

**Mayor Patrick L. McCrory**

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

**Mayor Pro Tem Patrick De'Angelo Cannon**

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

## **CITY COUNCIL MEETING**

**Monday, April 22, 2002**

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**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. **2001 Housing Tax Credit Letters Recommendations/Affordable Housing Projects**

**Resource:** Stanley Watkins, Neighborhood Development  
Jeff Meadows, Neighborhood Development

**Time:** 20 minutes

**Synopsis of Presentation:**

The purpose of this presentation is to brief Council on housing developments that are seeking letters of support for their tax credit application, preliminary funding commitments and/or waivers of the City's Housing Locational Policy. Neighborhood Development has prepared a 2002 Housing Tax Credit Report that includes Impact or Summary Reports and project rankings for 13 projects that have applied for tax credits from the North Carolina Housing Finance Agency (NCHFA).

Impact Reports have been prepared for four of these developments pursuant to the Housing Location Policy (HLP) that was approved in November 2001. The analysis includes a project description, neighborhood profile, compliance with land use and neighborhood plan and relating policies, impact on area schools, impact on traffic and related crime data.

Neighborhood Development has also prepared a Summary Report for the other nine projects that are exempt from the HLP because they are either rehabilitation, elderly, or special needs population housing or Council has already approved the project.

City staff is recommending that Council rank order the proposed projects to express the City's policy preferences as well as allocate available financial resources. Staff rankings are based on the following factors:

- Housing Locational Policy;
- City Neighborhood Revitalization Strategy;
- City Housing Policy Goals;
- Period of Affordability;
- Number of Affordable Units Produced; and
- On-Site Management Standards.

The ranking reflects the City's previous commitments and represents projects that best support the City's housing and neighborhood goals

The 2002 Housing Tax Credit Recommendations Report was distributed to Council on April 8, 2002.

**Future Action:**

The Council may allow a development to move forward for a Council decision on May 13, 2002 or refer the development to the City Within A City Committee for additional review. The City must submit its recommendations to the Housing Finance Agency by May 31, 2002.

## 2. Neighborhood Matching Grants Program Update

**Resource:** Toni Tupponce, Neighborhood Development

**Time:** 30 minutes

**Synopsis of Presentation:**

This presentation provides an overview of proposed policy changes to the Neighborhood Matching Grants (NMG) Program as recommended by the NMG Citywide Review Team and reports on administrative changes to improve the marketability of the NMG Program. The Review Team is an advisory committee appointed by City Council to make large grant approvals for the program.

The Citywide Review Team is recommending to:

1. Change the program's unit geography from U.S. Census Tracts to Neighborhood Statistical Areas (NSA). NSAs are based on the *Quality of Life Index* and will permit neighborhood eligibility data to be updated every two years rather than every ten years in the case of Census Tracts; and
2. Base neighborhood selection for the NMG Program on the highest median income *Threatened* NSA within the City of Charlotte. The maximum eligible NSA median income will become \$60,436 (or approximately 120% of the 2000 Area Median Income). The NMG geography will include a mix of stable, threatened and fragile neighborhoods. Under this change, eight NSAs within the geographic boundary currently eligible for the program will no longer be eligible.

In addition, staff conducted a study of NMG programs in other cities and recommends the following changes to the City's program:

- Update NMG brochures, Website and materials;
- Translate all NMG application and marketing materials into Spanish
- Simplify and provide online access to the application process;
- Clarify and market the application process to eligible neighborhoods and business organizations.

**Future Action:**

Staff recommends the proposed changes be referred to the City Within A City Committee for review and recommendation to the full Council.

**Attachment 1**

Neighborhood Matching Grants Policy Overview

Map of Proposed Neighborhood Matching Grant Boundary

**3. Homeland Security Update**

**Resources:** Mayor Pat McCrory  
Major Tim Stewart, CMPD  
Julie Hill, Corporate Communications

**Time:** 20 minutes

**Synopsis of Presentation:**

This presentation will focus on the steps that Charlotte has taken to enhance its emergency preparedness and the ways that the information will be shared with the community. While most of the measures deal with homeland security, they are also applicable to other types of emergency situations.

The Police Department will discuss the City's ALERT Team which has been developing a multi-agency model program for terrorism preparedness since 1998. The discussion will center on the teams' training and equipment that will allow the team members to move to the next level of preparedness. This portion of the presentation will also focus on the updates that the Police Department has made to its Emergency Response Plan to accommodate the homeland security advisory system recently implemented by the federal government. There will also be brief discussion of the interagency response protocol for suspected chemical, biological and radiological incidents; the Urban Search and Rescue Program and the use of volunteers. A team of experts who conducted a terrorism preparedness study for CNN ranked Charlotte the third best prepared city in the nation.

Corporate Communications will present the Homeland Security Communication Plan which includes a separate website, a series of brochures, use of the Government Channel, partnerships with the media, development of an Emergency Communication Network via fax and e-mail and other community outreach efforts. Council will get a preview of the new website.

Mayor McCrory will update Council on his recent meetings with President Bush and Representative Myrick regarding the enhanced use of volunteers in emergency situations.

#### **4. Proposed Local Wetlands Initiative**

**Resources:** John Geer, Engineering & Property Management

**Time:** 10 minutes

**Synopsis of Presentation:**

Staff will talk about wetlands as an important natural resource and an opportunity for Charlotte to pursue an initiative to enforce the federal and state laws protecting this resource at a local level.

**Highlights of the Presentation:**

- Benefits of wetlands as a natural resource
- Facts about the current wetland/stream permit process
- Possible benefits to having a local wetland/stream permit process

**Action:**

There is an action on the April 22 Council business agenda to authorize staff to proceed with the process of organizing a stakeholders group to explore the feasibility of a local wetlands ordinance.

#### **5. Committee Reports by Exception**

Budget Committee: Mayor's Travel and Tourism Task Force Recommendation

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

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

**CONSENT**

- 6. Consent agenda items 21 through 39 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

### 7. Public Hearing to Consider a Memorial Plaque to Al Rousso

**Action:** **A. Conduct a public hearing to consider the installation and dedication of a memorial plaque to Al Rousso on the City's Clock at Polk Park on the Square; and**

**B. Approve installation of the memorial plaque on the City's Clock at Polk Park on the Square.**

**Staff Resource:** Brad Richardson, City Manager's Office

**Policy:** Public Monuments Ordinance

**Explanation:**

City Council is asked to conduct a public hearing to consider an application to install a plaque in memory of Al Rousso on the City of Charlotte's clock at the entrance to Polk Park at the Square.

Council is also asked to decide the matter immediately following the public hearing to allow for the plaque's installation and dedication this spring.

Mayor McCrory asked Charlotte Center City Partners to recommend an appropriate way to preserve and perpetuate the memory of Al Rousso, a popular Center City merchant and former Council member and Mayor Pro-Tem. Because of his leadership in raising funds for the purchase and installation of the City of Charlotte's clock at the entrance to Polk Park, Center City Partners has recommended that a 14" x 6" bronze plaque be affixed to the pedestal of the clock.

Southwood Corporation, a local sign company, will donate all of the design, production and installation costs for this project. There will be no significant costs to the City for maintenance of this plaque.

**Background:**

A public hearing by City Council is required before a public monument can be erected, pursuant to Article V of the Code of the City of Charlotte that outlines the procedures for the erection and dedication of public monuments. Staff from appropriate City departments has reviewed the application and recommend its approval.

**Community Input:**

Notices regarding the public hearing process and date were published in the Charlotte Observer. In addition, Charlotte Center City Partners has been notified of the public hearing date.

**Attachment 2**  
Application  
Public Monuments Ordinance

**8. Public Hearing on Draft *East Boulevard Pedscape Plan***



**Action: Conduct a public hearing to receive citizen comments on the draft *East Boulevard Pedscape Plan*.**

**Committee Chair:** Lynn Wheeler

**Staff Resource:** John Cock, Planning Commission

**Explanation:**

The draft *East Boulevard Pedscape Plan* is the prerequisite for implementation of the Pedestrian Overlay District (PED) zoning in the East Boulevard corridor. This plan will serve:

- To identify the required building setback for PED zoned properties;
- As standards for streetscape improvements required by PED, MUDD (Mixed-Use Development District), and NS (Neighborhood Services) zoning districts;
- As the governing land use policy document for the area; and,
- As guidance for possible public investments to enhance the pedestrian environment.

Key recommendations in the plan include:

- Building setbacks and streetscape requirements for new development.
- Revised land use recommendations, which update *Central District Plan* recommendations and are consistent with existing zoning.
- Street widths and potential future cross-sections for East Boulevard.
- Short and long-term recommendations for streetscape and pedestrian improvements to the corridor.

**Committee Discussion:**

The Economic Development and Planning Committee heard a presentation on the Plan on April 17.

**Next Steps:**

- The ED&P Committee will make a recommendation on the Plan (May)
- City Council considers Plan for adoption (May/June)
- City Council public hearing on the PED rezoning (June 17)
- City Council decision on PED rezoning (July)
- If approved, PED standards and Pedscape Plan become official policy following PED rezoning.

