

Mayor Patrick McCrory

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

Mayor Pro Tem Susan Burgess

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

CITY COUNCIL MEETING
Monday, February 26, 2001

5:00 p.m.

Conference Center

**Dinner Briefing
(See Table of Contents)**

6:30 p.m.

Meeting Chamber

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

7:00 p.m.

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

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Consent I

12.	Various Bids		
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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Government District Master Plan

Resources: Martin Cramton, Planning
Jim Schumacher, Engineering & Property Management
Ed Spooner, Freeman White Architects

Time: 20 minutes

Attachment 1

2. West Trade Intermodal Passenger Station

Resources: Ron Tober, Charlotte Area Transit System
Pat Simmons, Director of Rail Division, NCDOT

Time: 30 minutes

Attachment 2

3. NCDOT Draft Transportation Improvement Plan

Resource: Jim Humphrey, Transportation
Bill Finger, Transportation

Time: 20 minutes

Attachment 3

4. Catawba Lands Conservancy Presentation

Resource: Frank Bragg, Catawba Lands Conservancy

Time: 10 minutes

Attachment 4

5. Committee Reports by Exception

Public Safety Committee: Dance Hall Ordinance

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

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

CONSENT

- 6. Consent agenda items 12 through 24 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

ZONING PETITIONS

7. Zoning Petition 2000-67

Action: Consider decision on Rezoning Petition 2000-67 by Mecklenburg County Parks and Recreation Department for a change in zoning for approximately 11.3 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive, from O-6 (CD) to R-4 (single family residential) and O-2 (office).

Staff Resource: Keith MacVean, Planning

Explanation:

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of Mayor and Council, not excused from voting, in order to rezone the property.

This item was deferred from Council's February 19th zoning meeting due to the fact that the full Council was not present.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

The petitioner has been seeking to have the protest petition removed.

Attachment 5

- Zoning Committee Recommendation of January 22, 2001
- Pre-Hearing Staff Analysis

8. Zoning Petition 2000-151

Action: Consider decision on Rezoning Petition 2000-151 by George and Fannie Maddox, III, for a change in zoning for approximately 1.3 acres located on the east side of Hubbard Road, south of Morgan Road, from R-3 (single family residential) to R-8MF (CD).

Staff Resource: Keith MacVean, Planning

Explanation:

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of $\frac{3}{4}$ of Mayor and Council, not excused from voting, in order to rezone the property.

This item was deferred from Council's February 19th zoning meeting due to the fact that the full Council was not present.

The Zoning Committee voted 5-2 to recommend **DENIAL** of this petition.

Attachment 6

- Zoning Committee Recommendation of January 22, 2001
- Pre-Hearing Staff Analysis
- Petitioner's Rebuttal Letter to Zoning Committee's Recommendation

PUBLIC HEARING

9. Public Hearing on the Sports and Cultural Facilities Investment Strategy



Action: Receive public comments on the City Manager's recommended Sports and Cultural Facilities Investment Strategy.

Staff Resources: Pam Syfert, City Manager
Curt Walton, Budget and Evaluation

Explanation:

Recommendation #1-New Arena Financing Model

The Manager recommends a new arena financing model, which includes the following highlights:

- Meets all of Council's negotiating parameters, including no property taxes and no impact on other capital priorities
- Publicly owned, constructed and managed uptown arena
- City pays estimated \$10 million annual operating costs and reserves from Hornets and other event revenues
- Hornets pay a minimum of \$7 million annually for rent and naming rights
- Hornets retain all Hornet event revenue
- City retains all non-Hornet event revenue

Recommendation #2-Sports and Cultural Facilities

The Manager recommends a total investment in sports and cultural facilities of \$352 million in the priority order shown below.

The Capital Cost column represents the estimated City contribution to the total project cost.

Priority	Facility	Capital Cost (in millions)	Planning & Design	Construction	Occupancy
1	Uptown Arena	\$215.0	2000-01	2001-03	2003
2	Mint Museum of Art	* \$41.0	2000-02	2003-05	2006
3	Discovery Place	* \$30.0	2001-02	2003-04	2005
4	Afro-American Cultural Center	* \$10.0	2001-03	2004	2005
5	Minor League Baseball Stadium	\$25.0	2001-02	2003	2003
6	Theatre Charlotte	* \$0.2	Complete	2002	2002
7	Carolina Theatre	* \$13.8	2002-03	2004-05	2006
Sub-Total		\$335.0			
	5% Contingency	\$17.0			
Total		\$352.0			

- * Supplemented by a total of \$44 million in private contributions.
- * Does not include estimated City operating costs of \$965,155 for these new facilities under the City's Cultural Facilities policy.

Prioritization is based on a combination of factors:

- Compliance with Capital Investment Plan Program Policies, including:
 - Leveraging public dollars to make Charlotte a community of choice for living, working and leisure activities
 - Funding projects in a variety of program areas
 - Priority is given to retrofitting existing facilities, followed by replacing existing facilities, expanding existing facilities and then constructing new facilities
- Readiness of the project to begin
- Review of need
- Impact of existing facility on current and potential tenants and patrons
- Status of Program Design and Development
- Review of fund raising plan
- Impact on the City's emerging travel and tourism industry

Requests of approximately \$75 million which were considered but not recommended include:

- Expansion of the Mint Museum of Craft + Design,
- Auxiliary space for ASC affiliate rehearsal and storage
- Automobile museum
- Uptown park
- Gallery space for the Charlotte Art League
- Monument requested by the Hornet's Nest Historical Monument Foundation
- Trolley barn and museum by Charlotte Trolley, Inc

Recommendation #3-Revenues to Support \$352 million Investment

The City Manager recommends the establishment of a sinking fund within the City's General Capital Improvement Fund for travel and tourist-related capital expenditures. Dedicated revenues are earmarked annually for eligible projects, with issuance of debt at reasonable time intervals to match cash flows and revenues.

