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John W. Lassiter
Don Lochman

James E. Mitchell, Jr.
Patrick Mumford
Greg Phipps
John H. Tabor, ALA
Warren Turner

CITY COUNCIL MEETING

Monday, August 22, 2005

CITY COUNCIL AGENDA

Monday, August 22, 2005

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3:30 P.M. CITY MANAGER'S EVALUATION ROOM 280

5:30 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Southeast Corridor and West Corridor Transit Projects

Resources: Ron Tober, CATS
Danny Rogers, CATS

Time: 30 minutes

Synopsis

- This item was scheduled for the July 22nd dinner briefing but was deferred due to time limitations.
- In August 2002, CATS completed a Major Investment Study (MIS) of options for improving public transportation along the Southeast and West Corridors. In November 2002, the MTC recommended Bus Rapid Transit (BRT) as the Locally Preferred Alternative and requested the Draft Environmental Impact Statements (DEIS) evaluate both Bus Rapid Transit and Light Rail Transit (LRT) for both the Southeast and West Corridors.

Southeast Corridor

- In September 2004, CATS and the North Carolina Department of Transportation entered into an inter-local agreement for the Southeast Corridor. With the agreement in place CATS and NCDOT combined the Independence Boulevard highway and the rapid transit projects into a single project to be jointly studied during the Draft Environmental Impact Statement.
- The Southeast Corridor Highway/Transit program will include either BRT or LRT along or near Independence Boulevard from the City of Charlotte to the Town of Matthews, approximately 10.5 miles, as well as the complete conversion of Independence Boulevard from a major thoroughfare to a limited access expressway from Sharon Amity Road to I-485. The highway conversion will consist of four new interchanges located at Sharon Amity Road, Idlewild Road, Harris Boulevard and Sardis Road North as well as up to three grade separations located at Conference Road, Sam Newell Road and Matthews-Mint Hill Road (old Highway 51).

Southeast Corridor Rapid Transit Alignment

- The 2025 System Plan Southeast Corridor alignment followed East Trade Street/Elizabeth Avenue to Independence Boulevard from Center City Charlotte out to Krefeld Drive then Independence Pointe Parkway in Matthews ending at the Central Piedmont Community College (CPCC) Levine Campus. During the first phase of the DEIS numerous alternatives were explored.

- CATS recommends the following alternative alignments be considered for further review:
 - Center City: Transitway will follow either a combination of 4th and 5th Streets or Trade Street to connect to either Hawthorne Lane or Old Independence Boulevard that will then be followed to access the Independence Boulevard. For the 5th Street light rail alternative the Southeast Corridor would interline or connect to the South Corridor light rail line.
 - Center City to Matthews: The transit alignment will follow Independence Boulevard from Pecan Avenue to Sardis Road North with all stations except those at Pecan and Sardis located within the median of Independence. At Pecan, the station will be sited on the north side of Independence. At Sardis a bus rapid transit station could be located off-line to the north side of Independence to locate a station at a potential Transit Oriented Development (TOD) location.
 - Matthews: The transitway will cross Independence Boulevard to follow the future Independence Pointe Parkway parallel to Independence Boulevard on the south. Stations will be located at Sam Newell Road (existing CATS Independence Pointe Park and Ride lot), NC 51, Matthews Transit Oriented Development location and possibly at the CPCC Levine Campus.

West Corridor

- The West Corridor Transit program will include either Bus or Rail transit along or near West Morehead Street and Wilkinson Boulevard from Center City Charlotte to I-485, approximately 7 miles. The rapid transit alignment will include up to seven stations (not including Center City stations).
- During the initial analysis of transit technologies for the West Corridor, a local transit advocacy group asked CATS to consider streetcars as a rail alternative. Through internal workshops and public input, the streetcar has received a favorable response from the public and satisfies many of the land use goals. Staff believes that streetcars are a more viable alternative than LRT for the West Corridor for the following reasons:
 - smaller size of the streetcar vehicle
 - greater phasing flexibility
 - lower cost than LRT
 - possibility of integration with the Center City Streetcar program

West Corridor Rapid Transit Alignments

- CATS recommends the following alternative alignments be considered for further review:
 - Center City: The West Corridor will access Center City either along Morehead Street to Cedar Street to the Old P&N Railroad to Graham Street to Trade Street or a new location parallel to I-77 to the Old P&N Railroad to Graham Street to Trade Street.
 - West Morehead Area: The transitway will leave Wilkinson Boulevard either along existing Morehead Street or at a relocated Suttle Avenue which will connect to Morehead Street and will cross Freedom Drive. At

that point the alignment may continue along Morehead or follow Bryant Street.

- Wilkinson Boulevard: The remainder of the transitway would be along Wilkinson Boulevard out to I-485 with a connection to the future Airport People Mover.

Future Action

- CATS will ask the Metropolitan Transit Commission (MTC) to adopt these recommended alignment and station alternatives at its September 28, 2005 meeting. Further study will continue on the refined alternatives with a recommendation on alignments, station locations and technology choices expected at the conclusion of the Draft Environmental Impact Statement next summer. The MTC will make the final decision on each of these items at that time.

2. Northeast Corridor Transit Project

Resources: Ron Tober, CATS
David Leard, CATS

Synopsis

- In November 2002, the MTC adopted Light Rail Transit (LRT) as the Locally Preferred Alternative for the Northeast Corridor to be evaluated further in a Draft Environmental Impact Statement (DEIS). Staff has evaluated the stations and alignment recommended in the MIS and has identified which stations and alignment alternatives to carry forward into the DEIS.
- The 2025 Transit System Plan Northeast Corridor alignment began at the 7th Street Light Rail Station and followed Brevard Street and the North Carolina Railroad (NCR) right of way to 36th Street. The proposed alignment then crossed 36th Street on a bridge through the heart of the North Davidson Arts District (NODA) and then crossed over the railroad right-of-way to Craighead Road. The alignment then entered into the median of North Tryon Street where it stayed until it reached a terminus at Salome Church Road just north of Interstate 485. The MIS included 11 stations. The stations at 16th, 27th and 36th were within the NCR right of way. The remaining 8 stations from Sugar Creek to Salome Church Road were proposed to be in the median of North Tryon Street.
- CATS recommends the following alternatives be considered for further review:
 - The station proposed for 27th Street be evaluated as a future station in the DEIS
 - The elevated MIS alignment through NODA be dropped in favor of an alignment that stays within the Eastway Station-near Old Concord Rd., Sugar Creek Station adjacent to NCR right of way and the 36th Station be at grade rather than elevated.
 - The MIS alignment from 36th Street to Old Concord Road be dropped in favor of two other alternatives.

- A. Sugar Creek Station-through the back of the Asian Corners Shopping Center into North Tryon Street with the Eastway Station in center of N. Tryon Street
- B. Alignment within NCRB right of way with the Sugar Creek Station adjacent to railroad and the Eastway Station-near Old Concord Road
 - The four MIS stations between University City Boulevard and UNCC be reduced to three stations.
 - The terminus station at Salome Church Road north of Interstate 485 and a terminus station south of Interstate 485 be evaluated in the DEIS.

Future Action

- CATS will ask the Metropolitan Transit Commission (MTC) to adopt these recommended alignment and station alternatives at its September 28, 2005 meeting. Further study will continue on the refined alternatives with a recommendation on alignments, station locations and technology choices expected at the conclusion of the Draft Environmental Impact Statement next summer. The MTC will make the final decision on each of these items at that time.

3. Committee Reports by Exception

Community Safety: Passenger Vehicle for Hire Ordinance Amendments

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

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

CONSENT

- 4. Consent agenda items 20 through 51 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 NorthLake Mall Voluntary Annexation Phase Two

- Action:** A. Hold a public hearing for the NorthLake Mall Phase Two voluntary annexation petition, and
- B. Adopt an ordinance with an effective date of August 22, 2005 to extend the corporate limits to include this property.

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

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- The purpose of the public hearing is to obtain community input on the proposed voluntary annexation.
- Voluntary annexation petition was received from owners of five acres immediately adjoining the NorthLake Mall Phase One voluntary petition that was approved by City Council and became effective on July 25, 2005.
- Petitioners are Metrolina Properties Limited Partnership and Faison Project North, LLC.
- Property is separated from current City limits only by State-owned property and is contiguous for purposes of annexation. State annexation statutes allow such a State-owned connecting portion to be included in the annexation. This property has been included in the boundary description in this Ordinance.
- At its July 25, 2005 meeting, City Council set August 22, 2005 as the required public hearing date.
- Annexation ordinance establishes effective annexation date of August 22, 2005.

Consistent with City Council Policies

- The action before City Council is consistent with the annexation agreement approved by Council on June 20, 2005.
- Consistent with voluntary annexation policies approved on March 24, 2003.
- Annexation will not adversely affect the City's ability to undertake future annexations.
- Annexation will not negatively impact City finances or services.
- Annexation will not result in situation where unincorporated areas will be encompassed by new City limits.

Attachment 1

Annexation Ordinance
Map

6. Public Hearing on Resolution to Close Kohler Avenue and a Portion of Benson Street

Action: A. Conduct a public hearing to close Kohler Avenue and a portion of Benson Street, and
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Charlotte Mecklenburg Housing Partnership, Inc. – Larry Samuels

Right-of-Way to be abandoned

Kohler Avenue and a portion of Benson Street

Location

Located within the Double Oaks Community

Kohler Avenue - beginning from Statesville Avenue continuing west approximately 250 feet to its terminus

Benson Street – beginning 1,077 feet from Woodward Avenue continuing north approximately 44 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction/development of the Kohler Avenue Apartment Project. This project will consist of 80 units.