**Community Input:**

Four public meetings were held between March and November 2001 to develop and review plan recommendations. During the plan development process, staff also met with representatives of the Dilworth Community Development Association and individual property and business owners to answer questions and receive comments on the plan. The Historic District Commission and the Tree Commission have also reviewed and provided input on the plan.

The Planning Committee held a meeting to receive public input on December 18, 2001. On February 19<sup>th</sup>, the Planning Committee recommended:

"to adopt the Pedscape Plan as presented in relationship to back-of-curb set backs with further review and public input as to parking, medians and bike lanes in Section 1."

On March 19<sup>th</sup> the Tree Commission reviewed the plan. They support the Plan recommendations, with the exception of the raised bed planters recommended for Section 3. They recommended planting strips in this section.

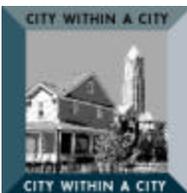
Two additional public information sessions on the Plan are scheduled for April 18<sup>th</sup>.

Key issues from the public input process include:

- Update land use recommendations to reflect current zoning
- Enhance pedestrian crossings, especially in commercial section
- Review proposed cross-section for Section 1 (concern about proposed median and reduced on-street parking)
- Use trees in planting strips vs. trees in raised planting beds or grates (in commercial section)
- Reduce speeding automobiles in corridor

**Attachment 3**

Draft *East Boulevard Pedscape Plan*

**9. Public Hearing on FY2003 Consolidated Action Plan**

**Action: Conduct a public hearing to receive comments on the proposed FY2003 City of Charlotte and Charlotte-Mecklenburg Regional Housing Consortium Consolidated Action Plan.**

**Committee Chair:** Pat Mumford

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

**Policy:**

The Consolidated Action Plan is the City and Regional Housing Consortium’s one-year strategy for providing housing and community development activities to serve low and moderate-income households. It describes the City’s and Consortium’s goals, objectives and strategies for carrying out federal and local programs. Preparation of the *Consolidated Action Plan* is required each year by the U. S. Department of Housing and Urban Development in order to receive federal housing funds. The *Consolidated Action Plan* compliments the City’s City Within A City Focus Area aimed primarily at revitalizing older urban neighborhoods.

**Explanation:**

The FY2003 Consolidated Action Plan continues current policies regarding the City’s approach to housing and community development. It focuses on Charlotte’s efforts in providing economic opportunities, housing and sustainable neighborhoods. The Plan establishes a vision for the Charlotte community and sets forth goals, objectives and benchmarks to achieve the vision. The Plan includes for the first time the housing objectives for the new Regional Housing Consortiums, a partnership between the City, Mecklenburg County and the small towns. The Plan also embraces U.S. Department of Housing and Urban Development (HUD) goals of providing housing, suitable living environments and economic opportunities for low and moderate-income households.

The Consolidated Plan also serves as the City’s annual application for federal grant funds, which is due to the HUD on May 15, 2002. Submission of the one-year Action Plan is required to receive approximately \$8 million in new federal dollars. The proposed funds are included in four grant programs:

Community Development Block Grant (CDBG)	\$4,834,000
Home Investments and Partnerships (HOME)	\$2,440,000
Emergency Shelter Grants (ESG)	\$167,000
Housing Opportunity for Persons with AIDS (HOPWA)	\$520,000
Total	\$7,961,000

The annual allocation is determined by HUD’s entitlement formulas including data based on overcrowded housing, population growth/lag and poverty, or data based on the age of housing.

After the public hearing, the item will go back to the CWAC Committee to consider the public hearing comments. City Council is scheduled to make final approval of the FY03 Consolidated Plan at it meeting on May 13, 2002.

**Committee Discussion:**

The Consolidated Plan was presented to the CWAC Committee on April 4, 2002 as information. The Committee’s discussion focused on citizen input at the upcoming public hearing on April 22<sup>nd</sup>.

**Community Input:**

In January 2002, a citizen participation forum was held to inform the community and the City's financial partners about the upcoming Consolidated Plan process and timeline for completion. Eight hundred invitations were mailed to various organizations and individuals to attend the forum. Citizen participation forums were also held with each member of the Charlotte-Mecklenburg Regional Housing Consortium. (Consortium members include the City of Charlotte, County of Mecklenburg, and the towns of Cornelius, Huntersville, Matthews, Mint Hill, and Pineville.) All members were informed of an opportunity to submit specific projects for consideration of the Plan.

On March 14, 2002 a public forum was held at the Adam Area Service Center. Citizens were informed of the forum through The Charlotte Observer and The Charlotte Post. On April 1, 2002, copies of the draft document were distributed to public places for citizen review and comment – including Old City Hall, Mecklenburg County Library Main Branch, Belmont Center, Alexander Street Center, Amay James Center and the Greenville Center. Comments received from the public will be included in the final Consolidated Action Plan document.

The attachments, Use of Federal Grant Allocations and Proposed FY2003 Consolidated Action Plan, will be included in the Wednesday, April 17<sup>th</sup> Council-Manager Memo.

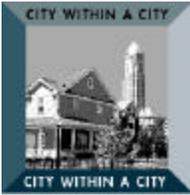
**Funding:**

Federal CDBG, HOME, ESG and HOPWA funds. Budget ordinance for acceptance of these funds will be included in the FY2003 Budget adoption.

# POLICY

## 10. City Manager's Report

## 11. Neighborhood Focus Area



**Action: Approve the City Within A City Committee recommendation to:**

**A. Approve the Neighborhood Focus Area; and**

**B. Change the name of the City Within A City Committee to the Neighborhood Focus Committee.**

**Committee Chair:** Pat Mumford

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

### **Policy:**

City Council's Focus Areas are strategy plans to implement Council's vision and objectives for improving the City's quality of life. First initiated in 1990, City Council established strategy plans for five focus areas – *Economic Development, Transportation, Community Safety, City Within A City and Restructuring Government*. These focus areas are reviewed annually by City Council and updated to address community challenges.

### **Explanation:**

At City Council's January 2002 Retreat, Council was presented with a vision, strategic objectives and measures for a proposed *Neighborhood Focus Area* that would replace the *City Within A City (CWAC) Focus Area*. The new focus area will encompass all neighborhoods within the City while continuing to address geographic initiatives such as the City Within A City, Eastside and Westside areas. The strategic objectives for the new focus area are:

- Provide Neighborhood Planning
- Increase Neighborhood Infrastructure
- Enhance Environmental Safety
- Expand Partnerships
- Increase Capacity Building
- Support the School System

At the Retreat, Council raised concerns about 1) diminishing the focus on CWAC neighborhoods; 2) how the focus area will be implemented; and 3) whether there were adequate City resources to undertake the new focus area. Staff prepared an implementation strategy for the new focus area that showed the linkages to the City's Quality of Life Index, City service delivery

strategies based on *Stable, Threatened and Fragile* neighborhood conditions and how the City plans to redefine its service delivery standards based on the *Model Neighborhood Standards* review.

Under the new focus area, Council will continue to receive a bi-annual report on the health of CWAC through the *Quality of Life Index*. The City uses the *Quality of Life Index* to identify neighborhoods for priority attention as well as measure our success in affecting neighborhood change. The City's service delivery to neighborhoods is based on neighborhood conditions – *Fragile, Threatened and Stable*. Generally, the City engages in revitalization strategies in fragile neighborhoods, problem-solving strategies in threatened neighborhoods and provides basic City service delivery to stable neighborhoods. The strategy employed is customized to a neighborhood's condition, i.e. a revitalization strategy may be pursued in a *Threatened* neighborhood. The City has been using this service delivery model for the past couple of years and does not anticipate operational increases in supporting the new focus area.

This information was presented to City Council at the March 4, 2002 Workshop. After some discussion, Council referred the topic to the April 4, 2002 meeting of the CWAC Committee for review and recommendation to the full Council.

**Committee Discussion:**

The CWAC Committee reviewed the Plan on April 4, 2002 and voted unanimously to endorse the plan after amending the Environmental Safety objective to address both the reality as well as the perception of crime and adding cross-references to other focus plans to show linkages to the other focus area plans such as Community Safety and Economic Development (Mumford, Mitchell, Cannon, Lochman & Spencer). The Committee also discussed and voted to change the Committee name to Neighborhood Focus Committee (For –Mumford, Mitchell, Cannon & Lochman. Against – Spencer).

**Attachment 4**

Proposed Neighborhood Focus Area  
Neighborhood Focus Area Implementation Strategy

## 12. Mayor's Travel and Tourism Task Force Recommendations



**Action:** Approve the Budget Committee's recommendation that the City demonstrate its commitment to revitalizing this industry by making a financial pledge of \$125,000 for the Task Force's work program. \$62,500 will be paid from the FY02 budget and \$62,500 will be paid from the FY03 budget if private contributions exceed \$600,000 in the aggregate and threshold economic value amounts are realized by September 30, 2002.

