

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, January 8, 2001

5:00 p.m.

Conference Center

Dinner Briefing
(See Table of Contents)

7:00 p.m.

Meeting Chamber

- **Invocation**
- **Pledge of Allegiance**
- **Awards and Recognitions**
- **Formal Business Meeting**

2000 Council Retreat Priorities

Top Priorities for 2000

Housing Policy and Strategy

Community Safety Strategy: Safest City in America

Road Improvements

Westside Strategy

High Priorities for 2000

Business Corridor Revitalization

Eastside Strategy Plan

Financial Policies

Neighborhood Initiatives

North Tryon Strategy

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Old Convention Center Presentation

Resource: Tom Flynn, City Manager's Office

Time: 30 minutes

Attachment 1

2. Review of 2001 Legislative Strategy

Resource: Boyd Cauble, City Manager's Office

Time: 30 minutes

Attachment 2

3. Center City Marketing Initiative

Resource: Rob Walsh, Charlotte Center City Partners

Time: 15 minutes

Attachment 3

4. Proposed Agreement with Metricom/Richochet Wireless Internet Service

Resource: Scott Putnam, Transportation

Time: 20 minutes

Attachment 4

5. Retreat Planning Committee Report

Resource: Vi Alexander Lyles, City Manager's Office

Time: 10 minutes

6. Committee Reports by Exception

City Within A City: First Ward Request for Proposals

Attachment 5

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

CONSENT

- 7. Consent agenda items 23 through 40 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

8. Resolution to Close a Portion of Fallow Lane

Action: A. Conduct a public hearing to close a portion of Fallow Lane; and
B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Focus Area: Economic Development

Policy:

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

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this action in accordance with the statute.

Petitioner:

LandCraft

Right-of-Way to be abandoned:

A portion of Fallow Lane

Location:

The eastern and western portions of the existing cul-de-sac

Reason:

This action eliminates portions of the existing cul-de-sac so that Fallow Lane can be extended to provide access to the proposed addition to Deercreek subdivision. This development plan for single-family homes has been approved through the subdivision process. The residual right-of-way will be incorporated into existing adjacent lots.

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

Virginia E. Goss – No objections

Neighborhood/Business Associations

Olde Whitehall Neighborhood Association – No objection
McDowell Meadows Neighborhood Association – No objection

Private Utility Companies – No objection

City Departments –

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

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

Attachment 6

Map

9. Resolution to Close a Portion of a 20-foot Alleyway Between West Morehead Street and Bryant Street

Action: A. Conduct a public hearing to close a portion of a 20-foot alleyway between West Morehead Street and Bryant Street; and

B. Adopt a Resolution to Close.

Staff Resource: Scott Putnam, Transportation

Focus Area: Economic Development

Policy:

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

Explanation:

North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys. The Charlotte Department of Transportation has received a petition to abandon public right-of-way and requests this Council Action in accordance with the statute.

Petitioner:

Mr. Nolan Elenz

Right-of-Way to be abandoned:

A portion of a 20-foot alleyway between West Morehead Street and Bryant Street

Location:

From the existing rail road tracks southwardly approximately 184 feet to Bryant Street

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for additional parking for the development of an office building

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

John Mancino, M&J Equities – No objections
Larry D. Watts – No objections

Neighborhood/Business Associations

Wesley Height Neighborhood Organization – No objection
Westover Hills Association – No objection
Wilmore Neighborhood Association – No objection
Third Ward Community Development Corporation – No objection
Tarlton Hills Association – No objection
Seversville Community Organization – No objection
Regal Heights Community Association – No objection
South End Development Corporation – No objection

Private Utility Companies – No objection

City Departments –

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

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

Attachment 7

Map

10. Resolution to Close Peace Street

**Action: A. Continue the public hearing to close Peace Street; and
B. Adopt a Resolution to Close.**

Staff Resource: Scott Putnam, 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 has received a petition to abandon public right-of-way and requests this action in accordance with the statute.

At the December 11, 2000 public hearing, Council voted to continue the public hearing at their next meeting in order for Eastway Drive Church of God, petitioner and Mr. Walter C. Comer, abutting property owner, to resolve future property use issues/concerns.

A meeting was held on site with CDOT staff, representatives of Eastway Church of God, petitioner, and Mr. Walter C. Comer, abutting property owner on December 12, 2000. At this meeting Eastway Church of God explained that the abandonment was submitted in order to expand their existing parking lot located adjacent to Peace Street. Although the abutting property owners questions were answered, Mr. Comer still has reservations with this abandonment petition. Mr. Comer did not state his specific reservations.

Petitioner:

Eastway Drive Church of God

Right-of-Way to be abandoned:

Peace Street between Eastway Drive and Miramar Drive

Location:

From Eastway Drive northeastwardly approximately 708 feet to its terminus at Miramar Drive

Reason:

To incorporate the right-of-way into adjacent property owned by the petitioner for a private accessway

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

Trustees of Parkwood Avenue Church of God – No objection
Walter C. Comer – Does not support abandonment
Emma J. Meaders – No objection

Neighborhood/Business Associations

Plaza-Shamrock Neighborhood Organization- No objection
Country Club Heights Neighborhood Association- No objection

Private Utility Companies – No objection

City Departments –

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

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

Attachment 8

Map

POLICY

11. City Manager's Report

12. June 30, 2001 Annexation Ordinance

Action: A. Adopt a resolution stating the intent of the City to pay economic loss to qualified solid waste collection firms;

B. Adopt an annexation budget ordinance;

C. Adopt seven resolutions amending the seven annexation reports; and

D. Establish the effective date for the annexations and adopt the seven annexation ordinances.

Staff Resource: Dick Black, Planning
Mike Boyd, City Attorney's Office
Bill Parks, Budget & Evaluation

Explanation:

- A. The resolution states the intent of the City to pay economic loss to qualified solid waste collection firms operating in the annexation areas in lieu of a contract. A sum equal to the economic loss has been determined under subsection (f) of G.S. 106-A49.3. The total amount of the economic loss payment is \$1,026,297.
- B. The annexation budget ordinance indicates the start-up costs and funding sources required in the current fiscal year. The ordinance is necessary to prepare for the extension of City services into the areas to be annexed effective June 30, 2001.

Start-up costs of \$7,860,958 are necessary to hire staff and buy equipment in order to provide services on the first day of annexation. These costs include \$6,538,175 in the General Fund and \$1,322,783 in the Powell Bill Fund. These start-up costs are funded from existing appropriations in the FY2001 General Fund Operating Budget, and from fund balances of the General Fund and the Powell Bill Fund. Balances available to make these appropriations are \$43,947,314 and \$6,596,221, respectively. Following the appropriation from the General Fund balance, remaining fund balance will still be above Council's 12% reserve policy for FY2001.

Additional costs of \$4,270,000 in the current fiscal year to begin construction of two fire stations will be funded from existing

appropriations in the FY2001-2005 Capital Investment Plan and from the fund balance of the Pay As You Go Fund.

Partial funding for the installation of water and sewer lines in the annexation areas is included in the FY2001-2005 Capital Investment Plan. The remainder of the required funding for water and sewer services will be included in the FY2002-2006 Capital Investment Plan.