The following five revenues are recommended to fund the sports and cultural facilities capital investment:

Revenue Source	Annual Revenues
Hotel/Motel Tax	Entire capacity of \$80 to \$100 million
Rental Car Tax	5% tax on all rental cars within the city
Payroll Tax Rebate	Incremental taxes to the state for movement of Hornets and Knights to North Carolina for both practice and games
Ticket Surcharge	3% ticket surcharge on events
Hornets' Rent	\$1 million of the Hornets' \$4.5 million annual rent

All revenues dedicated to capital financing except for one-half of 1% of the rental car tax, which is dedicated to offset approximately \$750,00 of the new operating costs of the cultural facilities.

Remaining annual revenue stream sufficient to support debt service on the \$352 million sports and cultural facilities investment given the estimated cash flow requirements.

Recommendation #4-Referendum Issues

Referendum Issues

- Not legally or financially required
- Not currently authorized by the State of North Carolina
- Existing Council Policy (September 1999):

Whereas the City Council finds that the Charlotte Hornets are an important asset to Charlotte, Mecklenburg County and the Sate of North Carolina; and

Whereas the City Council received on June 28, 1999 a report of the New Arena Committee which documents the need for a new arena for the Charlotte Hornets; and

Whereas the City Council deems it appropriate to hold a public referendum before committing funds from property taxes to construction of an arena; and

Whereas absent specific legislative enactment, the City does not have the authority to hold such a referendum except for a General Obligation Bond Referendum.

Now, therefore, be it resolved that wherein the financing plan for the arena is known, the City Council shall request State Legislative authorization for the City to hold a public referendum on any financing

plan that calls for the expenditure of property tax funds of the City of Charlotte.

- If referendum is preferable:
 - Manager's recommendation will be made within the next 2 weeks relative to the impact of referendum timing on the new arena financing model
 - Ballot should contain a single question due to the following:
 - ❖ Sinking fund revenue concept makes earmarking of individual revenue sources to individual projects difficult
 - ❖ Blended financing makes bonds tax-exempt. The difference in debt between taxable and tax-exempt financing over the life of the bond issue is \$89 million.
 - ❖ Interrelationship of Center City/Cultural District catalyst projects

Recommendation #5-Legislative Issues

The City Manager recommends seeking enabling legislation from the North Carolina General Assembly for the following:

- Rental Car Authority
- Payroll Tax Rebate
- Referendum Authority, if appropriate

Also recommended is a bill to clarify the eligible uses delineated in the 1983 Occupancy (Hotel/Motel) Tax to include stadiums. This will allow a portion of these funds to be available for a baseball stadium.

POLICY

10. City Manager's Report

11. Dance Hall Ordinance



Action: Approve the Public Safety Committee's recommendation to adopt an ordinance amending Chapter 6 of the Charlotte City Code entitled "Businesses and Trades" to regulate dance clubs

Committee Chair: Patrick Cannon

Staff Resource: Darrel Stephens, Charlotte-Mecklenburg Police

Focus Area: Public Safety

Explanation:

The Police Department is experiencing increasing problems related to the use of drugs such as ecstasy at local clubs. There have been a growing number of overdoses related to the use of these drugs along with related crime problems at or in the vicinity of the clubs. The Public Safety Committee and the Police Department have discussed the need to have a greater level of accountability for clubs that stay open after alcoholic beverage sales end at 2:00 a.m. They have also discussed concerns regarding young people attending adult establishments.

The proposed ordinance requires any dance club that is not regulated by ABC to have a permit issued by the city. In addition, adult dance clubs regulated by ABC that want to stay open after 2:30 a.m. must have a permit issued by the city.

The permit process, similar to the one established for sexually oriented businesses, would require information on club owners, managers, and employees responsible for enforcing club rules. Club owners would pay a fee, to be set by the City Manager, to obtain the permit. The fee will be consistent with the City policy of recovering 60% of its costs for providing the service. The permit could be suspended or revoked by the City for just cause. The owner of the club is entitled to a hearing prior to the suspension or revocation of the permit and may challenge any adverse action in court.

The ordinance allows juvenile dance halls to operate between 4:00 p.m. and 11:00 p.m. Sunday–Thursday and from 4:00 p.m. to midnight Friday and Saturday. No person over 18 shall be admitted to a juvenile dance hall.

Adult dance halls may choose their own operating hours, provided they have the appropriate permit to stay open after 2:30 a.m.

Young people ages 15 and under may be in adult dance halls until 11:00 p.m. on Sunday-Thursday night and midnight Friday-Saturday nights. A person under 16 may remain in an adult dance hall after those hours only if he is accompanied by a parent, guardian, or person who is 18 or over and authorized by the parent or guardian to accompany the juvenile into the dance hall. This provision of the ordinance is consistent with the provisions of the Child Protection Ordinance.

Young people the ages of 16 and 17 may be in an adult dance hall until midnight Sunday-Thursday nights and 2:00 a.m. Friday and Saturday nights. This is consistent with what is currently allowed under current ABC regulations. Young people ages 16-17 may remain in an adult dance hall after the above hours only if accompanied by a parent, guardian, or authorized adult age 18 or over.