Notification

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

Adjoining property owners – None

Neighborhood/Business Associations

Double Oaks Community Organization – No objection
Druid Hills – No objection
Oaklawn Community Improvement Organization – No objection
McCrorey Heights-Oaklawn Association – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 2

Map
Resolution

7. Public Hearing on Resolution to Close a Portion of E. 9th Street between Clarice Avenue and Ridgeway Avenue

Action: A. Conduct a public hearing to close a portion of E. 9th Street between Clarice Avenue and Ridgeway Avenue, and
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Richard A. Cohen – John H. Carmichael (Kennedy Covington)

Right-of-Way to be abandoned

A portion of E. 9th Street between Clarice Avenue and Ridgeway Avenue

Location

Located within the Elizabeth Community beginning from Ridgeway Avenue continuing northwestwardly approximately 395 feet to its terminus at Clarice Avenue

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction/development of the proposed Elizabeth Condos multi-family project

Notification

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

Adjoining property owners

Hall M. Johnston III – No objections
Roger C. Thompson & Denise Thompson – No objections
W. B. Presson – No objections

Neighborhood/Business Associations

Elizabeth Community Association – No objection
Chantilly Neighborhood Association – No objection
Eastover Resident’s Association – No objection
Plaza-Midwood Neighborhood Association – No objection
Cherry Community Organization – No objection
Belmont Generation – No objection
Belmont Neighborhood Strategy Force – No objection
Belmont Tenant Organization – No objection

Private Utility Companies – No objections

City Departments

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

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

Attachment 3

Map
Resolution

8. Public Hearing on Resolution to Close a Portion of a 15-foot Alleyway between Wesley Heights Way and West 4th Street

Action: A. Conduct a public hearing to close a portion of a 15-foot alleyway between Wesley Heights Way and W. 4th Street, and
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

South Central Oil Company – Bobby Drakeford

Right-of-Way to be abandoned

A portion of a 15-foot alleyway between Wesley Heights Way and W. 4th Street

Location

Located within the Wesley Heights Community beginning from Wesley Heights Way continuing southwestwardly approximately 142 feet to its terminus approximately 285 feet from W. 4th Street

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction/development of the proposed Walnut Hill Condominium Project

Notification

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

Adjoining property owners

Isadora Rozzell – No objections

David W. Hansford, Jr. – No objections

Neighborhood/Business Associations

Wesley Heights Community Association – No objections
Seversville Community Organization – No objections
Third Ward Community Development Corp. – No objections
Third Ward Neighbors Association – No objections
Ashley Park – No objections
Center City Partners – No objections
Smallwood In Action – No objections
Enderly Park – No objections
Enderly Park Neighborhood – No objections
Enderly Park Stepmasters – No objections
Biddleville Residents & Friends – No objections
Biddleville/Five Points Community – No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 4

Map
Resolution

ZONING

9. Rezoning Petition # 2005-103

Action: Consider decision on Petition # 2005-103 by Michelle Dolphus for approximately 2.51 acres located north of the intersection of Harwood Road and Mount Holly-Huntersville Road, to rezone from R-3LW-PA (single-family Lake Wylie Protected Area) to Institutional Conditional District.

Staff Resource: Tim Manes, Planning

Summary of Petition

This petition proposes to rezone 2.51 acres to allow a day care center in two modular buildings and a storage building with a maximum of 13,000 square feet of building area and 150 children.

Explanation

- This petitioner requested a decision on this petition on July 18, 2005, but since there was opposition the Council wanted the Zoning Committee to review this request. The Council still felt this decision could be expedited and agreed to add it to their August 22, 2005 business meeting for a decision.
- On July 27, 2005 the Zoning Committee voted unanimously to recommend approval of this petition with a revised site plan being submitted and the following modifications.
 - The buffer note has been corrected to indicate five trees every one-hundred feet.
 - The proposed zoning has been corrected to Institutional Conditional District Lake Wylie Protected Area.
 - An additional 1,000 square feet has been added to accommodate the proposed storage areas.
 - The petition number on the site plan has been corrected.
 - Storm Water notes have been added to the plan.
 - CDOT notes have been added to the plan.
 - The acreage has been corrected to 2.51.
 - Building elevations have been included indicating materials to be used.
- Staff agrees with the Zoning Committee recommendation for approval.

Attachment 5

Pre-Hearing Staff Analysis
Zoning Committee recommendation
Map for petition #2004-103

POLICY

10. City Manager's Report

11. Revote on Motion to Approve Item 1 of the Strategy for Funding Cultural Facilities



Action: Revote on motion to approve item 1 of the Strategy for Funding Cultural Facilities.

Committee Chair: John Lassiter

Staff Resources: Ron Kimble, City Manager's Office
Tom Flynn, Economic Development Office
Ruffin Hall, Budget and Evaluation

Explanation

- At the July 25th City Council meeting, Council Member Lassiter made a motion to approve item 1 of the Strategy for Funding Cultural Facilities. The motion was approved by a vote of 8 to 3.
- Council members Lassiter, Burgess, Cannon, Carter, Mitchell, Mumford, Phipps and Turner voted in favor of the motion. Council members Kinsey, Lochman and Tabor voted against the motion.
- The Mayor vetoed the action.
- By City Charter, the item is required to be on the agenda of the next regular or special meeting of Council. In order for such action to become effective, seven affirmative votes are required at this meeting.
- On July 20th the Economic Development and Planning Committee voted 3 to 1 to approve item 1 of the Strategy for Funding Cultural Facilities (Lassiter, Cannon, Carter – for, Tabor – against, Lochman – absent).

Strategy for Funding Cultural Facilities

1. The City agrees to seek, from the Legislature, a Countywide rental car tax increase with Charlotte's share sufficient to finance up to \$80.7M in capital needs for the Cultural Facilities Plan.

Veto Overridden

If the motion receives seven affirmative votes, item 1 of the Strategy for Funding Cultural Facilities passes.

Veto Not Overridden

If the motion does not receive seven affirmative votes, item 1 of the Strategy for Funding Cultural Facilities fails.

Attachment 6

Presentation on Strategy for Funding Cultural Facilities

12. Revote on Motion to Approve Items 2-11 of the Strategy for Funding Cultural Facilities



Action: Revote on motion to approve items 2-11 of the Strategy for Funding Cultural Facilities.

Committee Chair: John Lassiter

Staff Resource: Ron Kimble, City Manager's Office
Tom Flynn, Economic Development Office
Ruffin Hall, Budget and Evaluation

Explanation

- At the July 25th City Council meeting, Council Member Lassiter made a motion to approve items 2-11 of the Strategy for Funding Cultural Facilities. The motion was approved by a vote of 7 to 3 (Council member Mumford was recused from voting).
- Council members Lassiter, Burgess, Cannon, Carter, Mitchell, Phipps and Turner voted in favor of the motion. Council members Kinsey, Lochman and Tabor voted against the motion.
- The Mayor vetoed the action.
- By City Charter, the item is required to be on the agenda of the next regular or special meeting of Council. In order for such action to become effective, seven affirmative votes are required at this meeting.
- On July 20th the Economic Development and Planning Committee voted unanimously to approve items 2-11 of the Strategy for Funding Cultural Facilities (Lassiter, Cannon, Carter, Tabor – for, Lochman – absent).

Strategy for Funding Cultural Facilities

2. The City and ASC agree to jointly pursue other State funding that may be available to support the Cultural Facilities Plan.
3. The City agrees to use the savings created by the ASC affiliates absorbing operating costs of existing facilities, to finance a portion of the Cultural Facilities Plan.
4. The ASC along with the private sector agree to jointly pursue a method to assure the funding of additional operating costs born by affiliates for current facilities, and additional operating costs born by affiliates for new, expanded, or renovated facilities.
5. Wachovia intends to construct a mixed-use project at or above \$250M for the taxable portions of this development.

6. Wachovia agrees to commit to a guaranteed revenue stream tied to annual estimated property taxes to support the Cultural Facilities Plan.
7. Wachovia intends to build and deliver to the public sector (at agreed upon construction costs) a 1,200 seat theater, a new Mint Museum facility and the Bechtler Art Museum.
8. Wachovia agrees to work with the City and County to finalize the building programming and cost estimates for these three facilities.
9. The City and County agree to commit 90% of the incremental property taxes from the proposed Wachovia development towards the financing of the three cultural facilities.
10. It is recommended that the City Council authorizes and directs the City Manager to work with the County, the towns, hospitality industry, Wachovia, the private sector, and the Arts and Science Council and its affiliates to further refine this proposal in the next 120 days.
11. This direction also includes referrals as needed to the Economic Development and Planning Committee as well as the Governmental Affairs Committee.

Veto Overridden

If the motion receives seven affirmative votes, items 2-11 of the Strategy for Funding Cultural Facilities pass.

Veto Not Overridden

If the motion does not receive seven affirmative votes, items 2-11 of the Strategy for Funding Cultural Facilities fail.

Attachment 6

Presentation on Strategy for Funding Cultural Facilities

13. Passenger Vehicles for Hire Ordinance Amendments



Action: Approve the Community Safety Committee's recommendation to adopt an ordinance amending Chapter 22 of the City Code, entitled Passenger Vehicles for Hire.

Committee Chair: Patrick Cannon

Staff Resources: Joe Vanderlip, Charlotte-Mecklenburg Police
John Joye, City Attorney's Office

Explanation

- Staff conducted extensive review of the passenger vehicles for hire ordinance. The review was based on requests from passenger vehicles for hire industry due to post 2001 economic conditions.

- Current ordinance requires that all passenger vehicles for hire be no more than seven years old effective July 1, 2006. Staff recommends that be changed to ten years, effective July 1, 2006.
- Recommendation is based on changes in economic conditions since inception of ordinance in 2001. If seven year age limit remains, 73% of all vehicles for hire will go out of service in July 2006.
- Increased age limit will be accompanied by more stringent inspection standards.
- Amended ordinance will require all out of town companies operating in Charlotte to obtain a permit if they plan to do anything other than drop off a passenger; must have permit if they pick up passenger; will have provision for temporary affiliation with other companies to enable them to operate in Charlotte during special events.
- Amended ordinance will better define “accessible vehicle”; will maintain the incentive of allowing cab companies to count one accessible vehicle as five vehicles toward the 30 cab minimum.

