes an on-line computer, which provides management and revenue control of all entrance gates, ticket dispensers, cashier terminals and inventory equipment. The system was originally purchased and installed in 1982 and has subsequently been expanded and upgraded to accommodate the significant expansions of the airport parking facilities. To date, the Airport has invested \$2,989,212 for the purchase and installation of the parking management system. Due to the proprietary nature of the computer software, only Ascom Transport Systems, Inc. can provide software support and other services required.

This three-year service agreement with Ascom Transport Services, Inc. will provide two, on-site technicians, preventative maintenance (including all parts and labor), 24-hour emergency on-call service (including normal wear and tear and replacement parts) and on-site testing by factory-trained technicians.

The cost for the first year of the agreement is \$185,376. Additional years are subject to adjustment based on the Consumer Price Index. The previous service agreement in the amount of \$158,736 has not been adjusted since 1999. Ascom agreed to hold the price until all current upgrades were completed.

The Airport Advisory Committee recommends this action.

Small Business Opportunity:

Ascom Transport Systems, Inc. is the sole-source provider of this service due to its proprietary nature. No SBE opportunities are available.

Funding:

Airport Operating Fund

21. Transit General Design Services

Action: A. Approve a contract with Mulkey Engineers and Consultants for transit general planning and design services. The contract will be for two years with a renewal option that may be executed by the City Manager for two additional years. The contract will not exceed \$750,000 per two year period; and

B. Approve a contract with Kimley-Horn and Associates, Inc. for transit general planning and design services. The contract will be for two years with a renewal option that may be executed by the City Manager for two additional years. The contract will not exceed \$750,000 per two-year period.

Staff Resource: David Feltman, Charlotte Area Transit System

Explanation:

The Charlotte Area Transit System (CATS) Capital Investment Plan includes improvements such as passenger facilities (shelters, benches, stops, and signage), park and ride lots, and community transit centers. All improvements will require planning, design and construction administration phases. To advance the program in an efficient manner, additional outside support from consultant resources is needed.

The two agreements will provide planning and design expertise on an as-needed, task-order basis for passenger facility improvements. Typical work could include, but is not limited to:

- alternative site evaluations
- environmental evaluation
- site planning and design
- facility design
- preparation of design and construction documents
- community involvement
- graphic design

This method of contracting is used by transit agencies as a means of reducing project delivery time and administration costs. The two firms were selected pursuant to a competitive Request for Qualifications (RFQ) procurement process. There were nine responses to the RFQ, and five firms were interviewed. At the conclusion of the interview process, the two firms receiving the highest scores based on the evaluation criteria were selected to provide the services.

Disadvantage Business Enterprise Opportunity:

Established DBE Goal: 8.7%

Committed DBE Goal: 10%

Mulkey Engineers and Consultants has committed to a goal of 10% (\$75,000) of the total contract value (\$750,000) to certified DBE firms.

Established DBE Goal: 8.7%

Committed DBE Goal: 10.5%

Kimley-Horn and Associates, Inc. has committed to a goal of 10.5% (\$78,750) of the total contract value (\$750,000) to certified DBE firms.

Funding:

Transit Capital Investment Plan

Attachment 22

Evaluation Criteria Matrix

22. New Street Maintenance Facility

Action: Approve an agreement with Morris-Berg Architects, Inc. for architectural services for the new Street Maintenance facility for \$651,760.

Staff Resource: David Garner, Engineering and Property Management

Explanation:

The current facilities at the Central Yard are deteriorating and will not serve future needs effectively as the City expands to its ultimate size of 380 square miles. The FY02 Capital Investment Plan provided funding for new facilities on the Central Yard or elsewhere, with appropriations totaling \$23,750,000 beginning in FY04. In the first Hope VI application for Piedmont Courts, the City agreed to construct a new facility at a new location rather than on the Central Yard. In February 2003 the City Council approved proceeding with this work.

Engineering staff worked with Street Maintenance to develop their long-term plan for providing services. A new facility replacing the one at Central Yard has been conceptually planned and programmed. This contract provides for the completion of the design and documents required for construction.

Morris-Berg Architects will provide architectural design and construction administration services for the new Street Maintenance facility. Morris-Berg's fees are comparable to the fees generally charged for similar work in this area.

The new facility will be located in the North Point Industrial area off Hoskins Road. It will include an office/warehouse building, equipment shelters,

material lay down yard, material storage bins, salt storage building, and wash-out pit. The estimated construction cost is \$7 million.

Small Business Opportunity:

Established SBE Goal: 3%

Committed SBE Goal: 3%

Morris-Berg has committed 3% (\$20,500) of the total contract amount to certified SBE participation.

Funding:

Government Facilities Capital Investment Plan

23. FY04 Contract 5-Street Main Extensions

Action: A. Approve a budget ordinance totaling \$5,736,000 to appropriate funds from Utility Revenue Bonds to Water and Sewer Street Main Extensions, and

B. Award a contract to UW2 Contractors, Inc. of Stanfield, North Carolina for their low bid of \$906,640.70.

Staff Resource: Doug Bean, Utilities,

Explanation:

The budget ordinance provides funds for this contract as well as upcoming and renewal street main extension construction contracts planned for the remainder of this fiscal year.

Small Business Opportunity:

Established SBE Goal: 3%

SBE Committed Goal: 3.3%

UW2 committed 3.3% (\$30,000) of the total contract amount to four SBE firms.