The ordinance will be effective April 23, 2001. Dance halls would then have 90 days from the effective date of the ordinance to come into compliance. An extensive media campaign will be used to inform the public of the provisions of the ordinance. Information on the ordinance and the permit process will be distributed to club owners.

Committee Discussion:

The Public Safety Committee discussed this ordinance at three meetings: October 11, 2000, December 20, 2000, and January 30, 2001. The Committee's primary objective was to protect the youth of the community from the dangers associated with illegal drugs. The Committee also wanted to give the Police Department a more effective tool to use in working with club owners to address problems at their clubs.

The committee felt strongly that the ordinance should not have a detrimental effect on Charlotte's attempts to build a vibrant nightlife and explicitly stated that their intent was not to put clubs out of business. The Committee felt that the ordinance struck the appropriate balance between the interests of the City and those of the club owners.

On January 30, 2001, the Public Safety Committee voted 4-0 to approve the ordinance and refer it to the full Council for their consideration. Councilmembers Cannon, Castano, Wheeler, and White were present; Councilmember Lochman was absent.

Community Input:

The Committee wanted to hear from a full range of stakeholders, from club owners, to parents of young people who had overdosed on drugs obtained at a club. The Police Department hosted a stakeholders meeting on October 26, 2000 which was attended by over 30 people. City Council held a public hearing on the proposed ordinance on December 4, 2000. Stakeholders have

also attended all of the Public Safety Committee meetings dealing with this issue. Council received a petition from a large group of parents supporting the ordinance.

Club owners objected to a provision in the original draft of the ordinance that would have required adult clubs to close at 2:30 a.m. That provision was modified to allow adult clubs to stay open later provided they had a permit. Some of the owners of venues that host events for all ages expressed their concerns, most of which are addressed in the final draft of the ordinance.

Attachment 7
Ordinance

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE – African American

ABE – Asian American

NBE – Native American

HBE – Hispanic

WBE – Non-Minority Women

Disadvantaged Business Enterprise (DBE) participation is required for federal and state projects.

Contractors and Consultants

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

CONSENT I

12. Various Bids

A. Charlotte-Mecklenburg Government Center and City Hall Janitorial Services E&PM

Recommendation: The City Engineer recommends the low bid of \$1,004,511 by Preferred Building Maintenance Inc. of Greensboro, North Carolina. This is a three-year contract to provide janitorial services for the Charlotte-Mecklenburg Government Center and City Hall. Alternate #1 in the amount of \$104,400 for the contractor to provide supplies necessary to do the work for the duration of the three-year contract is also recommended.

MWBD Compliance: Preferred Building Maintenance, Inc. will self-perform.

B. Water Main Construction–FY01 Contract W–Water Main Replacements Utilities

Recommendation: The Charlotte-Mecklenburg Utilities Director recommends the low bid of \$1,173,840.15 by Hunter Landscape, Inc. of Huntersville, North Carolina. This project consists of approximately 28,200 feet of water pipe and various other appurtenances.

MWBD Compliance: Yes. Hunter Landscape has the capacity and will self-perform.

C. Sharon Road Widening Phase III, V, and VI E&PM

Recommendation: The City Engineer recommends the low bid of \$642,248.92 by Sealand Contractors Corporation of Charlotte, North Carolina. This project will add a northbound through-lane on Sharon Road from Hazelton Drive to Morrison Boulevard and a northbound right-turn only lane on Sharon Road at Fairview Road. The project will also add a southbound through-lane on Sharon Road from Colony Road to Morrison Boulevard.

MWBD Status:	Amount	% of Project	Project Goals
BBE	\$29,193.13	5%	5%
WBE	\$11,700.00	2%	2%

MWBD Compliance: Yes. Sealand Contractors Corporation met the good faith efforts.

13. Refund of Certain Taxes

Action: Adopt a resolution authorizing the refund of certain taxes assessed through clerical or assessor error in the amount of \$14,708.06.

Attachment 8

- Resolution
- List of Refunds

CONSENT II

14. Vintage Trolley/Rail Corridor Improvements



Action: A. Approve award of a construction contract to the lowest responsible bidder, Crowder Construction, Inc. of Charlotte, North Carolina for the amount of \$14,844,817.39; and

B. Authorize the City Manager to award a purchase order contract for an amount not to exceed \$460,000 with GERB Vibration Control Systems, Inc.

Staff Resource: Jim Schumacher, Engineering & Property Management

Explanation:

A. This contract will construct approximately two miles of infrastructure for the Vintage Trolley along the South Transit Corridor. The work includes rail track work, a new bridge over Stonewall Street, overhead electric power, trolley stop shelters, and amenities between Tremont Avenue in South End and Ninth Street in Uptown. The permanent track construction in the Uptown will accommodate pavers in the track area in conjunction with adjacent development. The recommended award consists of the base bid plus eight alternates.

The project is funded from four sources, with each restricted to certain elements of the construction. The work allocated to the original trolley funding has been negotiated with the contractor to reduce the cost of some of these elements. Examples are: changes in some material specifications to products that are more readily available to the contractor, and the time that the current trolley service must be maintained during construction has been reduced, with the concurrence of Charlotte Trolley, Inc.