Technical Changes

- The technical changes to the ordinance include:
 - Passenger Vehicle for Hire Manager will have discretion in levying progressive penalties against drivers and vehicle owners.
 - Reduces the progressive fines levied against drivers and vehicle owners from a scale of \$200-\$500-\$1,000-\$2,000 to \$200-\$300-\$500-\$750.
 - Levies a \$100 a day penalty against a company owner failing to renew an annual operating certificate on a timely basis.
 - Imposes more stringent application standards for drivers and vehicle owners-includes denial of permit to habitual criminals; denies permit if a DWI conviction or two or more DWI arrests have taken place within five years; no permits granted until pending criminal charges of any kind are adjudicated.
 - Allows a 10 year review of criminal/driving history for applicants; no more than 8 points on driver’s license during the three years prior to application, as opposed to the current two year limitation.
 - Applicants failing a drug test must wait one year to reapply for permit.
 - Deletes the provision on compliance with the Americans with Disabilities Act as ADA compliance issues are handled by the federal government.
 - Streamlines appeal process to the Passenger Vehicle for Hire Board.
 - Regulates advertising on cabs; limits to one sign on top of cab.
 - Requires drivers to make a reasonable effort to return property left in cabs to the owner.
 - Imposes more stringent inspection standards for vehicles with an effective date of July 1, 2006.

Community Safety Committee

- The Community Safety Committee discussed the proposed ordinance changes at several of its meetings; heard recommendations from stakeholders including the passenger vehicle for hire industry, the hospitality industry and Center City Partners and the Passenger Vehicle for Hire Board.

- At the June 23rd meeting, the Community Safety Committee voted 4-0 (Cannon, Mitchell, Tabor, Turner; Kinsey absent) to recommend the ordinance changes to the full Council.

Attachment 7

Summary of Technical Changes

Community Safety Committee Notes: June 23, 2005

Ordinance

BUSINESS

14. McAden Park Loan Request



- Action:**
- A. Approve a \$3,180,421 loan to the TCG Development Services, LLC and the Charlotte Housing Authority for the development of a 60-unit apartment complex in the Belmont Neighborhood, and**
 - B. Approve a waiver of the Assisted Multi-Family Housing Locational Policy for the McAden Park development.**

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The plan identifies the need for affordable, safe and decent housing for low and moderate-income families.
- Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives.

Explanation

- McAden Park is a 60-unit multi-family residential development located on Siegle Avenue and E. 15th and E. 16th Streets in the Belmont Community.
- The project is the first new construction development within the Belmont Neighborhood as part of the Piedmont Court HOPE VI revitalization.
- TCG Development Services, LLC (developer) and the Charlotte Housing Authority (CHA) are requesting a \$3,180,421 loan from the City Council approved \$5 million Housing Trust Fund HOPE VI set-aside.
- TCG Development submitted a proposal and staff reviewed and evaluated the proposal based on the Loan and Grant Guidelines established for the Housing Trust Fund Advisory Board.
- The project is 100% affordable with 30 units that will serve households earning 30% or less of area median income (AMI; \$19,230 for a family of four) and 30 units will serve households earning 60% or less of the AMI, (\$38,460 for a household of four).
- Rents will range from \$243 – \$789 per month.
- The units will remain affordable for 55 years (secured by deed of trust).
- The loan terms are 20 years, 1.45% interest only.
- The total development cost is \$6,361,075 resulting in a leverage ratio of approximately 1:2.

Locational Policy Waiver

- The project is located in a prohibited area; therefore a waiver of the multi-family housing Locational Policy is requested.

- As per the Policy, notification letters regarding the waiver request were sent to affected neighborhood organizations and adjacent property owners. (Letters were sent to the Belmont Community Development Corporation, Belmont Strategy Force and 16 property owners.)

Background

- On May 12, 2003 City Council approved the Belmont Revitalization Plan.
- On January 12, 2004 City Council approved an allocation of \$15.52 million to support the Piedmont Courts HOPE VI application. The allocation included a \$5 million set-aside from the Housing Trust Fund.
- On August 5, 2005, the CHA issued a letter updating Council on the status of the Piedmont HOPE VI grant and key changes (see attachment).
- The HOPE VI grant changes were approved by HUD in April 2005.

Funding

City Housing Bond Funds

Attachment 8

Project Summary
Preliminary Building Elevations
Sources and Uses
Project Proforma
CHA Letter – August 5, 2005

15. Charlotte Housing Authority Property Acquisition Grant



Action: Approve a grant in the amount of \$296,111 to the Charlotte Housing Authority for the acquisition of property in the Belmont neighborhood to support the Piedmont Courts HOPE VI Project.

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan approved by City Council on June 13, 2005.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives.

Explanation

- On May 12, 2003 City Council approved the Belmont Revitalization Plan, which addresses housing, infrastructure and other improvements in the Belmont Neighborhood.
- On January 12, 2004 City Council approved a \$1.2 million set-aside to be made available to the Charlotte Housing Authority (CHA) for the acquisition of vacant property.

- The Charlotte Housing Authority has acquired eleven parcels in the Belmont neighborhood for housing development to support the Piedmont Courts HOPE VI project.
- The CHA acquired the parcels for \$339,355 and is requesting reimbursement of \$296,111 (based on the appraised value of the property) from the City.
- HUD guidelines limit acquisitions using federal funds to paying the appraised value.
- The funds will be provided from the acquisition set-aside (\$1.2 million) approved by City Council on January 12, 2004.
- The acquisition funds will be issued to the CHA upon receipt of the environmental clearance. Clearance is due within the next 30 days.

Funding

Federal Community Development Block Grant (CDBG) Funds

Attachment 9

Map of Property Acquisitions

16. Urban League of the Central Carolinas, Inc. Loan Modification



Action: Authorize the City Manager to modify the Loan Agreement with the Urban League of the Central Carolinas, Inc. to an interest only payment beginning January 2006 followed by principal and interest payments beginning January 2008.

Staff Resource: Richard Bargoil, Economic Development

Explanation

- April 26, 1999 City Council approved a \$200,000 loan to the Urban League of the Central Carolinas to assist in financing the organization's training/office facility located at 740 West Fifth Street. First Citizens Bank provided the primary loan of \$1,700,000.
- The Urban League works to empower disadvantaged African American and other minorities to enter the economic and social mainstream by providing specialized job training, life skills training, basic adult skills training, housing and credit counseling and youth achievement programs.
- The City's loan was deferred for the first five years with no interest accruing and the first payment of \$50,000 due December 31, 2005 with payments of \$50,000 plus 3% interest due December 31st of each of the following 3-years.
- Urban League officials have requested the City explore options for forgiveness or deferment of the \$200,000 loan due to extenuating circumstances that prevent repayment under the current loan terms.
- Staff recommends that the City's loan be restructured to more conventional payment terms as was done by First Citizens Bank in 2003.
- The proposed terms include monthly interest only payments at 3% beginning January 2006 and beginning January 2008 monthly payments of principal and

interest of \$2,345.91 based on \$200,000 amortized for 8 years at 3% interest. Loan will be paid-in-full at end of 8 years.

- Staff reviewed the proposed modification with Urban League officials and agrees with the terms.
- Staff recommends this loan restructuring for the following reasons:
 - The City begins receiving interest payments in 2006 and principal payments in 2008.
 - The loan modification is consistent with the restructured terms of the primary loan modified by First Citizen Bank in 2003.
 - Permits additional time for Urban League to implement new revenue initiatives and explore options for addressing long-term debt obligations.
 - Without a proposed modification the loan will move to a default status and the City would not receive interest or principal until the bank is repaid or property is sold.
 - Given the City's second lien position, putting the loan into a default status does not improve the City's position due to the fact that the City's loan is subordinate to the First Citizens Bank loan.
- Staff does not recommend forgiving this loan due to the impact it would have on the Development and Revitalization Fund (DARF) and the precedent it would establish.

Funding

Original loan was made from the Development & Revitalization Fund (DARF). Current balance in DARF is \$868,510.40

Attachment 10

Background information

Urban League February 2, 2005 letter requesting forgiveness and/or deferral

17. Postpone Implementation of Multi-Family Garbage Service Reduction

Action: Approve postponing the implementation of once-a-week City funded multi-family garbage collection from September 1, 2005 to October 1, 2005.

Staff Resource: Wayman Pearson, Solid Waste Services

Explanation

- On June 20, 2005 Council approved reducing the frequency of multi-family garbage collection from twice-a-week to once-a-week beginning September 1, 2005 for an FY2006 budget savings of \$592,217.
- The Apartment Association was notified of the service adjustment budget option during a meeting with Solid Waste Services on May 6, 2005.
- Subsequent to Council adoption, stakeholders contacted staff with concerns about the private collection rates for the second weekly pick-up. Another

complicating factor was reimbursing the private haulers for the annual tipping fees paid by the complexes.

- To mitigate these concerns, City staff has been working with representatives from the Charlotte Apartment Association, Allied Waste Services (the private hauler contracted to provide multi-family garbage collection), and other interested parties.
- Postponing the implementation date to October 1, 2005 will allow City staff and Allied Waste to explore a process for offering a second weekly garbage pick-up at a negotiated rate as well as a billing process to assess the fee.
- During the fiscal year staff will look at alternatives for a long-term billing process.

Funding

- The cost of postponing the implementation date by one month is \$59,221, which will be funded from landfill tonnage fee savings within Solid Waste Services Operating Budget. Prior to budget adoption, the County advised Solid Waste Services of an increase to the tonnage fee charged to the City which was included in Solid Waste Services' operating budget. After budget adoption, the County notified the City that the tonnage fee would be less than originally planned.

18. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. PUBLIC ART COMMISSION

One, three-year appointment beginning immediately and ending June 30, 2008, (must be employed in the education field) replacing Kenn Compton who is not eligible for reappointment.