Full year expenditures and revenues for the combined seven annexation areas will be included as part of the FY2002 and FY2003 Budget Plan as follows:

| FY2002 | | | |
|------------------------|---------------------|-------------------|-------------------|
| <u>Fund</u> | <u>Expenditures</u> | <u>Revenues</u> | <u>Difference</u> |
| General Operating | \$7,638,428 | \$6,306,107 | \$(1,332,321) |
| Powell Bill (Streets) | 800,511 | 735,926 | (64,585) |
| Municipal Debt Service | 0 | 823,699 | 823,699 |
| Pay As You Go | 0 | 551,960 | 551,960 |
| Storm Water | 154,200 | 855,871 | 701,671 |
| General Capital | 3,270,000 | 3,270,000 | 0 |
| Water & Sewer Capital | <u>10,674,488</u> | <u>10,674,488</u> | <u>0</u> |
| | \$22,537,627 | \$23,218,051 | \$680,424 |

| FY2003 | | | |
|------------------------|---------------------|-----------------|-------------------|
| <u>Fund</u> | <u>Expenditures</u> | <u>Revenues</u> | <u>Difference</u> |
| General Operating | \$6,052,902 | \$7,209,784 | \$1,156,882 |
| Powell Bill (Streets) | 1,688,018 | 758,004 | (930,014) |
| Municipal Debt Service | 0 | 1,022,969 | 1,022,969 |
| Pay As You Go | 0 | 734,134 | 734,134 |
| Storm Water | 160,302 | 899,971 | 739,669 |
| General Capital | 1,900,000 | 1,900,000 | 0 |
| Water & Sewer Capital | <u>0</u> | <u>0</u> | <u>0</u> |
| | \$9,801,222 | \$12,524,862 | \$2,723,640 |

One-time costs in the first year of annexation (FY2002) include \$2,010,000 for road and bridge improvements, \$1,260,000 for remaining fire station construction, and \$10,674,488 for water and sewer line installation.

The annexation requires the addition of 110 positions. These positions are distributed as follows:

| <u>Activity</u> | <u>Positions</u> |
|--------------------------|------------------|
| Fire | |
| Operations (3 Companies) | 57 |
| Communications | 5 |
| Investigations | 2 |
| Prevention | 2 |
| Logistics | 2 |
| Total Fire | 68 |

| <u>Activity</u> | <u>Positions</u> |
|----------------------------------------------------|------------------|
| Transportation | |
| Street Maintenance | 15 |
| Operations | 4 |
| Electronic Systems | 1 |
| Total Transportation | 20 |
| | |
| <u>Activity</u> | <u>Positions</u> |
| Solid Waste | |
| Customer Services | 2 |
| Special Services | 3 |
| Community Improvement | 2 |
| Collections - West | 1 |
| Collections – East | 1 |
| Collections – North | 5 |
| Total Solid Waste | 14 |
| | |
| Engineering & Property Management | |
| Building Maintenance | 1 |
| Survey/Mapping | 4 |
| Total Engineering & Property Management | 5 |
| | |
| Business Support Services | |
| Fleet Maintenance | 2 |
| Total Business Support Services | 2 |
| | |
| Neighborhood Development | |
| Community Empowerment | 1 |
| Total Neighborhood Development | 1 |
| | |
| TOTAL NEW POSITIONS | 110 |

C. The seven resolutions will amend the annexation reports for the proposed annexation areas to:

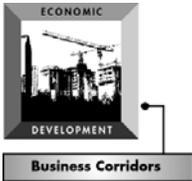
- correct errors in the reports;
- identify areas that will be served through contracts with volunteer fire departments or private solid waste collection firms; and
- reflect adjustments to area boundaries

D. State annexation statutes require Council to adopt an ordinance extending the corporate limits to include all, or such part, of the area described in the notice of the public hearing and which Council has concluded should be annexed. Council must also establish the effective date for the annexations which may not be less than 70 days nor more than 400 days from the date of passage of the ordinance. The recommended date for the seven annexation areas to become effective is June 30, 2001.

Background:

On September 25, 2000, Council passed a Resolution of Intent to consider annexing the seven areas. The Annexation Plans for the seven proposed areas were approved on October 10, 2000. A Public Informational Meeting to explain service plans and answer residents questions was held on November 16, 2000. On November 27, 2000, Council held public hearings on the seven proposed annexation areas. The seven annexation areas were discussed at the December 4 Council Workshop.

13. Business Revitalization Program Guideline Revisions



Action: Approve program guideline revisions to the:

- A. CWAC Equity Loan Program;
- B. Façade Improvement Grant Program; and
- C. Infrastructure Grant Program.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy:

City Council's Economic Development and CWAC Focus Areas encourages the redevelopment of distressed business districts to provide services and jobs to Charlotte's residents and neighborhoods and the expansion and growth of businesses by people of low wealth.

Explanation:

At the 2000 Retreat, City Council identified Business Corridor Revitalization as a high priority. Council set a goal to promote the economic revitalization of distressed and underutilized business corridors through the provision of coordinated City services.

The Neighborhood Business Strategy approved by the CWAC Committee on May 25, 2000 recommends revisions to the CWAC Equity Loan Program, Façade Improvement Grant Program and the Infrastructure Grant Program to better serve and meet the new business needs of the community. The proposed revisions include expanding the program geography to areas identified in the Local Investment Zone and Fragile and Threatened in the 2000 Quality of Life Study, as well as areas identified in the Eastside Strategy Plan. These programs and the key revisions are described below:

A. CWAC Equity Loan Program

The Equity Loan Program was approved and established by City Council on October 28, 1991 to increase lending opportunities to low wealth borrowers for business start-ups and expansions. Major changes include:

- Expanding the geography,
- Increasing the net worth limitation from \$250,000 to \$300,000,
- Expanding the list of prohibited uses to include pawnshops, tattoo parlors, auto car lots and businesses with ABC permits restricted to the sale of beer and unfortified wine.

Revisions also reflect items that better align the program with current bank practices and better coordinate the program with the Charlotte-Mecklenburg Police Department. (See the attached matrix for detailed revisions and program geography.)

B. Façade Improvement Grant Program

The Façade Improvement Grant Program removes blight by improving building appearance and by bringing signs, parking and landscaping into compliance with current codes. Proposed revisions include:

- Eliminating the \$35,000 maximum award per business district,
- Increasing the maximum per business district from \$25,000 to \$40,000 for owners of shopping centers with 5 or more stores, and
- Expanding the types of eligible business to include commercial and industrial.

Detailed revisions are included in the attachment.

C. Infrastructure Grant Program

This program provides grants to independently owned businesses and infill developers for City required expenses including landscaping, curb, gutter, sidewalk and backflow prevention. Proposed revisions to the Infrastructure Grant Program include:

- Adding grease traps to eligible expenses;
- Eliminating the \$35,000 maximum reimbursement for business districts and
- Expanding eligible areas to include areas identified as fragile and threatened in the 2000 Quality of Life Index and the Eastside Strategy Plan. (See attached map.)

City Council was briefed on this item at the January 2, 2001 Workshop.

Funding:

Economic Development Capital Investment Plan

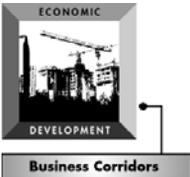
Attachment 9

Proposed Program Geographies (map)

Proposed Program Changes:

- CWAC Equity Loan Program
- Façade Improvement Grant Program
- Infrastructure Grant Program

Neighborhood Business Strategy

14. Security Grant Program

Action: Approve the creation of a Security Grant Program as recommended in the Neighborhood Business Strategy.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy:

City Council's Economic Development and CWAC Focus Areas encourage the redevelopment of distressed business districts to provide services and jobs to Charlotte's residents and neighborhoods. Council's Public Safety Focus Area encourages the creation of safer business districts and neighborhoods.

Explanation:

The Neighborhood Business Strategy approved by the CWAC Committee on May 25, 2000 recommends the establishment of a Security Grant Program to assist business owners in distressed areas to create safer environments for their businesses, employees and customers. The program would enable business owners to purchase security features recommended by the Charlotte Mecklenburg Police Department (CMPD) Crime Prevention Officers that would reduce the opportunity for crime at their locations.