The trolley project funding includes a \$3 million pledge from the private sector through Charlotte Center City Partners (CCCP). The contribution was structured in two parts: 1) providing stops along the corridor, which was estimated in 1998 to cost \$1.9 million; and 2) a cash contribution of \$1.1 million. Based on the bids and actual expenditures, the cost of the stops is \$1,396,522. The CCCP pledge can be fulfilled as follows:

<u>CCCP Pledge</u>	<u>Original</u>	<u>Actual</u>
Cash provided in October 2000	\$1,000,000	\$1,000,000
Remainder of the cash pledge	\$100,000	\$100,000
Cost for the stops	<u>\$1,900,000</u>	<u>\$1,396,522</u>
Total Contribution	\$3,000,000	\$2,496,522

The recommended award includes the improvements being funded by the private sector. Although the remainder of the pledge (\$1,496,522) has not yet been received, the specific improvements will be delayed until the remaining pledge is received.

- B. An additional contract later this year will construct improvements inside the Convention Center for the trolley and light rail transit. Those improvements will include a system of springs supporting the tracks that help control noise and vibration in the building. The lead-time to acquire the springs is approximately five months. With this purchase order, the City will order the springs and provide them to the Convention Center contractor in order to avoid a five-month delay after the low bidder is identified. GERB Vibration Control Systems is the sole provider of this product worldwide.

MWBD:

WBE: 1%

MWBD Compliance: Crowder Construction met the good-faith efforts.

Funding:

- General Capital Project
- Convention Center
- Charlotte Area Transit (CATS) funds

Attachment 9

Bid Alternate Summary

15. Financing for FY2001 Equipment Purchases

Action: Adopt a resolution approving the terms of an installment payment contract (lease/purchase) and related financing documents to fund the FY2001 Capital Equipment Requirements. The principal amount of the contract will be approximately \$12 million.

Staff Resource: Richard Martin, Finance

Explanation:

Council approved the Lease/Purchase Agreement for fiscal year 2001 in the annual budget adoption process.

Adoption of the resolution will authorize the City Manager and the Finance Director to negotiate the documents necessary to secure funding for the City's FY2001 Capital Equipment Requirements.

The City has used this method of financing for equipment since 1982 because five-year financing allows the City to spread the cost over the approximate life of the equipment. Historically, short-term interest rates have been very favorable. The rate for the FY00 Equipment Lease Purchase was approximately 5.1%.

Funding:

Municipal Debt Service and Water and Sewer Debt Service

Attachment 10

List of equipment

16. Storm Water Maintenance Renewal FY00-C

Action: Approve renewal #3 for \$927,070 with United Construction Inc. for continued construction of FY00-C Storm Water Maintenance Package.

Staff Resource: Steve Sands, Engineering & Property Management

Explanation:

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

The contract documents provide for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount from \$2,781,210 to \$3,708,280.

MWBD:

ABE: 100%

Funding:

Storm Water Capital Investment Plan

17. Sewer Line Cleaning Services Renewal #1

Action: Approve renewal #1 for \$201,659 with Bio-Nomics Services, Inc. for continued cleaning of sewer lines. This renewal is for an extended one-year term.

Staff Resource: Doug Bean, Utilities

Explanation:

This renewal will enable Bio-Nomics to continue to effectively handle the cleaning of sewer lines to remove foreign materials from the line and restore the sewer to a minimum of 95% of the original carrying capacity. In June 1999, City Council approved a contract with Bio-Nomics for this service. The contract with Bio-Nomics was for a period of two years with two 1-year renewal options. All rates remain the same and are competitive. The contract has a cancellation clause and can be cancelled at anytime by the City if the service is no longer needed. The renewal for Bio-Nomics will increase the contract amount from \$403,318 to \$604,977.

MWBD: Bio-Nomics has the capacity and will self-perform.

Funding:

Water Sewer Capital Investment Plan

18. South Transmission Main–Contract No. 2

Action: A. Adopt a Budget Ordinance appropriating \$10,000,000 in revenue bonds; and

B. Award a contract to Rockdale Pipeline, Incorporated of Conyers, Georgia for their low bid of \$9,000,279.16.

Staff Resource: Doug Bean, Utilities

Explanation:

Charlotte-Mecklenburg Utilities will be constructing five major water transmission mains throughout the southern part of Mecklenburg County. These water lines are on an expedited schedule to enhance water delivery and pressure to the furthest points of the distribution system and to reinforce the existing water distribution network.

This project includes construction of approximately 14,890 feet of 48-inch water transmission main, 5,040 feet of 8-inch water distribution main, 900 feet of 8-inch sewer main replacement and associated appurtenances. The project is located within Kenilworth Avenue between Morehead Street and Park Road, and extends down Park Road to Woodlawn Road.

This project was approved in the FY2001-2005 Capital Investment Plan. On September 11, 2000, City Council was briefed on design and construction of the proposed south transmission water mains. This is one of the largest transmission mains installed in Mecklenburg County. Approval of the budget ordinance will allow for construction costs, in-house engineering charges, and right-of-way acquisition.

MWBD:

BBE: 2%

WBE: 6%

Funding:

Water Sewer Capital Investment Plan

Attachment 11

Background and schedule

19. 2001 Annexation Water And Sewer–Professional Services Contracts

Action: Approve contracts, totaling \$3,173,305, for design and construction administration for 2001 Annexation water and sewer and associated street main extensions:

1. Approve a contract with W. K. Dickson & Company, Incorporated for \$1,812,600 for engineering services for five of the annexation areas (Prosperity Church Road, Mount Holly-Huntersville Road, Steele Creek Road, U.S. Highway 29, and Reames Road); and
2. Approve a contract with Stantec Consulting Services, Incorporated for \$1,360,705 for engineering services for two of the annexation areas (Back Creek Church Road and McKee Road).