Attachment 11

Applications

B. SMALL BUSINESS ENTERPRISE LOAN FUND

One, three-year appointment beginning October 1, 2005. A business/financial background preferable with experience in commercial credit analysis.

Attachment 12

Applications

19. Appointments to Boards and Commissions

Action: Appoint citizens to serve as specified.

A. AIRPORT ADVISORY COMMITTEE

One, three-year appointment beginning immediately and serving until July 2008.

- Robert Hill by Council members Carter and Phipps
- Stanley Vaughn by Council member Tabor

Attachment 13

Applications

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 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 (SBO) Program's 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 service 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 contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

20. Various Bids

A. Hybrid Vehicles

BSS/Citywide

Action

Award the low bid unit prices meeting specifications of \$19,550 by Hendrick Honda of Charlotte, North Carolina for Hybrid Gasoline/Electric 4-Door; \$ 19,750 by Scott Clark Toyota, Charlotte, North Carolina for Hybrid Gasoline/Electric 4-Door Sedan w/Hatchback; and \$24,550.30 by Town & Country Ford, Charlotte, North Carolina for Hybrid Gasoline/Electric 4-Door Sport Utility Vehicle. The total initial cost for FY2006 will depend on the number of current vehicles determined suitable for replacement by a hybrid vehicle. This will be a unit price contract with options to renew for two additional periods of one year. The City Manager may authorize renewals.

Small Business Opportunity:

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

B. Mini-Vans **BSS/CATS/Citywide**

Action

Award the low bid unit price meeting specifications of \$15,990.75 by Randy Marian Chevrolet of Mooresville, North Carolina for mini-vans. The total initial cost for the FY2006 anticipated number of units represented by this contract would be \$159,907.50. This will be a unit price contract with options to renew for two additional periods of one year. The City Manager may authorize the renewals.

Small Business Opportunity

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

C. Truck Mounted Aircraft Deicer **BSS/Aviation**

Action

Award the low bid price meeting specifications of \$176,731 by Premier Engineering & Manufacturing, Inc. of Marinette, Wisconsin for a Truck Mounted Aircraft Deicer. This is a one time purchase to serve the operational needs of the Airport Fixed Base Operation.

Small Business Opportunity

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

D. FY2006 Water Main Replacement **Utilities**

Action

Award the low bid of \$1,352,984.05 by Dallas 1 Construction, LLC, Charlotte, North Carolina. This contract provides for the replacement of aged water mains throughout Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 4.5%

Dallas 1 Construction, LLC has committed 4.5% (\$61,000) of the total contract amount, to three SBE firms: State Construction of the Carolinas, MTC Consultants and Pave Carolina. They complied with the good faith efforts and mandatory outreach criteria.

E. South Corridor Infrastructure Program Package D **EPM**

Action

Award the low bid of \$1,256,848.48 by United Construction, Inc. of Charlotte, North Carolina. This construction package contains four

infrastructure improvement projects, in the New Bern Transit Station Area including; New Bern Station Area Sidewalk Improvements, New Bern Signature Intersection, Remount/South Blvd/Ideal Way Intersection and South Blvd Sidewalk Improvements. This work is part of the South Corridor Infrastructure Program. Construction completion is scheduled for the third quarter of 2006

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 3.89%

United Construction complied with the mandatory outreach criteria and met good faith efforts. United contacted 22 SBE firms and received seven responses. They have committed 3.89% (\$49,000) of the total contract amount to the following certified SBE firms: ACS Pavement Marking and Bardwill Trucking.

F. Statesville Avenue Streetscape EPM

Action

Award the low bid of \$900,372.36 by United Construction, Inc. of Charlotte, North Carolina. This project will provide streetscape enhancements on Statesville Avenue from Dalton Avenue to Newland Road including sidewalks, planting strips, pedestrian refuge medians and related construction. Construction completion is scheduled for the second quarter of 2006.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 4.83%

United Construction complied with the mandatory outreach criteria and met good faith efforts. United contacted 24 SBE firms and received eight responses. They have committed 4.83% (\$43,463.75) of the total contract amount to the following certified SBE firms: ACS Pavement Marking, Chippewa Trucking, Happy Jack Trucking, and Hazel Holmes Trucking.

G. Resurfacing 2005 B EPM

Action

Award the low bid of \$2,860,749.50 to a joint venture between Blythe Construction, Inc. and Crowder Construction, Inc. of Charlotte, North Carolina. This project is part of an annual program to maintain City streets. The work consists of resurfacing approximately 37 miles of city streets and includes traffic control; pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramps and pavement markings. Construction completion is scheduled for fourth quarter of 2005.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.14%

Blythe Construction and Crowder Construction complied with the mandatory outreach criteria and exceeded the SBO goal. They have committed 7.14% (\$204,165) of the contract amount to the following certified SBE firms: Black Cat & Son Trucking, Inc., Carolina Cajun Concrete, Inc., and JME Enterprises, LLC.

Attachment 14

List of Streets

21. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$50,847.67.

Attachment 15

Resolution

List of refunds

22. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of S. College Street and a Portion of an unnamed Street

Action: A. Adopt the Resolution of Intent to abandon a portion of S. College Street and a portion of an unnamed Street, and

B. Set a public hearing for September 26, 2005.

Attachment 16

Map

Resolution

23. In Rem Remedy

For In Rem Remedy #A-D, 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.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- 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. 100 aka 102 Halsey Street (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
- B. 2209 Vanderbilt Road (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood)

Field Observation:

- C. 501 E. 37th Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)
- D. 2509 Rachel Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood)

Public Safety:

A. 100 aka 102 Halsey Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 100 aka 102 Halsey Street (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

Attachment 17

B. 2209 Vanderbilt Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2209 Vanderbilt Road (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood).

Attachment 18

Field Observation:

C. 501 E. 37th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 501 E. 37th Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).

Attachment 19

D. 2509 Rachel Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2509 Rachel Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood).

Attachment 20

CONSENT II

24. Community Link Housing Counseling Contract

Action: Authorize the City Manager to execute a one-year performance-based contract for up to \$210,000 with Community Link to provide pre-home ownership counseling.

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing and support family self-sufficiency initiatives.

Explanation

- On July 15, 2005, the City issued a Request for Proposals (RFP) for Pre and Post Homeownership Counseling services.
- Proposals were received on July 28, 2005 from United Family Services and Community Link. Community Link was the only respondent to the RFP for pre-homeownership counseling.
- Proposals were reviewed based on program design, case management system, cost of services, organizational track record, personnel and housing counseling certifications and the ability to provide the services.
- UJAMMA, Inc. has provided pre-homeownership counseling services to the City since January 1998. In 2004, Community Link merged with UJAMMA.
- The contract specifies counseling 300 clients and creating 100 new homeowners in FY2006. Priority is given to residents in the City's targeted revitalization neighborhoods.
- The proposed contract is a performance based contract for up to \$210,000. While 300 persons will be counseled, the City will pay \$2,100 for each client that closes on a home in a City Within A City (CWAC) neighborhood.
- In previous contracts the City paid for services in three tiers; an amount for each person counseled, an amount for each person receiving a bank commitment and an amount for each person closing on a home. The new proposed contract is structured to pay strictly for results (home closings).
- Pre-home ownership counseling is designed to improve participants' knowledge of budgeting, credit repair, mortgage loan approval; assist in locating a home; and assist in negotiating mortgage loan terms, purchase price and mortgage loan closing process.
- The proposed contract is structured to allow for clients to continue receiving counseling and other services until they are homeowners.

- The pre-homeownership counseling supports the City's HouseCharlotte program as participants must provide certification of receiving homeownership training.

Background

- Since 1998, Community Link, (through its subsidiary UJAMMA, Inc.) has created homeownership opportunities for over 600 households in CWAC and targeted revitalization neighborhoods.
- Community Link was established in 1929 to provide an integrated continuum of casework and housing services including homeownership counseling, credit repair and economic literacy.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Innovative Housing

25. United Family Services Housing Counseling Contract

Action: Authorize the City Manager to execute a one-year performance-based contract for up to \$170,000 with United Family Services' Consumer Credit Counseling & Housing Services to provide post-homeownership and mortgage default counseling.

Staff Resource: Stan Wilson, Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- On July 15, 2005 the City issued a Request for Proposals (RFP) for Pre and Post Homeownership Counseling services.
- Proposals were received on July 28, 2005 from United Family Service and Community Link. United Family Services was the only respondent to the RFP for post-ownership housing counseling services.
- Proposals were reviewed based on program design, case management system, cost of services, organizational track record, personnel and housing counseling certifications and the ability to provide the services.

- The contract specifies serving 772 clients residing in City Within A City (CWAC) neighborhoods; 77 of which will reside in the targeted revitalization neighborhoods.
- The proposed contract is a performance based contract for up to \$170,000. The City will pay \$220 for each client served. The City currently pays \$265 for each client served.
- The post-homeownership counseling will assist homeowners in the following areas: avoiding late payments, repayment plans, forbearance, foreclosure prevention, negotiating with lenders and debt management.
- The post-homeownership counseling will support the City's HouseCharlotte program by helping participants keep their homes and avoid foreclosure.

Background

- United Family Service's - Consumer Credit Counseling & Housing Services (CCC&HS) has been providing post-ownership and mortgage default services to the City since 1998. Since 2002, CCC&HS has assisted approximately 1,700 residents.
- United Family Service's (CCC&HS) has served the Charlotte Metropolitan Statistical Area for over 30 years. CCC&HS became a program of United Family Services agency in 1971.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Innovative Housing

26. South Corridor Light Rail Vehicle Maintenance Facility Change Order

Action: Approve a change order to the contract with Edifice, Inc. in the amount of \$889,696.46.