The program would provide 50% reimbursement up to \$2,500 to businesses for eligible security improvements. Owners applying for grant funds for multiple sites or businesses have a \$10,000 maximum.

Proposed Eligible Expenses

The City's Community Police Officer assigned to the district in which the property is located, in conjunction with the Police Crime Prevention Program, would perform a security analysis of the building and make recommendations to improve security. Only items in the Police recommendation would be eligible expenses, such as security lighting, locking devices, alarm and camera systems, ironwork, fencing and gates, windows and doors.

Proposed Eligible Businesses

- Owners or tenants of buildings that are used for businesses (retail, office, services, manufacturing, industrial, warehouse, distribution, restaurants, hotels). In keeping with current program guidelines and CMPD's request, bars and adult establishments would be prohibited. All individual businesses must average less than \$2 million gross sales in each of the last three years.
- Owners of vacant buildings shall be eligible if the owner's purpose is to rehabilitate the structure to attract eligible business. Expenses shall be reimbursed after an eligible business occupies the space and opens to the public.
- Either owner or tenant is eligible for multiple improvements at same location up to a \$2,500 lifetime maximum. Grants at multiple businesses are also eligible up to a \$10,000 maximum. Participants in this program shall be eligible for Façade or Infrastructure Grant Programs. Applicants must apply separately for each program due to frequency of review and different review team composition.
- The business must be appropriately zoned.
- All real property taxes must be paid in full and current.

Proposed Eligible Geography

Eligible properties are located in the same geography as proposed for the CWAC Equity Loan, Façade and Infrastructure Grant Programs. (See attachment 9)

City Council was briefed on this item at the January 2, 2001 Workshop.

Community Input:

Staff examined the Philadelphia Crime Prevention Program and held internal and external focus group meetings with the Charlotte-Mecklenburg Police Department, Charlotte business community and agencies to solicit their input into the creation of the Security Grant Program.

Funding:

Economic Development Capital Investment Plan

15. State Legislative Agenda for 2001

Action: Approve the City's North Carolina Legislative Agenda for the year 2001.

Staff Resource: Boyd Cauble

Explanation:

On Monday, December 11, Council received a presentation from Boyd Cauble regarding the proposed 2001 North Carolina Legislative Requests.

The attached document has been revised as a result of additional staff review and review by outside agencies. Once approved by Council, the Legislative Agenda will be sent to the Mecklenburg Delegation for their review prior to the joint breakfast meeting scheduled for January 22.

Attachment 10

2001 North Carolina Legislative Agenda

16. Preliminary Approval of Waccamaw Land Sale to Banc of America Community Development Corporation

This item will be included in the Friday, January 5 Council-Manager Memo.

BUSINESS

17. Funding of Security for Charlotte Marathon–Run For Peace

Action: A. Consider allocating \$25,000 to Charlotte Marathon – Run for Peace to pay for the cost of traffic control and security; and

B. Adopt a budget ordinance appropriating \$25,000 from Council Contingency.

Staff Resource: Brad Richardson, City Manager's Office

Explanation:

At the December 18, 2000 zoning meeting, City Council asked to have this funding request placed on the January 8, 2001 agenda for consideration. Mr. Tim Reilly, organizer of the Charlotte Marathon – Run for Peace asked City Council at the December 4, 2000 Citizens Forum to consider allocating \$25,000 to pay for the cost of traffic control and security for the event.

Charlotte Marathon – Run For Peace began in 1999 and is currently the only marathon in Charlotte. The marathon route stretches from Davidson College to Queens College. The event also has a five-mile walk and run beginning at Johnson C. Smith University. Primary beneficiaries of the event are The Shelter for Battered Women and The Family Center. The event is scheduled for January 27, 2001.

Due to the large number of special events that occur in Charlotte, City policy requires event organizers to bear the cost of hiring off-duty police to provide traffic control and security. The City's Parade Ordinance allows four exceptions: the Carrousel Parade, the Martin Luther King Parade, the Veteran's Day Parade and the Shrine Parade. City Council also voted last year to contribute \$12,000 to Festival in the Park for police services.

The Police Department has met with Mr. Reilly and examined the marathon course to find ways to reduce the manpower costs; however, they have confirmed that the estimate will remain near \$25,000.

Funding:

Council Contingency (balance: \$468,000)

18. Cedar Street Waste Cell Removal and Sale of City Property

- Action:**
- A. Adopt a budget ordinance to appropriate \$2.3 million for removal of the contents of the City-owned Waste Cell (“Parcel B”) located on Cedar Street and related expenses;**
 - B. Approve a resolution authorizing the City Manager to negotiate a private sale of the 2.1 acre waste cell property (Parcel B); the 3.95 acre Parcel C property and the 0.24 acre Margie Williams property to Summit Properties for \$29.54/sq. ft. (approx. \$7.7 million);**
 - C. Authorize the City Manager to pay Richardson Sports up to \$200,000 for reduction of their buffer space between the practice fields and the new development;**
 - D. Authorize the City Manager to purchase the .24-acre parcel for \$315,000 from Margie Williams to complete the assemblage of land to be sold to Summit Properties; and**
 - E. Ratify and extend the current contract between the City and Summit Properties up to and including February 13, 2001.**

Staff Resource: Jeb Blackwell, Engineering & Property Management

Policy: Asset Management

Explanation:

A. Summit Properties was the high bidder to the City at \$29.54/sq. ft. for the 3.95-acre tract as shown as Parcel “C” on the attached map. On February 7, 2000, Council approved the sale of this tract to Summit. While performing their due diligence, Summit’s Board of Directors made their offer contingent upon the removal of the adjacent Cedar Street Waste Cell. Summit has offered to purchase this waste cell property at the same value (\$29.54/sq. ft.) as being paid for parcel “C”, once remediation is complete. Summit’s proposed development of the waste cell property will conform with the objectives of the Third Ward Concept Plan and provide additional uptown residential units.

Summit proposes the following development for the two parcels:

| <u>Site</u> | <u>Proposed Development</u> |
|-----------------------|------------------------------------------------------------------------|
| Parcel C/M.Williams | 280 condo/rental units and 5,000 s.f. Retail (Council Approved 2/7/00) |
| Parcel B (Waste Cell) | 112 Residential units |

Benefits of the removal of the Waste Cell Site (estimated cost of \$1.8 million) from the uptown area include:

- Allowing the sale of Parcel “C” to Summit Properties to occur,
- Adding valuable urban property to the City's tax base for upscale mixed-use development,
- Providing net proceeds to City of \$5.49 million, and
- Eliminating the cost of long term monitoring of the waste cell property (approximately \$15,000/year).

Summit has agreed to sign a specific performance contract to bind them to the purchase of the properties upon cleanup.

The proposed transactions are summarized here:

| Description | Expenditures | Receipts |
|------------------------------------|---------------------|--------------------|
| Sale of Parcels | | \$7,700,000 |
| Purchase of M. Williams property | \$315,000 | |
| Cleanup of Parcel B (Waste Cell) | \$2,300,000 | |
| Compensation to Richardson Sports | \$200,000 | |
| Subtotal | \$2,815,000 | \$7,700,000 |
| Total Net Proceeds to City: | | \$4,885,000 |

B. A private sale of these properties is recommended for the following reasons:

- Summit has offered to expand the size of their development to include the 2.1-acre waste cell property at the same fair market value once remediation is complete.
- The Planning Department sees the continuation of the proposed Summit development to be a cohesive development project for Third Ward.
- A two-acre tract, such as Parcel B, is typically less marketable for mixed-use development than properties of larger size.
- Combining the properties will reduce the length of construction activity within Third Ward.
- Summit’s negotiation with Norfolk Southern for their adjacent two-acre tract has fallen through. The sale of the Waste Cell property will allow for the full development of Summit’s proposal.