Staff Resource: Doug Bean, Utilities

Policy:

The North Carolina Annexation Statute requires that water and sewer services be completed within two years following the effective date of annexation.

Explanation:

Council has adopted a resolution of intent to annex seven new areas, effective June 30, 2001. In anticipation of the final annexation resolution, Utilities has conducted a competitive selection process through which W.K. Dickson and Stantec Consulting were selected to perform the design for the annexation water and sewer mains and the associated street main extensions and construction administration services for the seven areas. To facilitate coordination of water/sewer construction with street improvements in the annexed areas, all street main extensions will be designed along with the annexation water and sewer mains.

Prior to construction, public meetings will be held in each area. Those residents who want city water or sewer service connections will be encouraged to apply for service at that time so that the necessary street mains can be constructed under the annexation construction contracts. Work will be scheduled so as to complete all water/sewer work in a neighborhood in a single contract. Each neighborhood will be available for street improvements immediately following the water/sewer work. This should limit the damage to newly improved streets by street main construction. This methodology has been used successfully in previous annexation programs.

MWBD:

WBE: 3%

Funding:

Water Sewer Capital Investment Plan

20. Change Order for Engineering Design Services

Action: A. Approve a change order in the amount of \$113,930.50 to a contract with Talbert & Bright, Inc. of Charlotte for additional design work for the expansion of Ramp “E”; and

B. Adopt a Budget Ordinance appropriating \$113,930.50 from the Airport Discretionary Fund Balance. A portion will be repaid from the proceeds of future General Airport Revenue Bonds and the remainder from a future Federal Aviation Administration grant.

Staff Resource: Jerry Orr, Aviation

Explanation:

On September 13, 1999, Council approved a contract in the amount of \$574,000 to Talbert & Bright, Inc. for the design of the Ramp “D” expansion and the new commuter Ramp “E”. Talbert & Bright was selected, along with two other engineering firms, for a three-year period to perform various airfield engineering design services.

On July 24, 2000, Council approved a change order to the Talbert & Bright contract in the amount of \$109,848.80 for design of an underground hydrant fueling system for Ramp “E”.

On November 11, 2000, Council approved change orders totaling \$1,583,948 to expand Concourse “E” from 21 gates to 26 gates.

This change order will provide design of aircraft ramp for the expansion of Concourse “E”.

Funding:

Aviation Capital Investment Plan

21. Change Order for LS3P Associates

Action: A. Approve a change order in the amount of \$898,794 to a contract with LS3P Associates of Charlotte for additional design work to expand Concourse “E” from 21 to 26 gates; and

B. Adopt a Budget Ordinance appropriating \$371,625 from the Airport Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource:

Jerry Orr, Aviation

Explanation:

On November 22, 1999, Council approved a contract in the amount of \$2,568,000 with LS3P Associates for the design of the Concourse “D” expansion, expansion of the Federal Inspection Services Facility and Concourse “E”.

On November 11, 2000, Council approved change orders in the amount of \$1,583,948 to expand Concourse “E” construction from 21 gates to 26 gates.

This change order provides for additional architectural services to provide temporary hold rooms for commuter passengers, to accelerate multiple bid packages to meet the aggressive construction schedule and to provide an expanded baggage handling system for Concourse “D”. This change also includes additional services for the five additional gates on Concourse “E” and a new scope of work to add 21,000 square feet to the Concourse “D” connector that will provide additional public circulation, concession and airline support space.

Funding:

Aviation Capital Investment Plan

22. Sale of City-Owned Properties Located on Fontana Avenue and Polk Street

Action: A. Approve the sale of City-owned property located on Fontana Avenue (tax parcel 078-446-14) to Triven Properties, LLC for \$40,800; and

B. Approve the sale of City-owned property located on 1500 Polk Street (tax parcel 078-442-01) to Triven Properties, LLC for \$78,528

Staff Resource: Kent G. Winslow, Engineering & Property Management

Explanation:

On October 23, 2000 City Council approved the sale of these properties and authorized the advertisement of said sales for the purpose of receiving upset bids. The upset bid process is complete and the successful bidder for both properties is Triven Properties.

The following bidders submitted bids on these properties:

- Triven Properties, LLC: Polk Street & Fontana Avenue
- The Charlotte-Mecklenburg Housing Partnership: Polk Street & Fontana Avenue
- Waymon Bullard, Inc.: Fontana Avenue

The appraised value of the 1.03 acres of vacant City-owned property on Fontana Avenue in the Greenville neighborhood was \$35,000. The appraised value of the 2.17 acres of vacant City-owned property on Polk Street in the Greenville neighborhood was \$64,500. Both properties are zoned R5.

Triven Properties plans to develop the property with affordable single-family housing. A three-year reverter clause will be a part of the deed restrictions if not developed as proposed. The price range of the proposed housing is \$84,900 to \$94,900.

Attachment 12

Tax parcel map

23. Property Transactions

Action: Approve the following property acquisitions (A-K) and adopt the condemnation resolutions (L-AA).