**Committee Chair:** Lynn Wheeler

**Staff Resource:** Ron Kimble, City Manager's Office

### **Explanation:**

The Mayor's Travel and Tourism task force completed work in January 2002 in response to the downturn in the local visitor and tourism industry and presented its report to City Council on February 11, 2002. The group stated,

"the events of September 11<sup>th</sup> and the economic downturn have deepened the adverse economic impact. As a result, in the near term, Charlotte must pursue creative and collaborative ways to increase tourism. This effort must bridge across tourism groups and sectors to create target-marketing initiatives to boost Charlotte visitorship and associated spending."

The task force found key issues that ongoing work should address. These included increased hotel occupancy; continued attraction of the business associated with conventions, corporate meetings and trade shows; and increased visits from pleasure travelers.

The task force recommended eight short-term projects that could be implemented to affect the tourism industry in the Charlotte market. Work is underway with the Charlotte travel campaign that began on February 26<sup>th</sup> when US Airways and Bank of America pledged \$ 350,000 in cash toward initiatives to increase air travel visits to Charlotte.

As the group charged with bringing the task force recommendations to life, the Charlotte Convention and Visitors Bureau is now seeking additional contributions and sponsorships to fully fund the campaign begun by US Airways to implement the projects recommended by the Mayor's Travel and Tourism Task Force.

### **Goals and Targeted Results**

The goals described by the task force include:

- pursue low-cost, highly targeted advertising
- capitalize on synergy and packaging opportunities

- aggressively pursue convention travel through creative group discounts and incentives
- lobby local corporate leaders to hold meetings in Charlotte.

The targeted results from this program over the course of one year have been identified as:

	<u>Targets</u>
1. Tickets purchased to Charlotte through US Airways promotion(s)	25,000
2. Web site hit increase to visitcharlotte.org, the CCVB web site	2 million
3. 2 for 1 roomnights, event tickets and other packages purchased	Under development
4. Estimated economic value of increased visitors to Charlotte	\$10 million

**Funding Summary**

The funding of the Task Force Recommendations is proposed as follows:

<u>Source of Funds</u>	<u>Cash</u>	<u>In-Kind Contribution</u>	<u>Total</u>
US Airways	\$ 250,000	250,000	\$ 500,000
City of Charlotte	125,000		125,000
Bank of America	100,000		100,000
CCVB	62,500	100,000	162,500
Private Sector	500,000	612,500	1,112,500
 Total	 \$ 1,037,500	 \$ 962,500	 \$ 2,000,000

**Committee Discussion:**

The Budget Committee met on April 9, 2002 and voted 4-0 (Wheeler, Carter, Cogdell, Mumford) to recommend to City Council that the City demonstrate its commitment to revitalizing this industry by making a financial pledge of \$125,000 for the Task Force’s work program. (Committee member Tabor was absent. Council member Lochman also attended.)

This contribution would match the contributions already pledged by the private sector, including US Airways and Bank of America. The City’s contribution would be paid from tourism marketing reserve monies as occupancy taxes rebound. The City’s contribution is recommended to be made in two installments of \$62,500 each with the first installment to be made this fiscal year. The second installment would be budgeted in FY2003 and be released only if the following conditions are met:

1. Achievement of at least 35% of the economic value expected return by September 30, 2002 through implementation of these recommendations

2. Private sector cash contributions totaling at least \$600,000 (including \$350,000 from USAirways and Bank of America) by September 30, 2002

### **Attachment 5**

Mayor's Tourism Task Force Report

## **13. Charlotte Area Transit System (CATS) Program**



**Action: Approve CATS FY2003 Transit Operating Program and FY2003-FY2007 Transit Capital Program which were approved by the Metropolitan Transit Commission on March 27, 2002.**

**Staff Resources:** Ron Tober, Charlotte Area Transit System  
Dee Pereira, Charlotte Area Transit System

### **Policy:**

The February 1999 Transit Governance Interlocal Agreement calls for the Mecklenburg County Board of Commissioners and the Charlotte City Council to each approve the CATS capital and operating programs. Upon approval by both governing boards, the Charlotte City Council shall fund the programs through its budget process.

### **Explanation:**

On March 27, 2002, the Metropolitan Transit Commission (MTC) approved the CATS FY2003-FY2007 Transit Programs which were developed in accordance with the following policy directives:

- Implementation of the 2025 Integrated Transit/Land Use Plan
- CATS Mission, Vision and Strategic Goals
- CATS Financial Policies

The \$185,985,200 FY2003 Transit Program includes \$63,548,286 for operating programs, \$119,508,744 for capital improvements and \$2,928,170 for the transit capital reserve fund.

Key elements and assumptions in the FY2003 Transit Program are:

- Ridership is projected to increase to 15.2 million riders in FY2003. This is a 4% increase over the projected 14.6 million riders in FY2002.
- Total revenue hours of bus service delivered will increase by 8.9% due to
  - Increased Sunday service
  - Separation of combination routes
  - Services from two new transit centers
  - An additional regional express bus route

- Annualization of the Fall 2001 service improvements
- Customer Services will be enhanced through
  - Continuing program to install passenger shelters and signage
  - CATS owned park-n-ride lots for convenience and safety of bus riders and their vehicles
  - Higher levels of cleanliness at bus-stops and transit centers
  - Comfortable and safe buses through improved technology and intelligent transportation systems
- FY2003 funding for the Human Services Transportation programs administered by the Department of Social Services has been held flat at the amount requested for FY2002.
- The FY2003 Transit Program includes the addition of 12 regular positions, 10 of which will be in the South Corridor to work on engineering, quality assurance and land acquisition.
- Progress on Rapid Transit
  - Start Final Design in the South Corridor
  - Start preliminary engineering in the North Corridor
  - Design and Engineering for the downtown area where the five corridors converge
  - Continuing right-of-way acquisition along the corridors
- No fare increase is assumed in FY2003.
- In anticipation of receiving a Record of Decision from USDOT in the fall of 2002 and the State's September 2001 commitment to 50% of the project's non-federal share, the program reflects aggressive assumptions on capital grant financing.
- Bus purchases and some costs associated with building the new bus garage will incur debt financing through Certificates of Participation.
- Capital reserves will continue to be built to \$ 94.5 million in FY2003
- The FY2003-FY2007 is based on the best information currently available, which is prior to the completion of major investment studies in four corridors.

The Mecklenburg County Board of Commissioners will consider this item on May 9, 2002. The FY2003-FY2007 Transit Program was presented to Council at the March 26, 2002 Council budget workshop.

The Metropolitan Transit Commission unanimously adopted the program on March 27, 2002. The Citizens Transit Advisory Group unanimously adopted the program on March 19, 2002. The Transit Services Advisory Committee received a briefing on the program on January 10, 2002.

### **Funding:**

Public Transit Fund

### **Attachment 6**

FY2003 Transit Program Summary

FY2003 Operating & Capital Program Detail

FY2003-FY2007 Proposed Capital Improvement Plan

## 14. Creation of a Stakeholders Group to Assess the Need for a Local Wetland Ordinance



**Action: Authorize the City Manager to proceed with organizing a stakeholders group to explore the feasibility of a local wetland ordinance.**

**Staff Resource:** Lisa Hagood, Engineering & Property Management

### **Explanation:**

In July 2001 the Charlotte Engineering and Property Management Department, Land Development Division was approached by the Army Corps of Engineers to explore the possibility of granting permitting authority to local governments. Charlotte has been given the opportunity to run the pilot program. In September 2001 the State of North Carolina Division of Water Quality approached the City with a similar request.

On behalf of the Army Corps of Engineers and the North Carolina Division of Water Quality, the City would verify wetland delineations and issue general permits for disturbances to wetlands that are permissible under the current wetland laws. This activity should not reflect any increased cost since the Land Development Division is currently verifying wetland delineations during the plan review process. The applicant would still retain the right to permit wetlands or stream disturbance through the appropriate state or federal authority.

The goal of this local wetland program would be to reduce wetland review time while providing local stewardship of important natural resources. The current permitting process lasts six to eight weeks. The Army Corps and the State Division of Water Quality have limited resources for reviewing and issuing wetland permits.

In the spring of 2001, the Economic Development and Planning Committee supported adding wetland determinations to the zoning process. Land Development staff agreed to perform the determination earlier in the development process. As a result of the rezoning determinations, Land Development staff has had extensive wetlands training with continued training scheduled.

The City Manager will appoint a diverse group of neighborhood and environmental representatives and developers to the stakeholders group to study the feasibility of a local wetland ordinance. The study process will take approximately three to six months. The stakeholders group report may be referred to the Economic Development and Planning Committee for review and recommendation.

# BUSINESS

## 15. Business Investment Grant for Media Evolved



**Action: Approve a Business Investment Grant to Media Evolved for a total estimated amount of \$40,350.**

**Staff Resources:** Lawrence Toliver, Charlotte-Mecklenburg Development Corporation  
Tom Flynn, Economic Development Office

### **Policy:**

The Business Investment Program is designed to assist targeted businesses, make investments and create jobs in areas of Charlotte that are in need of investments and jobs.