- C. Richardson Sports (Carolina Panthers) will lose a significant portion of the buffer between their practice fields and any new development, which the waste cell currently provides. The compensation of up to \$200,000 to Richardson Sports is intended to cover their loss of buffer space from 100 ft. to a 25 ft. buffer.

- D. Ms. Margie S. Williams owns a .24-acre tract on Cedar Street that is surrounded on three sides by the City property (Parcel C) that is being sold to Summit. The City has an Option to Purchase Ms. Williams land for resale to Summit. Purchasing her land at this time will secure the purchase of her land before the Option expires.

- E. The current contract between the City and Summit Properties needs to remain in place until the new agreement for parcels B and C is executed.

City Council was briefed on this item at the January 2, 2001 Workshop.

Background:

The City acquired 13.4 acres in Third Ward to assemble land for the NFL football stadium and practice fields. This property had contaminated soil and was identified as a State Superfund site. As part of the remedial action plan, the lesser-contaminated material found on the 13.4-acre tract was placed within what is known as a waste cell. In 1997 the City earned a Phoenix award, given by the Engineers Society of Western Pennsylvania for this project, as one of the top three projects in the country for restoring brownfield land for new developments.

The waste cell can be seen as a landscaped earthen mound that is located between the NFL practice fields and the 3.95-acre tract of land (Parcel C).

Community Input:

Third Ward neighborhood leaders are in favor of the removal of the waste cell. However, they requested that the public sidewalk circulating around the practice fields be restored. The new sidewalk will be installed within the buffer between the new Summit development and the Panther practice fields.

Funding:

Proceeds from sale of property

Attachment 11

Map

19. First Ward Land Exchange

Action: Approve a land exchange involving the City of Charlotte, Charlotte-Mecklenburg Schools (CMS), and Seventh Street Investors, to create the right-of-way for widening Ninth Street.

Staff Resource: Jim Schumacher, Engineering & Property Management

Focus Area: Economic Development and Asset Management

Explanation:

Implementation of the First Ward Plan involves the widening of Ninth Street, creating a landscaped median. The additional right-of-way required between Caldwell Street and Myers Street was reserved through the redevelopment of adjacent property. The purpose of this exchange is to acquire the right-of-way between Caldwell and Brevard Street. The exchange will meet a number of objectives by:

- Providing the additional Ninth Street right-of-way necessary to complete the first phase of the widening of the street in accordance with the First Ward Plan;
- Further consolidating ownership of the block bounded by Brevard, Caldwell, Eighth, and Ninth Street by the City, which will facilitate redevelopment of the block;
- Further consolidating ownership of the block bounded by Brevard, Caldwell, Seventh and Eighth Streets by Seventh Street Investors, which will facilitate redevelopment of the block; and
- Preserving an existing staff parking area for First Ward Elementary School.

The attached map illustrates the before and after ownership in the two blocks. The value received by each party is as follows:

| | |
|--------------------------------------------------|------------------|
| Property acquired by the City of Charlotte | \$1,636,000 |
| Property acquired by Seventh Street Investors | \$1,406,000 |
| Cash payment by City to Seventh Street Investors | <u>\$230,000</u> |
| Total Value | \$1,636,000 |

*Land values are based on independent appraisals and are subject to final surveys. The size and value of the Charlotte-Mecklenburg School property is not changed.

The property acquired by the City includes an 8,495 square foot building, currently leased, which will provide the City annual revenue sufficient to cover expenses.

Funding:

Neighborhood Capital Investment Plan

Attachment 12

Map

20. Wingate Park Property Transfer

Action: Approve the transfer of 2.53± acres of property to Mecklenburg County to develop a park in the Wingate neighborhood.

Staff Resource: Stanley Watkins, Neighborhood Development

Policy:

The CWAC Focus Area provides the general policy framework for supporting the redevelopment of the Wingate Neighborhood project. Wingate is located in a fragile neighborhood and the focus area strategy calls for undertaking comprehensive initiatives to address housing, infrastructure, social and crime conditions.

Explanation:

The June 1996 Wingate Neighborhood Action Plan recommends building a park along Mayfair Avenue west of Dodge Avenue between Wingate Avenue and Craddock Avenue. The City recently completed acquisition of the land for the proposed park site at a cost of \$189,500.

The City acquired the property for assemblage and transfer to Mecklenburg County for a neighborhood park. Funds for the park were approved in the November 1996 Bond Package.

Mecklenburg County Park and Recreation has held meetings with the Wingate residents to discuss park design. The park should be completed within the next 12 months.

Funding:

1996 Neighborhood Investment Bonds

Attachment 13

Map – Wingate Land Development

21. Animal Control Ordinance Amendment Concerning Nuisance Animals

Action: Adopt an ordinance amending Chapter Three of the Charlotte City Code entitled “Animals”. The amendment adds a civil process for dealing with nuisance animals.

Staff Resource: Pat Cox, CMPD

Focus Area: Community Safety

Explanation:

The Police Department recommends an amendment to the Animal Control Ordinance to add a civil process for dealing with nuisance animals. Under the Animal Control Ordinance, the Animal Control Bureau has the authority to declare an animal a nuisance and require the owner to follow specific directives as outlined in a nuisance declaration. If the owner ignores these directives, the bureau’s only recourse is a lengthy criminal process.

Last year the Animal Control Bureau received 2,453 nuisance calls. The majority of these calls were for barking dogs. Other nuisance calls received concerned odor and cleanliness; damage to property, and interfering with the use and enjoyment of property. Animal Control staff estimate that 16% of the nuisance calls require more than one investigative call for service to solve the problem. This amendment would allow more effective use of Animal Control resources by reducing the number of repeat call locations. In addition, staff could provide a higher level of customer service by resolving nuisance complaints more quickly.

The proposed civil process to deal with nuisance animals would essentially be the same as that established for dealing with dangerous dogs in 1989. The civil process would allow the Animal Control Bureau to seize and hold the animals of owners who have ignored the directives of a nuisance declaration. The bureau would issue a written seizure order for the animal. The animal would be impounded at the shelter and held until a challenge to the seizure order is filed with the bureau manager. The owner would have five days, not including the day of the seizure, to file a written challenge to the seizure order.

The Animal Control Bureau Manager would then hold an administrative hearing at which both sides can present their case. The Bureau Manager would then issue a finding of fact. If the finding of fact does not favor the owner, the owner would then have five days to appeal the ruling to Superior Court. If Animal Control ultimately retains custody of the animal, it may dispose of the animal as it sees fit. Those owners reclaiming their animals would be responsible for the cost of impound, board and other applicable fees.

The directives in the nuisance declaration would remain in effect throughout the ownership of the animal, as long as the owner lives within the jurisdiction of the Charlotte-Mecklenburg Animal Control Bureau.

Council was briefed on the ordinance at its December 11 dinner meeting. The County Commission will be asked to approve the same amendment.

22. Nominations to Boards and Commissions

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

A. CITIZEN'S REVIEW BOARD

One appointment beginning immediately to fill an unexpired term ending July 31, 2003. George Daly failed to meet Council's attendance requirements.

Attachment 14

Applications

B. CLEAN CITY COMMITTEE

One appointment beginning immediately to serve an unexpired term ending June 30, 2001 and then serving the next full, three year term. Debra Jones has resigned.

Attachment 15

Applications

C. HISTORIC DISTRICT COMMISSION

One appointment beginning immediately to fill an unexpired term ending June 30, 2001 and then serving the next full three year term. The nominee must represent a resident/owner in Wesley Heights. Janete Smith has resigned.