Acquisitions:

- A. Project:** Central Avenue/Kilborne Drive/Norland Road Intersection, Parcel #20
Owners(s): James R. Guy, Jr.
Property Address: 1821 Norland Road
Property to be acquired: 747 sq.ft. (0.017 ac.) of fee simple plus 2,023 sq.ft. (0.046 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$10,500
Remarks: This acquisition is needed for the intersection improvements at Central Avenue/Kilborne Drive/Norland Road. The compensation was determined by an independent, certified appraisal.
Zoned: B-1
Use: Commercial/Pet Store
Total Parcel Tax Value: \$195,150
Tax Code: 131-023-16
- B. Project:** Johnston Road Improvements-Phase II, Parcel #32
Owners(s): Richard A. Huskey
Property Address: 7904 Tifton Road
Property to be acquired: 385 sq.ft. (0.009 ac.) of fee simple right-of-way plus 3,204 sq.ft. (0.074 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$11,000
Remarks: This acquisition is needed for the Johnston Road Improvements-Phase II project. The compensation was established by an independent, certified appraisal.
Zoned: R-12 CD
Use: Single Family Residential
Total Parcel Tax Value: \$106,040
Tax Code: 221-391-42
- C. Project:** Johnston Road Widening-Phase II, Parcel #54
Owners(s): John V. Gregory & wf., Laura K.. Gregory
Property Address: 11201 Johnston Road
Property to be acquired: 1,613 sq.ft. (0.037 ac.) of fee simple plus 1,561 sq.ft. (0.036 ac.) of permanent drainage easement plus 7,555 sq.ft. (0.173 ac.) of temporary construction easement
Improvements: Landscaping
Purchase Price: \$35,363
Remarks: The areas are needed for the construction of Johnston Road Widening-Phase II. The acquisition price is based on an independent, certified appraisal.
Zoned: R-12 MFC

Use: Single Family Residential
Total Parcel Tax Value: \$101,480
Tax Code: 221-261-69

- D. Project:** Johnston Road Improvements-Phase II, Parcel #57
Owners(s): McGregor Downs Condominium Homeowners Association
Property Address: 10801 Johnston Road
Property to be acquired: 3,531 sq.ft. (0.081 ac.) of fee simple acquisition plus 2,174 sq.ft. (0.085 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$23,030
Remarks: This acquisition is needed for the Johnston Road Improvements-Phase II project. The compensation was established by an independent, certified appraisal.
Zoned: 0-1
Use: Office Condominium
Total Parcel Tax Value: \$588,205
Tax Code: 221-455-10
- E. Project:** Monroe Road/Sardis Road North Intersection Improvements, Parcel #12
Owners(s): Tom Nixon & wf., Laura L. Nixon
Property Address: 9726 Monroe Road
Property to be acquired: 340 sq.ft. (0.007 ac.) of fee simple and permanent easement plus 10,458 sq.ft. ((0.240 ac.) of temporary construction easement
Improvements: Landscaping
Purchase Price: \$20,000
Remarks: The areas are needed for intersection improvements at Monroe Road and Sardis Road North. The acquisition amount is based on an independent, certified appraisal.
Zoned: B-2
Use: Commercial
Total Parcel Tax Value: \$509,380
Tax Code: 213-491-04
- F. Project:** Old Statesville Road Widening, Parcel #41
Owners(s): Nancy Jane Kiker
Property Address: 7100 Old Statesville Road
Property to be acquired: 67,518 sq.ft. (1.55 ac.) of fee simple
Improvements: None
Purchase Price: \$190,000
Remarks: This acquisition is needed for the Old Statesville Road Widening. The compensation was established by two independent, certified appraisals.
Zoned: B-2
Use: Commercial/Vacant
Total Parcel Tax Value: \$106,920

Tax Code: 043-052-09

- G. Project:** Old Statesville Road Widening, Parcel #79
Owners(s): Nathan S. Nichols & Ruthie M. Nichols
Property Address: 7812 Old Statesville Road
Property to be acquired: 10,454 sq.ft. (0.24 ac.) of fee simple
Improvements: Single Family Dwelling
Purchase Price: \$47,200
Remarks: This acquisition is needed for the Old Statesville Road Widening. The compensation was established by two independent, certified appraisals.
Zoned: B-2
Use: Single Family Residential
Total Parcel Tax Value: \$39,740
Tax Code: 043-088-07
- H. Project:** Park Road Sidewalk Project, Parcel #27
Owners(s): Bill Katopodis & Tula Katopodis
Property Address: 4818 Park Road
Property to be acquired: 1,051 sq.ft. (.024 ac.) of permanent sidewalk easement plus 900 sq.ft. (.020 ac.) of temporary construction easement
Improvements: None
Purchase Price: \$11,651
Remarks: Required easement necessary for the construction of the Park Road Sidewalk Project. The acquisition price is based on an independent, certified appraisal.
Zoned: 0-2
Use: Business
Total Parcel Tax Value: \$133,080
Tax Code: 171-131-27
- I. Project:** Prosperity Church Road Widening-Phase I, Parcel #55
Owners(s): Donna Hager Bracey
Property Address: 3108 Prosperity Church Road
Property to be acquired: 369 sq.ft. (0.009 ac.) of fee simple plus 1,542 sq.ft. (0.036 ac.) of temporary construction easement
Improvements: Landscaping
Purchase Price: \$15,925
Remarks: The areas are needed for construction of Prosperity Church Road Widening-Phase I. The acquisition price is based on an independent, certified appraisal.
Zoned: B-1 CD
Use: Office
Total Parcel Tax Value: \$558,530
Tax Code: 029-361-22