### **Explanation:**

Media Evolved is a start up company manufacturing compact discs for clients including major copyright and license holders. The cyclical demand of these industries requires them to regularly outsource production. Media Evolved plans on being the economically attractive solution when these industries need to outsource production.

Media Evolved meets the criteria for a Business Investment Grant.

#### Criteria 1: Make a minimum investment of \$1.5 million

Media Evolved has invested \$1.9 million in capital equipment to establish a compact disk manufacturing facility at 3205 Freedom Drive.

#### Criteria 2: Create at least 20 jobs

Media Evolved has created the minimum 20 jobs.

#### Criteria 3: Pay at least 110% of the North Carolina average wage of \$603 per week

Media Evolved has an average wage rate of \$18.50 per hour, or \$740 per week (\$38,480 per year).

#### Criteria 4: Locate in the City/County Business Investment Zone

Media Evolved is located in the Business Investment Zone at 3205 Freedom Drive, in the Freedom Mall shopping center. Freedom Drive is one of the City's designated Business Corridors. Freedom Mall is bordered by Ashley Park and Enderly Park, both of which are rated "Fragile" in the City's Quality of Life Index.

The Charlotte-Mecklenburg Development Corporation recommends approval of this grant. The County Commission will consider this grant on April 23, 2002.

Based on Media Evolved’s qualifying investment, the City and County would make grants based on the following estimated schedule.

<b>YEAR</b>	<b>COUNTY</b>	<b>CITY</b>	<b>TOTAL</b>
1	\$10,960	\$8970	\$19,930
2	\$10,410	\$8520	\$18,930
3	\$ 9,865	\$8070	\$17,935
4	\$ 9,315	\$7620	\$16,935
5	\$ 8,770	\$7175	\$15,945
<b>Total</b>	<b>\$49,320</b>	<b>\$40,355</b>	<b>\$89,675</b>

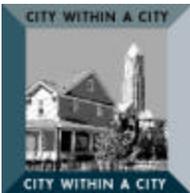
**Funding:**

Funds for Business Investment Grants (BIG) were budgeted at \$50,000 in FY02 and \$100,000 in FY03.

**Attachment 7**

Background: Charlotte-Mecklenburg Business Investment program  
 CMDC Recommendation  
 Media Evolved Business Plan (Executive Summary)  
 BIG Commitments to Date

**16. Davant Glen Housing Project**



**Action: Approve a grant to Habitat for Humanity in the amount of \$166,981 for infrastructure development associated with the construction of 16 single-family homes on Deherradora Avenue in the Davant Glen Housing Project.**

**Staff Resource:** Stanley Watkins, KBE, and Jeff Meadows, Neighborhood Development

**Focus Area:** City Within A City

**Policy:**

The City’s Consolidated Plan identifies a need for affordable, safe and decent housing for low and moderate-income families. The Consolidated Plan, which established guidelines for the expenditure of federal housing funds, was approved by City Council on April 24, 2000. The City Council has also adopted a Housing Trust Fund Policy, which permits City Bond funds to be used for infrastructure grants to support housing development.

**Explanation:**

Habitat for Humanity of Charlotte (Habitat) is requesting funding in the amount of \$166,981 for infrastructure cost associated with the construction of 16 single-family homes on a 2.95-acre site in the 2400-2500 Block of Deherradora Avenue in the Westerly Hills Neighborhood. The City funds will be used for sewer relocation, water lines, curb and gutter, and sidewalks as required by the City’s Subdivision Ordinance. This project is exempt from the Housing Locational Policy, because it is a homeownership project.

The proposed homes will sale for \$57,800 - \$66,870 making them affordable to families earning 50% or less than the area median income, (\$30,200 for a family of four). The homes will range in size from 2 to 5 bedrooms. Each home will come equipped with a new range and range hood, refrigerator and washer/dryer hook-ups.

The total project cost \$888,730. The proposed sources and uses of funds are as follows:

**Sources and Uses of Funds:**

**Sources**

Habitat for Humanity	721,749
City of Charlotte Grant	<u>166,981</u>
Total	\$888,730

**Uses**

Land Purchases	77,362
Surveys and Platting	4,387
Engineering for Utilities	2,796
Permits and Fees	14,600
Construction of Homes	640,000
Crowder Construction -Infrastructure	135,986
Construction Contingency	<u>13,599</u>
Total	\$888,730

The proposed per unit cost is \$40,000. Habitat staff will handle project management. It is anticipated that the project will be completed with all 16 homes constructed by early 2003. Habitat has previously constructed over 20 homes in the Westerly Hills Neighborhood.

City Council received a briefing on this project on April 8<sup>th</sup>.

**Funding:**

City Housing Bonds

**Attachment 8**

Project Summary (Provided April 8, 2002 Dinner Briefing)  
 Location Map  
 Site Plan/Elevation  
 Proforma  
 Habitat for Humanity Board of Directors

**17. Pleasant View Housing Project**

This item will be included in the Friday, April 19<sup>th</sup> Council-Manager Memo.

**18. St. Peter's Home Project**

This item will be included in the Friday, April 19<sup>th</sup> Council-Manager Memo.

**19. Appointments to Boards and Commissions**

**Action: Vote on the blue paper ballots for citizens to serve and give to the City Clerk before this point in the meeting so that she may be prepared to announce the results.**

**A. AIRPORT ADVISORY COMMITTEE**

One vacancy exists for a three-year appointment beginning immediately and serving until July 2003. Appointee must be a resident of the West Side of Charlotte. James Roddey has resigned.

Frances Harkey by Council member Cogdell  
 Angela Swicegood by Council member Mitchell

**Attachment 9**

Applications

**B. AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY**

On February 25, Council approved increasing the board membership by two members. Council would appoint one person as nominated by the six Mecklenburg County towns. Sally Ashworth has been nominated to fill the term beginning immediately and serving for three years.

Mayor McCrory will also be appointing the second new member, who must be a representative of the hotel, motel or restaurant industry.

One three-year appointment beginning May 2002. Anthony Hunt is not eligible to be reappointed.

Dan Bricken by Council member Mumford

Jack Burrow by Council member Lochman  
Anthony Fox by Council member Spencer  
Caldwell Rose by Council member Wheeler  
Spencer Thompson by Council member Mitchell\*

\*Mr. Thompson has withdrawn his nomination.

### **Attachment 10**

#### Applications

#### **C. CERTIFIED DEVELOPMENT CORPORATION**

Vote for one citizen to replace David Thompson. Appointee must represent a business organization. Term will begin May 2002 and last three years.

##### Business:

Paul DiPiro by Council member Carter  
Marshall Williamson by Council member Wheeler

Vote for two in the private lending category to replace Thad Downs and Robert Wardell, Jr. Terms will begin May 2002 and last three years.

##### Private Lending:

Tonya Bethune by Council member Mitchell  
Thomas Davis by Council member Spencer  
Paul Leamon by Council member Tabor  
Sandra Scales by Council member Mitchell

### **Attachment 11**

#### Applications

#### **D. CIVIL SERVICE BOARD**

Vote for one citizen to replace Valerie Woodard. Term will begin May 2002 and last for three years.

Tommie Blakeney by Council member Cogdell  
Mike Castano by Council member Lochman  
Mack Gadsden by Council member Mumford  
Efrem Hinson by Council member Mitchell  
John Offerdahl by Council member Tabor  
Angela Shannon by Council members Graham and Wheeler  
Linda Williams by Council member Carter

### **Attachment 12**

#### Applications

#### **E. CLEAN CITY COMMITTEE**

Vote for one citizen to replace James Small, who has resigned. Term will begin immediately and last until June 2003.

Steve Early by Council member Wheeler  
Trip Haynes by Council member Spencer  
Margaret Martin by Council member Tabor

**Attachment 13**  
Applications

**F. COMMUNITY RELATIONS COMMITTEE**

Vote for one citizen to replace Isis Hanna, who has resigned. Term will begin immediately and end June 30, 2004.

Debbie Hinton by Council member Mitchell  
John Lewis by Council member Wheeler  
Louise Shackelford by Council member White  
Deborah Walker by Council member Carter

**Attachment 14**  
Applications

**G. DOMESTIC VIOLENCE ADVISORY BOARD**

Vote for one to replace Randy Fink, who did not meet attendance requirements. Term will begin immediately, end September 2002 and extend for the next three years.

Deborah Jackson by Council member Cogdell  
William Lowry by Council member Graham  
Yolanda Massey by Council member Carter  
Jessica Stanley by Council member Wheeler

**Attachment 15**  
Applications

**H. HISTORIC LANDMARKS COMMISSION**

One position beginning immediately and serving until July 2003.  
Bernard Felder has resigned.