Funding:

Water and Sewer Capital Investment Plan

Attachment 23

Budget ordinance

24. Water and Sewer Service Installations FY 02 Contract G Renewal

Action: Approve a \$2,259,741 renewal contract with B.R.S., Incorporated for continued installation of FY02 Contract G water and sewer service connections.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Utilities to continue installation of water and sewer service connections. Request for new connections has exceeded the ability of City staff to install these connections in a timely manner. This is the second renewal of this contract and it will allow customers to receive service within 4 weeks of request.

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. It will increase the contract amount for FY 02 Contract G from \$4,519,482 to \$6,779,223.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 1.25%

B.R.S., Inc. has committed 1.25% (\$28,143) of the total contract amount to a SBE firm. They have complied with the good faith efforts.

Funding:

Water and Sewer Capital Investment Plan

25. Property Transactions

Action: Approve the following property acquisitions (A-E) and adopt the condemnation resolutions (F-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/improvements with certain attributes. Property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

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

- A. Project:** South Corridor Light Rail Transit, Parcel # 214/217
Property Owner(s): Ebenezer Associate Reformed Presbyterian Church of Charlotte, NC., Inc.
Address: 6210 and 6201 Old Pineville Road
Property to be acquired: 23,140 sq. ft. (.531 ac.) of Fee Simple and 1,753 sq. ft. (.040 ac.) of Temporary Construction Easement
Improvements: None
Purchase Price: \$32,150

Zoned: R-22MF (P214) and B-2 (P217)

Use: Church

Tax ID: 169-161-01 and 169-162-01

Total Parcel Tax Value: \$2,364,200

- B. Project:** South Corridor Light Rail Transit, Parcel # 199
Property Owner(s): SFN Corporation, a North Carolina Corporation
Address: 6425 Old Pineville Road
Property to be acquired: 23,409 sq. ft. (.537 ac.) of Fee Simple
Improvements: Single-story building
Purchase Price: \$328,300
Zoned: B-2
Use: Warehouse
Tax ID: 173-021-16
Total Parcel Tax Value: \$328,300
- C. Project:** Acquisition of land for housing.
Owner(s): U.S. Department of Housing and Urban Development (HUD)
Property Address: 621 Bradford Drive
Property to be acquired: .17 acres fee simple
Improvements: None
Purchase Price: \$1
Remarks: Neighborhood Development wishes to acquire a single-family residential parcel at 621 Bradford Drive for redevelopment. The existing house was demolished under code enforcement and the U.S. Department of Housing and Urban Development (HUD) is the owner. HUD is willing to convey the parcel to the City for \$1 for redevelopment.
Zoned: R-3
Use: Residential
Tax Code: 063-037-06
Total Parcel Tax Value: \$12,000
- D. Project:** Morris Field Drive, Parcel # 28
Owner(s): American Standard, Inc.
Property Address: 4500 Morris Field Drive
Property to be acquired: 7,380 sq.ft. (.169 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,806
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: I-2
Use: Industrial
Tax Code: 115-101-04

Total Parcel Tax Value: \$5,061,200

- E. Project:** NC49/US29 Interchange, Parcel # 30
Owner(s): Ellas, Inc.
Property Address: 6912 North Tryon Street
Property to be acquired: 1,833 sq.ft. (.042 ac.) of Fee Simple, plus 3,868 sq.ft. (.089 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$34,000
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.
Zoned: B-2
Use: Commercial/Vacant
Tax Code: 049-081-02
Total Parcel Tax Value: \$235,820

Condemnations:

- F. Project:** Charleston/Monroe Storm Drainage Improvements, Parcel # 20
Owner(s): Charles William Etier and Wife, Connie M. Etier
Property Address: 4841 Charleston Drive
Property to be acquired: 2,832 sq.ft. (.065 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$675
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 163-013-21
Total Parcel Tax Value: \$95,700
- G. Project:** Herrinwood Neighborhood Improvements, Parcel # 501
Owner(s): Roger Lee Hegler and Wife, Martha W. Hegler
Property Address: 1325 Shamrock Drive
Property to be acquired: 300 sq.ft. (.007 ac.) of Permanent and Temporary Construction Easements
Improvements: None
Landscaping: None
Purchase Price: \$150
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5

Use: Single Family Residential
Tax Code: 093-092-03
Total Parcel Tax Value: \$52,800

- H. Project:** Herrinwood Neighborhood Improvements, Parcel # 206
Owner(s): Armando Mejia and wife, Rubicelia Mejia
Property Address: 1919 Academy Street
Property to be acquired: 285 sq.ft. (.007 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$75
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 093-022-18
Total Parcel Tax Value: \$50,000
- I. Project:** Herrinwood Neighborhood Improvements, Parcel # 29,
Owner(s): Earl G. Taylor and Wife, Rebecca H. Taylor
Property Address: 1432 Downs Avenue
Property to be acquired: 1,634 sq.ft. (.038 ac.) of Permanent and Temporary Easements
Improvements: None
Landscaping: Trees, Shrub
Purchase Price: \$3,075
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 093-098-11
Total Parcel Tax Value: \$40,850
- J. Project:** 2003 Annexation Sanitary Sewer to Serve the Sunset/Pleasant Grove Road Area, Parcel # 1
Owner(s): Kenneth E. Edwards and Wife, Jo H. Edwards
Property Address: 1801 Sunset Road
Property to be acquired: 19,211 sq.ft. (.441 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Landscaping: Native Trees
Purchase Price: \$5,675
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-120

Use: Vacant

Tax Code: 037-071-26

Total Parcel Tax Value: \$272,800

26. Meeting Minutes

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

- **February 2, 2004 Workshop**