- J. Project:** Sanitary Sewer to Serve Marvin Road, Parcel #12
Owners(s): Jas-Am, Inc.
Property Address: 16440 Marvin Road
Property to be acquired: 6,394 sq.ft. (0.15 ac.) of permanent easement plus 8,525 sq.ft. (0.2 ac.) of temporary construction easement
Improvements: Trees
Purchase Price: \$14,382.50
Remarks: The areas are needed for the construction of a sanitary sewer to serve Marvin Road. The acquisition amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Single Family Residential
Total Parcel Tax Value: \$157,500
Tax Code: 223-081-40
- K. Project:** Sanitary Sewer to Serve Marvin Road, Parcel #13
Owners(s): Ross Allen Custom Homes, Inc.
Property Address: 16428 Marvin Road
Property to be acquired: 5,873 sq.ft. (0.135 ac.) of permanent easement plus 7,831 sq.ft. ((0.18 ac.) of temporary construction easement
Improvements: Trees
Purchase Price: \$15,300
Remarks: The areas are needed for the construction of a sanitary sewer to serve Marvin Road. The acquisition price is based on an independent, certified appraisal.
Zoned: R-3
Use: Vacant
Total Parcel Tax Value: \$175,000
Tax Code: 223-081-41

Condemnations:

- L. Project:** Airport Master Plan Land Condemnation
Owner(s): S & D Enterprises
Property Address: 7624 Frosch Road
Property to be acquired: .616 acres
Improvements: Warehouse/Office
Purchase Price: \$390,000
Remarks: The purchase price was determined by two independent appraisers and was reviewed by a third 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 per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement
Zoned: I1
Use: Warehouse/Office

Tax Value: \$257,160
Tax Code: 113-142-02

- M. Project:** Graham Street Improvements, Parcel #5
Owner(s): The Mavi Company, Inc. and any other parties of interest
Property Address: 1014 North Graham Street
Property to be acquired: 8,520 sq.ft. (0.196 ac.) of fee simple acquisition and temporary construction easement
Improvements: Two-story masonry industrial building of 7,428 sq.ft. built in 1952 with no contributory value
Purchase Price: \$9,200
DEMOLITION REQUESTED: YES
Remarks: This area is needed for the Graham Street Improvements project. The compensation amount was established by an independent, certified appraisal. City has yet to reach a negotiated agreement with property owner.
Zoned: I-2
Use: Commercial/Vacant
Total Parcel Tax Value: \$375,860
Tax Code: 078-113-01
- N. Project:** Graham Street Improvements, Parcel #1
Owner(s): Graham Corporation and any other parties of interest
Property Address: 1100 Statesville Avenue
Property to be acquired: 9,583 sq.ft. (0.220 ac.) of fee simple acquisition
Improvements: Building used as a dry cleaners establishment
Purchase Price: \$140,000
DEMOLITION REQUESTED: YES
Remarks: This area is needed for the Graham Street Improvement Project. The compensation amount was established by two independent, certified appraisals. City staff has yet to reach a negotiated agreement with property owner.
Zoned: I-2
Use: Commercial/Dry Cleaners
Total Parcel Tax Value: \$77,460
Tax Code: 078-112-01
- O. Project:** McAlpine Creek Relief Sewer, Parcel #125
Owner(s): Doreatha L. Gaffney & any other parties of interest
Property Address: 8105 Lawyers Road
Property to be acquired: 12,854 sq.ft. (0.295 ac.)
Improvements: Fencing
Purchase Price: \$1,325
Remarks: The areas are needed for construction of McAlpine Creek Relief Sewer. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: R-3

Use: Single Family Residential
Total Parcel Tax Value: \$150,200
Tax Code: 109-274-04

- P. Project:** Old Statesville Road Widening, Parcel #48
Owner(s): Thomas Antonucci & Nettie Antonucci and any other parties of interest
Property Address: 7201-A and 7220-A Old Statesville Road
Property to be acquired: 24,394 sq.ft. (0.560 ac.) of fee simple
Improvements: Commercial Retail Shopping Strip
Purchase Price: \$435,000
DEMOLITION REQUESTED: YES
Remarks: This acquisition is needed for the Old Statesville Road Widening. The compensation was established by two independent, certified appraisals. City staff has yet to reach a negotiated agreement with property owner.
Zoned: B-2
Use: Warehouse, Retail Shopping Strip
Total Parcel Tax Value: \$179,930
Tax Code: 043-241-13 and 14
- Q. Project:** Old Statesville Road Widening, Parcel #69
Owner(s): C&G Auto Sales, Inc. c/o Clay Hartford and any other parties of interest
Property Address: 7700 Old Statesville Road
Property to be acquired: 7,231 sq.ft. (0.166 ac.) of fee simple
Improvements: N/A
Purchase Price: \$21,750
Remarks: This acquisition is needed for the Old Statesville Road Widening. The compensation was established by two independent, certified appraisals. City staff has yet to reach a negotiated agreement with property owner.
Zoned: B-2
Use: Commercial/Vacant
Total Parcel Tax Value: \$5,540
Tax Code: 043-088-12
- R. Project:** Participation in State Highway Projects, Parcel #1 of 1
Owner(s): LPZ Limited Partnership and any other parties of interest
Property Address: 4410 East Independence Boulevard
Property to be acquired: 25,751 sq.ft. (.591 ac.) fee simple
Improvements: None
DEMOLITION REQUESTED: YES
Purchase Price: \$450,643
Remarks: This acquisition is needed for the NCDOT Sharon Amity/Independence Boulevard Widening Project. The compensation was established by an independent, certified appraisal. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2