Robert Bastine by Council member Spencer  
Yolanda Johnson-Gess by Council member Mitchell  
Joe Klutz by Council member Mumford

**Attachment 16**  
Applications

**I. NEIGHBORHOOD MATCHING GRANTS COMMITTEE**

Three open appointments exist. Vote for one to represent a neighborhood organization, one in the non-profit organization category, and one in the open category. Samuel Love, George Fountain and Joyce Love are not eligible to be reappointed. All terms will begin April 2002 and last two years.

Neighborhood Organization:

Karl Walker by Council members Carter and Tabor

Non-Profit:

Michelle Thomas by Council member Mitchell

Open Category:

Keith Alexander by Council member Mumford

Michael Carson by Council member Lochman

Audrey Harrell by Council member White

Angela Jeter by Council members Carter and Tabor

Steve Lawrence by Council member Graham

Gina Tucker by Council member Spencer

**Attachment 17**

Applications

**J. PAROLE ACCOUNTABILITY COMMITTEE**

Vote for one citizen to replace Robert Washington. Term will begin July 2002 and last for three years.

Patricia Gillard by Council member Mitchell

Kenny Oglesby by Council member Graham

Jessica Stanley by Council member Carter

Robert Turner by Council member Lochman

**Attachment 18**

Applications

**K. SISTER CITIES COMMITTEE**

Four openings exist to replace Bernel Hall, Audtey Gatewood, Martin Lasker and Cheryl Mayfield. Terms will begin April 2002 and last for two years.

Anne Marie Black by Council member Spencer

Laura Broski by Council member Graham

Michael Carson by Council member White

Bill Carstarphen by Council member Spencer

Robert Damsky by Council member Lochman

Robert Gefaell by Council member Spencer

Wolfgang Heise by Council member Carter

Karen Mahmoud by Council member Spencer

Julie Young by Council member Mitchell

**Attachment 19**

Applications

**L. STORM WATER SERVICES ADVISORY COMMITTEE**

One appointment beginning April 2002 and serving three years. Must represent an environmental organization. Shay Baird is not eligible for reappointment.

Environmental:

Richard Kaegy by Council members Carter and Spencer

John McLaughlin by Council member Lochman

Peter Schuler by Council member Cogdell

**Attachment 20**

Applications

**M. WASTE MANAGEMENT ADVISORY COMMITTEE**

Two recommendations to the County Commission for appointments beginning immediately and ending 2004. Robert Lampley and Carolyn Minnich did not meet the County's attendance requirements.

Walter Bauer by Council member Lochman

Robert Damsky by Council member Spencer

James Lovette by Council member Spencer

**Attachment 21**

Applications

**20. Closed Session**

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte including potential economic development incentives that may be offered in negotiations.**

## 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 and are low bid.

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

Contracts awarded to Minority and Women Business Development (MWBD) certified companies are noted. The MWBD abbreviations are as follows:

ABE – Asian American

BBE – African American

HBE – Hispanic

NBE – Native American

WBE – Non-Minority Women

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

Contractors and Consultants

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

## CONSENT I

### 21. Various Bids

#### A. Neal Road/Sugar Creek Road Sidewalks E&PM

**Recommendation:** The City Engineer recommends the low bid of \$377,617.80 by United Construction Company, Inc. of Charlotte, North Carolina. This contract will provide for a continuous sidewalk system along the entire length of Neal Road from Mineral Springs Road to the North Carolina Department of Transportation City Boulevard project and along the western portion of Sugar Creek Road from I-85 Service Road to North Graham Street.

**MWBD:** United Construction Company is an ABE firm.

#### B. Resurfacing, FY2002 B E&PM

**Recommendation:** The City Engineer recommends the low bid of \$5,225,319 by Crowder Construction, Inc. of Charlotte, North Carolina. This project is one of two resurfacing contracts for FY2002. Resurfacing Contract "B" will perform milling, concrete curb and

handicapped ramp construction, and resurfacing on approximately 104 miles of streets within the southern portion of the city.

**C. Central Avenue Streetscape -Phase I E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$1,376,954.51 by United Construction Company, of Charlotte, North Carolina. This project will provide for the widening of Central Avenue from Eastway Drive to the limits of the Central/Kilborne/Norland Intersection Improvements project. This widening will provide an area for bike lanes, landscaped medians, planting strips and new curb and sidewalk. This project is a part of the Eastside Strategy Plan.

**MWBD:** United Construction Company is an ABE firm.

**D. Central Avenue Streetscape -Phase II E&PM**

**Recommendation:** The City Engineer recommends the low bid of \$2,068,565.95 by Sealand Contractors, Inc., of Charlotte, North Carolina. This is the second phase of two projects on Central Avenue. This phase will provide for the widening of Central Avenue from the Central / Kilborne / Norland Intersection Improvements project to Sharon Amity Road. This widening will provide an area for bike lanes, landscaped medians, planting strips and new curb and sidewalks. This project is a part of the Eastside Strategy Plan.

This project must be completed prior to the NCDOT project on Independence Boulevard at Albemarle Road scheduled to begin August 2003. The low bid by Sealand Contractors Inc. is for 235 construction days to complete the project, 95 days less than the second lowest bidder.

**E. Washington Heights Neighborhood Improvements E&PM**

**Recommendation:**

The City Engineer recommends the low bid of \$1,123,605.48 by United Construction Inc. of Charlotte, North Carolina. The Washington Heights neighborhood is one of the 22 neighborhoods identified for improvements under the 2000 Neighborhood Improvement bond referendum. Infrastructure improvements in the Washington Heights neighborhood include storm drainage, new concrete curb and gutters, replacement of damaged concrete driveways, waterline and sewerline replacement, wheelchair ramps, asphalt paving, landscaping, new street lighting and new street extensions. Highway 16, Beatties Ford Road, and LaSalle Street border the project.

**MWBD:** United Construction is an ABE firm.

## **F. Airport Satellite I Parking Expansion Aviation**

**Recommendation:** The Aviation Director recommends the low bid of \$245,170.95 by Arvy Construction of Charlotte, North Carolina for expansion of the Satellite I Parking lot. The contract will add 244 parking spaces to the Satellite I parking lot, which currently has 2,100 parking spaces. construction will consist of grading and paying an additional three-acre site north of the current lot.

**DBE:** Arvy Construction, the prime contractor, is an ABE firm and one subcontracting firm, Wayland Trucking is a WBE firm.

## **22. Refund of Property Taxes**

**Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$820.04.**

**Attachment 22**  
Resolution  
List of Refunds

## **23. Set Public Hearing Date for Brookmere Voluntary Annexation**

**Action: Adopt a resolution setting a public hearing for June 24, 2002 for a voluntary annexation of the Brookmere (Phase 2) subdivision.**

**Attachment 23**  
Certificate of Sufficiency  
Resolution  
Map of proposed annexation area

## **24. Set Public Hearing Date for Gum Branch Road Voluntary Annexation**

**Action: Adopt a resolution setting a public hearing for June 24, 2002 for a voluntary annexation of property located on Gum Branch Road.**

**Attachment 24**  
Certificate of Sufficiency  
Resolution  
Map of proposed annexation area

## 25. Set Public Hearing Date for Stoney Creek Voluntary Annexation

**Action: Adopt a resolution setting a public hearing for June 24, 2002 for voluntary annexation of the “Stoney Creek” subdivision.**

### Attachment 25

Certificate of Sufficiency

Resolution

Map of proposed annexation area

## 26. In Rem Remedy

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

### Public Purpose:

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

### Policy:

- City Within A City
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

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

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

### Public Safety

- A. 5241 Grenelefe Village Road (Derita Neighborhood)

### Public Safety:

#### A. 5241 Grenelefe Village Road

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5241 Grenelefe Village Road (Derita Neighborhood) located in the City Within A City boundaries.**

### Attachment 26

## CONSENT II

### 27. Agreement for Express, Community and Neighborhood Bus Services



**Action: Approve a three year operating agreement with American Charters, Ltd. to provide express bus service between Charlotte and Concord, North Carolina and operate the EZ Rider and Uni-Park Neighborhood shuttle services for a yearly cost not to exceed \$1,400,000.**

**Staff Resource:** Keith Parker, Charlotte Area Transit System

#### **Policy:**

This action is consistent with the 2025 Transit/Land Use Plan and Countywide Transit Services Study for the continued development and expansion of the transit system in the county and region-wide.

#### **Explanation:**

To meet the current and future transit needs of the citizens of the greater Charlotte Metropolitan area, CATS continues to seek partnering opportunities with the municipalities and private carriers to provide local and commuter bus services. CATS currently provides express bus services between Charlotte and Concord, North Carolina and the Uni- Park and EZ Rider neighborhood shuttle services within Charlotte.

The Concord Express services provides commuter service from Cabarrus County to Uptown Charlotte. The service currently provides approximately 3,400 passenger trips per month (21% increase over last year), the highest ridership of any of our four regional express routes (the other three regional routes are to Rock Hill, Gastonia, and Mooresville). The fare is \$2. The City of Concord pays 50% of the total operating cost of the service.