Attachment 16

Applications

D. MAYOR'S INTERNATIONAL CABINET

Two appointments for three years each, beginning March 2001. Astrid Chirinos, representing an ethnic organization, is eligible and would like to be reappointed. Sherry Suttles does not wish to be reappointed.

Attachment 17

Applications

E. MINORITY/WOMEN'S BUSINESS DEVELOPMENT

Four appointments to serve until December 31, 2002.

Harris Coffin, representing a majority business owner; Shirley Fowler, representing a business owner/associate; Chip Hammonds, representing the minority construction trades; and Barbara Votik, representing a woman business owner are all eligible and would like to be reappointed.

Attachment 18

Applications

F. PARADE PERMIT COMMITTEE

Two appointments for three years each beginning March 2001. Teresa Wright is not eligible to be reappointed. Worth Madry is eligible and would like to be reappointed.

Attachment 19

Applications

G. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

Five terms for two years each, beginning March 2001. Clark Jackson, Edward Nowokunski and Thomas Tini are all eligible and would like to be reappointed. Jim Ferrell is not eligible. Shelia Neisler does not wish to be reappointed.

Attachment 20

Applications

H. TRANSIT SERVICES ADVISORY COMMITTEE

One appointment for three years beginning February 2001 to represent a local service passenger. Stephany Brown is eligible and would like to be reappointed.

Attachment 21

Applications

I. ZONING BOARD OF ADJUSTMENT

One appointment for three years beginning February 2001. Dick Stoever is not eligible for reappointment.

Attachment 22

Applications

Introduction to CONSENT

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

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

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

Minority and Women Business Development Program (MWBD) Abbreviations:

BBE – African American

ABE – Asian American

NBE – Native American

HBE – Hispanic

WBE – Non-Minority Women

Contractors and Consultants

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

CONSENT I

23. Various Bids

A. Grounds Maintenance Phase I–FY01

E&PM

Recommendation: The City Engineer recommends the low bid of \$719,070 by Caddell Turf Management of Charlotte, North Carolina. This five-year project provides turf, landscape maintenance, and parking lot snow and ice removal for the following locations within the City limits: CMGC Building and Parking Deck; Old City Hall; City Hall Park; Marshall Park; Old LEC Parking Lot; Settler’s Cemetery; Crescent Park; Davidson Street; East Trade Street; McDowell Street; West Trade Street Medians; 5th and 6th Street Island; 9th Street Medians and Roundabout; 7th Street Boulevard; West 4th Street Connector; and the Charlotte-Mecklenburg Police Department Headquarters.

MWBD Compliance: Yes. Caddell Turf Management will self-perform.

B. Glenwood Road/Edgewood Road Sidewalk Improvement E&PM

Recommendation: The City Engineer recommends the low bid of \$273,943.95 by Shaw Group, LTD of Charlotte, North Carolina. This project will construct sidewalk, driveways, wheelchair ramps and curb along Glenwood Road and Edgewood Road in west Charlotte as part of the Thoroughfare Sidewalk Program.

| MWBD Status: | Amount | % of Project | Project Goals |
|--------------|--------------|--------------|---------------|
| BBE | \$0 | 0% | 2% |
| WBE | \$0 | 0% | 4% |
| ABE | \$273,943.95 | 100% | 0% |

MWBD Compliance: Yes.

C. Randolph Road/Wendover Road Intersection Improvements E&PM

Recommendation: The City Engineer recommends the low bid of \$1,188,310.64 by Ferebee Corporation of Charlotte, North Carolina. This project is funded by the 1996 transportation bond package and is part of the Major Intersection Improvement Program. The project will widen the intersection of Randolph and Wendover Roads to construct additional turning lanes and includes new storm drainage, curb and gutter, sidewalks, drives, access ramps, medians, asphalt paving, utility relocations and adjustments and electrical conduit for traffic signals.

| MWBD Status: | Amount | % of Project | Project Goals |
|--------------|--------------|--------------|---------------|
| BBE | \$10,000.00 | 1% | 5% |
| WBE | \$160,228.85 | 15% | 3% |

MWBD Compliance: Yes. Ferebee Corporation met the good faith efforts.

D. Central City Sidewalk Repair-Contract 4 E&PM

Recommendation: The City Engineer recommends the low bid of \$528,905 by Crowder Construction Company of Charlotte, North Carolina. This project will help correct pedestrian trip hazards within the Central Business District. The work consists of repairs to existing sidewalk, related infrastructure repairs, and the addition of wheelchair ramps

MWBD Compliance: Yes. Crowder Construction will self-perform.

CONSENT II

24. Purchase of Transit Tow Truck

Action: Approve the purchase of a Transit tow truck from Mack Truck Sales of Charlotte, Inc. for the low bid price of \$173,500.

Staff Resource: Susan Johnson, Business Support Service

Explanation:

The City sent Invitations to Bid to 23 vendors on October 19, 2000. In addition, the bid was advertised on both BidNet Services and the State of North Carolina’s web site. Three vendors responded. An alternate bid was submitted by Freightliner of Charlotte. Even though the alternate bid was the lowest bid, it was rejected because the vehicle bid did not meet all required specifications.

MWBD:

There were no known MWBD firms at the time of this bid.

Summary of Bids:

| | |
|-------------------------------|-----------|
| Mack Truck Sales of Charlotte | \$173,500 |
| Freightliner of Charlotte | \$177,740 |
| Adams International Trucks | \$198,176 |
| | |
| Alternate Bid | |
| Freightliner of Charlotte | \$166,865 |

Funding:

Transit Capital Investment Plan

25. Purchase of Paratransit Buses

Action: Adopt a budget ordinance estimating federal and state grants and appropriating \$1,600,000 to be used for purchase of 26 paratransit buses.

Staff Resource: Keith Parker, CATS

Policy:

The 2025 Transit/Land Use Plan recommends increased specialized transit services for the disabled and elderly.

Explanation:

The expansion of STS program into Mecklenburg County was approved by the Metropolitan Transit Commission (MTC) and by City Council in the FY2001 budget program. In order to extend this service to Mecklenburg County and maintain established performance standards, STS must purchase 11 additional vehicles and replace 15 vehicles.

The purchase will be funded by federal, state and local funds. This action requests transfer of funds from the transit operating to the transit capital fund.

Background:

Special Transportation Services (STS) serves the Charlotte Community by providing transportation services to the disabled in accordance with the Americans with Disabilities Act (ADA).

The 2025 Plan outlined the need for increased specialized paratransit service and the purchase of additional disabled accessible buses. This includes expansion and coordination of services throughout Charlotte and Mecklenburg County.

Funding:

Transit Capital Investment Plan

26. Donation of Transit Bus

Action: A. Declare one transit bus surplus; and

B. Approve a resolution authorizing it for donation to the Division of Motor Vehicles, Raleigh, North Carolina.

Staff Resource: Susan Johnson, Business Support Services

Explanation:

The Charlotte Area Transit System has replaced this 1987 vehicle and it is fully depreciated. The city is not planning to keep this vehicle because of high maintenance costs. The North Carolina Division of Motor Vehicles has an immediate need for this bus. The fair market value, based upon the condition of the vehicle is between \$750 to \$1,000 based on the previous sales of transit buses. Because of the low value, staff recommends the surplus bus be donated to the state.

27. Sale of 1993 Ford F-250 Pickup

Action: A. Declare one 1993 Ford F-250 truck surplus; and

B. Approve a resolution authorizing it for sale to the Town of Huntersville in North Carolina for the price of \$3,500.

Staff Resource: Susan Johnson, Business Support Services

Explanation:

The City Police Department has replaced this 1993 vehicle and it is fully depreciated. The City is not planning to keep this vehicle because of high maintenance costs. The Town of Huntersville has an immediate need for this truck. The fair market value, based upon the condition of the vehicle is between \$3,000 and \$3,500. The Town of Huntersville Police Department has offered \$3,500 for this purchase.