Staff Resources: Ron Tober, CATS
David Leard, CATS

Explanation

- On December 13, 2004 Council awarded a \$ 27,050,000 contract to Edifice, Inc. for construction of the Light Rail Maintenance Facility.
- On-site construction activities began in April and to date significant progress has been made.
- This change order will replenish the contract contingency, which has been drawn down due primarily to unsuitable soil and price increases for building materials.
- Funds for this change order are available in the approved budget and Full Funding Grant Agreement for the South Corridor Light Rail Project.

- This change order increases the contract amount for the Vehicle Maintenance Facility, from \$27,050,000 to \$27,939,696.46.

Disadvantaged Business Opportunity

Established DBE Goal: 12%

Committed DBE Goal: 9%

The DBE goals are per the awarded contract that was approved by Council December 13, 2004.

Funding

Transit Capital Investment Plan

Attachment 21

Project Budget Summary

27. Atherton Mill Trolley Barn Lease Extension

Action: Approve a 31-month lease extension of the Atherton Mill Trolley Barn with South Boulevard Properties, Inc. for the CATS' Charlotte Trolley operation at the current rate of \$8,350 per month.

Staff Resource: Brad Miller, CATS
David Murphy, CATS

Explanation

- The Trolley Barn is located at the Atherton Mill development, 2104 South Boulevard. CATS leases a portion of this space for operation of the trolley service.
- Charlotte City Council initially approved a 30-month lease in July, 2003 that is set to expire on January 31, 2006. The facility is owned by South Boulevard Properties, Inc. and managed by MECA Properties.
- With the decision by the Metropolitan Transit Commission (MTC) to put the Bland Street Historic Trolley Barn project on hold, an extension of the current lease is needed to permit continued trolley operations at Atherton Mill.
- A 31-month lease extension to August 31, 2008 would allow for an evaluation of methods to continue implementation of the Bland Street Barn project, and the duration would mirror the length of the sublease CATS has with Charlotte Trolley Inc. to provide them space for their advocacy and renovation activities.

Leasing Terms

- All terms and conditions, including the lease rate of \$8,350 per month, remain the same as the current lease.
- This monthly amount includes a fixed base lease rate that does not change and an amount for CATS' proportionate share of the entire Atherton Mill complex's common area maintenance fees, property taxes and insurance fees. These fee charges make up \$2,641.03 of the \$8,350 per month during calendar year 2005 and they are subject to annual adjustments based on prior year

actual costs. These charges went up by slightly less than 2% from 2004 to 2005.

- Charlotte Trolley Inc. pays CATS \$1,952.50 per month for its portion of the building covered under the sublease.

Funding

Transit Operating Fund

28. Airport Concession Contract Clarification

- Action:**
- A. Approve settlement agreement between the City and Host International, Inc. of Bethesda, Maryland regarding contract interpretation, and**

 - B. Approve an amendment to the City's agreement with Host that clarifies the contract terms.**

Staff Resource: Jerry Orr, Aviation

The Contract

- Host has a contract with the City to provide concessions at the Airport through June 30, 2010.
- Pursuant to the contract, Host must pay a portion of its profits to the City.
- The contract specifically excludes Disadvantaged Business Enterprise (“DBE”) subtenants from Host’s profit sharing requirement.
- When the City first implemented profit sharing arrangements with Airport concessions, the only subtenants were DBEs.
- In the past few years, with the rise of branded concepts, Host has added a number of non-DBE subtenants at the Airport.
- A disagreement arose between the City and Host about how to treat non-DBE subtenants for purposes of profit sharing.

The Settlement Agreement

- Under Host’s interpretation of the contract, Host owes the City no additional monies under the profit sharing formula.
- Under the City’s interpretation of the contract, Host owes the City an estimated \$906,000 of profit sharing revenue over the past four years.
- Host agreed to settle the City’s potential claims for additional profit sharing revenue through June 30, 2004 for \$453,000.
- This equitable agreement will avoid the expense and uncertainty of litigation.

The Amendment

- Host agreed to adopt the City’s interpretation of the profit sharing requirements.
- The Amendment to the contract will clarify the profit sharing calculation and specify that the gross receipts and expenses of non-DBE subtenants are included in calculating the profit share paid to the City.

- The Airport estimates that the Amendment may result in additional revenue of approximately \$225,000 annually.

Disadvantaged Business Opportunity

This Amendment does not affect Host's DBE participation commitment, which is 20%.

29. Airport Daily Parking Deck Design Change Order

Action: A. Adopt a budget ordinance appropriating \$1,000,000 from the Discretionary Fund Balance to be repaid through the issuance of future General Airport Revenue Bonds, and

B. Approve a change order to an architectural design contract with LS3P Associates, LTD. of Charlotte, North Carolina in the amount of \$838,500 including reimbursable expenses for design modifications for the new Airport East Daily Parking Deck.

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2001 Council awarded a contract to LS3P for architectural services to design twin parking decks in the Airport's Daily Parking Lot.
- The West Deck was completed in June 2005 and is in operation.
- This change to the design contract will provide modifications to the design identified during construction and to accommodate Federal Aviation Administration requirements.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3%

LS3P has committed 3% (\$25,155) to the following SBE firm: Torrance Reprographics.

Funding

Airport Discretionary Fund Balance

Attachment 22

Budget Ordinance

30. Airport Concourse E Expansion Design Change Order

Action: Approve a change order in the amount of \$675,000 to LS3P Associates of Charlotte for additional design work to expand Concourse E from 26 to 34 gates.

Staff Resource: Jerry Orr, Aviation

Explanation

- In November 1999, Council approved a contract with LS3P Associates to design the initial 21-gate phase of Concourse E.
- At that time, LS3P also developed concepts for the further expansion of Concourse E.
- This contract will fund the design of an eight-gate expansion of Concourse E and provide bid documents.
- This contract is 7.3% of the estimated construction cost of \$8 million

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 3%

LS3P has committed 3% (\$20,250) to the following SBE firm: Torrance Reprographics.

Funding

Airport Capital Investment Plan

31. Airport Intermodal Facility Consulting Contract

Action: Award a contract to Newton & Associates, Inc. not to exceed \$150,000 for professional services in the development of the Charlotte Intermodal Freight Facility.

Staff Resource: Jerry Orr, Aviation

Explanation:

- On July 25, 2005 Council was updated on the Airport's plans to develop a rail intermodal freight facility on Airport property.
- This contract would provide professional services and program management assistance in the development and implementation of the Intermodal Facility project, such as:
 - Preparing Scopes of Work and Requests for Proposals
 - Evaluating economic analyses, land use plans and cost estimates
 - Financial analysis and reporting
 - Participating in project development
 - Developing a financial plan
 - Assisting in negotiation regarding financial, construction and leasehold terms for the project
 - Counsel and advise the Aviation Director and his development team with respect to all aspects that concern, impact or involve the Airport

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated. Newton is certified as a

SBE, a WBE and as a DBE. Its participation will be included in the Aviation Department's overall DBE achievement.

Funding

Airport Capital Investment Plan

32. Federal Aviation Administration Grant

Action:

- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Airport Improvement Program grant in the amount of \$15,089,210 for various Airport projects,**
- B. Adopt a budget ordinance appropriating \$15,089,210 in FAA grant funds and transferring \$5,940,000 of capital project funding to the Debt Service Fund, and**
- C. Adopt a resolution allowing the Aviation Director to accept any Federal Aviation Administration (FAA) Airport Improvement Program grants that may become available before the end of the federal fiscal year on September 30, 2005.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements. The Airport's FY2005 entitlement funds (\$15,089,210) will be used to reimburse the Airport for 75% of the costs associated with the following projects:
 - Master Plan Land Acquisition
 - Ramp E Design Work
 - Ramp E Phase IV Construction
 - Taxiway F Box Culvert Construction

Budget Ordinances

- This action will also appropriate the grant funds for the following projects:

Project	Grant Amount	Local Share	Total Project Cost
Master Plan Land Acquisition	\$5,941,553	\$1,980,518	\$7,922,071
Ramp E Design Work	\$ 206,475	\$ 68,825	\$ 275,300
Ramp E Phase IV Construction	\$7,328,681	\$2,442,894	\$9,771,575
Taxiway F Box Culvert Construction	\$1,612,500	\$ 537,500	\$2,150,000

- The local share funds for these projects came from General Airport Revenue Bond proceeds, which were appropriated in previous actions.

- On December 2, 1999, the City issued \$88,805,000 in variable rate General Airport Revenue Bonds (Series D).
- Proceeds from these bonds funds the acquisition of land previously approved by Council on April 28, 1997 as part of the Airport's 1997 Master Plan.
- It is the intent of the City to redeem up to \$60,000,000 of these bonds upon the receipt of Federal Grants.
- Action C is needed to transfer Bond Funds to the Debt Service Fund to redeem a portion of the outstanding debt.

Resolution for Future Grants

- Under the Federal legislation for the Airport Improvement Program, the FAA allocates a certain amount of discretionary funds for high priority airfield projects.
- The FAA advised the Airport that additional funds may be available before the end of the federal fiscal year.
- The second resolution authorizes the Aviation Director to accept any other grants if offered by the FAA on behalf of the City.

Attachment 23

Resolutions

Budget Ordinances

33. Professional Services for Terminal Planning and Architectural Services

Action: Award a professional services contract with Roy Johnson, AIA of Charlotte to provide planning and architectural services not to exceed \$275,000.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide the professional services of Roy Johnson, Architect, to assist airport staff in planning and implementing airport terminal improvements.
- Mr. Johnson is retired from Odell Associates where he served as a principal architect and has been involved with airport terminal development for approximately 30 years.
- The scope of his services include developing design concepts, negotiating contracts, reviewing plans, value engineering and master planning.
- His fee is \$125 per hour, not to exceed \$275,000.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Airport Capital Investment Plan

34. Speed Hump Installation Amendment

Action: Approve an amendment to the speed hump contract with Oliver Paving for the installation of two additional speed humps.