The EZ Rider Service currently operates within the City of Charlotte. The EZ Rider is a neighborhood based transit service with routes linking neighborhood communities in Charlotte to jobs, shopping and medical facilities. The routes serve as neighborhood hubs for such areas as Lakewood, Enderly Park, Reid Park, Jackson Park, Tryon Hills, Druid Hills, Jackson Park, Carolinas Medical Center, and Belmont. EZ Rider also provides connections with CATS' main bus routes. Ridership has remained stable over the past year with approximately 9,200 patrons per month, the highest productivity of the CATS neighborhood/community circulators. The fare is \$.25. The operating costs are paid by CATS.

The Uni-Park Rider Service is a demand response service in the University Research Park (URP) area. Passengers telephone CATS with ride requests and are serviced throughout the University area. The service provides connection services to the other CATS routes that service the URP. The Uni-Park service currently provides approximately 1,700 passenger trips per

month, trending down over the past year. New routes will be introduced on the Uni-Park to increase ridership. The fare is \$.25. The operating costs are paid by CATS.

The existing operating agreements for these services are nearing expiration. Therefore, CATS has solicited proposals from qualified transit service providers to operate the three services.

**Summary of Proposals:**

CATS issued a Request for Proposal (RFP) and advertised the RFP in The Charlotte Observer on February 22, 2002 and in the Bidder's Compendium on March 1, 2002 (a national web site) for Contract Provider for Express, Neighborhood/Community Bus Services. On March 25, 2002, proposals were received from five proposers. The respondents are indicated below:

MV Transportation, Inc.  
Trident Management/Travelease Busline Inc (Joint Venture)  
Greater Charlotte Transportation, Co.  
American Charters, Ltd.  
First Transit

An evaluation committee of four members from CATS Operations and Marketing Divisions evaluated each proposal against criteria established by the RFP. An evaluation of the proposers' written technical proposal accounted for 60%, cost accounted for 30% and interviews 10% of the total score. Technical evaluation criteria included experience record and references, proposed personnel abilities/experience, financial qualifications, safety record/training programs, proposed quality and completeness and proposed vehicles. Cost evaluation was based on the cost per individual Revenue Vehicle Hour and driver benefit and wage package. Interview evaluation was based on work approach and responses to questions posed by the evaluation committee.

CATS solicited proposals with the intent of receiving a uniform cost per "bus hour" of service that CATS would pay regardless of the type of service provided. Recent procurements have shown that the City receives a better-valued rate when express route services, which operate in split-shifts in the morning and evening are packaged with all-day operating local route services. Work shifts for drivers can therefore be coordinated between the two services and the overall service costs are decreased. The cost per hour for express bus service has been reduced by 50 percent with packaged procurements.

The proposal submitted by American Charters, Ltd. was rated the most responsive proposal offering the best value for the services at a yearly price of \$1,400,000 which includes costs for fuel. American Charters, Ltd has proposed a \$44 per hour rate for all three services for Phase I of the contract when they will be providing the express route vehicles and a \$43 per hour rate for all three services for the Phase II portion of the contract when CATS will provide the express route vehicles. The Phase I rate will be effective for

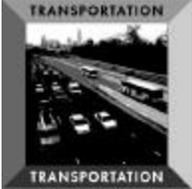
approximately seven months until January 31, 2003, upon which time CATS expects delivery of suburban buses needed to run the Concord Express Service. Up until that time American Charters would be required to provide these buses.

**Funding:**

CATS Operating budget

The Concord Express service is funded 50% by the City of Concord and 50% by CATS.

## 28. Transit Technology Contract Agreements



- Action:**
- A. Approve a five-year contract with Siemens Transportation Systems, Inc. for the purchase and maintenance of an Automatic Vehicle Locator (AVL) system and an Automatic Passenger Counter (APC) system for buses for a first year cost of \$3,144,237, with the option to execute agreements for maintenance support services for a cost of \$97,495, three years after system acceptance;**
  - B. Approve a resolution certifying compliance with the competitive procurement proposal requirements in the AVL/APC procurement; and**
  - C. Approve an amendment to the licensing agreement with Giro, Inc. to upgrade the existing “Hastus” software product for a total cost of \$134,900.**

**Staff Resource:** Keith Parker, Charlotte Area Transit System

**Policy:**

The 2025 Transit/Land Use Plan and Countywide Transit Services Study provides direction for the continued development and expansion of the transit system.

**Explanation:**

CATS Capital Improvement Program approved the procurement of an Automatic Vehicle Locator (locator) and Automatic Passenger Counter (counter) System for its bus fleet. Siemens Transportation Systems, Inc. will provide CATS with a locator system that will interface to a new counter system.

The \$3,144,237 price includes complete installation, software, support equipment and training for 291 locators and 35 counters, with options for an additional 24 locators and 40 counters to accommodate fleet growth. The locator system will be installed on 291 buses at a cost of \$4,992 per bus. Of the 291 buses, counters will be added to 35 buses at a cost of \$2,240 per bus.

The proposed locator technology will visually display a vehicle's real time location, thus assisting management in their ability to react to changing conditions (such as traffic congestion and detours).

The Automatic Vehicle Location System will offer benefits such as:

- Reduced emergency response time: When a vehicle has generated an emergency call, its exact location will appear on a map display. Emergency services can better respond to the vehicle's location.
- Reduced staffing and improved efficiency: With an accurate and reliable schedule adherence reporting function, supervisors no longer would need to monitor on-time performance by observing vehicle arrivals at time-points. Reduces the need for on-street supervisors.
- Enhanced handling of customer complaints: Access to real-time data and playback will enable management to quickly determine what transpired on a particular route at any time of day. For example, complaints regarding speed, passenger pass-bys, and adherence to CATS policies, can be investigated.
- Integration with other bus technologies including vehicle maintenance monitoring, overt and covert alarms, passenger counting system, automated announcement system, destination sign system, and the electronic farebox.

Plans include displaying similar real time information to customers at Transportation Centers and via the Internet.

The Automatic Passenger Counter system provides information on passenger load factors, which will assist transit planners in service planning and amenity placement.

This integrated technology is the basis for future Intelligent Transportation System (ITS) programs.

CATS has a licensing agreement with Giro, Inc., for Hastus software. Currently, this software is utilized primarily for bus route scheduling. The proposed locator and counter systems must integrate with Hastus.

In order for the proposed locator and counter systems to perform at maximum capability it is necessary to upgrade to the most recent version of Hastus. Internal modules of the upgraded version of Hastus offer solutions for mapping, transit operations, performance analysis, and other travel time/driver practices, which are necessary for efficient functioning of the locator and counter ITS systems.

**DBE Compliance:**

Siemens Transportation Systems, Inc. has proposed a 9% subcontract to a certified DBE, BITCO, USA.

**Summary of Proposals:**

Pursuant to the transit competitive proposal procurement process authorized in Section 8.87 of the City Charter, CATS issued a Request for Proposal (RFP) and advertised the RFP in Passenger Transport and The Charlotte Observer on November 27, 2001 to purchase a locator and counter system. On February 11, 2002, proposals were received from four proposers. The respondents are listed below:

Digital Recorders, Inc.  
Lumninator Mass Transit, Inc.  
Orbital Sciences Corporation  
Siemens Transportation Systems, Inc.

In compliance with the City's competitive proposal procurement procedures that conform with applicable federal and state laws and regulations, a nine member evaluation committee from CATS Management and Bus Operations Division, City Business Support Services, North Carolina State ITRE, and an independent Consultant, Transit Resource Center, independently scored each proposal against criteria established by the RFP.

Technical evaluation accounted for 65%. The proposals were rated against the following technical evaluation criteria:

- Responsiveness to the proposal requirements
- Experience and qualifications in performing the scope of work
- References in performing the services for organizations with similar needs to CATS
- Integration with HASTUS software
- System operation and functionality

The proposed price accounted for 35% of the total score.

The proposal submitted by Siemens Transportation Systems, Inc. received the highest score as the most responsive proposal offering the best value for the locator and counter system for the negotiated price of \$3,144,237.

Hastus, a product of Giro, Inc., is the software currently used by CATS. In order to obtain the upgraded version of the software CATS has negotiated an amendment to the existing licensing agreement with Giro, Inc. The cost of the upgrade is \$134,900.

The interactive voice response system, a product of Onitra Communications, is the system currently used by CATS. In order to obtain the upgraded version of the system CATS has negotiated an amendment to the existing agreement with Onitra Communications, Inc. The cost of the upgrade is \$16,500 and may be approved by the Transit Chief Executive Officer.

**Funding:**

Transit Program Funds

**Attachment 27**  
Resolution

**29. Solid Waste Services, West Quadrant Residential Solid Waste Collection Service Contract Unit Price Increase**

**Action: Approve a 1.16% unit price increase to Solid Waste Services, West Quadrant Residential Solid Waste Collection Services Contract. The unit price increase is seven cent, for a total monthly unit price of \$6.09, effective January 1, 2002.**

**Staff Resource:** Gregory McDowell, Internal Audit

**Policy:** Competition

**Explanation:**

The City of Charlotte contracts with Solid Waste Services to provide residential solid waste collection services in the West Quadrant of the City. The five-year contract was effective January 19, 1998. The contract provides that each year, 90 days prior to the contract anniversary date, the Contractor may request that the unit price be increased up to a ceiling of 75 percent of any increase during the preceding 12 months in the United States Department of Labor, Bureau of Statistics, Washington, D.C. Consumer Price Index (CPI).