28. Fred D. Alexander Boulevard Section B, Planning and Design

Action: Approve an agreement for \$1,110,000 with Ralph Whitehead Associates for Fred D. Alexander Boulevard Section B Planning and Design.

Staff Resource: Tim Greene, Engineering & Property Management

Explanation:

On February 28, 2000, Council approved the Transportation Committee's recommendation that staff accelerate planning and design of major transportation projects.

On November 7, 2000, Charlotte voters approved \$57.5 million in road bonds, including approximately \$8 million for early planning and design of future projects. Completing planning and design of eight projects prior to a proposed 2002 bond referendum will allow right of way and construction to begin immediately after the bonds are approved and the roads to be open in 2005.

On November 13, City Council approved a budget ordinance and contracts for seven projects. This is the last of the seven projects.

Section B of Fred D. Alexander Boulevard is the portion from Freedom Drive to Valleydale Road. It will connect with other sections to form the Northwest Circumferential between the airport and I-77.

MWBD:

WBE: 10%

ABE: 2%

Community Input:

The project will have a separate citizen involvement process, which may include public meetings, newsletters and a web site.

Funding:

Transportation Capital Investment Plan

29. Storm Water Channel Maintenance Renewal FY00-B

Action: Approve renewal #2 for \$772,075 with Blythe Development Company for continued construction of FY00-B Storm Water Channel Maintenance Package

Staff Resource: Steve Sands, Engineering & Property Management

Explanation:

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

The contract document provides for renewal of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This renewal will increase the contract amount from \$1,554,150 to \$2,326,225.

MWBD:

BBE: 6%

WBE: 6%

Funding:

Storm Water Capital Investment Plan

30. Membrane System Equipment Procurement–McDowell Creek Wastewater Treatment Plant Expansion

Action: A. Approve a budget ordinance transferring \$800,000 from the McDowell Creek WWTP Flow Equalization project account to the McDowell Expansion – Phase 4 account; and

B. Award a contract to Pall Corporation of Trevoise, Pennsylvania for the low bid of \$2,007,259.

Staff Resource: Doug Bean, Utilities

Explanation:

A. The last expansion of the McDowell Creek WWTP resulted in a 6MGD capacity. In the FY2000 and FY2001 Capital Investment Plan, Council approved additional monies for plant improvements and equipment purchases to optimize operation of the plant at 6MGD. Those improvements are referred to as Phase 3 of the plant expansion. Additionally, in the FY2000 Capital Investment Plan Council approved funding for McDowell Creek WWTP Flow Equalization.

At an August 28, 2000 dinner briefing, Council was advised that the growth in the area served by the McDowell WWTP was occurring at a much faster pace than projected and that the plant capacity would be exceeded in 3 to 4 years. At that briefing Council also approved an engineering services contract for the expansion of the plant in 3 to 6 MGD increments up to 15MGD. These expansions are referred to as Phase 4 of the plant expansion. Staff expects to invest \$70 million over the next several years (a 3MGD expansion by winter of 2003 and a 6MGD expansion by fall of 2004) to reach the 15MGD capacity. Specific funding requests will be included in the FY2002-FY2006 Capital Investment Plan recommendations.

In the meantime, it is prudent to proceed with the purchase of membrane system equipment for the plant. This equipment will eventually be installed by the contractor(s) actually completing the plant expansions.

The membrane system will provide microfiltration of effluent which is discharged into McDowell Creek. Installation of this equipment will meet limits imposed by state law regarding wastewater discharge limits

Flow equalization will also be addressed in association with the upcoming expansions. As a result, staff recommends that existing appropriations for flow equalization be used to purchase the membrane equipment.

B. Procurement of the membrane system was advertised on October 27, 2000 for receipt of bids on November 21, 2000. Two bids were received. Pall Corporation of Trevoise, Pennsylvania submitted the low bid of \$2,007,259.

MWBD:

WBE: 0.13%

MWBD Compliance:

Yes. Pall Corporation has met the good faith effort requirement.

Funding:

Sewer Capital Investment Plan

31. Providence Road Water Main–Engineering Services Contract

Action: Approve a contract with DSAntlantic Corporation for engineering services of a 30-inch water main along Providence Road from NC 51 to I-485. The contract amount is for a not to exceed cost of \$375,000.

Staff Resource:

Doug Bean, Utilities

Explanation:

This project evolved out of the Water Distribution System Master Plan prepared by Pitometer and Associates and adopted by Charlotte-Mecklenburg Utilities in December 1999. This transmission main will serve as a major feed in south Charlotte. This water main is one phase of a multi-phase water system improvement plan to improve water delivery and pressures in south Charlotte and Mecklenburg County.

Council received a presentation on this item at the August 28 dinner meeting.

DSAtlantic Corporation was selected by a competitive selection to perform this work. A fee has been negotiated to complete this contract for an amount not to exceed \$375,000.

MWBD:

WBE: 2.7%

Funding:

Sewer Capital Investment Plan

32. NC 51 Water Main–Budget Ordinance and Engineering Service Contract

Action: A. Approve a budget ordinance appropriating \$250,000; and

B. Approve a contract with DSAtlantic Corporation for engineering services of a 36-inch water main along NC51 from Providence to Rea Road. The contract amount is for a not to exceed cost of \$541,500.

Staff Resource: Doug Bean, Utilities

Explanation:

The budget ordinance provides funds for engineering a 36-inch water main instead of a 24-inch water main.

This project was recommended in the Water Distribution System Master Plan prepared by Pitometer and Associates and adopted by Charlotte-Mecklenburg Utilities in December 1999. This transmission main will serve as a major east-west water transmission main in southern Charlotte. This water main is one phase of a multi-phase water system improvement plan to improve water delivery and pressures in south Charlotte and Mecklenburg County.

Council received a presentation on this item at the August 28 dinner meeting.

DSAtlantic Corporation was selected by a competitive selection process to perform this work. A fee has been negotiated to complete this contract for an amount not to exceed \$541,500.

MWBD:

WBE: 3.7%

Funding:

Water Capital Investment Plan

33. Irwin Creek Wastewater Treatment Plant Pumping, Flow Equalization, and Relief Sewer–Amendment #2

Action: Approve amendment #2 for \$498,350 with Camp Dresser and McKee (CDM) for additional design, bidding and construction services to the Irwin Creek Wastewater Treatment Plant Pumping, Flow Equalization, and Relief Sewer Projects.

Staff Resource: Doug Bean, Utilities

Explanation:

On June 23, 1997, Council approved a contract with Camp Dresser & McKee (CDM) in the amount of \$2,029,725. Amendment #1 was approved by Council on February 22, 1999 in the amount of \$953,438. This contract provided for design and improvements required to:

- increase the available industrial treatment capacity at Irwin Creek Plant,
- provide a sewer system sufficient to handle increased flows from future growth, and
- minimize wet-weather sewer overflows.

Amendment #2 in the amount of \$498,350 will provide for design and inspection of an extension of the Irwin relief sewer to serve the uptown area in anticipation of further uptown development. In addition, a siphon, which has been subject to sewer overflows, at the Irwin Avenue Elementary School will be removed. Approximately 70% of the amendment amount is for inspection, which was not included in the original contract.

CDM's contract will increase from \$2,983,163 to \$3,481,513.

Funding:

Sewer Capital Investment Plan

34. New Sewer Service Installations-Budget Ordinance

Action: Approve a budget ordinance appropriating \$1,000,000 from Water and Sewer Fund Balance to the New Service Installations Wastewater account.