Use: Warehouse/Industrial
Total Parcel Tax Value: \$2,544,690
Tax Code: A portion of 161-036-34

- S. Project:** Sanitary Sewer to Serve Spring Park Subdivision-Phase II, Parcel #1
Owner(s): Mildred Clark Young and any other parties of interest
Property Address: 13117 Larkhall Circle, Fort Washington, MD 20744-6444
Property to be acquired: 9,193 sq.ft. (0.211 ac.)
Improvements: None
Purchase Price: \$525
Remarks: The areas are needed for the construction of a sanitary sewer to serve Spring Park Subdivision-Phase II. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. Compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Vacant
Total Parcel Tax Value: \$90,950
Tax Code: 027-171-32
- T. Project:** Sanitary Sewer to Serve Spring Park Subdivision-Phase II, Parcel #2
Owner(s): James Avis Young and any other parties of interest
Property Address: Browne Road
Property to be acquired: 11,242 sq.ft. (0.258 ac.)
Improvements: None
Purchase Price: \$650
Remarks: The areas are needed for the construction of sanitary sewer to serve Spring Park Subdivision-Phase II. City staff has yet to reach an agreement with the property owner after numerous contacts and negotiations. The compensation amount is based on an independent, certified appraisal.
Zoned: R-3
Use: Vacant
Total Parcel Tax Value: \$68,560
Tax Code: 027-171-31
- U. Project:** Transit Maintenance Facility, Parcel #1 & 2
Owner(s): Helen J. Fridell & F. Terrell Fridell, Jr. and any other parties of interest
Property Address: 3200 and 3201 South Boulevard
Property to be acquired: 1,135,261 sq.ft. (26.062 ac.) fee simple
Improvements: 1,176 sq.ft. single-story office building and 11,722 sq.ft. single-story light manufacturing building
Purchase Price: \$2,530,000
Remarks: This acquisition is needed for the Charlotte Area Transit Maintenance Facility Project. The compensation was established by

two independent, certified appraisers. City staff has yet to reach a negotiated settlement with the property owners.

Zoned: I-1 and I-2

Use: Office and Manufacturing/Warehouse/Industrial

Total Parcel Tax Value: \$1,599,420

Tax Code: 147-021-12 and 147-021-28

- V. **Project:** Sharon and Fairview Roads Widening, Parcel #26
Owner(s): Bissell Porter One, LLC and any other parties of interest
Property Address: 4529 Sharon Road
Property to be acquired: 4,744 sq.ft. (0.109 ac.)
Improvements: Landscaping, lights
Purchase Price: \$151,230
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: 0-2
Use: Office
Total Parcel Tax Value: \$1,998,060
Tax Code: 512-96-011
- W. **Project:** Sharon and Fairview Roads Widening, Parcel #23
Owner(s): Sam's Mart, Inc. and any other parties of interest
Property Address: 4627 Sharon Road
Property to be acquired: 2,078 sq.ft. (0.048 ac.)
Improvements: Landscaping, light
Purchase Price: \$73,600
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: B-1
Use: Service Station
Total Parcel Tax Value: \$540,530
Tax Code: 183-132-14
- X. **Project:** Sharon and Fairview Roads Widening, Parcel #11
Owner(s): CAMBEE Properties I, LLC and any other parties of interest
Property Address: 6651 Morrison Boulevard
Property to be acquired: 1,687 sq.ft. (0.039 ac.)
Improvements: None
Purchase Price: \$29,000
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: B-1

Use: Service Station
Total Parcel Tax Value: \$1,219,740
Tax Code: 177-091-08

- Y. Project:** Sharon and Fairview Roads Widening, Parcel #6
Owner(s): Thomas M. & Dorothy K. McMillan Family Trust UTD 6/29/89 and any other parties of interest
Property Address: 4709 Sharon Road
Property to be acquired: 4,664 sq.ft. (0.107 ac.)
Improvements: Landscaping and Parking
Purchase Price: \$110,200
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: B-1
Use: Fast Food
Total Parcel Tax Value: \$1,069,460
Tax Code: 183-133-22
- Z. Project:** Sharon and Fairview Road Widening, Parcel #12
Owner(s): Associated Apartment Investors/Colony Limited Partnership and any other parties of interest
Property Address: 4200 Cantey Place
Property to be acquired: 7,361 sq.ft. (0.169 ac.)
Improvements: Landscaping
Purchase Price: \$66,000
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: R-17 MF
Use: Apartments
Total Parcel Tax Value: \$19,471,370
Tax Code: 177-091-01
- AA. Project:** Sharon and Fairview Roads Widening, Parcel #22
Owner(s): BYN Western Trust Company, Certificate Trustee under Trust No. 1999-C and any other parties of interest
Property Address: 4636 Sharon Road
Property to be acquired: 4,932 sq.ft. (0.113 ac.)
Improvements: Landscaping, Light
Purchase Price: \$144,950
Remarks: The area is needed for roadway widening. The compensation amount was determined by an independent, certified appraiser. City staff has yet to reach a settlement with the property owner.
Zoned: B-1
Use: Service Station

Total Parcel Tax Value: \$660,470

Tax Code: 177-061-01

24. Meeting Minutes

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

- February 5, 2001, Workshop/Forum
- February 12, 2001, Business Meeting