As contractually required, Solid Waste Services submitted a request for a unit price increase to be effective January 1, 2002. Internal Audit used the CPI increase from December 2000 to December 2001 to determine the CPI increase, which coincides with the contract year. The CPI increase was 1.55%; therefore, the allowable contract increase (75% of the CPI) is 1.16%, or seven cents. The recommended new unit price is \$6.09 effective January 1, 2002. The increase will be retroactive.

With its request, Solid Waste Services submitted a letter documenting increases in compensation, employees' insurance premiums, workers' compensation premiums, a vehicle repair labor rate increase from \$45 per hour to \$46 per hour, and a uniform rental rate increase from \$4.75 to \$5.04.

Internal Audit reviewed the above documentation and found that it substantiates the requested increase.

The requested increase would increase billings to the City by about \$29,000 per year. In addition, if actual operating costs are less than the approved contract rate for services, one-half of the savings will be retained by the City Solid Waste Key Business Unit with the other half being shared with the employees.

**Funding:**

Solid Waste Services Operating Budget

**30. McDowell Creek Wastewater Treatment Plant Improvements–Contract Amendment with Black & Veatch**

**Action: Approve Amendment #1 for \$472,111 with Black & Veatch for additional engineering services at the McDowell Creek Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities**Explanation:**

The original \$2,587,000 contract with Black & Veatch was approved by City Council on July 19, 1999 to provide engineering and construction management services for Phase III improvements at the McDowell Creek WWTP. These improvements included biosolids thickening and dewatering, electrical upgrades, centrifuge equipment and a potable water pipeline to the plant.

Staff anticipated that two construction contracts and a procurement contract would overlap and be complete in 21 months thus reducing the construction management requirement. Due to design review delays and additional scope requirements, compensation is needed for additional design services and nine months for construction management. The scope of work was increased to perform an air quality emission survey and study in order to obtain an air quality emission permit for the generator facility, preparation of a stormwater pollution prevention plan, design on an additional anaerobic digester, and addition of equipment and instrumentation control systems. With this amendment, the contract with Black & Veatch will increase from \$2,587,000 to \$3,059,111.

**Funding:**

Sewer Capital Investment Plan

**31. Set Public Hearing on an Amendment to the Soil Erosion and Sedimentation Control Ordinance**

**Action: Set public hearing on an Amendment to the City Code to amend the Soil Erosion and Sedimentation Control Ordinance for the May 13, 2002 meeting.**

**Staff Resource:** Lisa Hagood, Engineering & Property Management**Explanation:**

In August 2000, City Council approved the State mandated changes to the Soil Erosion and Sedimentation Control Ordinance. At that time, City and

County staff, and a stakeholders group determined there were other changes necessary to make the City and County Ordinances stronger, and more consistent. Therefore, the State mandated changes were presented to Council, and other changes were to be made after the stakeholders reached an agreement.

The amended ordinance was presented to the Storm Water Advisory Committee (SWAC) and approved during their February 21, 2002 meeting.

The major proposed changes are:

- Contractors as well as the financially responsible party could be charged directly for their role in an erosion control violation.
- Wetlands are recognized in the ordinance and must have additional protection.
- The firm conducting land-disturbing activities must self inspect the site at least weekly and within 24 hours after a ½ inch rain event.
- Repeat violators would be subject to increased and instant penalties.
- Sediment entering a wetland, lake or watercourse would be subject to a \$3,000 per day civil penalty. This may go up or down depending on mitigating or aggravating circumstances.

**Community Input:**

A stakeholders group of developers, environmental representatives, City Engineering and Property Management Land Development staff, Mecklenburg Environmental Protection, and Mecklenburg County Land Development met to work on this amended ordinance.

**Public Notice:**

A public notice advertisement will be placed in *The Charlotte Observer* per the requirements of General Statute 160A-364.

**32. Storm Water Maintenance FY00-B, Renewal #3**

**Action: Approve Renewal #3 for \$934,405 with Blythe Development Company for continued construction of FY00-B Storm Water Maintenance Package.**

**Staff Resource:** William Pruitt, Engineering and Property Management

**Explanation:**

This renewal will enable Storm Water Services to continue regular maintenance activities under these contracts, 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 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. This is the third and final renewal of this contract.

The new contract amount is \$3,737,620.

**Funding:**

Storm Water Capital Investment Plan

### 33. Mapping and Surveying Services

**Action: Approve the agreement for \$333,400 with Earthdata International for mapping and surveying services for the City of Charlotte and Mecklenburg County.**

**Staff Resource:**

David Snider, Engineering and Property Management

**Explanation:**

The City and County cooperatively fund and procure mapping and surveying services for infrastructure improvements in the City and County.

This Agreement with Earthdata International will provide aerial photography, base mapping, topographic mapping and surveying services for the City and the County. The City's portion is \$155,500. There is also a partnership agreement between the County and USGS for \$220,000 for mapping for Homeland Security.

**Funding:**

Engineering and Property Management Operating Budget  
Storm Water Operating and Capital Budget  
Charlotte-Mecklenburg Utilities: Operating Budget

### 34. Lease on Michael Jordan Golf Center

**Action: Approve transfer of lease on city-owned property at 5845 South Tryon Street, currently leased to AMF Bowling Worldwide (dba Michael Jordan Golf Center), to an investment group of Simpson, McIntosh and MacAdam and al.**

**Staff Resource:**

Kent Winslow, Engineering and Property Management

**Explanation:**

This city-owned property has been ground leased since 1998 to a subsidiary of AMF Bowling and operated as Michael Jordan Golf Center. As part of its reorganization under Chapter 11, AMF is divesting itself of its golf centers. AMF has secured a buyer for the Charlotte location and City staff (Real Estate, Legal, Finance) has participated in drafting a lease transfer (Assignment of Lease) to the new owners, an investment group headed by Barry D. Simpson, Sr., William R. McIntosh, and Donald Joseph MacAdam. Mr. Simpson and Mr. MacAdam are residents of Charlotte.

The original lease, to be assumed by the new owners, expires in 2014, with options to renew for two 5-year terms. The base rent (on the vacant land only) was \$3,000 per month but escalates yearly, in May, based on the Consumer Price Index. It is currently \$3,468.86 per month. The City also receives 1% of gross sales as additional rent. The amount of additional rent received in 2001 was \$3,991.09.

### 35. Office Space Lease for Engineering and Property Management

**Action: Approve a three-year lease for 6,647 rentable square feet in the Cameron Brown Building with a base lease value not to exceed \$380,142, for the continued relocation of the Real Estate Division of Engineering and Property Management.**

**Staff Resource:** Kent Winslow, Engineering and Property Management

**Explanation:**

Approximately one year ago City Council approved a sublease for the Real Estate Division of the Engineering and Property Management department at the Cameron Brown Building. The one-year sublease expires May 31, 2002 therefore, a new lease is necessary to continue the relocation of the Real Estate Division. The relocation of the Real Estate Division was necessary to accommodate the growth of City staff in various departments.

This new lease provides a good value for the City for the next three years. The lease rate begins at \$18.50 per square foot, which was negotiated down from the \$21.50 quoted rate.

Basic Lease Terms are as follows:

- 6,647 square feet
- \$18.50 per square foot, full-service lease
- 3% annual escalations
- Three-year lease term
- Commencement date is June 1, 2002

- Expiration date is May 31, 2005

**Funding:**

Engineering and Property Management Operating Budget

**36. Amend Avidxchange Lease at 528 North Brevard Street**

**Action: Approve Third Amendment to the Lease Between City of Charlotte (as successor to Seventh Street Investors) and AVIDXCHANGE, Inc.**

**Staff Resource:**

Diane Carter, Engineering and Property Management

**Policy:**

The Asset Management Policy seeks to maximize the City's return from its current and future asset portfolio.

**Explanation:**

The City acquired the land and building located at 528 North Brevard Street on August 31, 2001, as part of several property transactions necessary to create a First Ward Park. The building has two tenants under lease agreements with the property's former owner. The City became the new landlord when it bought the property. The income derived from the tenant leases pays for building maintenance expenses as well as adds to the City's general fund.

One of the tenants, AVIDXCHANGE, Inc. has approached City staff and requested a reduction in rent. AVIDXCHANGE, Inc. was behind in rent payments in the amount of \$13,002.72. Per agreement with staff, it recently made two payments totaling \$8,668.48 towards the back rent it owes the City. The final payment of back rent is due May 1, 2002.