Staff Resource: Doug Bean, Utilities

Explanation:

In the FY2000 and FY2001 Capital Investment Plan, this project was initially funded at \$1,670,000. An additional \$1,000,000 is requested to provide monies for the "more than anticipated" sewer service requests received.

This center pays for various sewer connection installations as requested by Charlotte-Mecklenburg Utility customers. Over the past year, the request for new connections has exceeded the ability of staff to install these connections in a timely manner. Current workload requires new sewer service installation to be installed by:

- city employees,

- informal contracts, or
- formal contracts

Approval of this budget ordinance will provide funds for installation of the sewer service connections. Customers pay connection fees that recover the cost of new service connections.

35. Change Order for Ramp “E” Expansion-Rea Construction

Action: A. Adopt a budget ordinance appropriating \$626,329; and

B. Approve a change order in the amount of \$626,329 to Rea Construction of Charlotte for additional work for Ramp E” Expansion B.

Staff Resource: Jerry Orr, Aviation

Focus Area: Economic Development

Policy: Airport Master Plan

Explanation:

This budget ordinance appropriates funds for a change order. On March 27, 2000, Council approved a unit-cost contract in the amount of \$10,236,716 to Rea Construction for demolition of the former Employee Parking Lot and site preparation, earthwork, storm drainage, the installation of underground fuel lines, and 900,000 square feet of concrete paving for the construction of the new Concourse “E”, which will serve commuter aircraft.

On November 11, 2000, Council approved change orders to expand Concourse “E” construction from 21 gates to 26 gates. This change order will provide additional site preparation, earthwork, and underground fuel lines for the five additional gates added to the project.

The Airport Advisory Committee recommends this action.

Funding:

Funds for the change order will be appropriated from the Airport Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds and a future FAA grant. Airline rates and charges for the use of Concourse “E” will repay the bonds.

36. Change Order–Environmental Impact Statement

Action: A. Adopt a Budget Ordinance to appropriate \$75,952 to fund additional expenses of the Environmental Impact Statement (EIS); and

B. Approve a change order with Landrum & Brown, Inc. in the amount of \$101,269 for additional expenses in completing the EIS for the third parallel runway and associated Master Plan projects at the Airport.

Staff Resource: Jerry Orr, Aviation

Focus Area: Economic Development

Policy: 1997 Airport Master Plan

Explanation:

In 1995, the City contracted with Landrum & Brown, Inc. to complete an Environmental Impact Statement (EIS) for the proposed third Parallel Runway and other projects included in the 1997 Airport Master Plan.

The original contract amount for the EIS was \$675,000 and was scheduled for completion within 18 months. The schedule has been affected by numerous reviews by the Federal Aviation Administration (FAA) legal department. The EIS is over two years behind schedule.

This change order covers Landrum & Brown's expenses for personnel, printing, and travel incurred due to the extensive legal reviews by the FAA, which were necessary in obtaining the Record of Decision for the EIS. The Airport Advisory Committee recommends this action.

Funding:

Airport Discretionary Fund Balance will fund 75% of this cost which will be reimbursed through a future FAA grant. Twenty-five percent of this cost will be funded from the proceeds of previously issued 1999 Revenue Bonds and will be repaid through airline rates and charges.

37. Repeal the Obsolete Motion Picture Arcade Booth Establishments Ordinance

Action: Adopt an ordinance repealing the 1996 Motion Picture Arcade Booth Establishments Ordinance which was rendered obsolete by the adoption of the comprehensive Sexually Oriented Businesses Ordinance in August 1999.

Staff Resource: Bob Hagemann, City Attorney's Office

Explanation:

This is a technical clean up amendment. In July, 1996, the City Council adopted a Motion Picture Arcade Booth Establishment Ordinance which was intended to, among other things, reduce or eliminate illegal criminal sexual conduct in "peep show" businesses. In August, 1999, substantially similar regulations were included as part of the more comprehensive Sexually Oriented Businesses Ordinance. A repeal of the original 1996 ordinance is necessary to avoid any future confusion.

38. Condemnation Action Settlement with Rea Road Investment Partnership

Action: Approve settlement of condemnation for \$141,000 over the deposit amount in an action between City of Charlotte and Rea Road Investment Partnership for the acquisition of land for the Colony Road Extension -Phase II Project.

Staff Resource: Susanne Knox Todd, City Attorney's Office

Explanation:

On November 9, 1998, Council authorized condemnation of and deposit of estimated just compensation for approximately 3.2 acres in fee simple and 2.9 acres in permanent and temporary easements from a 78.5 acres tract (Tax parcel No. 211-241-10) located in Charlotte and owned by Rea Road Investment Partnership. The acquisition was for the purpose of extending Colony Road to connect with Rea Road. When the action was filed, just compensation for the taking, as determined by an appraisal, was deposited in the amount of \$408,000.

The City Attorney recommends settlement of this matter for a total of \$549,000. The settlement award represents an increase over the deposit amount of \$141,000 and is attributable, in part, to the adjustment of the per acre value of the land based on recent sales and the fact that a portion of the land intended to be acquired on a temporary basis was actually not fully restored to the property owner at the conclusion of the project.

Funding:

Transportation Capital Investment Plant

39. Property Transactions

Action: Approve the following property acquisitions (A-M) and adopt the condemnation resolutions (N-R).

For property transactions A-C, 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 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

Acquisitions:

- A. Project:** FAR Part 150 Airport Land Acquisition
Owner(s): Hubert D. & Norma J. Sumner
Property Address: 2425 Eatonton Street
Property to be acquired: .68 acres
Improvements: Mobile Home Park
Purchase Price: \$75,000
Zoned: I2
Use: Mobile Home Park
Tax Value: \$57,430
Tax Code: 115-132-04
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Joseph Carson & Ann A. Moody
Property Address: 6312 Steele Creek Road
Property to be acquired: 8.9 acres
Improvements: Single Family Residence
Purchase Price: \$467,423
Zoned: I1
Use: Single Family Residence
Tax Value: \$246,610
Tax Code: 141-121-27
- C. Project:** Airport Master Plan Land Acquisition
Owner(s): Joseph Carson & Ann A. Moody
Property Address: 7901 Old Dowd Road
Property to be acquired: 2.483 acres
Improvements: Vacant land
Purchase Price: \$51,000

Zoned: R3
Use: Vacant land
Tax Value: \$27,840
Tax Code: 113-125-14

- D. Project:** Johnston Road Widening-Phase II, Parcel #9
Owners(s): Clarence A. Rhymer & wf., Shirley G. Rhymer
Property Address: 7001 Graburn Road
Property to be acquired: 1,032 sq.ft. (0.024 ac.) of fee simple, plus 69 sq.ft. (0.0016 ac) of permanent easement, plus 3351 sq.ft. (0.077 ac.) of temporary construction easement.
Improvements: Fence
Purchase Price: \$20,700
Remarks: The areas are needed for construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12CD
Use: Single Family
Total Parcel Tax Value: \$134,110
Tax Code: 221-301-17
- E. Project:** Johnston Road Widening-Phase II, Parcel #39
Owners(s): Thomasina Maxwell
Property Address: 6930 Pin Oak Court
Property to be acquired: 1,631 sq.ft (0.038 ac.) of fee simple, plus 4,144 sq.ft. (0.095 ac.) of temporary construction easement.
Improvements: Various hardwood trees
Purchase Price: \$18,100
Remarks: The areas are needed for construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12CD
Use: Single Family
Total Parcel Tax Value: \$110,960
Tax Code: 221-361-25
- F. Project:** Johnston Road Widening-Phase II, Parcel #43
Owners(s): Richard William Rouse & wf., Alice H. Rouse
Property Address: 6504 Porterfield Road
Property to be acquired: 1,126 sq.ft. (0.026 ac.) of fee simple, plus 858 sq.ft. (0.02 ac.) of drainage easement, plus 2,792 sq.ft. (0.064 ac.) of temporary construction easement.
Improvements: None
Purchase Price: \$21,400
Remarks: The areas are needed for the construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12CD
Use: Single Family