Staff Resource: Doreen Szymanski, Transportation

Explanation

- City Council approved the installation of 124 speed humps on June 13, 2005.
- The City recently removed two non-compliant speed humps from two streets annexed in July 2005: one from Mountain Isle Harbor Drive and one from Mountain Park Drive.
- This amendment approves the installation of two replacement speed humps in place of the two non-compliant speed humps removed upon annexation.
- The cost to install the speed humps is \$2,900 and would be funded from the original speed hump contract, which Council approved on June 13, 2005.
- The installation would take place no later than September 30, 2005.

Attachment 24

List of speed hump locations

35. Dixie River Extension Planning Documents and Design Work Municipal Agreement

Action: A. Approve a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for planning documents and design work for the Dixie River Extension, and

B. Adopt a budget ordinance appropriating \$200,000 in funding.

Staff Resource: Leon Howe, Transportation

Explanation

- This Municipal Agreement allows the City to provide planning documents and design work for the Dixie River Road Extension at the intersection of NC 160, Steele Creek Road and SR 116, Shopton Road.
- The Municipal Agreement provides for the City to plan and design the best configuration of the roadway improvement with the costs of the plans and design reimbursed by the NCDOT.

- NCDOT will reimburse the City for actual costs not to exceed \$200,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

North Carolina Department of Transportation

Attachment 25

Resolution

Budget Ordinance

36. Centers for Disease Control and Prevention Grant for Chemical and Biological Detection Equipment

- Action:**
- A. Accept a grant of \$248,000 from the Centers for Disease Control and Prevention to purchase chemical and biological detection equipment, and**
 - B. Adopt a budget ordinance appropriating \$248,000 for purchase of chemical and biological detection equipment.**

Staff Resource: Jeff Dulin, Fire

Explanation

- This grant will be used to purchase equipment for the Advanced Local Emergency Response Team.
- The equipment will include hazardous materials identification systems and decontamination systems.
- These systems will be used at incidents involving terrorism and/or weapons of mass destruction to identify the chemicals involved and to decontaminate effectively the people involved.

Attachment 26

Budget Ordinance

37. 911 Phone System for Fire Department

- Action:** Approve a five year lease with Bellsouth for \$741,784 for Power 911 phone system and power mapping for the Charlotte Fire Department.

Staff Resource: David Duffy, Fire

Explanation

- This lease extends the current BellSouth contract for E911 telephone lines. It also provides for additional features that enable telecommunications to pinpoint the location of calls and enable managers to analyze call data for trends in call response time.
- One important, new feature this contract covers is mapping. The mapping feature will enable telecommunicators to visually pinpoint the actual location of the telephone, either landline or cell, so that they can direct responding fire companies to emergencies that are not at recognizable street addresses.
- Another feature for telecommunicators is the ability to change phone lines in the database without a BellSouth technician's assistance. For example, they will be able to change the location of Station 37's phones from its current temporary location to the permanent station once it is built and open.

Small Business Opportunity

BellSouth is providing sole-source services, therefore this contract is exempt from the Small Business Opportunity Program per Section 2.21 of the Program policy.

Funding

911 Surcharge Fee

38. Police Motorcycle Unit Uniforms

Action: **A. Approve the purchase of Aerostich Roadcrafter Suit without competitive bidding, as authorized by the sole source exception of G.S. 143-129(f), and**

B. Approve the purchase for components that make up seven Motorcycle Unit Uniforms in the total amount of \$19,007 using Asset Forfeiture Funds approved by a budget ordinance on June 13, 2005.

Staff Resource: John Williams, Charlotte-Mecklenburg Police
 Aubrey Miller, Business Support Services

Sole Source Exception

- G.S. 143-129(f) provides that formal bidding requirements do not apply when:
 - performance or price competition are not available
 - a needed product is available from only one source of supply, or
 - standardization or compatibility is the overriding consideration.
- AeroDesign & Mfg. Co. is the recommended vendor for the Roadcrafter Suit.
- There is no one vendor who can supply all five components of the motorcycle unit uniform; therefore, the items must be purchased individually.
- City Council must approve purchases made under the sole source exception.

Uniform Purchase

- The CMPD Motorcycle Unit is currently using uniforms that are outdated and worn.

- The new uniform would provide additional protective and safety features currently unavailable by the older uniform.
- There are five items that make up the CMPD Motorcycle Unit Uniform: Aerostich Police Roadcrafter Suit, boots, shirt, pants and belt loops.
- City Council must approve purchases made using asset forfeiture funds.

Small Business Opportunity

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Police Asset Forfeiture Funds

39. Iteris Traffic Video Detection and Surveillance Equipment

Action: **A. Approve the purchase of Iteris Video Traffic Detection & Surveillance Equipment without competitive bidding, as authorized by the sole source exception of G.S. 143-129(f); and**

B. Approve a contract for the purchase of Iteris Video Traffic Detection and Surveillance equipment to Temple, Inc. in the estimated annual amount of \$250,000 for a term of one year and authorize the City Manager to exercise two annual renewal options.

Staff Resource: Charles Abel, Transportation
 Aubrey Miller, Business Support Services

Sole Source Exception

- G.S. 143-129(f) provides that formal bidding requirements do not apply when:
 - performance or price competition are not available
 - a needed product is available from only one source of supply, or
 - standardization or compatibility is the overriding consideration.
- Temple is the only authorized dealer of the Iteris equipment for Charlotte per Iteris, the manufacturer.
- Temple is recommended as the most cost effective, greatest value and overall best solution for CDOT purchase of video traffic detection and surveillance equipment.
- City Council must approve purchases made under the sole source exception.

Explanation

- The video detection camera informs the intersection traffic controller that there is a vehicle that needs a green light and the controller will change the light from red to green.

- Temple maintains the equipment with unlimited technical support for materials and equipment.

Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

Funding

Transportation Capital Investment Plan

40. Justice Assistance Grant

Action: Adopt an ordinance, appropriating \$1,059,152 from the U.S. Department of Justice, for the Justice Assistance Grant (JAG).

Staff Resource: Darrellyn Kiser, Charlotte-Mecklenburg Police

Explanation

- City of Charlotte has received a \$1,059,152 grant from the U.S. Department of Justice.
- Justice Assistance Grant (JAG) replaces the Local Law Enforcement Block Grant.
- Money is to be spent by local law enforcement agencies for needed equipment, technology improvements, etc.
- Grant amount is calculated on a formula that includes available federal dollars and factors in the jurisdiction's violent crime rate (from 2002).
- Charlotte is a disparate jurisdiction which means it must share the money with the County since the County is responsible for incarceration of prisoners.
- Mecklenburg County Sheriff's Office will receive 25% of the funds as it did with the block grant.
- City share of the grant funds is \$794,364; the County share is \$264,788.
- No matching funds are required.
- A detailed spending plan for the City share is attached.

Funding

U.S. Department of Justice

Attachment 27

Budget Ordinance
2005 JAG Grant Spending Plan

41. Assets Forfeiture Appropriation

Action: Adopt a budget ordinance appropriating \$58,880 from police assets forfeiture funds.

Staff Resource: Sgt. Bud Cesena, Charlotte-Mecklenburg Police

Explanation

- CMPD will use assets forfeiture funds for minor improvements to Police Headquarters and the Eastway Division office.
- Improvements include
 - installation of acoustical materials in seven interview rooms
 - reconfiguring cubicles in the Crime Reporting Unit since personnel assigned to 311 have left the unit
 - minor reconfiguration of Computer Technology Services
 - installation of monitoring and recording devices in the major case room
 - replacement of chairs in Internal Affairs
- Funds will also be used for a storage building for motorbikes and bicycles in the Eastway Division.
- Building improvements will cost \$33,300.
- \$14,580 will be used to lease a fiber optic network from Time Warner for the Arlington/South End Camera Project.
- \$11,000 will be used to fund dialogues between CMPD and the community regarding arbitrary profiling, designed and facilitated by the Lee Institute.

Funding

Police asset forfeiture funds

Attachment 28

Budget Ordinance

42. Refunding Contract for 2003G Certificates of Participation for Governmental Facilities

Action: Adopt a resolution authorizing the Execution and Delivery of a Refunding Agreement for the City of Charlotte with respect to its Certificates of Participation Series 2003G for government facilities.

Staff Resource: Greg Gaskins, Finance

Explanation

- This action authorizes the City to enter into contract with Wachovia Bank, N.A. to refund the 2003G COPS to a lower fixed rate in 2013.
- In 2003, Council approved the issuance of Certificates of Participation for Government Facilities (Arena).
- This agreement allows the City to take advantage of current low interest rates. The current rate on the COPS is 5.08%. The present value savings generated by this contract is estimated to be approximately \$6 million.

Resolution

- Directs the Finance Department to apply to the Local Government Commission for approval.
- Sets a Financing Team
- Approves the Execution of the Contract

Funding

Tourism Fund

Attachment 29

Resolution

43. Government District Transit SMARTRide

Action: Approve City Government Center participation in the Transit SMARTRide Program for qualified employees.

Staff Resource: Randy Robinson, Engineering & Property Management

Parking Shortage

Government plaza parking is in short supply. All parking deck spaces allocated for government center employees are full.

SMARTRide Program

- More than 35 major center city employers participate in CATS' Employer Transportation Coordinator Program, which encourages alternative transportation options for Uptown employers. With approval, the City would join those companies and agencies.
- The program encourages the use of mass transit, provides alternative commuting choices, maximizes available parking spaces, decreases traffic congestion, and improves air quality in the center city.
- Implementing the CATS program for employees in the government district at this time would coincide with changes to employee parking resulting from the construction of the new Courthouse parking deck by the County.
- When the Government Center and Police Headquarters were constructed, employees using the decks began paying monthly parking fees. Employees had the option of continuing to park for free in the surface lot at McDowell and Fourth Streets.
- Mecklenburg County is constructing a new deck at the McDowell and Fourth site to serve the new courthouse and will replace the City's surface spaces at that location with spaces in the new deck. Employees who park in the new Courthouse deck will also pay the monthly parking fee when that deck opens in January 2006.
- In accordance with the CATS program, a transit SMARTRide pass would be available to all new City staff working in the Charlotte-Mecklenburg Government Center, Old City Hall, Myers Street technology facility and Police Headquarters; and to existing City staff who forfeit their space in one of the decks.