City staff recommends working with AVIDXCHANGE, Inc. in an effort to collect the back rent owed and retain the tenant. This business decision to work with the Tenant is due to the current market conditions. Tenant retention has become increasingly important due to the lack of businesses seeking space combined with the current oversupply of available lease and sublease space. Staff therefore requests that Council approve a Third Amendment to the Lease Agreement that:

- Sets up a payment schedule for payment of back rent owed
- Reduces the monthly base rent payment of \$18.02 per square foot to a more manageable, but still market rate amount of \$14.27 per square foot
- Reduces the Lease term by one year to an expiration date of July 2004
- Strengthens the City's termination provision of the Lease

- Authorizes the City Manager to negotiate and execute future amendments to the Lease so long as City continues to receive market rate rent for the property

### 37. Aviation Grant for Security Cost Reimbursement

**Action: A. Adopt a resolution accepting an FAA Airport Improvement Program grant in the amount of \$1,254,990 for the reimbursement of additional security costs incurred after September 11, 2001; and**

**B. Adopt a budget ordinance to appropriate \$1,254,990 in grant funds.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation:**

Due to the events of September 11<sup>th</sup>, the Airport has been mandated by the Federal Aviation Administration to make changes in its security procedures. Congress appropriated \$175 million in additional Airport Improvement Program funds to cover airport's costs incurred by FAA Security Directives as a result of the terrorist attacks.

The Airport applied for reimbursement of additional security costs to date, as well as an estimate of the additional costs through September 30, 2002. The FAA is offering this grant to cover 100% of those costs.

### 38. Property Transactions

**Action: Approve the following property transactions (A-F) and adopt the condemnation resolution (G-K).**

#### Acquisitions:

- A. Project:** Carmel Road Sidewalk Improvements, Parcel #13  
**Owner(s):** Paul Thomas Scull, Jr. and Wife, Sue R. Scull  
**Property Address:** 3014 Carmel Road  
**Property to be acquired:** 6,015 sq.ft. (0.138 ac.) of Permanent Right-of-Way plus 1,191 sq.ft. (0.027 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$10,000  
**Remarks:** This acquisition is required for the Carmel Road Sidewalk Project. Compensation was established by independent, certified appraisals in the area.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 209-141-28  
**Total Parcel Tax Value:** \$319,190
- B. Project:** Carmel Road Sidewalk Improvements, Parcel #18  
**Owner(s):** Ted W. Rodgers and Wife, Cynthia Rodgers  
**Property Address:** 2300 Carmel Road  
**Property to be acquired:** 1,760 sq.ft. (0.04 ac.) of Temporary Construction Easement  
**Improvements:** Mature Landscaped Screening  
**Purchase Price:** \$10,000  
**Remarks:** This acquisition is required for the Carmel Road Sidewalk Project. Compensation was established by independent, certified appraisals in the area.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 209-011-18  
**Total Parcel Tax Value:** \$230,340
- C. Project:** Grier Road/Rocky River Road Intersection Improvements, Parcel #2  
**Owner(s):** United Wesleyan Church and NC W District Wesleyan (TST)  
**Property Address:** 2601 Rocky River Road  
**Property to be acquired:** 35,386 sq.ft. (.812 ac.) in Fee Simple and Permanent Utility Easement  
**Improvements:** None  
**Purchase Price:** \$19,075

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

**Remarks:** This acquisition is required for the Grier Road/Rocky River Road Intersection Improvements Project. Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** R-3

**Use:** Residential

**Tax Code:** 105-031-31

**Total Parcel Tax Value:** \$141,880

- D. Project:** Freedom Drive (NC 27) Widening, Parcel #521  
**Owner(s):** Founders Federal Credit Union, LLC  
**Property Address:** 827 Little Rock Road  
**Property to be acquired:** 42,689 sq.ft. (0.980 ac.) of Fee Simple  
**Improvements:** Buildings, Landscaping  
**Purchase Price:** \$42,000  
**Remarks:** This acquisition is required for the Freedom Drive (NC 27) Widening Project. Compensation was established by two independent, certified appraisals and an appraisal review.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 059-212-21  
**Total Parcel Tax Value:** \$37,130
- E. Project:** 2001 Annexation-Reames Road Trunk RR2, Parcel #1 and #2  
**Owner(s):** K.B. Godley, II, LLC  
**Property Address:** 6001 Hucks Road and 9440 Bob Beatty Road  
**Property to be acquired:** 16,649 sq.ft. (0.382 ac.) of Permanent Easement plus 22,292 sq.ft. (0.512 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$16,925  
**Remarks:** This acquisition is required for the 2001 Annexation-Reames Road Trunk RR2 Project. Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** I-1 and 1-2 (CD)  
**Use:** Vacant  
**Tax Code:** 027-191-10 and 12  
**Total Parcel Tax Value:** \$148,650
- F. Project:** Sanitary Sewer to Serve Clark Creek-Phase IV, Parcel #5, #6, #7 and #8  
**Owner(s):** Cecil D. Bradford, Jr., William O. Bradford, Et Al  
**Property Address:** 14100 Sims Road  
**Property to be acquired:** 171,689 sq.ft. (3.940 ac.) of Permanent Sanitary Sewer Easement plus 143,643 sq.ft. (3.297 ac.) of Temporary Construction Easement

**Improvements:** Crops

**Purchase Price:** \$35,000

**Remarks:** This acquisition is required for the Clark Creek Sanitary Sewer Project. Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** OPS

**Use:** Farm and Private Airport

**Tax Code:** 021-041-05

**Total Parcel Tax Value:** \$1,771,920

**Condemnations:**

- G. Project:** Old Statesville Road Widening, Parcel #30  
**Owner(s):** Earl E. Carver, Jackie Keith Jones and Paula Jones and Any Other Parties of Interest  
**Property Address:** 6824 Old Statesville Road  
**Property to be acquired:** 15,828 sq.ft. (0.363 ac.) of Fee Simple Acquisition, plus Permanent Drainage Easement and Temporary Construction Easement  
**Improvements:** Chain Link Fence and Gate  
**Purchase Price:** \$29,000  
**Remarks:** This acquisition is required for the Old Statesville Road Widening Project. Compensation was established by an independent, certified appraisal and a review appraisal. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** B-2  
**Use:** Car Dealership and Fencing Company  
**Tax Code:** 043-052-12  
**Total Parcel Tax Value:** \$151,370
- H. Project:** Runnymede/Woodlawn/Selwyn Intersection Improvements, Parcel #3  
**Owner(s):** Mouzon Methodist Church and Any Other Parties of Interest  
**Property Address:** 3118 Selwyn Avenue  
**Property to be acquired:** 1,698 sq.ft. (.039 ac.) of Fee Simple, Permanent Sidewalk Easement and Temporary Construction Easement  
**Improvements:** Concrete Walk  
**Purchase Price:** \$13,800  
**Remarks:** This acquisition is required for the Runnymede/Woodlawn/Selwyn Intersection Improvements Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Single Family Residential  
**Tax Code:** 175-096-14

**Total Parcel Tax Value:** \$178,730

- I. Project:** Runnymede/Woodlawn/Selwyn Intersection Improvements, Parcel #4  
**Owner(s):** Mouzon Methodist Church and Any Other Parties of Interest  
**Property Address:** 3100 Selwyn Avenue  
**Property to be acquired:** 2,859 sq.ft. (.066 ac.) of Fee Simple, Permanent Sidewalk Easement and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$35,650  
**Remarks:** This acquisition is required for the Runnymede/Woodlawn/Selwyn Intersection Improvements Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-3  
**Use:** Church  
**Tax Code:** 175-096-15  
**Total Parcel Tax Value:** \$1,934,670
- J. Project:** Sanitary Sewer to Serve Cochrane Properties, Parcel #2  
**Owner(s):** James W. McWhirter, III and Wife, Judy W. McWhirter Any Other Parties of Interest  
**Property Address:** 1324 Light Wood Drive  
**Property to be acquired:** 20,884 sq.ft. (.479 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easement  
**Improvements:** None  
**Purchase Price:** \$3,850  
**Remarks:** This acquisition is required for the Sanitary Sewer to Serve Cochrane Properties, Inc. Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.  
**Zoned:** R-15  
**Use:** Single Family Residential/Vacant  
**Tax Code:** 193-331-25  
**Total Parcel Tax Value:** \$130,170
- K. Project:** Sanitary Sewer to Serve Cochrane Properties, Parcel #1  
**Owner(s):** George Daniel Jakowczuk and Wife, Sofia Jakowczuk Any Other Parties of Interest  
**Property Address:** 1647 Sweetgum Lane

**Property to be acquired:** 17,397 sq.ft. (.399 ac.) of Permanent Sanitary Sewer Easement and Temporary Construction Easement

**Improvements:** None

**Purchase Price:** \$3,700

**Remarks:** This acquisition is required for the Sanitary Sewer to Serve Cochrane Properties, Inc. Project. Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-15

**Use:** Single Family Residential/Vacant

**Tax Code:** 193-331-26

**Total Parcel Tax Value:** \$130,170

### 39. Meeting Minutes

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

- **March 25, 2002 Business Meeting**
- **March 26, 2002 Budget Retreat**
- **April 1, 2002 Workshop/Forum**