Total Parcel Tax Value: \$140,770

Tax Code: 221-361-24

- G. Project:** Johnston Road Widening-Phase II, Parcel #44
Owners(s): Juan Carlos Monzote
Property Address: 5970 Porterfield Road
Property to be acquired: 1,099 sq.ft. (0.025 ac.) of fee simple, plus 3,201 sq.ft. (0.074 ac.) of temporary construction easement
Improvements: Landscaping
Purchase Price: \$17,050
Remarks: The areas are needed for construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12CD
Use: Single Family
Total Parcel Tax Value: \$115,710
Tax Code: 221-362-49
- H. Project:** Johnston Road Widening-Phase II, Parcel #49
Owners(s): John D. Davis, Sr.
Property Address: 11303 Johnston Road
Property to be acquired: 341 sq.ft. (0.008 ac.) of fee simple, plus 2,840 (0.065 ac.) of temporary construction easement.
Improvements: Trees
Purchase Price: \$18,900
Remarks: The areas are needed for construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12MFC
Use: Single Family
Total Parcel Tax Value: \$101,480
Tax Code: 221-261-74
- I. Project:** Johnston Road Widening-Phase II, Parcel #50
Owners(s): Moses Lee Heath, Jr.
Property Address: 11233 Johnston Road
Property to be acquired: 309 sq.ft. (0.007 ac.) of fee simple, plus 2,571 sq.ft. (0.059 ac.) of temporary construction easement
Improvements: Trees
Purchase Price: \$18,600
Remarks: The areas are needed for construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12MFC
Use: Single Family
Total Parcel Tax Value: \$101,480
Tax Code: 221-261-73

- J. Project:** Johnston Road Widening-Phase II, Parcel #52
Owners(s): Richard L. McQuay & wf., Marion C. McQuay
Property Address: 11217 Johnston Road
Property to be acquired: 540 sq.ft. (0.012 ac.) of fee simple, plus 2,853 sq.ft. (0.066 ac.) of temporary construction easement.
Improvements: Trees
Purchase Price: \$23,400
Remarks: The areas are needed for the construction of Johnston Road Widening-Phase II. Acquisition price is based on an independent, certified appraisal.
Zoned: R12MFC
Use: Single Family
Total Parcel Tax Value: \$101,480
Tax Code: 221-261-71
- K. Project:** Old Statesville Road Widening, Parcel #'s 73, 74 & 75
Owners(s): Gary T. Oliver & Michael D. Diggs
Property Address: 7716, 7722, 7806 Old Statesville Road
Property to be acquired: All of lots 9, 10, 14, 15-20, Block 1, Holly Vista, Map Book 3, Pages 257,626
Improvements: Warehouse and single-family dwelling
Purchase Price: \$200,000
Remarks: This acquisition is required for Old Statesville Road Widening. The compensation was established by two independent, certified appraisals.
Zoned: B-2
Use: Commercial
Total Parcel Tax Value: \$103,800
Tax Code: 043-088-10;09;08
- L. Project:** Parkwood/Plaza Intersection Improvements, Parcel #13
Owners(s): America Electric Corporation
Property Address: 2323 The Plaza
Property to be acquired: 611 sq.ft. (0.014 ac.) of fee simple, plus 1,027 sq.ft. (0.024 ac.) of temporary construction easement
Improvements: Asphalt
Purchase Price: \$20,000
Remarks: This acquisition is needed for improvements at the intersection of Parkwood Ave. and The Plaza. Compensation was based on an independent appraisal.
Zoned: B1
Use: Commercial
Total Parcel Tax Value: \$55,910
Tax Code: 083-138-04
- M. Project:** Parkwood/Plaza Intersection Improvements, Parcel #14/16
Owners(s): Byrums Florist, Inc.
Property Address: 2329 The Plaza

Property to be acquired: 2,365 sq.ft. (0.06 ac.) of fee simple plus 5,306 sq.ft. (0.12 ac.) of temporary construction easement

Improvements: Tree, asphalt paving

Purchase Price: \$27,000

Remarks: This acquisition is needed for improvements at the intersection of Parkwood Ave. and The Plaza. Compensation was based on an independent appraisal.

Zoned: B1

Use: Florist/Bookstore

Total Parcel Tax Value: \$115,760

Tax Code: 083-138-06

Condemnations:

- N. Project:** Providence/Wendover Road Intersection Improvements, Parcel #1
Owner(s): Kent D. Johnson & wf., Radmila Johnson and any other parties of interest.
Property Address: 2036 Providence Road & 1800 S. Wendover Road
Property to be acquired: 3,835 sq.ft. (0.088 ac.)
Improvements: Landscaping, gravel paving
Purchase Price: \$36,125
Remarks: The areas are needed for construction of Providence/Wendover Road Intersection Improvements. 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: R3
Use: Single Family
Total Parcel Tax Value: \$267,040
Tax Code: 181-083-20
- O. Project:** Sanitary Sewer to Serve Marvin Road, Parcel #2
Owner(s): Charles M. Blankenship & wf., Pauline B. Blankenship and any other parties of interest
Property Address: 15532 Marvin Road
Property to be acquired: 11,068 sq.ft. (0.254 ac.)
Improvements: None
Purchase Price: \$4,250.00
Remarks: The areas are needed for the construction of a sanitary sewer for Marvin Road. 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: R3
Use: Single Family
Total Parcel Tax Value: \$381,500
Tax Code: 223-091-02

- P. Project:** Sanitary Sewer to Serve Marvin Road, Parcel #1
Owner(s): D. G. Kaperonis & wf. Evangelia, Gus N. Karres & wf., Patricia, Ted E. Mavroidis & wf., Pat and Andrew P. Hondros and any other parties of interest
Property Address: 15619 Lancaster Highway
Property to be acquired: 12,146 sq.ft. (0.279 ac.)
Improvements: None
Purchase Price: \$4,675
Remarks: The areas are needed for the construction of a sanitary sewer to serve Marvin Road. 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: R3
Use: Vacant
Total Parcel Tax Value: \$719,140
Tax Code: 223-091-03
- Q. Project:** Sanitary Sewer to Serve Farmington Subdivision, Parcel #3
Owner(s): Marshall H. Costner & wf., Deborah H. Costner and any other parties of interest
Property Address: 16306 Farmchase Court
Property to be acquired: 9,468 sq.ft. (0.218 ac.)
Improvements: None
Purchase Price: \$1,300
Remarks: The areas are needed for the construction of a sanitary sewer to serve Farmington Subdivision. 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: R3
Use: Single Family
Total Parcel Tax Value: \$134,850
Tax Code: 223-271-14
- R. Project:** Johnston Road Widening-Phase II, Parcel #36
Owner(s): Richard A. Gerald, Jr. & wf., Kathy A. Gerald and any other parties of interest
Property Address: 6915 Porterfield Road
Property to be acquired: 5,722 sq.ft. (0.132 ac.)
Improvements: Trees, shrubs
Purchase Price: \$21,800
Remarks: The areas are needed for the construction of Johnston Road Widening-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: R12CD
Use: Single Family
Total Parcel Tax Value: \$123,480
Tax Code: 221-362-04

40. Meeting Minutes

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

- **November 27, 2000 Business Meeting**
- **December 4, 2000 Workshop**
- **December 11, 2000 Business Meeting**
- **December 14, 2000 Council Retreat**
- **December 18, 2000 Zoning Meeting**