- The City's annual cost to provide a transit pass to an employee (\$324) is less than the annual debt service cost for new structured parking (\$1200+ per space) and will be funded by the new parking revenues that result from all employees paying to park in the decks.
- The participation rate for this new program is estimated to be 5% or 58 employees.

Funding

New parking deck revenues paid by employees who previously received free parking are estimated at \$72,000.

44. The Plaza Streetscape Developer Reimbursement Agreement

Action: A. Approve a budget ordinance totaling \$118,265 for future developer reimbursements for frontage improvements, and

B. Authorize the City Manager to execute the Reimbursement and Development Agreement between the City and Mann Properties.

Staff Resource: David Wolfe, Engineering & Property Management

Budget Ordinance

- Transfer funds (as available) from the general capital investment plan (CIP) revenue account to the appropriate Plaza Streetscape project accounts
- City's land development process sets requirements for private development to provide a left turn lane and sidewalk along their roadway frontage.
- Developers reimburse the City for constructing their required improvements when within the limits of a capital improvement project.
- The Plaza Streetscape Project will construct the improvements for the Boulder Creek subdivision and Mann properties will reimburse the City \$118,265 for the design and construction of the improvements.
- Developer reimbursements received are deposited into a general CIP revenue account.

Reimbursement and Development Agreement with Mann Properties

- Mann properties will reimburse the City a total of \$118,265 to fund the design and construction of a left turn lane and sidewalk to serve the new Boulder Creek subdivision.
- The improvements will be constructed as part of the Plaza Streetscape project between James Road and Plott Road.

Plaza Streetscape Project

- Identified for improvements under the East Side Strategy Plan
- Improvements include bike lane, curb & gutter, planting strip, sidewalk and trees on the Plaza from W.T. Harris to Plott Road.

- Construction of the improvements between W.T. Harris and James Road were completed in Spring 2005.

Funding

Transportation Capital Investment Plan

Attachment 30

Budget Ordinance

45. Various Storm Drainage Improvements Projects

Action: Approve an agreement with US Infrastructure for storm water engineering services in the amount of \$1,000,000.

Agreement with US Infrastructure

- Provides funding for planning and design services
- Addresses high priority storm water projects throughout Charlotte to alleviate street and structure flooding
- Includes hydraulic studies on various individual storm drainage improvement projects
- May include stream restoration improvements
- The first project to be initiated under this contract will be Lyon Court, bounded by The Plaza to the west, Morningside Drive to the south and east, and Belvedere Avenue to the north.

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

US Infrastructure has committed 2% (\$20,000) of the total contract amount with the following certified SBEs: Carolina Wetlands Services, Meade-Gunnell, On-Target, and Torrence Reprographics

Funding

Storm Water Capital Investment Plan

46. Development Agreement for Storm Drainage Improvements

Action: A. Rescind approval of the Development Agreement with Camden Squares Associates, LLC for reimbursement, and

B. Approve the Development Agreement with ASPTH, LLC for reimbursement for an amount not to exceed \$175,000.

Staff Resource: Jennifer Glotfelty, Engineering & Property Management

Explanation

- On January 24, 2005, City Council approved a development agreement with CSA to construct storm drainage improvements.
- This agreement provided that the City would reimburse CSA in an amount not to exceed \$175,000 to construct storm drainage improvements along West Worthington Avenue from South Tryon Street to Abbott Street.
- Before this development agreement was executed by CSA or the City, there was a change in the corporate structure of the development company. The newly formed corporation that will be responsible for the construction of the improvements is ASPTH, LLC.
- ASPTH is willing to execute a development agreement virtually identical to the one previously approved by City Council with CSA.

47. Sugar Creek Wastewater Treatment Plant Pump Station Project – Engineering Services Contract Amendment #1

Action: Approve Professional Services Contract amendment #1 for \$795,063 with Camp Dresser and McKee for engineering services for the Sugar Creek Wastewater Treatment Plant Pump Station Project.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Amendment provides for additional engineering design and construction administration services for a new pump station at the Sugar Creek Wastewater Treatment Plant.
- Camp Dresser and McKee was selected for the Project using City Council’s approved selection process.
- Council awarded a contract in the amount of \$3,416,632 to Camp Dresser and McKee on October 11, 2004.
- This amendment includes:
 - Additional odor control facilities design
 - Coordination with Duke Power on substation replacement, which was not originally anticipated
 - Additional geotechnical services during design and construction for poor soil conditions
 - Extended construction contract administration and resident project representative services to extend the planned construction period from 18-months to 24-months
 - Additional permitting fees

Small Business Opportunity

Established SBE Goal: 0 %

Committed SBE Goal: 0 %

All additional work involved in this contract will be performed by the current consultant and subconsultant team originally established at time of selection. Therefore, this contract complies with Section 10.3 of the SBO Program.

Funding

Sewer Capital Investment Plan

48. Utility Management System Software Technical Maintenance and Support Contract

Action: Authorize the annual \$237,959 renewal payment for software maintenance and support to Indus Systems Inc. for the Banner Utility Billing System.

Staff Resource: Greg Gaskins, Finance

Explanation

- The Banner system is used to bill and collect approximately \$237 million annually for Water, Sewer, and Storm Water related services.
- The Banner software technical maintenance and support agreement renews on an annual basis and provides the City with software updates and problem resolution assistance.
- This payment covers the contract period of September 30, 2005 through September 29, 2006.

Funding

Water/Sewer and Stormwater Fees

49. Public Auctions for Disposal of Equipment and Police Unclaimed Property

Action: A. Declare specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus, and

B. Adopt a resolution authorizing them for sale by public auctions on September 17th and September 24th, 2005.

Staff Resource: Susan Johnson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
 - ☐ On September 17, 2005 at 10:00 a.m. to dispose of designated City-owned property declared as surplus at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.
 - ☐ On September 24, 2005 at 10:00 a.m. to dispose of Police unclaimed property at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- The City has selected the method of public auction for disposal of surplus items by utilizing an auction service chosen through competitive bids. The

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process was developed in the interest of fairness and is economical in its cost and time savings.

Funding

The auction company will be compensated for the sale through auction proceeds. For rolling stock equipment, they will receive 8.50% of the total gross sale price; for police unclaimed property, they will receive 15% of the total gross sale price; and for miscellaneous items, they will receive 12% of the total gross sale price.

Attachment 31

List of property to be declared as surplus
Resolution

50. Property Transactions

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

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

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

Acquisitions

- A. **Project:** Airport FAR Part 150 Land Acquisition
Owner(s): Charles Dunn & J. Vaughn Klutts
Property Address: * Mulberry Church Road
Property to be acquired: .68 acres
Improvements: vacant land
Purchase Price: \$34,125
Zoned: I1
Use: vacant land
Tax Value: \$41,700
Tax Code: 061-201-01

- B. **Project:** Magnolia/Kirkwood/Sedgefield/Dilworth Storm Water Improvement Project, Parcel # 40,
Owner(s): Marsh Realty Company, Inc.

Property Address: 2448 McDonald Avenue
Property to be acquired: 4,917 sq. ft. (.113 ac.) in Storm Drainage Easement, plus 136,446 sq. ft. (3.132 ac.) in Conservation Easement, plus 617 sq. ft. (.014 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$27,150
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: O-2
Use: Commercial
Tax Code: 121-101-09B
Total Parcel Tax Value: \$1,709,300

- C. **Project:** McDowell Waste Water Treatment Plant, Jim Kidd Road, Parcel # 1,
Owner(s): Edward B. Kidd Family Trust
Property Address: 5824 Jim Kidd Road
Property to be acquired: 8,465,233 sq. ft. (194.335 ac.) in Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$4,664,040
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R
Use: Agricultural - Commercial Production
Tax Code: 013-051-02
Total Parcel Tax Value: \$1,873,793 (Agricultural Value)
- D. **Project:** McKee Road at Kuykendall Road Left Turn Lane, Parcel # 2,
Owner(s): Christina K. Skiouris, Dean Kokenes And Alex Kokenes
Property Address: McKee Road
Property to be acquired: 9,225 sq. ft. (.212 ac.) in Fee Simple, plus 7,187 sq. ft. (.165 ac.) in Existing Right-of-Way, plus 413 sq. ft. (.009 ac.) in Sidewalk and Utility Easement, plus 3,747 sq. ft. (.086 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 231-054-10

Total Parcel Tax Value: \$753,200

- E.** **Project:** North Tryon Street Sidewalk Project, Parcel # 24,
Owner(s): Arthur T. Williams, III
Property Address: 10207 North Tryon Street
Property to be acquired: 2,364 sq. ft. (.054 ac.) in Storm Drainage Easement, plus 3,528 sq. ft. (.081 ac.) in Sidewalk and Utility Easement, plus 6,240 sq. ft. (.143 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$24,825
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Commercial
Tax Code: 029-031-21
Total Parcel Tax Value: \$760,800
- F.** **Project:** South Corridor Infrastructure Project: Old Pineville Road Southern Section, Parcel # 106,
Owner(s): Victory Christian Center, Inc.
Property Address: 7224 Old Pineville Road
Property to be acquired: 13,840 sq. ft. (.318 ac.) in Fee Simple, plus 359 sq. ft. (.008 ac.) in Utility Easement, plus 18,566 sq. ft. (.426 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,876
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: INST
Use: Church
Tax Code: 169-231-09
Total Parcel Tax Value: \$15,601,900
- G.** **Project:** South Corridor Infrastructure Project: Old Pineville Road Southern Section, Parcel # 122,
Owner(s): Trustees For The Sharon Congregation Of Jehovah's Witnesses
Property Address: 6500 Old Pineville Road
Property to be acquired: 11,752 sq. ft. (.270 ac.) in Fee Simple, plus 11,133 sq. ft. (.256 ac.) in Existing Right-of-way, plus 934 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 17,794 sq. ft. (.408 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$16,690
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: O-1
Use: Church
Tax Code: 169-201-17
Total Parcel Tax Value: \$1,007,800

H. Project: South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 4,
Owner(s): Hillcrest Foods, Inc.
Property Address: 4739 South Boulevard
Property to be acquired: 1,181 sq. ft. (.027 ac.) in Sidewalk and Utility Easement, plus 1,511 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,800
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 171-014-20
Total Parcel Tax Value: \$284,800

I. Project: South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 12,
Owner(s): Three Hundred Forty-Five East Woodlawn, LLC And Any Other Parties Of Interest
Property Address: 345 East Woodlawn Road
Property to be acquired: Total Combined Area of 1,901 sq. ft. (.044 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,100
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: I-2
Use: Commercial
Tax Code: 149-073-16
Total Parcel Tax Value: \$254,000

Condemnations

J. Project: Fire Station Site at Arboretum, Parcel # 39,
Owner(s): Bank Of America National Association And Any Other Parties Of Interest

Property Address: 8325 Providence Road
Property to be acquired: Total Combined Area of 185,653 sq. ft. (4.262 ac.) of Fee Simple
Improvements: None
Landscaping: None
Purchase Price: \$571,425
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-3
Use: Single Family Residential
Tax Code: 227-081-34
Total Parcel Tax Value: \$472,100

- K. Project:** South Corridor Infrastructure Project: Arrowood Signature Package - Roadway Improvements, Parcel # 88,
Owner(s): Edens & Avant Financings II, LP And Any Other Parties Of Interest
Property Address: 910 East Arrowood Road
Property to be acquired: Total Combined Area of 6,765 sq. ft. (.155 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,575
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: B-1S(CD)
Use: Commercial
Tax Code: 205-173-04
Total Parcel Tax Value: \$792,400
- L. Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 328,
Owner(s): J. Baxter Caldwell And Wife, Louise G. Caldwell And Any Other Parties Of Interest
Property Address: 112 Freeland Lane
Property to be acquired: Total Combined Area of 27,373 sq. ft. (.628 ac.) of Fee Simple, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$223,475
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: B-2
Use: Commercial
Tax Code: 149-012-43

Total Parcel Tax Value: \$6,421,800

- M.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 331,
Owner(s): Sylvia Howie And Any Other Parties Of Interest
Property Address: 3701 Ellenwood Place
Property to be acquired: Total Combined Area of 2,958 sq. ft. (.068 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$4,700
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: 149-012-24
Total Parcel Tax Value: \$64,400
- N.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 334,
Owner(s): Dodo, Inc. And Any Other Parties Of Interest
Property Address: 3530 Tryclan Drive
Property to be acquired: Total Combined Area of 1,796 sq. ft. (.041 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,650
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: I-2
Use: Industrial
Tax Code: 149-013-05
Total Parcel Tax Value: \$263,900
- O.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 336,
Owner(s): Dodo, Inc. And Any Other Parties Of Interest
Property Address: 3531 Tryclan Drive
Property to be acquired: Total Combined Area of 3,654 sq. ft. (.084 ac.) of Fee Simple, plus Storm Drainage Easement, plus Guy Wire Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$7,550
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: I-2

Use: Industrial

Tax Code: 149-012-04

Total Parcel Tax Value: \$283,800

- P. Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 337,
Owner(s): Johnnie C. Baker And Wife, Estelle F. Baker And Any Other Parties Of Interest
Property Address: 3520 Tryclan Drive
Property to be acquired: Total Combined Area of 2,886 sq. ft. (.066 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
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: I-2
Use: Industrial
Tax Code: 149-013-06
Total Parcel Tax Value: \$389,500
- Q. Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 339,
Owner(s): Frances Investments, Inc. And Any Other Parties Of Interest
Property Address: 3521 Tryclan Drive
Property to be acquired: Total Combined Area of 3,026 sq. ft. (.069 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$4,725
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: I-2
Use: Industrial
Tax Code: 149-012-03
Total Parcel Tax Value: \$283,000
- R. Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 340,
Owner(s): Vinson Enterprises, Inc. And Any Other Parties Of Interest

Property Address: 3500 Tryclan Drive
Property to be acquired: Total Combined Area of 7,782 sq. ft. (.179 ac.) of Fee Simple, plus Storm Drainage Easement, plus Guy Wire, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$9,525
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: I-2
Use: Industrial
Tax Code: 149-013-08
Total Parcel Tax Value: \$267,900

- S. **Project:** South Corridor Infrastructure Project: Old Pineville Road/Dewitt Lane Extension, Parcel # 342,
Owner(s): Pelton & Crane Company And Any Other Parties Of Interest
Property Address: 200 Clanton Road
Property to be acquired: Total Combined Area of 4,507 sq. ft. (.103 ac.) of Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,525
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: I-2
Use: Industrial
Tax Code: 147-021-06
Total Parcel Tax Value: \$2,436,500
- T. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 2,
Owner(s): Garcia Investments, LLC And Any Other Parties Of Interest
Property Address: 4705 South Boulevard
Property to be acquired: Total Combined Area of 5,976 sq. ft. (.137 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$47,750
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: B-2

Use: Commercial
Tax Code: 171-014-01
Total Parcel Tax Value: \$997,500

- U. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 3,
Owner(s): Pier Set, Inc. And Any Other Parties Of Interest
Property Address: 4729 South Boulevard
Property to be acquired: Total Combined Area of 4,382 sq. ft. (.101 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$24,450
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: B-2
Use: Commercial
Tax Code: 171-014-21
Total Parcel Tax Value: \$674,200
- V. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 5,
Owner(s): Endeavor Management, LLC And Any Other Parties Of Interest
Property Address: 4749 South Boulevard
Property to be acquired: Total Combined Area of 1,854 sq. ft. (.043 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,100
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: B-2
Use: Commercial
Tax Code: 171-014-19
Total Parcel Tax Value: \$376,600
- W. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 10,
Owner(s): Passive Investors, Inc. And Any Other Parties Of Interest
Property Address: South Boulevard
Property to be acquired: Total Combined Area of 23,114 sq. ft. (.531 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None
Landscaping: None
Purchase Price: \$129,925
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: B-1S(CD)
Use: Commercial
Tax Code: 169-012-03
Total Parcel Tax Value: \$8,444,300

- X. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 11,
Owner(s): Westmoreland, Inc. And Any Other Parties Of Interest
Property Address: 4700 South Boulevard
Property to be acquired: Total Combined Area of 26,610 sq. ft. (.611 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$493,200
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: I-2
Use: Commercial
Tax Code: 169-012-01
Total Parcel Tax Value: \$2,093,800
- Y. **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 13,
Owner(s): James H. Prentiss, E.D. Latimer, J. Michael Bodnar, Wayne Turner, John F. Given, W. Terry Young, And Any Other Parties Of Interest
Property Address: 355 East Woodlawn Road
Property to be acquired: Total Combined Area of 4,905 sq. ft. (.113 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$31,325
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: I-2
Use: Commercial
Tax Code: 149-073-04
Total Parcel Tax Value: \$805,400

- Z.** **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 14,
Owner(s): D. V. Shah Corporation And Any Other Parties Of Interest
Property Address: 4646 South Boulevard
Property to be acquired: Total Combined Area of 7,719 sq. ft. (.177 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$109,175
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: I-2
Use: Commercial
Tax Code: 149-073-15
Total Parcel Tax Value: \$557,900
- AA.** **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 15,
Owner(s): Charles E. Jetton And Wife, Martha N. Jetton And Any Other Parties Of Interest
Property Address: 4640 South Boulevard
Property to be acquired: Total Combined Area of 2,980 sq. ft. (.068 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,275
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: I-2
Use: Commercial
Tax Code: 149-073-05
Total Parcel Tax Value: \$357,800
- AB.** **Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 20,
Owner(s): B. J. Butler And Wife, Elizabeth B. Butler And Any Other Parties Of Interest
Property Address: 415 East Woodlawn Road
Property to be acquired: Total Combined Area of 2,907 sq. ft. (.067 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$35,385

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: I-2

Use: Commercial

Tax Code: 149-151-09

Total Parcel Tax Value: \$415,700

- AC. Project:** South Corridor Infrastructure Project: South Boulevard/Woodlawn Road Intersection, Parcel # 21,
Owner(s): B. J. Butler And Wife, Elizabeth B. Butler And Any Other Parties Of Interest
Property Address: 4650 Connecting Road
Property to be acquired: Total Combined Area of 4,450 sq. ft. (.102 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,650
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: 149-151-10
Total Parcel Tax Value: \$84,200

- AD. Project:** South Corridor Infrastructure Project: Woodlawn Signature Intersection, Parcel # 1,
Owner(s): E.C. Griffith Company And Any Other Parties Of Interest
Property Address: 310 East Woodlawn Road
Property to be acquired: Total Combined Area of 9,536 sq. ft. (.219 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$132,525
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: I-2
Use: Commercial
Tax Code: 149-073-03
Total Parcel Tax Value: \$2,741,100

- AE. Project:** South Corridor Infrastructure Project: Woodlawn
Signature Intersection, Parcel # 3,
Owner(s): Sue R. Coppala And Any Other Parties Of Interest
Property Address: 325 East Woodlawn Road
Property to be acquired: Total Combined Area of 13,826 sq. ft.
(.317 ac.) of Fee Simple, plus Utility Easement, plus Temporary
Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$110,275
Remarks: Compensation was established by independent, certified
appraisals in the area. City staff has yet to reach a negotiated
settlement with the property owner.
Zoned: I-2
Use: Commercial
Tax Code: 149-073-21
Total Parcel Tax Value: \$1,814,300

51. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as
the minutes of:
- July 18, 2005